



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: July 12, 2016

**DATE:** June 22, 2016  
**TO:** Board of County Commissioners  
**FROM:** Chris Benedict, Remediation District Manager,  
Community Services Department, 954-4642, [cbenedict@washoecounty.us](mailto:cbenedict@washoecounty.us)  
**THROUGH:** Dwayne Smith, P.E., Division Director, Engineering & Capital Projects,  
Community Services Department, 328-2043, [desmith@washoecounty.us](mailto:desmith@washoecounty.us)  
**SUBJECT:** Public hearing for the second reading and possible adoption of an ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation) and other matters relating thereto;

AND

Public hearing for the second reading and possible adoption 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 other matters relating thereto. (All Commission Districts.)

### SUMMARY

In 1995 the legislature passed NRS 540A.250-285, allowing for the creation of a district for the remediation of the quality of water that is available for municipal, industrial, or domestic use. In 1997, the Washoe County Board of Commissioners (Board) passed Ordinance 1000 creating District No. 24 (the Central Truckee Meadows Remediation District) in accordance with NRS540A.250 to address the tetrachloroethene (PCE) contamination of groundwater that is utilized to meet water demands in southern Washoe County.

The Board is required to amend the Central Truckee Meadows Remediation District (CTMRD) boundaries when needed. The boundary changes are accomplished through an ordinance that is required by NRS 540A.262 to be introduced by the Board at a public hearing. The CTMRD boundaries consist of the Service Area Boundary and the Contaminant Boundary. As per NRS540A.250(3)(b), the Service Area Boundary includes the wholesale and retail service areas of any water purveyor with groundwater wells located inside area contaminated by PCE (i.e., inside the Contaminant Boundary). As per NRS540A.250(3)(a), the Contaminant Boundary includes the areas where groundwater is contaminated by PCE, and the areas where that contamination may migrate to if remediation is not carried out.

Amendments to the Service Area Boundary are required when there are changes in the wholesale and/or retail service areas of water purveyors with wells located inside the

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Contaminant Boundary. These changes occur when parcels are annexed into or removed from those service areas.

Amendments to the Contaminant Boundary are required when the results of CTMRD program activities define previously unrecognized contaminated areas, indicate that contamination no longer exists in areas previously within the Contaminant Boundary, or help identify the party or parties responsible for PCE contamination present in a particular part of the central Truckee Meadows. Amendments to the Contaminant Boundary result in the addition or removal of parcels and stem from a coordinated review of existing data with the Nevada Division of Environmental Protection (NDEP) and the Washoe County Health District (WCHD).

The Board is further required (NRS 540A.265) to determine by ordinance the amount of the fee to be collected in a given year for carrying out activities in support of the Remediation Management Plan (i.e. the "Plan for Remediation" referred to in NRS 540A.260).

Changes in the CTMRD Service Area Boundary and the determination of the annual remediation fees have occurred through ordinance amendments every year since 1998. Changes in the CTMRD Contaminant Boundary (first established in 2002) occurred in 2011 and 2014. No changes in the CTMRD Contaminant Boundary are being considered for 2016.

The number of parcels subject to the remediation fee, the average annual per parcel remediation fee for each benefit group, and the total annual remediation fee revenue that would result (or that has resulted in recent years) from the adoption of these ordinances are summarized in following table.

<b>Summary Statistics Resulting from CTMRD Ordinance Amendments</b>							
<b>Fee Year</b>	<b>Benefit Group</b>						<b>Total Annual Remediation Fee Revenue</b>
	<b>A <sup>(1)</sup></b>		<b>B <sup>(2)</sup></b>		<b>C <sup>(3)</sup></b>		
	<b># of parcels</b>	<b>avg. annual fee</b>	<b># of parcels</b>	<b>avg. annual fee</b>	<b># of parcels</b>	<b>avg. annual fee</b>	
<b>2016 (estimates)</b>	118966	\$7.69	4606	\$9.36	2488	\$100.92	\$1,154,923
<b>2015</b>	116140	\$8.61	4799	\$10.24	2480	\$106.38	\$1,249,995
<b>2014</b>	114747	\$8.70	4847	\$10.56	2480	\$105.13	\$1,249,957
<b>2013</b>	112752	\$8.73	4895	\$10.46	2665	\$105.13	\$1,249,929
<b>2012</b>	107422	\$8.92	3720	\$14.09	2457	\$119.74	\$1,249,927
<b>2011</b>	108005	\$8.86	3576	\$15.08	2601	\$112.82	\$1,249,954
<b>2010 <sup>(4)</sup></b>	108101	\$15.46	6596	\$24.67	3737	\$220.97	\$2,499,937

<sup>(1)</sup> Benefit Group A: all water using parcels within the CTMRD Service Area Boundary

<sup>(2)</sup> Benefit Group B: residential parcels within the CTMRD Contaminant Boundary (these parcels are also a subset of Benefit Group A)

<sup>(3)</sup> Benefit Group C: non-residential parcels within the CTMRD Contaminant Boundary (these parcels are also a subset of Benefit Group A)

<sup>(4)</sup> The 2010 fees and revenue predate a 50% fee rate holiday approved by the Board in 2011 and the use of a fund reserve in place of new revenue.

Revenue to be collected from remediation fee payers for FY16-17 is reduced to reflect funds (in the amount of \$95,055.79) recovered by the Nevada Division of Environmental Protection (NDEP) and transferred to the County on January 25, 2016 in accordance with NRS 540A.280.

Strategic Objective supported by this item: Safe, Secure and Healthy Communities.

### **PREVIOUS ACTION**

Public hearings to introduce amendments to the CTMRD boundary ordinance and the remediation fee ordinance have been held annually by the Board since 1998.

### **BACKGROUND**

#### **Boundary Amendment Ordinance (Exhibit 1)**

Each year the Board may amend the CTMRD boundaries to include parcels annexed into or to exclude parcels taken out of the service areas of the affected water purveyors (which determines the CTMRD Service Area and the parcels subject to the remediation fee) and to include any revisions to the CTMRD Contaminant Boundary (which determines the distribution of parcels in the three benefit groups and the associated tiered remediation fee rates).

***Service Area Boundary*** - NRS 540A.250 specifies that the CTMRD boundaries shall include the wholesale and retail service area of any water company with wells located in the contaminated area. Truckee Meadows Water Authority (TMWA) operated wells within the contaminated area in 2015; therefore the CTMRD service area boundary proposed here incorporates the TMWA wholesale and retail service area.

The 2015 calendar year CTMRD Service Area Boundary (upon which the 2016 remediation fees are based) includes all or part of these water purveyor service areas:

- TMWA;
- Sun Valley General Improvement District (SVGID); and,
- Parr-Reno Water Company.

NRS 540A.265 requires these water purveyors to provide the annualized water use (by Assessor's Parcel Number and in dollars) for each parcel in their respective service areas within ninety days of being requested. Since 2006, this request has been made by December 1 each year. Although NRS540A.265(1)(d) so allows, staff continues to recommend that the Board exclude assessing remediation fees against properties that are undeveloped (and receive no water service) or that receive water service wholly independent from any water purveyor with groundwater wells in the contaminated area. The CTMRD Service Area boundary has been amended by the Board every year since 1998.

***Contaminant Boundary*** - In 2002, in accordance with NRS 540A.265(1) the Board approved the delineation of the CTMRD Contaminant Boundary and a three-tiered fee rate structure (based on that contaminant boundary) to assign remediation fees in proportion to the benefits received. The CTMRD Contaminant Boundary is a subdivision of the CTMRD Service Area Boundary and includes that area where groundwater is contaminated by PCE, and where contamination may migrate if remediation is not carried out. In addition to receiving the benefit of being provided drinking water that meets the

regulatory standards for PCE, owners of parcels located within the contaminant boundary who have not caused or contributed to the PCE problem also receive the direct benefits of the action being taken to eliminate that contamination and the benefit of relief from any liability associated with PCE contamination on or under their property. Further discussion of the three benefit groups is included under the Fee Ordinance Amendments below.

The CTMRD Contaminant Boundary was initially defined in 2001 and amended for the first time in 2011 to reflect the then current PCE distribution. The changes in 2011 reduced the area (from roughly 16.5 square miles to roughly 9.5 square miles) and number of parcels (from 10,333 to 6,177) inside the Contaminant Boundary. Changes to the Contaminant Boundary in 2014 further reduced the area (from roughly 9.5 square miles to roughly 8.5 square miles) and number of parcels (from 7,560 to 7,273) inside the Contaminant Boundary. In a manner consistent with NRS 540A.250(2), all changes to the Contaminant Boundary have been reviewed and approved by NDEP and the WCHD. There are no changes to the Contaminant Boundary approved by the Board in 2014 being proposed here.

The Boundary Amendment Ordinance (Exhibit 1) identifies those areas annexed into the service area boundary during calendar year 2015 and identifies those parcels that are to be excluded from paying a remediation fee based upon continuation of the Board's previous direction. The proposed Service Area Boundary and the Contaminant Boundary are shown on Exhibit 2.

### **Fee Adoption Ordinance (Exhibit 3)**

The CTMRD program provides benefits to three distinct groups among water users and property owners. These include the Water Users Benefit Group and two Contaminated Area Benefit Groups. A map showing the distribution of these benefit groups is included as Exhibit 4.

The Water Users Benefit Group (Group A) includes water-using parcels that receive wholesale or retail water service from water purveyors with groundwater wells located inside the contaminant boundary. TMWA has groundwater wells within the contaminant boundary. The Water Users Benefit Group includes that portion of the TMWA retail and wholesale service area that is contiguous with the wells located in the contaminant boundary. The primary benefit for this group is continuing to receive drinking water that meets the regulatory standards for PCE. These water users pay a fee based on annual water use, as has been the case since 1998. Water using parcel owners in this benefit group are assessed a fee based on annual water use.

The two Contaminant Area Benefit Groups include water-using parcels located where PCE contaminated groundwater is known to exist. The Contaminant Area Benefit Groups include all water-using parcels inside the Contaminant Boundary as shown in Exhibit 4. The Contaminant Boundary includes much of the historical commercial and industrial districts located along or near the Virginia Street and old Highway 40 corridors. The Contaminant Area Benefit Groups include a Residential Benefit Group and a Non-residential Benefit Group.

Contaminant Boundary Residential Benefit Group (Group B) – This group consists of the owners of water using residential parcels within the contaminant boundary. The primary benefits received by this group are:

- 1) Receiving safe drinking water that meets the regulatory standards for PCE;
- 2) Protecting property values by avoiding a federal Superfund listing;
- 3) The ongoing actions being conducted to reduce or eliminate the PCE-contaminated groundwater beneath their property.

Contaminant Boundary Non-residential Benefit Group (Group C) – The benefits for this group are:

- 1) Receiving safe drinking water that meets the regulatory standards for PCE;
- 2) Protecting property values by avoiding a federal Superfund listing;
- 3) The ongoing actions being conducted to reduce or eliminate the PCE-contaminated groundwater beneath their property; and,
- 4) The limitation of liability afforded by NRS 540A.260(4).

NAC 445A defines actions that must be undertaken by a property owner if a hazardous substance is present in soils or groundwater on or beneath their property. The responsibility for performing these actions lies with the property owner even if the actions of the property owner did not cause the contaminated condition. The costs associated with characterizing the nature and extent of the contamination and performing corrective actions to attain concentration levels established by NDEP can be significant. Furthermore, property owner liability is typically strict and several even if the current property owner did not cause the contamination. The creation of the CTMRD protects innocent property owners (i.e., those property owners who did not cause or contribute to the PCE contamination) from liability for costs associated with characterization and remediation of the PCE contamination that they would otherwise be responsible for.

In accordance with NRS 540A.265, the Board approved a tiered fee rate structure for these benefit groups on May 24, 2002. This tiered remediation fee rate structure is:

- The base rate (1x) for the Water Users Benefit Group (Group A);
- Twice the base rate (2x) for the Residential Benefit Group (Group B); and,
- Four times the base rate (4x) for the Non-residential Benefit Group (Group C).

Exhibit 5 shows how this tiered rate structure has affected the remediation fees for the various benefit groups since 2010.

### **FISCAL IMPACT**

Approval of these Ordinance amendments will add and remove parcels to/from the CTMRD Service Area Boundary, provide for operation and maintenance of well head treatment on five municipal wells, and provide for ongoing implementation of the Remediation Management Plan. As shown in Exhibit 5, the proposed FY16-17 CTMRD program fees and revenue remain at reduced levels (comparable to those put into effect during the 2-year 50% rate reduction approved by the Board on May 11, 2011 for FY12 and FY13). Revenue to be collected from remediation fee payers for FY16-17 is further reduced to reflect funds (in the amount of \$95,055.79) recovered by the Nevada Division of Environmental Protection (NDEP) and transferred to the County on January 25, 2016 in accordance with NRS 540A.280. Annual remediation fee revenues remain at reduced

levels and existing fund balance will be expended until a long term Financial Plan for the CTMRD program is completed and approved by the Board.

It should be noted that the figures shown on Exhibit 5 represent the annual average remediation fee paid by property owners in each benefit group. The actual remediation fee charged to a specific individual parcel is dependent on the type of water service (service size, residential or commercial, metered or flat rate) to that parcel and the actual water consumption (as indicated by the annualized water bill). It should also be noted that the 2016 fee distribution shown on Exhibit 5 is estimated. The first draft of the final fee distribution was completed on June 1, 2016. The final fee list was delivered to the Treasurer's office (for inclusion on the general tax bills) on June 15, 2016.

The current budget for the CTMRD program has sufficient authority for continued operations utilizing existing resources and projected revenues from adoption of the Fee Amendment Ordinance.

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners hold the public hearing for the second reading and possible adoption of an ordinance amending Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation); and other matters relating thereto;

AND

Hold the public hearing for the second reading and possible 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 other matters relating thereto.

### **POSSIBLE MOTION**

Should the Board wish to implement the staff recommendation, a possible motion would be: "Move to adopt Ordinance No. 1000 in order to change the boundaries of District No. 24 (Groundwater Remediation) and other matters relating thereto; and adopt 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 other matters relating thereto."

Exhibit 1 - boundary ordinance

Exhibit 2 - boundary map

Exhibit 3 - fee ordinance

Exhibit 4 - remediation district fee area map

Exhibit 5 - remediation fee schedule

**Exhibit 1**

**Boundary Amendment Ordinance**

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

**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.**

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.285 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 Community Services Department (CSD) was a provider of water service that used 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**, CSD’s water utility was acquired by TMWA during 2014; and

11. **WHEREAS**, the Board has determined and hereby determines that the wholesale and retail water service area of Sierra/TMWA 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 on a retail or wholesale basis during the prior calendar year; and



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

13. **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 2016 to exclude from the District certain properties included in the Original Boundaries of the District as amended through July 1, 2015 (the “2015 Boundaries”), which properties did not receive water service on a wholesale or retail basis by TMWA during calendar year 2015; 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 2016, to add to and include new properties added to the wholesale and retail water service areas of TMWA during calendar year 2015; and

15. **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 2016 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 2015; and

16. **WHEREAS**, each of the following have been filed with the County Clerk (the “Clerk”) on April 12, 2016, prior to the publication of a notice of hearing as hereinafter described:

(a) a list of the properties proposed to be excluded from the 2015 Boundaries with respect to the fees collected in 2016 as described in the 13<sup>th</sup> preamble hereto entitled “Second List of Properties to be excluded from 2015 Boundaries of District No. 24” (the “Second 2015 Exclusion List”),

(b) a description of the areas proposed to be added to the District as described in the 14<sup>th</sup> preamble hereto, entitled “2016 Description of Areas to be Added to District No. 24” (the “2016 Addition List”), and

(c) a list of the properties proposed to be excluded with respect to the fee imposed in 2016 as described in the 15<sup>th</sup> preamble hereto, entitled “First List of Properties to Be Excluded from the 2016 Boundaries of District No. 24” (the “First 2016 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, 2016 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.”

O. The boundaries of the District with respect to the fee for remediation imposed in 2012 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 2012, and further including in the District Boundaries all properties in the area described in the 2012 Addition List as filed with the County Clerk on April 30, 2012, but excluding from the District Boundaries the properties listed on the First 2012 Exclusion List as filed with the County Clerk on April 10, 2012.”

P. The boundaries of the District with respect to the fee for remediation imposed in 2013 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 the water utility of Washoe County’s Community Service Department, as more specifically detailed in the description of the areas proposed to be added to the District in 2013, and further including in the District Boundaries all properties in the area described in the 2013 Addition List as filed with the County Clerk on April 26, 2013, but excluding from the District Boundaries the properties listed on the First 2013 Exclusion List as filed with the County Clerk on April 9, 2013.”

Q. The boundaries of the District with respect to the fee for remediation imposed in 2014 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 the water utility of Washoe County's Community Service Department, as more specifically detailed in the description of the areas proposed to be added to the District in 2014, and further including in the District Boundaries all properties in the area described in the 2014 Addition List as filed with the County Clerk on April 25, 2014, but excluding from the District Boundaries the properties listed on the First 2014 Exclusion List as filed with the County Clerk on April 8, 2014."

R. The boundaries of the District with respect to the fee for remediation imposed in 2015 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 the water utility of Washoe County's Community Service Department, as more specifically detailed in the description of the areas proposed to be added to the District in 2015, and further including in the District Boundaries all properties in the area described in the 2015 Addition List as filed with the County Clerk on April 24, 2015, but excluding from the District Boundaries the properties listed on the First 2015 Exclusion List as filed with the County Clerk on April 14, 2015."

S. The boundaries of the District with respect to the fee for remediation imposed in 2016 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, as more specifically detailed in the description of the areas proposed to be added to the District in 2016, and further including in the District Boundaries all properties in the area described in the 2016 Addition List as filed with the County Clerk on April 12, 2016, but excluding from the District Boundaries the properties listed on the First 2016 Exclusion List as filed with the County Clerk on April 12, 2016."



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 and NRS § 540A.262, 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 fifteen (15) days before the date set for such hearing, i.e., at least fifteen (15) days before the 12<sup>th</sup> day of July, 2016, 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 10:00 a.m., on Tuesday, the 12th day of July, 2016, 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 2015 and 2016.

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 July 12, 2016 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 July 12, 2016; 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 Administrative Complex, 1001 East 9<sup>th</sup> Street, 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 June 21, 2016.

/s/ Nancy Parent  
\_\_\_\_\_  
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 Administrative Complex, 1001 East 9<sup>th</sup> Street,, Reno, Nevada; and that said Ordinance was proposed by Commissioner \_\_\_\_\_ on June 21, 2016, 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 July 12, 2016, 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 July \_\_\_\_, 2016, 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 July 12, 2016.

/s/ Kitty Jung  
Chair  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

/s/ Nancy Parent  
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 21<sup>st</sup> day of June, 2016.  
Proposed by Commissioner \_\_\_\_\_.  
Passed the 12<sup>th</sup> day of July, 2016.

Those Voting Aye:

Those Voting Nay:

Those Absent:

\_\_\_\_\_  
Chair  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

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

This Ordinance shall be in force and effect from and after the \_\_\_\_\_ day of July, 2016, i.e., the date of the second publication of such Ordinance by its title only.

STATE OF NEVADA     )  
  ) ss.  
COUNTY OF WASHOE    )

I, Nancy Parent, 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 June 21, 2016 and adopted on July 12, 2016 which relates to District No. 24 (Groundwater Remediation). Minutes of the hearing on such District held on June 21, 2016 and of the hearing on the Ordinance held on July 12, 2016 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 July 12, 2016.

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

The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meetings held on June 21, 2016 and July 12, 2016.

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 and NRS § 540A.262. 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, the Nevada Public Notice 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  
1675 E. Prater Way #107  
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 July 12, 2016.

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

(SEAL)

**EXHIBIT "A"**

**(Attach Copy of Minutes of June 21 Meeting on  
District No. 24 Boundary Amendment)**

**EXHIBIT "B"**

**(Attach Minutes of July 12 Hearing on Ordinance)**

**EXHIBIT "C"**

**(Attach Copy of Notice of June 21 Meeting)**

**EXHIBIT "D"**

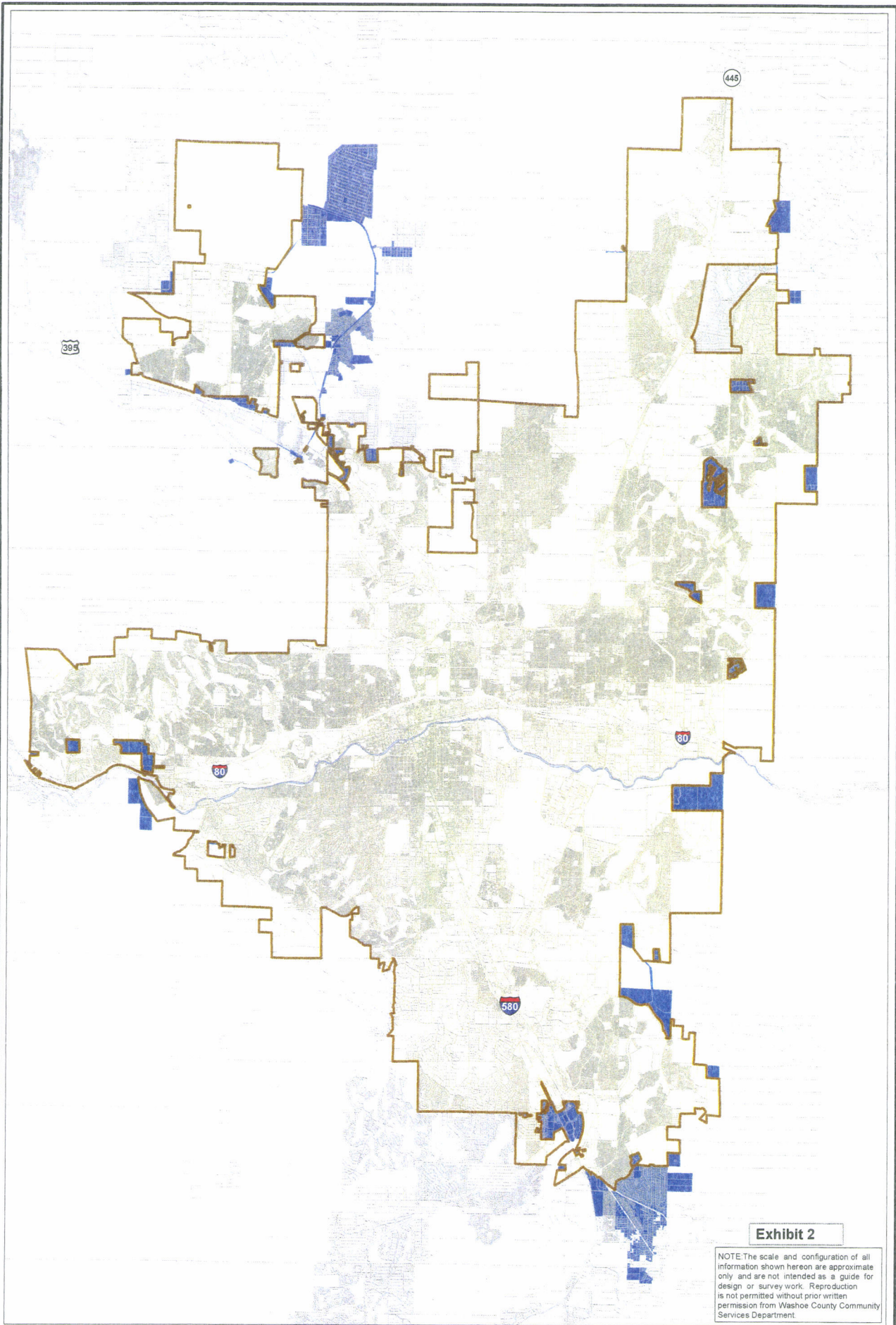
**(Attach Copy of Notice of July 12 Meeting)**

**EXHIBIT "E"**

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

**EXHIBIT "F"**

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



**Exhibit 2**

NOTE: The scale and configuration of all information shown hereon are approximate only and are not intended as a guide for design or survey work. Reproduction is not permitted without prior written permission from Washoe County Community Services Department.

- Parcels added into the CTMRD Service Area Boundary
- 2015 Fee Year Boundary

**CENTRAL TRUCKEE MEADOWS  
REMEDIATION DISTRICT  
2016 FEE YEAR BOUNDARY**  
(Parcels added or removed in calendar year 2015)

March 2016





**Exhibit 3**

**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.**

**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.**

**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 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 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, 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 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 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 22, 1999, June 12, 2000, June 12, 2001, June 11, 2002, June 9, 2003, June 22, 2004, June 14, 2005, June 13, 2006, June 12, 2007, June 10, 2008, June 9, 2009, June 22, 2010, June 14, 2011, June 12, 2012, June 11, 2013, June 17, 2014, and June 9, 2015 (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, and further includes a portion of the wholesale and retail water service area of Washoe County’s Community Service Department (“CSD”), and its successors in the water business, TMWA, which was in the case of CSD and is in the case of TMWA, providers of water service that have used and use for at least a portion of their water supply, wells located in the area where the condition of PCE exists in the groundwater and where remediation is required as hereby determined by the Board, based upon the Plan for Remediation; and

**WHEREAS**, the Board has heretofore determined and 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 heretofore determined that the 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 therefor, 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; and

**WHEREAS**, the Board has also determined that the costs of developing and carrying out the plan for remediation is to be paid from the fees collected through 2015; 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 has succeeded, is \$300,000; and

**WHEREAS**, the Board has determined and hereby determines that the annual amount necessary to pay the one year's cost of additional 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 \$3,554,534 ; and

**WHEREAS**, it is therefore necessary to raise \$1,154,944 in fiscal year 2016-2017 (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 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, 2015, 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 12, 2016 a list, entitled "District No. 24 (Groundwater Remediation) 2015 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 12, 2016. 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 to impose and apportion the fee provided herein.

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 and 540A.262, 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 fifteen (15) days before the date set for such hearing, i.e., at least fifteen (15) days before the 12<sup>th</sup> day of July, 2016, 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 10:00 a.m., on Tuesday, the 12<sup>th</sup> day of July 2016, 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 July 12, 2016 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 July 12, 2016; 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 Administrative Complex, 1001 East 9<sup>th</sup> Street., 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 June 21, 2016.

/s/ Nancy Parent  
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 Administrative Complex, 1001 East 9<sup>th</sup> Street,, Reno, Nevada; and that said ordinance was proposed by Commissioner \_\_\_\_\_ on June 21, 2016, 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 July 12, 2016, 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 July \_\_\_\_, 2016, 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 July 12, 2016.

/s/ Kitty Jung  
Chair  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

/s/ Nancy Parent  
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 21<sup>st</sup> day of June, 2016.

Proposed by Commissioner \_\_\_\_\_.

Passed the 12<sup>th</sup> day of July, 2016.

Those Voting Aye:

Those Voting Nay:

Those Absent:

\_\_\_\_\_  
Chair  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

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

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of July, 2016, i.e., the date of the second publication of such ordinance by its title only.

STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF WASHOE    )

I, Nancy Parent, 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 June 21, 2016 and adopted on July 12, 2016 which relates to District No. 24 (Groundwater Remediation). Minutes of the meeting on such District held on June 21, 2016 and of the hearing on the Ordinance held on July 12, 2016 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 July 12, 2016.

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

The undersigned does hereby certify:

1.       All members of the Board were given due and proper notice of the meetings held on June 21, 2016 and July 12, 2016.

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 and NRS 540A.262. 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, the Nevada Public Notice 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  
1675 E. Prater Way #107  
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 July 12, 2016.

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

(SEAL)

**EXHIBIT "A"**

**(Attach Copy of Minutes of June 21 Meeting on  
District No. 24 Boundary Amendment)**

**EXHIBIT "B"**

**(Attach Minutes of July 12 Hearing on Ordinance)**



**EXHIBIT "C"**

**(Attach Copy of Notice of June 21 Meeting)**

**EXHIBIT "D"**

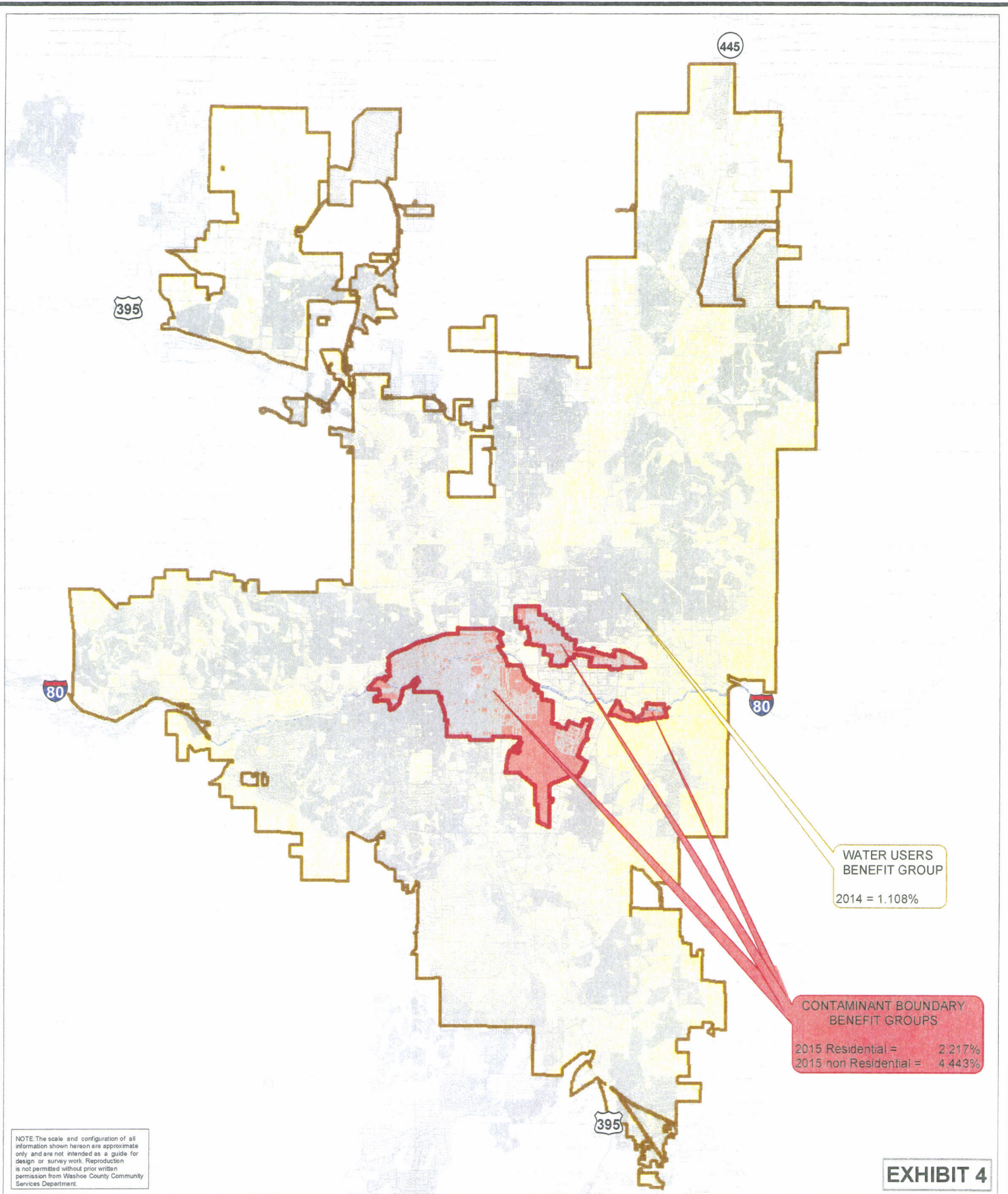
**(Attach Copy of Notice of July 12 Meeting)**

**EXHIBIT "E"**

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

**EXHIBIT "F"**

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



**EXHIBIT 4**

- Contaminant Boundary
- 2016 Fee Year Boundary

**CENTRAL TRUCKEE MEADOWS  
REMEDIATION DISTRICT  
FEE AREA MAP  
2016**

June 2016



# 2016 CTMRD FEE SCHEDULE

Billing Year	Water Users Benefit Group			Contaminant Boundary Benefit Groups			Total Revenue
	Rate Factor	Avg. Fee <sup>1</sup>	Total	Rate Factor	Avg. Fee <sup>2</sup>	Total	
2016		\$7.56	\$860,891		\$100.55	\$249,865	\$1,154,944
2015		\$8.61	\$937,062		\$106.38	\$263,825	\$1,249,995
2014		\$8.70	\$939,562		\$105.13	\$260,691	\$1,249,957
2013		\$8.73	\$918,570		\$105.13	\$280,163	\$1,249,929
2012		\$8.92	\$903,287		\$119.74	\$294,207	\$1,249,927
2011		\$8.86	\$902,593		\$112.82	\$293,442	\$1,249,954
2010		\$15.46	\$1,511,487		\$220.97	\$825,746	\$2,499,937
2009	1:1	\$15.41	\$1,511,315	4:1	\$227.33	\$838,821	\$2,499,978
2008		\$15.32	\$1,482,930		\$227.85	\$856,734	\$2,500,000
2007		\$15.81	\$1,749,194		\$241.53	\$665,820	\$2,499,963
2006		\$16.23	\$1,716,526		\$231.73	\$701,803	\$2,499,900
2005		\$18.73	\$1,720,199		\$232.72	\$691,939	\$2,499,894
2004		\$16.27	\$1,641,479		\$237.32	\$720,681	\$2,448,796
2003		\$15.02	\$1,553,755		\$256.12	\$758,954	\$2,394,934
2002		\$15.72	\$1,564,852		\$230.00	\$724,822	\$2,399,443

**Benefit Group A – Water Users Benefit Group** - The primary benefit for this group is continuing to receive safe drinking water. These **120,994** water users pay a fee based on annual water use, as has been the case since 1998.

All Water Users would be charged a fee based on a rate multiplier of **1:1** which equates to an estimated average annual fee of **\$7.56**.

**Benefit Group B – Contaminant Boundary Benefit Group (Residential)** - This benefit group includes owners of residential parcels that overlie the area impacted by PCE contaminated groundwater. The additional benefits received by this group are: (1) the protection of property values by avoiding a CERCLA (i.e. Superfund) listing which studies have shown a negative average impact of 20% to property values; and (2) ongoing remedial actions to reduce and eliminate PCE contaminated groundwater underlying their property. These residential parcels would pay the **1.108% fee** associated with the Water Users Benefit Group A with an additional fee for these benefits.

An additional **1.109% fee** for this benefit group is applied for these additional benefits. The total fee for residential parcels inside the Contaminant Boundary would be **2.217%** of the their total annual water use. These parcels would be charged a fee based on a multiplier of **2:1** which equates to an estimated average annual fee of **\$9.48**.

**Benefit Group C – Contaminant Boundary Benefit Group (Non-Residential)** - This benefit group includes owners of non-residential parcels that overlie the area impacted by PCE contaminated groundwater. The two benefits for this group are: (1) benefits as described in Groups A and B; and (2) the limitation of liability which which NRS 540A affords. Nevada Administrative Code (NAC), Chapter 445A, defines actions that must be undertaken by a parcel owner if a hazardous substance (e.g., PCE) is present in soils or groundwater on their property. The responsibility for performing these actions lies with the property owner even if the actions of the property owner did not cause the contamination condition. The costs associated with characterizing the nature and extent of the contamination and performing corrective actions to concentration levels established by NDEP can be significant. In addition, property owner liability is strict and several as defined by federal regulations, even if the property owner did not cause the contamination. The creation of the CTMRD protects innocent property owners (i.e., property owners that did not cause or contribute to the contamination condition) from liability for the costs associated with characterization and remediation of the PCE contamination that they would otherwise be responsible for.

This benefit group pays an additional fee of **3.325%**. The total fee for owners of non-residential parcels is **4.433%** of the the total annual water use. Non-Residential parcels in the Contaminant Boundary are charged a fee based on a fee rate multiplier of **4:1**. The estimated average water user in this benefit group would be paying an estimated annual fee of **\$100.55**.

<sup>1</sup> For years prior to 2006, average annual fees for Benefit Groups A and B were based on flat-rate water service information. Accompanying a significant decrease in flat-rate water services provided by TMWA, the 2006 through 2010 average annual remediation fee represented is based on both flat rate and metered water service information.

<sup>2</sup> The average Non-Residential annual fee equals the sum of all fees divided by the number of parcels (Non-Residential parcels do not have flat rate water service).