

# RENO GAZETTE-JOURNAL

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### PROOF OF PUBLICATION

STATE OF NEVADA  
COUNTY OF WASHOE

ss. Tana Ciccotti

being duly sworn, deposes and says:  
That as legal clerk of the RENO GAZETTE-  
JOURNAL, a daily newspaper published in Reno,  
Washoe County, State of Nevada, that the notice:  
Ordinance No. 1021

of which a copy is hereto attached, has been  
published in each regular and entire issue of  
said newspaper on the following dates to wit:  
June 24, July 1, 1998

Signed

Subscribed and sworn to before me on 07/01/98

Notary Public

**NOTICE OF ADOPTION  
WASHOE COUNTY  
ORDINANCE NO.1021  
BILL NO. 1197**

AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia Court Streets, Reno, Nevada; and that said Ordinance was proposed by Commissioner Sue Camp on May 26, 1998, and following a public hearing, was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on June 16, 1998, by Commissioneres Joanne Bond, Sue Camp, Jim Galloway, Mike Moullet, with Jim Shaw being absent.

The Ordinance shall be in full force and effect from and after July 1, 1998, i.e., the date of the second publication of such ordinance by its title only.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, on June 16, 1998, has caused this Ordinance to be published by title only.

JUDI BAILEY  
Clerk of the  
County of Washoe  
No. 2662 June 24, July 1, 1998



JO ANNE F. WESSEL  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 93-0886-2 - EXPIRES NOV. 18, 2000

P.O. BOX 22000, RENO, NEVADA 89520  
(702) 788-6200



000131 7/8/98  
PLEASE STAMP & SIGN FOR PAYMENT

1021

Remediation Fee Imposition Ordinance

Summary - An ordinance levying a fee in Washoe County, Nevada District No. 24 (Groundwater Remediation), ratifying action taken by County officers, and providing other matters related thereto.

**BILL NO. 1197**  
**ORDINANCE NO. 1021**

**AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, Washoe County in the State of Nevada (the "County" and "State", respectively), is a county organized and operating under the laws of the State of Nevada (the "State"); and

**WHEREAS**, subsection 1 of Nevada Revised Statutes ("NRS") § 540A.250 provides that the Board of County Commissioners (the "Board") shall create a district for the remediation of the quality of water if the county or district health officer (the "Health Officer") or Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources (the "Division") certifies in writing to a Board that a condition exists in an area of the region which is affecting or will affect the quality of water that is available for municipal, industrial and domestic use within the region; and

**WHEREAS**, the Board has received certifications in writing (the "Certification") as described to in subsection 1 of NRS § 540A.250; and

**WHEREAS**, subsection 2 of NRS § 540A.250 provides that on receipt of the Certification, the Board must proceed in cooperation with the County or District Health Officer and the Division to verify the existence and extent of the condition and establish the appropriate boundaries of a district for the remediation of the quality of water (the "District"); and

**WHEREAS**, subsection 3 of NRS § 540A.250 provides that:

"The District created pursuant to this section must include, without limitation:

(a) The area where the condition which requires remediation is determined by the Board to be present, or for which remediation is determined by the Board to be necessary, including any area to which the condition is expected to migrate unless remediation is carried out; and

(b) If the Board determines that the condition which requires remediation affects the quantity or quality of drinking water within the region, the wholesale and retail service area of any provider of water that has used or uses for any portion of its supply wells located in the area described in paragraph (a); and

**WHEREAS**, pursuant to NRS § 540A.250 and the Certification so received, the Board has proceeded in cooperation with the County Health Officer and the Division of Environmental Protection to verify the existence of the condition and establish appropriate boundaries of the District, and in connection therewith, the Board has had prepared for it a plan for remediation designated the "Central Truckee Meadows Remediation District Final Work Plan February 22, 1996" (the "Plan for Remediation") a copy of what is and has been since September 16, 1997 on file in the office of the County Clerk; and

**WHEREAS**, the Plan for Remediation has been submitted to the Division approved by them pursuant to Subsection 1 of NRS 540A.260; and

**WHEREAS**, the Plan for Remediation indicates that, and based upon such plan the Board has determined that, the condition which requires remediation affects the quality of drinking water within the region; and

**WHEREAS**, the Board pursuant to Ordinance No. 1000 adopted and approved on November 14, 1997, as amended by an ordinance adopted and approved on June 16, 1998 (as amended, the "Creation Ordinance"), created a district (the "District" or "District No. 24") for the remediation of the quality of water pursuant to NRS 540A.250 through 540A.285 (the "Act") whose boundaries in accordance with NRS 540A.250 include the wholesale and retail water

service area of Sierra Pacific Power Company, which is a provider of water service that has used and uses for a portion of its water supply, wells located in the area in which the condition that requires remediation is hereby determined by the Board to be present, based upon the Plan for Remediation; and

**WHEREAS**, the Board has heretofore determined and does hereby declare that at least \$7,000,000 of the net cost of developing and carrying out the Plan for Remediation at is to be defrayed with the proceeds of bonds (the "Bonds"); and

**WHEREAS**, The Board has determined and hereby determines that the estimated annual amount required to pay one year's principal of and interest on the Bonds ("Debt Service") is \$904,911; and

**WHEREAS**, the Board has determined and hereby determines that the annual amount necessary to pay the one year's cost of operation, maintenance, monitoring, administration, collection and other continuing costs in connection with developing and carrying out the Plan for Remediation (collectively, "Ongoing Costs") is \$958,927.63; and

**WHEREAS**, it is therefore necessary to raise \$1,863,838.63 in fiscal year 1998-1999 to pay one year's Debt Service and one year's Ongoing Costs; and

**WHEREAS**, the Board has heretofore determined that the cost and of developing and carrying out the Plan for Remediation is to be paid by a fee imposed on the properties in the District; and

**WHEREAS**, in the Creation Ordinance, the Board determined that the condition which requires remediation affects the quality of drinking water within the region; and therefore, pursuant to subsection 1(a) of NRS 540A.265 the fee apportioned must be based on a percentage of the total amount billed in the preceding calendar year to each parcel of property within the District for water by the provider of retail water service to the parcel of property; and

**WHEREAS**, the Board has determined at this time that considering the nature of the capitol projects currently being funded with the Bonds and the nature of the Ongoing Costs being collected at this time, it is not appropriate to weight or adjust the amount billed pursuant to paragraph (b) of subsection 1 of NRS 540A.265, and consequently that the methods of weighting or adjusting

outlined in paragraphs (b) and (c) of such subsection are not applicable to the fee being appropriated by this ordinance; and

**WHEREAS**, there has been submitted to staff of the County a list of all parcels of land in the District (excluding all property owned by the federal government), together with the amount billed for water to those parcels in calendar year ending December 31, 1997, in which, in the cases of properties within the District where retail water service was not provided for a full calendar year, or where a full calendar year's billing was not available, the estimated amount billed for water for a full calendar year was provided or developed, taking into account a partial year's billing extended to 12 months, or an average of fees on parcels of property within comparable zonings or uses; and

**WHEREAS**, there has been prepared and filed with the County Clerk on June 16, 1998 a list (entitled "District No. 24 (Groundwater Remediation) 1998-99 Fee Apportionment List") (which list replaced a list filed on May 26, 1998 in order to reflect the exclusion of certain properties from the District) of each parcel of property within the District (excluding parcels owned by the United States) and an apportionment of the \$1,863,838.63 fee described in the preceding paragraph to each parcel of land in the District, which apportionment is based on the amount billed to that parcel for water, adjusted, if necessary, as described in paragraph (d) of subsection 1 of NRS 540A.265; and

**WHEREAS**, the Board has determined and hereby determines that the apportionment provided in the list described above is fair, just and equitable and is hereby adopted.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA, DO ORDAIN:**

Section 1. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Washoe County, Nevada District No. 24 (Groundwater Remediation) Fee Imposition Ordinance (the "Ordinance")) concerning the District and the Plan of Remediation, and the imposition and apportionment of a fee therefore are ratified, approved and confirmed.

Section 2. For the purpose of paying the cost of developing and carrying out the Plan for Remediation, there is hereby imposed against each of the lots, tracts and parcels of land in the District (except property owned by the Federal Government), the amount shown for that tract or parcel of land in the District 24 (Groundwater Remediation) 1998-99 Fee Apportionment List (the

"Fee Apportionment List"), as filed in the office of the County Clerk on June 16, 1998 (which filing replaced a filing made on May 26, 1998 in order to reflect the exclusion of certain parcels from the District). The Board hereby finds and determines and to impose and apportion the fee in the amounts shown in the Fee Apportionment List, all in accordance with the Act.

Section 3. In accordance with subsection 2 of NRS 540A.265, the fee imposed by this ordinance shall be collected by the County Treasurer with the general taxes of the County, and payment therefore must be enforced in the same manner and with the same remedies as provided for the collection of general taxes. The amount of the fee shall be due with the first installment of property taxes and shall be payable in full on that date. There shall not be any option to pay the fee in installments. The Clerk is hereby directed to certify a copy of the Fee Apportionment List to the County Treasurer for collection purposes.

Section 4. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the issuance of the Bonds.

Section 5. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

Section 6. In accordance with NRS 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed Ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such ordinance by publication at least once in the Reno Gazette-Journal, i.e., a newspaper published and having general circulation in the County, at least ten (10) working days before the date set for such hearing, i.e., at least ten (10) working days before the 16th day of June, 1998, such publication to be in substantially in the following form:

(Form of Publication of Notice of Filing of Bill for an Ordinance)

Bill No. \_\_\_\_\_

Notice of Public Hearing Before

The Washoe County Board of County Commissioners

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, at 9:30 a.m., on Tuesday, the 16th day of June 1998, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The Ordinance is entitled:

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

(of Washoe County, Nevada)

**AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

An adequate summary of the Ordinance is as follows:

The preambles of the Ordinance recite that the Board of County Commissioners has created Washoe County, Nevada, District No. 24 (the "District") for the purpose of remediating the quality of water and various other matters in connection therewith, and recite the costs anticipated to be incurred therefore and the appropriation of those costs on the various parcels of land in the District, and make certain findings .

The ordaining clause is then set forth.

Section 1 ratifies the action previously taken and Section 2 imposes and apportions a fee for remediation on each parcel of land in the District except parcels owned by the Federal Government.

Section 3 provides for collection of the fee with general taxes.

Sections 4 and 5 authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions.

Sections 6, 7 and 8 provide for notice by publication of the June 16, 1998 hearing on the Ordinance, and for this summary of the provisions of the Ordinance; provide that the Ordinance shall be in effect from and after its publication for two weeks following its final adoption on June 16, 1998; provide the form for such publication which includes the names of the Commissioners voting for and against the adoption of the Ordinance; and provide a severability clause.

Copies of the proposed ordinance are on file in the office of the Washoe County Clerk at the Washoe County Courthouse, Virginia and Court Streets, Reno, Nevada, for public examination. The Board shall adopt or reject the Ordinance (or the Ordinance as amended) within 35 days after the date of the final public hearing.

**IN WITNESS WHEREOF**, the Board of County Commissioners of Washoe County, Nevada, has ordered this notice to be published.

**DATED:** May 26, 1998

/s/ Judi Bailey

County Clerk

(SEAL)

(End of Form for Publication)



Section 7. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS 244.100 and all laws thereunto enabling, such publication to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

**PUBLIC NOTICE IS HEREBY GIVEN** that typewritten copies of the above-numbered and entitled Ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia and Court Streets, Reno, Nevada; and that said Ordinance was proposed by Commissioner \_\_\_\_\_ on May 26, 1998, and following a public hearing, was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on June 16, 1998, by the following vote of the Board of County Commissioners:

Those Voting Aye:

- Joanne Bond
- Sue Camp
- Jim Galloway
- Mike Mouliot
- Jim Shaw

Those Voting Nay:

\_\_\_\_\_

Those Absent:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This Ordinance shall be in full force and effect from and after June \_\_, 1998, i.e., the date of the second publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only.

DATED: June 16, 1998

/s/ \_\_\_\_\_

Chairman  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

/s/ Judi Bailey  
County Clerk

Section 8. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on the 26th day of May, 1998.

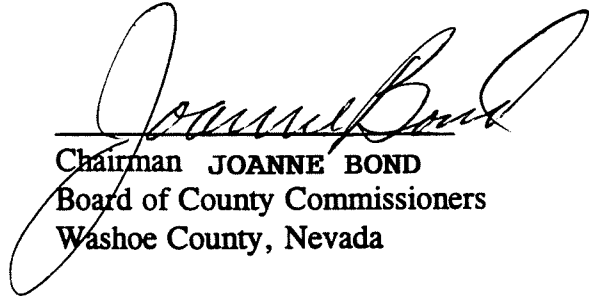
Proposed by Commissioner **SUE CAMP**

Passed the 16th day of June, 1998.

Those Voting Aye: Joanne Bond  
Sue Camp  
Jim Galloway  
Mike Mouliot

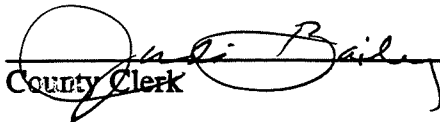
Those Voting Nay:

Those Absent: Jim Shaw

  
Chairman **JOANNE BOND**  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

  
County Clerk

This Ordinance shall be in force and effect from and after the 1ST day of JULY, 1998, i.e., the date of the second publication of such Ordinance by its title only.