
ASSEMBLY BILL NO. 332—ASSEMBLYWOMAN GIUNCHIGLIANI

MARCH 21, 2005

Referred to Committee on Government Affairs

SUMMARY—Provides for creation of Washoe County Water District. (BDR S-483)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to special districts; providing in skeleton form for the creation of the Washoe County Water District; setting forth the powers of the District and the form and method of governance of the District; providing for the storage, conservation, distribution and sale of water within the District; authorizing the District to purchase, acquire and construct the facilities necessary to provide water to customers within the District; providing for the provision of sewage service within the District; authorizing the District to purchase, acquire and construct the facilities necessary to provide sewer services to customers within the District; authorizing the issuance of general obligation and revenue bonds; providing the power to tax; and providing other matters properly relating thereto.

- 1 WHEREAS, Adequate and efficient water service is vital to the
2 economic development and well-being of the residents of Washoe
3 County; and
4 WHEREAS, Washoe County is a rapidly growing county facing
5 water resource limitations; and
6 WHEREAS, Water resources in Washoe County are currently
7 represented by the Washoe County Department of Water Resources,
8 Truckee Meadows Water Authority, Sun Valley General
9 Improvement District, South Truckee Meadows General
10 Improvement District, Incline Village General Improvement
11 District, Gerlach General Improvement District, Truckee Meadows



1 Sewer Treatment Plant and Central Truckee Meadows Remediation
2 District; and

3 WHEREAS, Effluent reuse is becoming a significant component
4 of water resource planning; and

5 WHEREAS, Differing objectives in service, planning and
6 resource allocation have led to conflicts; and

7 WHEREAS, Water quality and water quantity are directly related
8 and must be managed as such; and

9 WHEREAS, Possible importation projects should be managed by
10 a single entity; and

11 WHEREAS, Water resources must be properly managed to meet
12 the requirements of the Truckee River Operating Agreement; and

13 WHEREAS, Washoe County could best be served water through a
14 single governmental entity; now, therefore,

15
16 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
17 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
18

19 **Section 1.** As used in sections 1 to 10, inclusive, of this act,
20 unless the context otherwise requires, the words and terms defined
21 in sections 2, 3 and 4 of this act have the meanings ascribed to them
22 in those sections.

23 **Sec. 2.** "Board" means the Governing Board of the District.

24 **Sec. 3.** "District" means the Washoe County Water District
25 created by section 5 of this act.

26 **Sec. 4.** "Service area" means the service area of the District
27 described in section 5 of this act.

28 **Sec. 5.** There is hereby created a political subdivision of this
29 State to be known as the Washoe County Water District. The
30 jurisdiction and service area of the District are all that real property
31 within the boundaries of Washoe County, Nevada, as described in
32 NRS 243.340.

33 **Sec. 6.** The District has the following powers:

34 1. To have perpetual succession.

35 2. To sue and be sued in the name of the District in all courts or
36 tribunals of competent jurisdiction.

37 3. To adopt a seal and alter it at the pleasure of the District.

38 4. To enter into contracts, and employ and fix the
39 compensation of staff and professional advisers.

40 5. To incur indebtedness pursuant to chapter 271 of NRS, issue
41 bonds pursuant to chapter 350 of NRS and provide for medium-term
42 obligations pursuant to chapter 350 of NRS:

43 (a) To pay, in whole or in part, the costs of acquiring,
44 constructing and operating any lands, easements, water rights,
45 water, waterworks or projects, conduits, pipelines, wells, reservoirs,



1 structures, machinery and other property or equipment useful or
2 necessary to store, convey, supply or otherwise deal with water;

3 (b) To pay, in whole or in part, the costs of acquiring,
4 constructing and operating any lands, easements, sewer systems,
5 sewage treatment works, waste mains, sewers, tunnels, drains, every
6 form of sewer and sewage treatment or wastewater disposal facility,
7 structures, machinery and other property or equipment useful or
8 necessary to provide sewer service; and

9 (c) Otherwise to carry out the powers set forth in this section.

10 ➤ For the purposes of NRS 350.572, sections 1 to 10, inclusive, of
11 this act do not expressly or impliedly require an election before the
12 issuance of a security or indebtedness pursuant to NRS 350.500 to
13 350.720, inclusive, if the obligation is payable solely from pledged
14 revenues, but an election must be held before incurring a general
15 obligation.

16 6. To acquire, by purchase, grant, gift, devise, lease,
17 construction, contract or otherwise, lands, rights-of-way, easements,
18 privileges, water and water rights, and property of every kind,
19 whether real or personal, to construct, maintain and operate, within
20 or without the District, any and all works and improvements
21 necessary or proper to carry out any of the objects or purposes of
22 sections 1 to 10, inclusive, of this act, and to complete, extend, add
23 to, repair or otherwise improve any works, improvements or
24 property acquired by it as authorized by sections 1 to 10, inclusive,
25 of this act.

26 7. To sell, lease, encumber, hypothecate or otherwise dispose
27 of property, whether real or personal, including, without limitation,
28 water and water rights, as is necessary or convenient to the full
29 exercise of the powers of the District.

30 8. To adopt ordinances, rules, regulations and bylaws
31 necessary for exercising the powers and conducting the affairs of the
32 Board and District.

33 9. Except as otherwise provided in this subsection, to exercise
34 the power of eminent domain in the manner prescribed by law,
35 within or without the service area, to take any property, including,
36 without limitation, the property specified in this section, necessary
37 or convenient for the exercise of the powers of the District or for the
38 provision of adequate water service or sewage service to the service
39 area. The District shall not exercise the power of eminent domain to
40 acquire the water rights or waterworks facilities of any nonprofit
41 purveyor delivering water for domestic use whose service area is
42 adjacent to the District without first obtaining the consent of the
43 purveyor.

44 10. To enter upon any land to make surveys and locate any
45 necessary improvements, including, without limitation, lines for



1 channels, conduits, canals, pipelines, roadways and other rights-of-
2 way, to acquire property necessary or convenient for the
3 construction, use, supply, maintenance, repair and improvement of
4 such improvements, including, without limitation, works
5 constructed and being constructed by private owners, lands for
6 reservoirs for the storage of necessary water, and all necessary
7 appurtenances, and, where necessary and for the purposes and uses
8 set forth in this section, to acquire and hold the stock of
9 corporations, domestic or foreign, owning water or water rights,
10 canals, waterworks, franchises, concessions or other rights.

11 11. To enter into and do any acts necessary or proper for the
12 performance of any agreement with the United States, or any state,
13 county or district of any kind, public or private corporation,
14 association, firm or natural person, or any number of them, for the
15 joint acquisition, construction, leasing, ownership, disposition, use,
16 management, maintenance, repair or operation of any rights, works
17 or other property of a kind which may be lawfully acquired or
18 owned by the District.

19 12. To acquire the right to store water in any reservoirs, or to
20 carry water through any canal, ditch or conduit not owned or
21 controlled by the District, and to grant to any owner or lessee the
22 right to the use of any water or right to store such water in any
23 reservoir of the District, or to carry such water through any tunnel,
24 canal, ditch or conduit of the District.

25 13. To enter into and do any acts necessary or proper for the
26 performance of any agreement with any district of any kind, public
27 or private corporation, association, firm or natural person, or any
28 number of them, for the transfer or delivery to any district,
29 corporation, association, firm or natural person of any water right or
30 water pumped, stored, appropriated or otherwise acquired or secured
31 for the use of the District, or for the purpose of exchanging the
32 water or water right for any other water, water right or water supply
33 to be delivered to the District by the other party to the agreement.

34 14. To cooperate and act in conjunction with the State of
35 Nevada or any of its engineers, officers, boards, commissions,
36 departments or agencies, with the Government of the United States
37 or any of its engineers, officers, boards, commissions, departments
38 or agencies, or with any public or private corporation, to construct
39 any work for the development, importation or distribution of water
40 of the District, for the protection of life or property therein, or for
41 the conservation of its water for beneficial use within the District, or
42 to carry out any other works, acts or purposes provided for in
43 sections 1 to 10, inclusive, of this act, and to adopt and carry out any
44 definite plan or system of work for any of the purposes described in
45 sections 1 to 10, inclusive, of this act.



1 15. To store water in surface or underground reservoirs within
2 or without the District for the common benefit of the District, to
3 conserve and reclaim water for present and future use within the
4 District, to appropriate and acquire water and water rights and
5 import water into the District for any useful purpose to the District,
6 and to commence, maintain, intervene in and compromise in the
7 name of the District, or otherwise, and assume the costs and
8 expenses of any action or proceeding involving or affecting:

9 (a) The ownership or use of water or water rights within or
10 without the District used or useful for any purpose of the District or
11 of common benefit to any land situated therein;

12 (b) The wasteful use of water within the District;

13 (c) The interference with or diminution of water or water rights
14 within the District;

15 (d) The contamination or pollution of the surface or subsurface
16 water used in the District or any other act that otherwise renders
17 such water unfit for beneficial use; and

18 (e) The interference with this water that may endanger or
19 damage the residents, lands or use of water in the District.

20 16. To sell and distribute water under the control of the
21 District, without preference, to any natural person, firm, corporation,
22 association, district, agency or inhabitant, public or private, for use
23 within the service area, to fix, establish and adjust rates, classes of
24 rates, terms and conditions for the sale and use of such water, and to
25 sell water for use outside the service area upon a finding by the
26 Board that there is a surplus of water above that amount required to
27 serve customers within the service area.

28 17. To cause taxes to be levied and collected for the purposes
29 prescribed in sections 1 to 10, inclusive, of this act, including,
30 without limitation, the payment of any obligation of the District
31 during its organizational state and thereafter, and necessary
32 engineering costs, and to assist in the operational expenses of the
33 District, until such taxes are no longer required.

34 18. To supplement the surface and ground-water resources of
35 Washoe County by the importation and use of water from other
36 sources for industrial, irrigation, municipal and domestic uses.

37 19. To restrict the use of water of the District during any
38 emergency caused by drought or other threatened or existing water
39 shortage, and to prohibit the waste of water of the District at any
40 time through the adoption of ordinances, rules or regulations and the
41 imposition of fines for violations of those ordinances, rules and
42 regulations.

43 20. To supply water under contract or agreement, or in any
44 other manner, to the United States or any department or agency
45 thereof, the State of Nevada, Washoe County, Nevada, and any city,



1 town, corporation, association, partnership or natural person situated
2 in Washoe County, Nevada, for an appropriate charge, consideration
3 or exchange made therefor, when such supply is available or can be
4 developed as an incident of or in connection with the primary
5 functions and operations of the District.

6 21. To create assessment districts to extend mains, improve
7 distribution systems and acquire presently operating private water
8 companies and mutual water distribution systems.

9 22. To lay sewer and pipe along, under or upon public
10 highways, roads, streets and alleys, and to build and erect sewage
11 treatment plants and wastewater disposal facilities, either within or
12 outside the boundaries of the District, and to compel all property
13 owners within the area served by the sewage system to connect their
14 private drains and sewer systems with the system or sewers of the
15 District.

16 23. To make and enforce all necessary and proper regulations
17 for the removal of sewage, and to make all other sanitary regulations
18 in connection therewith not in conflict with the Constitution or laws
19 of this State, or the ordinances of Washoe County or any
20 incorporated city embraced within the District.

21 24. To accept from the Government of the United States or any
22 of its agencies financial assistance or participation in the form of
23 grants-in-aid or any other form in connection with any of the
24 functions of the District.

25 25. To assume the obligations of the:

26 (a) Washoe County Department of Water Resources;

27 (b) Truckee Meadows Water Authority;

28 (c) Sun Valley General Improvement District;

29 (d) South Truckee Meadows General Improvement District;

30 (e) Incline Village General Improvement District;

31 (f) Gerlach General Improvement District;

32 (g) Truckee Meadows Sewer Treatment Plant;

33 (h) Central Truckee Meadows Remediation District; and

34 (i) Any other general improvement district or public entity that
35 provides water service or sewage service in the service area,
36 ➡ to provide water service and sewage service to users in the
37 service area.

38 26. To do all acts and things reasonably implied from and
39 necessary for the full exercise of all powers of the District granted
40 by sections 1 to 10, inclusive, of this act.

41 **Sec. 7.** 1. All powers, duties and privileges of the District
42 must be exercised and performed by the Board.

43 2. The Board must be composed of the members of the
44 Regional Water Planning Commission of Washoe County as
45 described in NRS 540A.080 and 540A.090.



Sec. 8. 1. The Board shall:

(a) Choose one of its members to be Chairman and prescribe the term of that office and the powers and duties thereof.

(b) Fix the time and place at which its regular meetings will be held and provide for the calling and conduct of special meetings.

(c) Fix the location of the principal place of business of the District.

(d) Elect a Secretary-Treasurer of the Board and the District, who may or may not be a member of the Board.

(e) Appoint a General Manager, who must not be a member of the Board.

(f) Delegate and redelegate to officers of the District the power to employ necessary executives, clerical workers, engineering assistants and laborers, and retain legal, accounting or engineering services, subject to such conditions and restrictions as may be imposed by the Board.

(g) Prescribe the powers, duties, compensation and benefits of all officers and employees of the District and require all bonds necessary to protect the money and property of the District.

(h) Take all actions and do all things reasonably and lawfully necessary to conduct the business of the District and achieve the purposes of sections 1 to 10, inclusive, of this act.

2. A simple majority of the members of the Board constitutes a quorum. An affirmative vote of two-thirds of the members present is required to take action with respect to any matter.

3. Members of the Board are entitled to receive a salary of not more than \$80 per day and reasonable per diem and travel expenses, as set by the Board, for their attendance at meetings of the Board and for conducting other business of the District.

Sec. 9. 1. The Board may levy and collect general ad valorem taxes on all taxable property within the District, but only for the payment of principal and interest on its general obligations. Such a levy and collection must be made in conjunction with Washoe County in the manner prescribed in this section.

2. The Board shall determine the amount of money necessary to be raised by taxation for a particular year in addition to other sources of revenue of the District. The Board then shall fix a rate of levy which, when applied to the assessed valuation of all taxable property within the District, will produce an amount, when combined with other revenues of the District, sufficient to pay, when due, all principal of and interest on general obligations of the District and any defaults or deficiencies relating thereto.

3. In accordance with and in the same manner required by the law applicable to incorporated cities, the Board shall certify the rate of levy fixed pursuant to subsection 2 for levy upon all taxable



1 property in the District in accordance with such rate at the time and
2 in the manner required by law for levying of taxes for county
3 purposes.

4 4. The proper officer or authority of Washoe County, upon
5 behalf of the District, shall levy and collect the tax for the District
6 specified in subsection 3. Such a tax must be collected in the same
7 manner, including, without limitation, interest and penalties, as
8 other taxes collected by Washoe County. When collected, the tax
9 must be paid to the District in monthly installments for deposit in
10 the appropriate depository of the District.

11 5. If the taxes levied are not paid, the property subject to the
12 tax lien must be sold and the proceeds of the sale paid to the District
13 in accordance with the law applicable to tax sales and redemptions.

14 **Sec. 10.** The District is exempt from regulation by the Public
15 Utilities Commission of Nevada.

16 **Sec. 11.** NRS 218.5368 is hereby amended to read as follows:
17 218.5368 The Committee shall:

18 1. Actively support the efforts of state and local governments
19 in the western states regarding public lands and state sovereignty as
20 impaired by federal ownership of land.

21 2. Advance knowledge and understanding in local, regional
22 and national forums of Nevada's unique situation with respect to
23 public lands.

24 3. Support legislation that will enhance state and local roles in
25 the management of public lands and will increase the disposal of
26 public lands.

27 4. Review the programs and activities of:

28 (a) The Colorado River Commission of Nevada;

29 (b) All public water authorities, districts and systems in the State
30 of Nevada, including, without limitation, the Southern Nevada
31 Water Authority, ~~{the Truckee Meadows Water Authority,}~~ the
32 Virgin Valley Water District, the Carson Water Subconservancy
33 District, the Humboldt River Basin Water Authority and the
34 Truckee-Carson Irrigation District; and

35 (c) All other public or private entities with which any county in
36 the State has an agreement regarding the planning, development or
37 distribution of water resources, or any combination thereof.

38 5. On or before January 15 of each odd-numbered year, submit
39 to the Director of the Legislative Counsel Bureau for transmittal to
40 the Legislature a report concerning the review conducted pursuant to
41 subsection 4.



Sec. 12. NRS 540A.080 is hereby amended to read as follows:

540A.080 1. A water planning commission is hereby created in each county. Each commission must consist of ~~nine~~ **seven** voting members who are residents of Nevada appointed as follows:

(a) One member appointed by the governing body of the largest city in the county;

(b) One member appointed by the governing body of the next largest city in the county;

(c) One member appointed by the board;

(d) One member appointed by the board to represent owners of domestic wells;

~~(e) [One member appointed by the governing body of a general improvement district having the greatest number of customers for water and sewerage in the region;~~

~~—(f) One member appointed by the supplier of water having the greatest number of customers for water in the region which is a public utility;~~

~~(g)~~ One member appointed by the governing body of the Indian reservation which is largest in area in the county, if the county contains an Indian reservation or, if there is not an Indian reservation located within the county or the governing body of the reservation does not appoint a member, one member appointed by the other members of the commission to represent the public at large;

~~(h)~~ **(f)** One member of the public at large appointed by the governing bodies of the two largest cities in the county by mutual agreement to represent environmental, biological, conservation or public concerns; and

~~(i)~~ **(g)** One member appointed by the governing body of the irrigation district which has the largest number of members in the region.

➤ The first members appointed in each county pursuant to paragraphs (a), (b) and (c) shall serve initial terms of 4 years. The first members appointed pursuant to paragraphs (d) ~~[(f) and (h)]~~ **and (f)** shall serve initial terms of 3 years. The first members appointed pursuant to paragraphs (e) ~~[(g) and (i)]~~ **and (g)** shall serve initial terms of 2 years.

2. After the initial terms, the term of office of each member is 3 years. A member may be reappointed. A vacancy must be filled for the unexpired term by the appointing authority.

3. Each appointing authority shall designate an alternate, to serve when the appointed member is temporarily not available, for the same term.

Sec. 13. If any provision of sections 1 to 10, inclusive, of this act or the application thereof to any person, thing or circumstance is



1 held invalid, such invalidity does not affect the provisions or
2 application of sections 1 to 10, inclusive, of this act that can be
3 given effect without the invalid provision or application, and to this
4 end the provisions of sections 1 to 10, inclusive, of this act are
5 declared to be severable.

6 **Sec. 14.** This act becomes effective on July 1, 2006.



