

# RENO NEWSPAPERS INC

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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **05/29/2009 - 05/29/2009**, for exact publication dates please see last line of Proof of Publication below.

Signed: \_\_\_\_\_

*Laurie Macaulay*

MAY 29 2009

Subscribed and sworn to before me



*Linda Anderson*

## Proof of Publication

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Washoe County Board of Commissioners will hold a public hearing in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, on Tuesday, **June 9, 2009, at 6:00 p.m.** 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: An Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District **No. 24** (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Bill No. 1587) 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, Special Assessment District No. 24 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 9, 2009 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 9, 2009; 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 have caused this notice to be published. Dated this May 27, 2009. Anyone wishing to protest or affirm may do so by appearing at the above-named time and place. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 644355 - May 29, 2009

**Fee Adoption 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. 1587**

**ORDINANCE NO. 1408**

**AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; 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

**WHEREAS**, pursuant to NRS 540A.250 of the Board has had prepared for it a plan for remediation designated the “Central Truckee Meadows Remediation District Final Work Plan February 22, 1996” as updated by the “Central Truckee Meadows Remediation District Remediation Management Plan” dated October 28, 2002 (as updated, the “Plan for Remediation”); and

**WHEREAS**, the Plan for Remediation (including the update) has been submitted to the Division of Environmental Protection of the State of Nevada (the “Division”) and approved by the Division 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 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 ordinances adopted and approved on June 16, 1998, June 8, 1999, June 12, 2000, June 12, 2001, June 11, 2002, June 9, 2003, June 8, 2004, June 14, 2005, June 13, 2006, June 12, 2007, June 10, 2008 and June 9, 2009 (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 (herein "Sierra Pacific") and its successors in the water business, the Truckee Meadows Water Authority ("TMWA"), which was in the case of Sierra Pacific and is in the case of TMWA, 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 does hereby declare that a portion of the cost of developing and carrying out the plan for remediation has been deferred with the proceeds of bonds (the "Bonds") which have been heretofore retired; and

**WHEREAS** the Board has also determined that a portion of the costs of developing and carrying out the plan for remediation is to be paid from certain cash on hand and that a portion of such cost is also to be paid with a portion of the fee collected in 2009-2009; and

**WHEREAS**, the Board has heretofore determined that the cost of debt service on the bonds and operation and maintenance in connection with 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 and hereby determines that the Bonds have been retired, and therefore no amount will be included in the fee to pay principal and interest on the Bonds ("debt service"); and

**WHEREAS**, the Board has determined and hereby determines that the estimated amount required to pay TMWA for one year's operation and maintenance ("O & M") costs as provided in the County's agreement with Sierra Pacific to which TMWA succeeded is \$220,000; and

**WHEREAS**, the Board has determined and hereby determines that the annual amount necessary to pay the one year's cost of additional capital expenses and monitoring, administration, collection and other continuing costs in furtherance of and in connection with developing and carrying out the Plan for Remediation (collectively, "Ongoing Costs") is \$2,280,000.00; and

**WHEREAS**, it is therefore necessary to raise \$2,500,000 in fiscal year 2009-2010 (the Fiscal Years' Amount) to pay one year's O & M and Ongoing Costs; and

**WHEREAS**, the Board has determined at this time that considering the nature of the capital projects currently previously funded with the Bonds and the nature of the Ongoing Costs being collected at this time, it is 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 being applied to the fee being apportioned by this ordinance and the Board hereby finds and declares that such apportionment is just and equitable; 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, 2008, 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 April 27, 2009 a list, entitled "District No. 24 (Groundwater Remediation) 2009 Fee Apportionment List" (the "Fee Apportionment List"), of each parcel of property within the District (excluding parcels owned by the United States) and an apportionment of the Fiscal Years' Amount to be raised by the fees described above to each parcel of land in the District, which apportionment is



based on the amount billed to that parcel for water, weighted and adjusted as described in paragraphs (b), (c) and (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 Fee Apportionment List as filed in the office of the County Clerk on April 27, 2009. 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 9th day of June, 2009, 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 6:00 p.m., on Tuesday, the 9th day of June 2009, 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 IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; 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 9, 2009 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 9, 2009; 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 this May 12, 2009.

/s/ Amy Harvey  
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 IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; 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 12, 2009, 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 9, 2009, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Those Voting Nay:

Those Absent:

This ordinance shall be in full force and effect from and after June \_\_\_\_, 2009, i.e., the date of the second publication of such ordinance by its title only.

1408

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

Dated June 9, 2009.

/s/ David E. Humke  
Chairman  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey  
County Clerk

(End of Form of Publication)

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 12th day of May, 2009.

Proposed by Commissioner Humko.

Passed the 9th day of June, 2009.

Those Voting Aye: Humko, Larkin, Jung,  
Breternitz

Those Voting Nay: None

Those Absent: Weber  
[Signature]

Chairman  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest: [Signature]  
County Clerk

This ordinance shall be in force and effect from and after the 19<sup>th</sup> day of June, 2009, i.e., the date of the second publication of such ordinance by its title only.

STATE OF NEVADA     )  
                                  ) ss.  
COUNTY OF WASHOE    )

I, Amy Harvey, am the duly chosen and qualified Clerk of Washoe County, and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages are a full and correct copy of an ordinance introduced and read by title at the Board of County Commissioners of the County (the "Board") held on May 12, 2009 and adopted on June 9, 2009 which relates to District No. 24 (Groundwater Remediation). Minutes of the hearing on such District held on May 12, 2009 and of the hearing on the Ordinance held on June 9, 2009 are attached as Exhibits A and B, respectively. Except as recited in this paragraph, no actions were taken concerning such District at such meetings. The copy of such ordinance is true, correct, compared copy of the original proposed and adopted at such meetings.

2. The members of the Board voted on such ordinance as set forth in the ordinance.

3. An affidavit evidencing notice of filing of such ordinance is attached as Exhibit E and an affidavit of publication of the notice of adoption of the ordinance is attached hereto as Exhibit F.

IN WITNESS WHEREOF, I have hereunto set my hand this June 9, 2009.

  
\_\_\_\_\_  
County Clerk



The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meetings held on May 12, 2009 and June 9, 2009.




2. Public notice of such meetings were given and such meetings were held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notices of meeting and excerpts from the agendas for the meetings relating to the ordinance, as posted no later than 9:00 a.m. at least 3 working days in advance of the meetings at the Board's office, the County's website, and three other locations, i.e., at:

- (i) Washoe County Administration Complex  
1001 East Ninth Street  
Reno, Nevada
- (ii) Washoe County Courthouse  
75 Court Street  
Reno, Nevada
- (iii) Washoe County Library  
301 South Center Street  
Reno, Nevada
- (iv) Justice Court  
630 Greenbrae Drive  
Sparks, Nevada

are attached as Exhibits "C" and "D."

3. No later than 9:00 a.m. at least 3 working days before such meetings, such notices were mailed to each person, if any, who has requested notice of meetings of the Board in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of Washoe County, Nevada, this June 9, 2009.

  
\_\_\_\_\_  
County Manager (or representative thereof)  
Washoe County, Nevada

(SEAL)

**EXHIBIT "A"**

**(Attach Minutes of June 9 Hearing on Ordinance)**

**BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

JUNE 9, 2009

PRESENT:

David Humke, Chairman  
John Breternitz, Commissioner  
Bob Larkin, Commissioner  
Kitty Jung, Commissioner

Amy Harvey, County Clerk  
Katy Simon, County Manager  
Melanie Foster, Legal Counsel

ABSENT:

Bonnie Weber, Vice Chairperson

The Board convened at 10:07 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

Katy Simon, County Manager, stated the Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

**09-567      AGENDA ITEM 3**

**Agenda Subject: "Proclamation--June 11, 2009 as Secret Witness Day."**

Chairman Humke read the Proclamation to representatives of the Secret Witness Program.

Catherine Lowden, Secret Witness Program Chairwoman, thanked the Board for their support and the Proclamation. She said the Secret Witness Board was excited to honor law enforcement and to remember victims during the 30th anniversary event. Ms. Lowden introduced Board members that were present.

**include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards.)”**

Commissioner Larkin requested alternates for the Regional Planning Governing Board (RPGB), the Flood Project Coordinating Committee (FPCC) and the Regional Transportation Commission meetings (RTC). He said he attended the Northern Nevada Law Enforcement Academy Graduation on June 4, 2009 and was impressed with their camaraderie and dedication.

Chairman Humke said he would attend the Reno-Sparks Visitor and Convention Authority (RSCVA) Finance Committee meeting on June 10th. He requested an alternate for the School Bond Oversight Committee meeting scheduled for June 11th.

Commissioner Jung reported that the Open-Space Commission unanimously approved a study group for the Regional Shooting Facility. She said the Sun Valley Pool opened on June 6, 2009 and was a great success. Commissioner Jung remarked that the pool had been retrofitted with the ADA required pump covers. Commissioner Jung said she would attend the Finance Committee meeting for the FPCC on June 11th, but would be unable to attend the FPCC meeting because she would be attending the Nevadaworks day-long retreat for Commissioner Weber. She said she attended the Reno-Tahoe International Airport’s new baggage facility tour and noted this was a \$60 million project based on user fees and the Transportation Security Administration. Commissioner Jung commented the contracts for this project were local.

Commissioner Breternitz said there was a West Truckee Meadows Citizen Advisory Board (CAB) meeting on June 8, 2009 with discussion concerning the combination with the Verdi Township CAB. He said there was a RPGB meeting scheduled for June 11, 2009.

**5:54 p.m.** The Board recessed.

**6:06 p.m.** The Board returned with Commissioner Weber absent.

## **PUBLIC HEARINGS**

### **09-612 AGENDA ITEM 25 – WATER RESOURCES**

**Agenda Subject: “Second reading and adoption of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto (Bill No. 1586). (All Commission Districts.)”**

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Jung, seconded by Chairman Humke, which motion duly carried with Commissioner Weber absent, it was ordered that Ordinance No. 1407, Bill No. 1586, entitled, **"AN ORDINANCE AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING OTHER MATTERS RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

**09-613            AGENDA ITEM 25 – WATER RESOURCES**

**Agenda Subject: "Second reading and adoption of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto (Bill No. 1587). (All Commission Districts.)"**

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Jung, seconded by Commissioner Larkin, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Ordinance No. 1408, Bill No. 1587, entitled, **"AN ORDINANCE IMPOSING A FEE ON THE PARCELS OF LAND IN WASHOE COUNTY, NEVADA DISTRICT NO. 24 (GROUNDWATER REMEDIATION) TO PAY THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; AND PRESCRIBING OTHER MATTERS RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

**09-614            AGENDA ITEM 26 – CLERK'S OFFICE**

**Agenda Subject: "Second reading and adoption of an Ordinance amending Chapter 5 of the Washoe County Code relating to the operation of the Office of the Commissioner of Civil Marriages to provide that said office will operate by appointment only as determined by the County Clerk effective July 1, 2009; and other matters properly relating thereto (Bill No. 1588). (All Commission Districts.)"**

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Larkin, seconded by Commissioner Breternitz, which motion duly carried with Commissioner Weber absent, Chairman Humke ordered that Ordinance No. 1409, Bill No. 1588, entitled, **"AN ORDINANCE AMENDING CHAPTER 5 OF THE WASHOE COUNTY CODE RELATING TO THE OPERATION OF THE OFFICE OF THE COMMISSIONER OF CIVIL**

**EXHIBIT "B"**

**(Attach Copy of Notice of May 12 Meeting)**

1408

**COUNTY COMMISSIONERS**

David Humke, Chairman  
Ronnie Weber, Vice-Chairman  
John Breternitz  
Kitty Jung  
Bob Larkin

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

**COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada**

**May 12, 2009**

**10:00 a.m.**

**NOTE:** Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

***Public Comment*** during the Commission Meeting on May 12, 2009 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "\*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".



- 6:00 p.m.** 29. Appeal Case No. AX09-004: Appeal of the Board of Adjustment's Action Denying Without Prejudice Special Use Permit Case No. SB08-023 (aka Red Rock Pipeline)--Community Development. (Commission District 5.)

In accordance with applicable law, including Article 810 of the Washoe County Development Code, to review the record, including any additional information received by the Board of County Commissioners in the hearing of this appeal, and either affirm the Board of Adjustment's decision to deny without prejudice the Special Use Permit, or to concur with the appellant and overturn the Board of Adjustment's decision, subsequently approving the project. The project is located in the Red Rock area as follows: the proposed pipeline will originate at 15800 Dry Valley Road and will terminate at the north end of the Airport Authority property in Stead, within the City of Reno. The proposed route travels along portions of Dry Valley Road, Red Rock Road, and American Flats Road. The well houses are proposed to be located at 15800 Dry Valley Road. The booster pump station is proposed to be located at 14625 Red Rock Road. The surge suppression tank is proposed to be located on APN 079-381-21 on Red Rock Road, approximately 100 feet south of its intersection with Gorham Court. The proposed project is located in the North Valleys Area Plan, and is situated in portions of Sections 11-14, 23, 26, 35, T23N, R18E, Sections 1 and 2, T22N, R18E, Sections 6, 7, 18, 19, 20, 28-30, 32, T22N, R19E, Sections 5 and 6, T21N, R19E MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary. (APN's 078-194-06, 078-091-01, 079-381-21, 078-131-05, 079-030-13, 078-124-01, 079-010-26, 079-332-23, 078-184-03.) (Commission District 5.)

30. Proposed Amendment to the Boundaries of Washoe County Nevada District No. 24 (Central Truckee Meadows Remediation District), which is a district for remediation of groundwater--Water Resources. (All Commission Districts.)

Hold Public Hearing to consider all comments concerning a proposed amendment to the boundaries of the Groundwater Remediation District (Central Truckee Meadows Remediation District).

**AND**

First reading of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto. (Second reading and adoption to be set for June 9, 2009.)

**AND**

First reading of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada, District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Second reading and adoption to be set for June 9, 2009.)

End Of Scheduled Public Hearings

**EXHIBIT "C"**

**(Attach copy of Notice of June 9 Meeting)**

1408

**COUNTY COMMISSIONERS**

David Humke, Chairman  
Bonnie Weber, Vice-Chairman  
John Breternitz  
Kitty Jung  
Bob Larkin

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

**COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada**

**June 9, 2009**

**10:00 a.m.**

**NOTE:** Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

**Public Comment** during the Commission Meeting on June 9, 2009 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "\*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".

21. Recommendation for direction to implement cost saving measures for the Washoe County Citizen Advisory Boards. Cost saving measures include reducing meeting frequency to six times each year for 10 Citizen Advisory Boards (East Washoe Valley, Galena-Steamboat, Incline Village/Crystal Bay, North Valleys, Spanish Springs, Southeast Truckee Meadows, Southwest Truckee Meadows, Sun Valley, Warm Springs, West Washoe Valley); temporarily suspending the Central Citizen Advisory Board; and, combining the Verdi Township and West Truckee Meadows Citizen Advisory Boards. All cost saving measures are to be implemented starting July 1, 2009 and will continue until otherwise directed by the County Commission--Community Development. (All Commission Districts.) **To be heard before Agenda Item #6G(1).**
22. Discussion and possible direction to staff concerning frequency and timing of Board of County Commission meetings, including, but not limited to, holding two meetings per month, start time of meetings, start time for public hearings, when appearances/presentations would be scheduled. Requested by Commissioner Weber.
23. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County--Government Affairs. (All Commission Districts.)

**5:30 p.m.** 24. South Truckee Meadows General Improvement District--See separate agenda.

**6:00 p.m.** **Public Hearings. (Note: Items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.)**

25. Second reading and adoption of an Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto (Bill No. 1586)--Water Resources. (All Commission Districts.)

**AND**

Second reading and adoption of an Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto (Bill No. 1587)--Water Resources. (All Commission Districts.)

26. Second reading and adoption of an Ordinance amending Chapter 5 of the Washoe County Code relating to the operation of the Office of the Commissioner of Civil Marriages to provide that said office will operate by appointment only as determined by the County Clerk effective July 1, 2009; and other matters properly relating thereto (Bill No. 1588)--Washoe County Clerk. (All Commission Districts.)

**EXHIBIT "D"**

**(Attach Affidavit of Publication of Notice of Filing of Fee Ordinance)**

1408

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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **05/29/2009 - 05/29/2009**, for exact publication dates please see last line of Proof of Publication below.

Signed: \_\_\_\_\_

*Laurie Macaulay*

**MAY 29 2009**

Subscribed and sworn to before me  
LINDA ANDERSON  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 08-5430-2 - Expires January 15, 2012

*Linda Anderson*

**Proof of Publication**

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Washoe County Board of Commissioners will hold a public hearing in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, on Tuesday, June 9, 2009, at 6:00 p.m. 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: An Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Bill No. 1587) 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, Special Assessment District No. 24 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

✓  
1408

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 9, 2009 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 9, 2009; 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 have caused this notice to be published. Dated this May 27, 2009. Anyone wishing to protest or affirm may do so by appearing at the above-named time and place. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 644355 - May 29, 2009

1404



**EXHIBIT "E"**

**(Attach Affidavit of Publication of Title of Fee Ordinance Twice)**

03400\086 District 24 Remediation\2009\08 FeeOrd 5-2.doc

19RENO\296724.1 003400.086 FeeOrd 5-4-09 .doc

1408

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STATE OF NEVADA  
COUNTY OF WASHOE

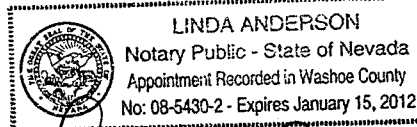
Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: ~~06/12/2009~~ - ~~06/19/2009~~, for exact publication dates please see last line of Proof of Publication below.

Signed:

*Nancy Logakli*

**JUN 22 2009**

Subscribed and sworn to before me



*Linda Anderson*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1408 BILL NO. 1587 An Ordinance imposing a fee on the parcels of land in Washoe County, Nevada District No. 24 (Groundwater Remediation) to pay the costs of developing and carrying out a plan for remediation; and prescribing other matters relating thereto. (Bill No. 1587) PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse in Reno, Nevada, 75 Court Street, Reno, Washoe County, Nevada; and can be found on the County Clerk's website, [www.washoecounty.us/clerks](http://www.washoecounty.us/clerks). and that said Ordinance was proposed by Chairman Humke on May 12, 2009, , 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 9, 2009, by the following vote of the Board of County Commissioners: Those Voting Aye: John Breternitz, David E. Humke, Robert M. Larkin, Kitty Jung Those Voting Nay: None Those Absent: Bonnie Weber This Ordinance shall be in full force and effect from and after June 19, 2009, 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. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 646996 - June 12, 19. 2009