

Boundary Amendment Ordinance

Summary - An ordinance amending the boundaries of Washoe County, Nevada District No. 24 (Groundwater Remediation).

BILL NO. 1642
ORDINANCE NO. 1462

AN ORDINANCE AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING OTHER MATTERS RELATING THERETO.

1. **WHEREAS**, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") in the State of Nevada has, pursuant to Ordinance No. 1000 (the "Creation Ordinance"), adopted and approved on November 14, 1997, created a district (the "District" or "District No. 24") for the remediation of the quality of water (specifically in order to address contamination of ground water by perchloroethylene ("PCE")) pursuant to NRS 540A.250 through 540A.280 and Sections 1 to 6 of Ch. 379, Statutes of Nevada, 1997 (the "1997 Act"); and

2. **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

3. **WHEREAS**, pursuant to NRS § 540A.250, 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

4. **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

5. **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

6. **WHEREAS**, the boundaries of the District described in the Creation Ordinance (the “Original Boundaries”) included the wholesale and retail water service area of Sierra Pacific Power Company (“Sierra”); and

7. **WHEREAS**, Sierra’s water business was acquired by the Truckee Meadows Water Authority (“TMWA”) during 2001; and

8. **WHEREAS**, Sierra was, and TMWA 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 (i.e., presence of PCE in the groundwater at unacceptable levels) that requires remediation is hereby determined by the Board to be present, based upon the Plan for Remediation; and

9. **WHEREAS**, Washoe County’s Department of Water Resources (DWR) is a provider of water service that uses for a portion of its water supply a well or wells located in the area where the condition of PCE in the groundwater requires remediation is hereby determined by the Board to be present; and

10. **WHEREAS**, the Board has determined and hereby determines that the wholesale and retail water service area of Sierra/TMWA and a portion of the wholesale and retail service area of DWR are included in the boundaries of the District for the fee collected in a particular calendar year should include properties which were actually served with water provided by Sierra or TMWA and DWR on a retail or wholesale basis during the prior calendar year; and

11. **WHEREAS**, the Original Boundaries have been heretofore amended; and

12. **WHEREAS**, the Board has determined and hereby determines to propose to further amend the boundaries of the District with respect to the fee collected in 2011 to exclude from the District certain properties included in the Original Boundaries of the District as amended through July 1, 2011 (the “2011 Boundaries”), which properties did not receive water service involving water provided on a wholesale or retail basis by TMWA during that year; and

13. **WHEREAS**, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 2011, to add to and include such Original Boundaries new properties added to the wholesale and retail water service area of TMWA since December 31, 1997 and new properties added to that portion of the wholesale and retail water service area of DWR; and

14. **WHEREAS**, the Board has determined and hereby determines to propose to amend the Original Boundaries of the District with respect to the fee collected in 2011 to exclude from the District certain properties, which properties did not receive water service involving water provided on a wholesale or retail basis by TMWA during calendar year 2010; and

15. **WHEREAS**, each of the following have been filed with the County Clerk (the “Clerk”) on April 19, 2011, prior to the publication of a notice of hearing as hereinafter described:

(a) a list of the properties proposed to be excluded from the 2010 Boundaries with respect to the fees collected in 2011 as described in the 12th preamble hereto entitled “Second List of Properties to be excluded from 2010 Boundaries of District No. 24” (the “Second 2010 Exclusion List”),

(b) a description of the areas proposed to be added to the District as described in the 13th preamble hereto, entitled “2011 Description of Areas to be Added to District No. 24” (the “2011 Addition List”), and

(c) a list of the properties proposed to be excluded with respect to the fee imposed in 2011 as described in the 14th preamble hereto, entitled “First List of Properties to Be Excluded from the 2011 Boundaries of District No. 24” (the “First 2011 Exclusion List”); and

16. **WHEREAS**, pursuant to NRS § 540A.262, the Board is required to hold a hearing before amending the boundaries of the District; and

17. **WHEREAS**, after published notice in accordance with NRS § 540A.262, the Board on May 10, 2011 held a hearing on the amendment proposed to be made by this ordinance and hereby determines to overrule each and every objection to such amendment made at the hearing; and

18. **WHEREAS**, the Board has determined and the Board hereby determines to now amend the boundaries of the District.

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

Section 1. Section 2 of Ordinance No. 1000 is hereby amended to read as follows:

“Section 2. A. The boundaries of the District with respect to the fee for remediation imposed in 1998 are the wholesale and retail water service area of Sierra Pacific Power Company as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997, but excluding therefrom (a) the properties listed on the “List of Properties Excluded from District 24 Boundaries” as filed with the County Clerk on June 16, 1998; (b) the properties listed on the Second 1998 Exclusion List, as filed with the County Clerk on April 21, 1999 and (c) and (c) the properties listed on the Second Exclusion List as filed with the Clerk on April 24, 2001.

B. The boundaries of the District with respect to the fee for remediation imposed in 1999 are the wholesale and retail water service area of Sierra Pacific Power Company as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District boundaries all properties in the area described in the 1999 Addition List as filed with the County Clerk on April 21, 1999, but excluding from the District Boundaries the properties listed on the First 1999 Exclusion List as filed with the County Clerk on April 21, 1999 and as supplemented with the Supplemental 1999 List of Additional Excluded Parcels filed with the County Clerk on June 22, 1999 and as supplemented by the Second 1999 Exclusion List filed with the Clerk on May 2, 2000 and by the Second Exclusion List as filed with the Clerk on April 24, 2001.

C. The boundaries of the District with respect to the fee for remediation imposed in 2000 are the wholesale and retail water service area of Sierra Pacific Power Company as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2000 Addition List as filed with the County Clerk on May 2, 2000, but excluding from the District Boundaries the properties listed on the First 2000 Exclusion List as filed with the County Clerk on May 2, 2000, and the Second Exclusion List filed with the County Clerk on April 24, 2001.

D. The boundaries of the District with respect to the fee for remediation imposed in 2001 are the wholesale and retail water service area of Sierra Pacific Power Company as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2001 Addition List as filed with the County Clerk on April 24, 2001, but excluding from the District Boundaries the properties listed on the First 2001 Exclusion List as filed with the County Clerk on April 24, 2001.

E. The boundaries of the District with respect to the fee for remediation imposed in 2002 are the wholesale and retail water service area of Sierra Pacific Power Company (of the Truckee Meadows Water Authority, after the acquisition of Sierra Pacific Power Company's water business by the Truckee Meadows Water Authority), as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2002 Addition List as filed with the County Clerk on April 23, 2002, but excluding from the District Boundaries the properties listed on the First 2002 Exclusion List as filed with the County Clerk on April 23, 2002 and excluding from the District boundaries the properties listed on the Second 2002 Exclusion List as filed with the County Clerk on April 21, 2003.

F. The boundaries of the District with respect to the fee for remediation imposed in 2003 are the wholesale and retail water service area of the Truckee Meadows Water Authority, as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2003 Addition List as filed with the County Clerk on April 21, 2003, but excluding from the District Boundaries the properties listed on the First 2002 Exclusion List as filed with the County Clerk on April 21, 2003 and excluding from the District boundaries the properties listed on the Second 2003 Exclusion List as filed with the County Clerk on April 22, 2004.

G. The boundaries of the District with respect to the fee for remediation imposed in 2004 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2004 Addition List as filed with the County Clerk on April 22, 2004, but excluding from the District Boundaries the properties listed on the First 2004 Exclusion List as filed with the County Clerk on April 22, 2004 and excluding from the District boundaries the properties listed on the Second 2004 Exclusion List as filed with the County Clerk on April 19, 2005.

H. The boundaries of the District with respect to the fee for remediation imposed in 2005 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2005 Addition List as filed with the County Clerk on April 19, 2005, but excluding from the District Boundaries the properties listed on the First 2005 Exclusion List as filed with the County Clerk on April 19, 2005 and excluding from the District boundaries the properties listed

on the Second 2005 Exclusion List as filed with the County Clerk on April 25, 2006.

I. The boundaries of the District with respect to the fee for remediation imposed in 2006 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2006 Addition List as filed with the County Clerk on April 25, 2006, but excluding from the District Boundaries the properties listed on the First 2006 Exclusion List as filed with the County Clerk on April 25, 2006 and excluding from the District boundaries the properties listed on the Second 2006 Exclusion List as filed with the County Clerk on April 24, 2007.

J. The boundaries of the District with respect to the fee for remediation imposed in 2007 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2007 Addition List as filed with the County Clerk on April 24, 2007, but excluding from the District Boundaries the properties listed on the First 2007 Exclusion List as filed with the County Clerk on April 24, 2007, and excluding from the District boundaries the properties listed on the Second 2007 Exclusion List as filed with the County Clerk on April 22, 2008.

K. The boundaries of the District with respect to the fee for remediation imposed in 2008 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2008 Addition List as filed with the County Clerk on April 22, 2008, but excluding from the District Boundaries the properties listed on the

First 2008 Exclusion List as filed with the County Clerk on April 22, 2008, and excluding from the District boundaries the properties listed on the Second 2008 Exclusion List as filed with the County Clerk on April 22, 2009.

L. The boundaries of the District with respect to the fee for remediation imposed in 2009 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2009 Addition List as filed with the County Clerk on April 22, 2009, but excluding from the District Boundaries the properties listed on the First 2009 Exclusion List as filed with the County Clerk on April 22, 2009 and excluding from the District boundaries the properties listed on the Second 2009 Exclusion List as filed with the County Clerk on April 27, 2010.

M. The boundaries of the District with respect to the fee for remediation imposed in 2010 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997 and further including in the District Boundaries all properties in the area described in the 2010 Addition List as filed with the County Clerk on April 19, 2010, but excluding from the District Boundaries the properties listed on the First 2010 Exclusion List as filed with the County Clerk on April 27, 2010.

N. The boundaries of the District with respect to the fee for remediation imposed in 2011 are the wholesale and retail water service area of the Truckee Meadows Water Authority as more specifically detailed in the District Boundaries on file with the County Clerk prior to September 16, 1997, and a portion of the wholesale and retail service area of Washoe County's Department of Water Resources, as more specifically detailed in the description of the areas proposed to be added to the District in 2011, and further

including in the District Boundaries all properties in the area described in the 2011 Addition List as filed with the County Clerk on April 19, 2011, but excluding from the District Boundaries the properties listed on the First 2011 Exclusion List as filed with the County Clerk on April 19, 2011.”

Section 2. All actions, proceedings, matters and things heretofore taken, had and done by the Board and the officers of the County (not inconsistent with the provisions of this Ordinance), concerning the District, is ratified, approved and confirmed.

Section 3. 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 developing and carrying out the plan for remediation, and the preparation of recommendations to the Board of the cost thereof and appointment of such costs among the properties in the District. This section does not authorize the execution of any contracts to carry out the plan for remediation without Board approval.

Section 4. 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 5. 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) days before the date set for such hearing, i.e., at least ten (10) days before the 14th day of June, 2011, 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 14th day of June, 2011, 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 AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING 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, Special Assessment District No. 24 for the purpose of remediating the quality of water at various other matters in connection therewith, and make certain findings.

The ordaining clause is then set forth.

Section 1 amends the boundaries of the District with respect to the fee collected in 2010 and 2011.

Sections 2, 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with the District; authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions.

Sections 5, 6 and 7 provide for notice by publication of the June 14, 2011 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 14,

2011; 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 10, 2011.

/s/ Amy Harvey
County Clerk

(SEAL)

(End of Form for Publication)

Section 6. 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 AMENDING ORDINANCE NO. 1000 IN ORDER TO CHANGE THE BOUNDARIES OF DISTRICT NO. 24 (GROUNDWATER REMEDIATION); AND PROVIDING 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 10, 2011, 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 14, 2011, 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 ____, 2011, 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 this June 14, 2011.

/s/ John Breternitz
Chair
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey
County Clerk

Section 7. 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 10th day of May, 2011.


Proposed by Commissioner Weber.

Passed the 14th day of June, 2011.

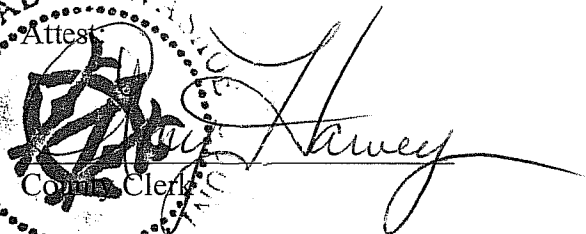
Those Voting Aye: Breternitz, Weber, Humke, Larkin, Jung

Those Voting Nay: none

Those Absent: none



Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)
SEAL OF WASHOE COUNTY
ATTEST

COUNTY CLERK
WASHOE COUNTY
NEVADA

This Ordinance shall be in force and effect from and after the 27th day of June, 2011, 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 10, 2011 and adopted on June 14, 2011 which relates to District No. 24 (Groundwater Remediation). Minutes of the hearing on such District held on May 10, 2011 and of the hearing on the Ordinance held on June 14, 2011 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 14, 2011.


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 10, 2011 and June 14, 2011.

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

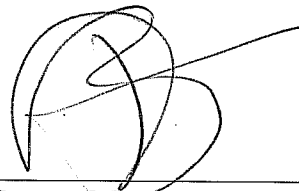
than 9:00 a.m. at least 3 working days in advance of the meetings at the Board's office, the County's website, and three other locations, i.e., at:

- (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 14, 2011.



County Manager (or representative thereof)
Washoe County, Nevada

(SEAL)

EXHIBIT "A"

**(Attach Copy of Minutes of May 10 Hearing on
District No. 24 Boundary Amendment)**

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

TUESDAY

9:00 A.M.

MAY 10, 2011

PRESENT:

John Breternitz, Chairman
Bonnie Weber, Vice Chairperson
Kitty Jung, Commissioner
David Humke, Commissioner*

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

ABSENT:

Bob Larkin, Commissioner

The Board of County Commissioners and the Washoe County Library Board of Trustees will begin their meeting at 9:00 a.m. in the Caucus Room (#A205) located on the 2nd Floor of Building A at 1001 E. 9th Street, Reno.

The Washoe County Board of Commissioners and the Washoe County Library Board of Trustees convened at 9:05 a.m. for a joint meeting in the Caucus Room located on the 2nd Floor of Building A of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Also present were Library Board of Directors Chairperson Judith Simon, Members Fred Lokken, Tom Cornell and Alfred Stoess and Library Director Arnie Maurins. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Boards conducted the following business:

County Manager Katy Simon stated: "The Chairman and the 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."

11-364 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: "Public Comment. Comment heard under this item will be limited to two minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during

11-403

AGENDA ITEM 26 – WATER RESOURCES

Agenda Subject: “Introduction 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 14, 2011 at 6 p.m.)”

Amy Harvey, County Clerk, read the title for Bill No. 1642.

Bill No. 1642, 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," was introduced by Commissioner Weber, and legal notice for final action of adoption was directed. It was noted that the second reading and adoption be set for June 14, 2011 at 6:00 p.m.

11-404

AGENDA ITEM 26 – WATER RESOURCES

Agenda Subject: “Introduction 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 14, 2011 at 6 p.m.). (All Commission Districts.)”

Amy Harvey, County Clerk, read the title for Bill No. 1643.

Bill No. 1643, 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," was introduced by Commissioner Weber, and legal notice for final action of adoption was directed. It was noted that the second reading and adoption be set for June 14, 2011 at 6:00 p.m.

11-405

AGENDA ITEM 28 – SOCIAL SERVICES

Agenda Subject: “Discussion and possible direction to staff regarding the County Commissioners’ potential role in governance of the Community Assistance Center and referral of Community Assistance Center policy-making and oversight to the Shared Services Elected Officials Committee. (All Commission Districts.)”

Kevin Schiller, Social Services Director, commented that there was a Request for Proposal (RFP) in process related to the contractor who would run the Shelter. He said when the Shelter originally opened, Washoe County Social Services provided three full-time staff members for case management. In addition, last year the Shelter was funded and the County had contributed \$1,340,520 towards the operation of

EXHIBIT "B"

(Attach Minutes of June 14 Hearing on Ordinance)

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

TUESDAY

10:00 A.M.

JUNE 14, 2011

PRESENT:

John Breternitz, Chairman
Bonnie Weber, Vice Chairperson
Bob Larkin, Commissioner
Kitty Jung, Commissioner
David Humke, Commissioner*

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

The Washoe County Board of Commissioners convened at 10:01 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:

County Manager Katy Simon stated: "The Chairman and the 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."

11-474 AGENDA ITEM 3

Agenda Subject: "Resolution of Accomplishment--Rotary Club of Reno. (Requested by Commissioner Breternitz.)"

Chairman Breternitz read and presented the Resolution of Accomplishment to Bob Moore, Rotary Club of Reno President, and Carl Fuetsch and Wes Witten, Rotary International Foundation for the Rotary Club of Reno Co-Chairs. Mr. Fuetsch said he was just informed the amount contributed by Rotary members to the local foundation now exceeded \$1 million. He noted the Rotary Club of Reno was one of eight Rotary Clubs in the area.

6:00 p.m. Chairman Breternitz opened the public hearing

6:01 p.m. Commissioner Weber arrived.

11-512 AGENDA ITEM 27 – DISTRICT 24 (GROUNDWATER
REMEDICATION) – BOUNDARIES

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. 1642)--Water Resources.

Amy Harvey, County Clerk, read the title for Ordinance No. 1462, Bill No. 1642.

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, it was ordered that Ordinance No. 1462, Bill No. 1642, 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. (BILL NO. 1642)," be approved, adopted and published in accordance with NRS 244.100.

11-513 AGENDA ITEM 27 – DISTRICT 24 (GROUNDWATER
REMEDICATION) – FEE

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. 1643)--Water Resources.”

Amy Harvey, County Clerk, read the title for Ordinance No. 1463, Bill No. 1643.

There was no response to the call for public comment.

On motion by Commissioner Larkin, seconded by Chairman Breternitz, which motion duly carried, it was ordered that Ordinance No. 1463, Bill No. 1643, 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

EXHIBIT "C"

(Attach Copy of Notice of May 10 Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Simon

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

**WASHOE COUNTY COMMISSION CAUCUS ROOM
JOINT MEETING WITH WASHOE COUNTY LIBRARY BOARD OF TRUSTEES
1001 E. 9TH Street, 2ND Floor, Room A205, Reno, Nevada
May 10, 2011 @ 9:00 a.m.**

**COMMISSION CHAMBERS
WASHOE COUNTY COMMISSION ONLY
1001 E. 9TH Street, Reno, Nevada
May 10, 2011 @ 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 10, 2011 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”.

22. Update on status of Shared Services efforts and possible direction to staff--Manager. (All Commission Districts.)
23. Discussion and possible direction regarding Manager's recommended budget for Fiscal Year 2011/12. (All Commission Districts.)
24. Overview and status of 2011 Washoe County Commission election district redistricting project--Management Services. (All Commission Districts.)
25. Discussion and possible 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.

Public Hearing. (Note: Item listed under this heading only will be heard at or after the noted time. In no case will it be heard before the stated time. Due to public testimony and discussion, time expended on this item in this category can vary.)

26. Presentation and public hearing to consider all comments concerning a proposed amendment to the boundaries of the Groundwater Remediation District (Central Truckee Meadows Remediation District).

AND

Introduction 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 14, 2011 at 6 p.m.)

AND

Introduction 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 14, 2011 at 6 p.m.)--Water Resources. (All Commission Districts.)

End Of Scheduled 5:30 p.m. Public Hearing

EXHIBIT "D"

(Attach Copy of Notice of June 14 Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Simon

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada

**June 14, 2011
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 14, 2011 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".

22. Introduction and first reading of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number AC11-003, to amend Development Agreement Case Number DA08-006, regarding Feather River. The proposed amendment of conditions will extend the deadline for filing a final map in Tentative Map Case Number TM06-006 (Feather River Subdivision, formerly Stampmill Estates TM04-007) by 5 years from the date of signing by the Chair of the Washoe County Commission (set public hearing and second reading of the Ordinance for June 28, 2011--Community Development. (Commission District 4.)
23. Recommendation to approve awarding Agreement for Appointed Counsel Administrator Services between the County of Washoe and Robert Bell, Esq., for a three-year period effective July 1, 2011 [not to exceed \$147,450 per year], pursuant to the Model Court Plan of the Second Judicial District filed with the Supreme Court under ADKT No. 411, and if approved, authorize Chairman to execute same--Manager. (All Commission Districts.)
24. Discussion and possible action regarding District Health matters which have been brought to the County Commission for action in the past. Action may include designating certain matters for final action and/or approval by the District Board of Health or the County Manager, maintaining the requirement that the Commission review and act upon some matters, or specifying some other disposition for matters that the Commission deems appropriate. Requested by Commissioner Larkin--District Attorney. (All Commission Districts.)
25. Update on status of Shared Services efforts and possible direction to staff--Manager. (All Commission Districts.)
26. Discussion and possible direction to staff regarding legislation or legislative issues from the 76th Nevada Legislative Session or during any special legislative session during 2011, 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.)

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.)

27. 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. 1642)--Water Resources.

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. 1643)--Water Resources.

EXHIBIT "E"

(Attach Affidavit of Publication of Notice of Filing of Amendatory Ordinance)

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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 of general circulation 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: **05/25/2011 - 05/25/2011**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me



Tana Ciccotti

11-572

WASHOE COUNTY
COMPTROLLER

2011 MAY 27 AM 9:43

Signature of Tana Ciccotti

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 14, 2011 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 amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto. (Bill No. 1642). 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 at various other matters in connection therewith, and make certain findings. The ordaining clause is then set forth. Section 1 amends the boundaries of the District with respect to the fee collected in 2010 and 2011. Sections 2, 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with the District; authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions. Sections 5, 6 and 7 provide for notice by publication of the June 14, 2011 hearing on the Ordinance, and for this summary of

1462 ✓

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 14, 2011; 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. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 753715 May 25, 2011

11-512

1462

EXHIBIT "F"

(Attach Affidavit of Publication of Title of Amendatory Ordinance Twice)

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Publishers of

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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 of general circulation 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: **06/17/2011 - 06/24/2011**, for exact publication dates please see last line of Proof of Publication below.

WASHOE COUNTY
COMPTROLLER
2011 JUN 29 AM 10:57

[Signature]
JUN 24 2011

Subscribed and sworn to before me

 STACEY GOMES
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 09-10505-2 - Expires July 22, 2013

[Signature: Stacey Gomes]

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1462 BILL NO. 1642 An Ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and providing other matters relating thereto. 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, 75 Court Street, Reno, Nevada, and that such Ordinance was proposed by Commissioner Weber on May 10, 2011, and was passed and adopted at a regular meeting held on June 14, 2011, by the following vote of the Board of County Commissioners: Those Voting Aye: John Breternitz, Kitty Jung, Robert M. Larkin, Bonnie Weber and David Humke Those Voting Nay: None Those Absent: None Those Abstaining: None This Ordinance shall be in full force and effect from and after June 24, 2011, 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 this 15th day of June, 2011. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 755742 June 17, 24, 2011

