

**BOARD OF FIRE COMMISSIONERS, SIERRA FIRE
PROTECTION DISTRICT**

MONDAY

4:00 P.M.

NOVEMBER 10, 2008

PRESENT:

Bob Larkin, Chairman
Bonnie Weber, Vice Chairperson
Jim Galloway, Commissioner
David Humke, Commissioner
Kitty Jung, Commissioner

Amy Harvey, County Clerk
Katy Simon, County Manager
Melanie Foster, Legal Counsel
Michael Greene, Fire Chief

The Board convened at 4:19 p.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

08-90SF AGENDA ITEM 2A

Agenda Subject: “Approval of Agenda for November 10 Board of Commissioners Meeting.”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 2A be approved.

08-91SF AGENDA ITEM 2B

Agenda Subject: “Chief Report: including update in fuels management.”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 2B be approved.

08-92SF AGENDA ITEM 2C

Agenda Subject: “Approval of Agreement for use of real property for Fire Training Activities.”

There was no response to the call for public comment.

On motion by Commissioner Humke, seconded by Commissioner Weber, which motion duly carried, Chairman Larkin ordered that Agenda Item 2C be approved.

08-93SF AGENDA ITEM 3

Agenda Subject: “Discussion and possible passage of a Resolution designated by the short title “2008 Sierra Fire Protection District Canvass Resolution”; declaring the results of an election held within Sierra Fire Protection District, Nevada, on the Bond and Special Elective Tax Question submitted to the qualified electors of the District at the election held on Tuesday, November 4, 2008, authorizing the issuance by the District of its General Obligation Bonds (\$5,200,00); authorizing the Chief Financial Officer or his designee to arrange for the sale of The Bonds; providing other matters relating thereto; and providing the effective date hereof.”

John Sherman, Finance Director, explained that due to the peculiarities of election laws relating to special districts, the Board had to approve a resolution for the County Commission and a resolution for the Fire District canvassing the vote. He indicated the vote from the General Election held on November 4, 2008 for this item was 4,230 “yes” votes and 4,650 “no” votes. Commissioner Galloway asked if the Board was only acting on the canvass resolution. Mr. Sherman clarified there were two documents. He explained the County Commission agenda of November 10, 2008 had the vote totals and the canvass, but due to the nature of the law, the Fire Commissioners had to complete the same action. Mr. Sherman stated by passing the resolution the very nature of the canvass negated the portion of the Sierra Fire Protection District Bond and Special Elective Tax question and recognized the vote as negative.

In response to the call for public comment, Steven Perez said he was disappointed that the ballot question failed. He felt it was defeated by people in areas of the Fire Protection District who had been subsidized by residents in the Mt. Rose corridor. He stated the Mt. Rose corridor subsidized Washoe Valley, Verdi and Cold Springs in millions of dollars. Mr. Perez felt it was unacceptable that because the measure did not pass this became a mute issue and the ArrowCreek station would not be built. He stated this was just a mere bump in the road and the citizens would figure a way to make the station happen. He said it became a County responsibility and added the citizens were looking for reciprocity. Mr. Perez said this would be the start of a strong campaign by the area citizens to ensure that the County and the District stepped up to provide the needed protection.

Commissioner Galloway hoped that alternatives could be found to better serve the residents of ArrowCreek.

Commissioner Humke requested deleting the following words from the proposed motion: “authorizing the Chief Financial Officer or his designee to arrange for the sale of the Bonds.”

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried, it was ordered that Agenda Item 3 be adopted, authorized, and executed, and to delete the following words: “authorizing the Chief Financial Officer or his designee to arrange for the sale of the Bonds.” The Resolution for same is attached hereto and made a part of the minutes thereof.

08-94SF AGENDA ITEM 4

Agenda Subject: “Introduction and presentation of badges for the three new firefighter/paramedics for Verdi and the two new firefighters who replaced retirees.”

Michael Greene, Fire Chief, introduced the following firefighter/paramedic recruits: Vincent Murgolo, Gregory Jackson, Christopher Black, Eric Olsen, and Randall Gates. He said they would be receiving their badges on December 12, 2008. Chief Greene invited the Commissioners to attend the badge pinning ceremony.

08-95SF AGENDA ITEM 5

Agenda Subject: “Overview of Sierra Fire Protection District geographical protection areas in Cold Springs, Peavine, Washoe Valley, and Mount Rose areas in terms of population and resources.”

Michael Greene, Fire Chief, provided a PowerPoint presentation, which was placed on file with the Clerk, highlighting the square miles, residents, parcels and annual calls for the Peavine, Cold Springs, Washoe Valley, Verdi and Galena areas.

Commissioner Galloway stated he requested this information to see if the District could work with the City of Reno and the Truckee Meadows Fire Protection District (TMFPD) to explore ways to exchange territory; however, that could only be explored in connection with the renewal of the Service Agreement between Reno and TMFPD.

Commissioner Jung agreed with Commissioner Galloway and suggested placing the information on the County website. Commissioner Galloway requested this be placed on a future agenda for discussion and possible direction to staff.

There was no action taken on this item.

There was no public comment on this item.

08-96SF AGENDA ITEM 6

Agenda Subject: “Commissioners’/Managers Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda. (No discussion among Commissioners will take place on this item.)”

There were no announcements.

08-97SF AGENDA ITEM 7

Agenda Subject: “Public Comment and discussion thereon. The Sierra Fire Protection District Board of Directors welcomes courteous and respectful public comment and input. Due to the amount of business the District Board conducts, public comment is limited to two minutes per person.”

Robert Parker read a statement into the record, which was placed on file with the Clerk, concerning the ballot question for the District and the results of that election.

08-98SF AGENDA ITEM 9

Agenda Subject: “Possible closed session for the purpose of discussing negotiations with employee organization per NRS 288.220.”

There was no closed session scheduled for this meeting.

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AGENDA ITEM 10 - ADJOURNMENT

4:44 p.m. There being no further business to come before the Board, on motion by Commissioner Jung, seconded by Commissioner Galloway, which motion duly carried, Chairman Larkin ordered that the meeting be adjourned.

ROBERT M. LARKIN, Chairman
Sierra Fire Protection District

ATTEST:

AMY HARVEY, Washoe County Clerk
and Ex Officio Clerk, Sierra
Fire Protection District

*Minutes Prepared by:
Stacy Gonzales, Deputy Clerk*

Summary- A Resolution canvassing the results of an election on the general obligation bond and special elective tax question submitted to the qualified electors of Sierra Fire Protection District, Washoe County, Nevada.

RESOLUTION NO. ____

A RESOLUTION DESIGNATED BY THE SHORT TITLE "2008 SIERRA FIRE PROTECTION DISTRICT CANVASS RESOLUTION"; DECLARING THE RESULTS OF AN ELECTION HELD WITHIN SIERRA FIRE PROTECTION DISTRICT, NEVADA, ON THE BOND AND SPECIAL ELECTIVE TAX QUESTION SUBMITTED TO THE QUALIFIED ELECTORS OF THE DISTRICT AT THE ELECTION HELD ON TUESDAY, NOVEMBER 4, 2008, AUTHORIZING THE ISSUANCE BY THE DISTRICT OF ITS GENERAL OBLIGATION BONDS; AUTHORIZING THE CHIEF FINANCIAL OFFICER OR HIS DESIGNEE TO ARRANGE FOR THE SALE OF THE BONDS; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Sierra Fire Protection District in Washoe County in the State of Nevada (the "District," the "County," and the "State," respectively), is a political subdivision of the State duly organized, existing and operating as a fire district under the provisions of Nevada Revised Statutes ("NRS") 474.460 to 474.540, inclusive, and the general laws of the State; and

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WHEREAS, the Board of Fire Commissioners of the District (the "Board") has determined that it is necessary and advisable that the District incur a bonded indebtedness (the "Bonds") pursuant to NRS 474.511 and 474.512 (the "Project Act"), to NRS 350.011 through 350.0165 (the "Debt Management Commission Act"), to NRS 350.020 through 350.070 (the "Bond Election Act"), and to NRS 350.500 through 350.720 (designated in NRS 350.500 as the "Local Government Securities Law") (the "Bond Act"), in the maximum aggregate principal amount of \$5,200,000 for the purpose of defraying the cost of acquiring, constructing, improving and equipping fire stations and acquiring fire engines and fire fighting equipment as set forth in NRS 474.511 (the "Project"); and

WHEREAS, the Board has determined that it is necessary and advisable that the District levy a special elective tax pursuant to NRS 354.5982 (the "Special Elective Tax"), for the purpose of the Project and staffing, operating, maintaining and equipping fire stations; and

WHEREAS, pursuant to NRS chapter 387, the Board is authorized and empowered to undertake the Project and to issue the District's general obligation bonds to defray the cost of the Project wholly or in part, in the manner and on the conditions provided therein; and

WHEREAS, pursuant to the Project Act, to the Debt Management Commission Act, to the Bond Election Act, to the Bond Act, and to NRS chapter 293 and all laws supplemental thereto (the "General Election Act"), the Board, pursuant to a resolution adopted and approved on July 15, 2008, submitted to the electors of the District at the general election on Tuesday, November 4, 2008 (the "Election"), the following question:

SIERRA FIRE PROTECTION DISTRICT BOND AND SPECIAL ELECTIVE TAX QUESTION:

Shall the Sierra Fire Protection District be authorized to issue up to \$5,200,000 of general obligation bonds for the purpose of defraying the cost of acquiring, constructing, improving and equipping fire stations and acquiring fire engines and fire fighting equipment and to levy an additional property tax rate for the purpose of staffing, operating, maintaining and equipping the fire stations and acquiring and improving fire engines and fire fighting equipment of up to 4.5 cents per \$100 of assessed valuation for a period of 30 years? The bonds are expected to require a property tax levy for 30 years. The bonds are estimated to result in an increase in the property taxes that the owner of a new \$100,000 home will pay, which will average \$4.74 per year. In addition, the cost of the property tax levy for the owner of a new \$100,000 home is estimated to be \$15.75 per year. If this question is approved by the voters, any property tax levied as authorized by this question will be outside of the caps on a taxpayer's liability for property (ad valorem) taxes established by the legislature in the 2005 session.

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(the "Question"); and

WHEREAS, by resolution duly adopted on July 10, 2008, the Debt Management Commission of Washoe County, Nevada approved the District's proposal to issue such Bonds, pursuant to the Debt Management Commission Act; and

WHEREAS, the Board has considered all matters in the premises and desires to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF THE SIERRA FIRE PROTECTION DISTRICT, WASHOE COUNTY, NEVADA:

Section 1. This resolution shall be known as and may be cited by the short title "2008 Sierra Fire Protection District Canvass Resolution" (the "Resolution").

Section 2. The returns of the board of election for each precinct and voting district, if any, for the District for the Election as verified by the Washoe County Registrar of Voters are hereby accepted and approved.

Section 3. The Election, including, without limitation, the election on the Question, was, and it hereby is declared to have been, held and conducted in accordance with law.

Section 4. The Question submitted to the qualified registered electors of the District at the Election was *not* carried and the same hereby is declared *not* to have carried by the following vote:

BOND AND SPECIAL ELECTIVE TAX QUESTION:

YES: _____

NO: _____

**TOTAL VALID BALLOTS CAST:
REJECTED BALLOTS:**

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Section 5. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and by the officers of the District relating to:

- A. The Election;
- B. The Special Elective Tax;
- C. The Project; and
- D. The issuance of the Bonds for the Project is hereby ratified, approved and confirmed.

Section 6. The officers of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of the Question and of this Resolution.

* Strike inapplicable words.

Section 7. All bylaws, orders, and other resolutions, or parts of bylaws, orders, and other instruments in conflict with this Resolution, are hereby repealed. This repealer shall not be construed to revive any bylaw, order, or other instrument, or part thereof, heretofore repealed.

Section 8. The Chief Financial Officer of the District (the "Chief Financial Officer") or his designee is hereby authorized to arrange for the issuance and sale of the Bonds in accordance with the Bond Act in a total principal amount not to exceed \$5,200,000.

Section 9. The Chief Financial Officer or his designee is authorized to specify the terms of the Bonds, the method of their sale, the final principal amount of the Bonds, the terms of their repayment and security therefor, and other details of the Bonds, and to advertise the Bonds for sale, subject to the Bond Act, and to ratification by the Board by the adoption of a bond resolution specifying the Bond terms and details and approving their sale (the "Bond Resolution").

Section 10. The Officers of the District are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this Resolution, including without limitation (a) assembling of financial and other information concerning the District, the Project and the Bonds; (b) if deemed appropriate by the Chief Financial Officer or his designee, preparing and circulating an official statement for the Bonds and preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the Chief Financial Officer or his designee. The Chief Financial Officer or his designee is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the District for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 11. The Chief Financial Officer or his designee shall, after arranging for the sale of the Bonds, present the proposed terms of the sale to the Board for its approval by adoption of the Bond Resolution.

Section 12. The District hereby declares its intent to reimburse the costs of the Project out of the Bonds. This is a declaration of official intent under Section 1.150-2 of the Regulations promulgated under the Internal Revenue Code of 1986, as amended.

Section 13. The Board hereby determines and declares that:

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A. The District intends to incur expenditures with respect to the Project prior to the incurrence of the Bonds and to reimburse those expenditures from the proceeds of the Bonds; and

B. The maximum principal amount of the Bonds expected to be used to reimburse such expenditures is \$5,200,000; and

C. The payment of costs related to the Project and the reimbursement of such costs from the proceeds of the Bonds is consistent with the District's budgetary and financial circumstances as of the date of this Resolution. The District does not currently have moneys which are, nor does the District reasonably expect moneys to be, allocated on a long-term basis, reserved or otherwise available pursuant to the District's budget to pay the expenditures which the District intends to reimburse.

Section 14. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 15. This Resolution shall be in full force and effect from and after its adoption, except for Sections 8 to 13, inclusive, which shall be in full force and effect only if the Question was approved by a majority of the votes cast by the registered voters of the District.

PASSED AND ADOPTED this November 10, 2008.

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(SEAL)

Chairman
Board of Fire Commissioners
Sierra Fire Protection District, Nevada

Attest:

Clerk
Board of Fire Commissioners
Sierra Fire Protection District, Nevada

STATE OF NEVADA)
)
COUNTY OF WASHOE) ss.
)
SIERRA FIRE)
PROTECTION DISTRICT)

I am the duly elected and acting Clerk of Washoe County, Nevada and ex officio Clerk of the Sierra Fire Protection District (the "District") and do hereby certify:

1. The foregoing pages are a true, accurate and a complete copy of a resolution adopted by the Board of Fire Commissioners (the "Board") of the District taken at a lawful meeting thereof held on November 10, 2008 (the "Resolution").

2. The members of the Board were present at such meeting and voted on the passage of such resolution as follows:

Those Voting Aye: Jim Galloway
David Humke
Kitty Jung
Robert M. Larkin
Bonnie Weber

Those Voting Nay: _____

Those Absent: _____

3. The original of the Resolution has been approved and authenticated by the signatures of the Chairman of the Board and myself as County Clerk and has been recorded in the minute book of the Board kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of the Sierra Fire Protection District on this November 10, 2008.

(SEAL)

Clerk
Board of Fire Commissioners
Sierra Fire Protection District, Nevada

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The undersigned District Fire Chief does hereby certify:

1. All members of the Board were given due and proper notice of the meeting held on November 10, 2008.

2. Public notice of the meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpts from the agenda for the meeting relating to the Resolution, as posted no later than 9:00 a.m. on the third working day prior to the meeting on the District's website, if any, and at the following locations:

- a. Washoe County Administration Complex
1001 East Ninth Street, Bldg. A
Reno, Nevada
- b. Washoe County Courthouse-Clerk's Office
Virginia and Court Streets
Reno, Nevada
- c. Washoe County Central Library
301 South Center Street
Reno, Nevada
- d. Sparks Justice Court
630 Greenbrae Drive
Sparks, Nevada

is attached as Exhibit A.

3. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was 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 on this November 10, 2008.

District Fire Chief
Sierra Fire Protection District, Nevada

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EXHIBIT A

(Attach Notice of Meeting)

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