

- Reno City Council Meeting - Item # E.4 Stormwater Utility Ordinance

[illegible]



Public Comment <publiccomment@reno.gov>

12.13.23 City Council - Agenda Items E1-E4 Public Comment Submission2 messages

Jodi L Fraser <jodif@unr.edu>

Tue, Dec 12, 2023 at 3:52 PM

To: "publiccomment@reno.gov" <publiccomment@reno.gov>

Cc: "thornleyd@reno.gov" <thornleyd@reno.gov>, Andrew Clinger <aclinger@unr.edu>

Good afternoon.

Attached, please find an opposition letter from Vice President Andrew Clinger regarding the 12.13.23 City Council Meeting Agenda Items E1-E4 and the previously submitted letter, January 31, 2023, referenced. This is for written comment only.

The University is Ward 5.

Address is: 1664 N. Virginia St., Reno, 89557

Phone number is: (775) 784-4031

By checking the "Yes" below, you understand, acknowledge, and expressly agree that: (1) all information submitted by you will be entered into the public record, made available for public inspection, and freely disseminated without restriction; and, (2) any contact, personal, financial, or medical information intentionally or inadvertently submitted by you will not be maintained in a confidential manner, or subsequently exempted from public inspection.*

Yes

By checking the "Yes" below, you agree that all the information above is true and accurate. For additional information, please refer to the agenda for today's meeting.*

Yes

Thank you,

Jodi

Jodi Fraser MPA

Manager,
Administration
1664 N. Virginia St.
MS0003

Reno, NV 89557

Work-phone: (775) 784-4031

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<https://www.unr.edu/vpaf>



University of Nevada, Reno



2 attachments



Storm Water City of Reno 12.12.23.pdf
88K



Storm Water City of Reno attachment 01.31.23.pdf
56K

Public Comment <publiccomment@reno.gov>
To: Jodi L Fraser <jodif@unr.edu>

Tue, Dec 12, 2023 at 4:00 PM

Hi Jodi,

Thank you for your comments. They will be sent to the Reno City Council for review and will be part of the official record.

Take care!

City Clerk's Office
City Clerk (775) 334-2030
1 East First Street, 2nd Floor Reno, NV 89501
cityclerk@reno.gov
Take care,

[Quoted text hidden]



University of Nevada, Reno

January 31, 2023

**UNR's Public Comment regarding Proposed
Stormwater Utility Ordinance (Chapter 12.17)**

Dear City of Reno:

The University of Nevada, Reno writes concerning the City's proposed ordinance in Municipal Code Chapter 12.17, which seems to operate as a tax upon certain property owners in Reno in connection with stormwater drainage.

Through its creation by the Legislature as a public land-grant university, UNR's mission of education requires substantial property holdings in Reno. UNR is therefore concerned about the legality of the proposed ordinance and requests that the City consider an exemption to Section 12.17.120(b) for state entities.

As the City knows, NRS 361.005 exempts all land and property owned by the State from taxation. While the proposed ordinance is styled as a fee, its stated purpose seems to be to generate revenue for a general stormwater fund rather than compensating the City for a specific service. See *DeKalb County, Georgia v. United States*, 108 Fed. Cl. 681, 710 (Fed. Cl. 2013) (holding that a county ordinance imposing a stormwater charge was a tax and not a fee). In this regard, the City might not yet be aware of the very recent decision in *Borough of West Chester v. Pennsylvania State System of Higher Education*, which held that the Pennsylvania State System of Higher Education's property was immune from a similar local stormwater assessment because that assessment constituted the taxation of state property. 2023 WL 27942 (Pa. Commw. Ct.).

While UNR is often eager to come to the table and discuss and often assist the City in addressing its needs, we ask that the City work with UNR in crafting an equitable and legal approach to the stormwater issue.

Sincerely,

Troy Miller
Assistant Vice President
Office of Community and Real Estate Management
University of Nevada, Reno



University of Nevada, Reno

December 12, 2023

**UNIVERSITY's Public Comment regarding Proposed
Stormwater Utility Ordinance (Chapter 12.17)**

Dear City of Reno:

The University of Nevada, Reno "UNIVERSITY" writes concerning the City's proposed ordinance in Municipal Code Chapter 12.17, which proposes assessing a Stormwater Utility Fee upon certain property owners in Reno in connection with stormwater drainage. In our previous letter dated January 31, 2023, the UNIVERSITY questioned if this was a tax from which the UNIVERSITY would be exempt. We did not see that that question was ever addressed. Please find that letter attached, along with some of that letter also referenced within.

Through its creation by the Legislature as a public land-grant university, The UNIVERSITY's mission of education requires substantial property holdings in Reno. The UNIVERSITY is therefore concerned about the legality of the proposed ordinance and requests that the City consider an exemption to Section 12.17.120(b) for state entities.

As the City knows, NRS 361.005 exempts all land and property the State owns from taxation. While the proposed ordinance is styled as a fee, its stated purpose seems to be to generate revenue for a general stormwater fund rather than compensating the City for a specific service. *See DeKalb County, Georgia v. United States*, 108 Fed. Cl. 681, 710 (Fed. Cl. 2013) (holding that a county ordinance imposing a stormwater charge was a tax and not a fee). In this regard, the City might not yet be aware of the very recent decision in *Borough of West Chester v. Pennsylvania State System of Higher Education*, which held that the Pennsylvania State System of Higher Education's property was immune from a similar local stormwater assessment because that assessment constituted the taxation of state property. 2023 WL 27942 (Pa. Commw. Ct.).

We understand this is a concerning issue for the community and offer this compromise. We have learned that the City of Reno has worked with Washoe County School District "WCSD" to provide a 60% discount on the current stormwater fee proposed by the City of Reno. If the proposed ordinance is approved, we propose a similar arrangement for the UNIVERSITY, recognizing our shared role as educational institutions within the community. We also have concerns with an automatic CPI annual increase each year and wonder if there would be an opportunity to discuss alternatives.

Office of the Vice President of Administration & Finance
1664 N. Virginia St.
University of Nevada, Reno/0003
Reno, NV 89557-0003
(775) 784-4031 office
(775) 784-1774 fax

Please let us know as soon as possible. I understand this will be discussed at the City of Reno Council Meeting on December 13, 2023. The UNIVERSITY plans to attend the City Council meeting on December 13, 2023. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Clinger', with a stylized, flowing script.

Andrew Clinger
Vice President
Administration and Finance
University of Nevada, Reno