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STATE OF NEVADA  
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **02/20/04 - 02/27/04**, for exact publication dates please see last line of Proof of Publication below.

Signed: *Julia Ketcham*

**FEB 27 2004**

Subscribed and sworn to before me



TANA CICCOTTI  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 02-74259-2 - Expires May 16, 2006

*Tana Ciccotti*

**Proof of Publication**

BILL NO. 1410 ORDINANCE NO. 1230 (of Washoe County, Nevada) AN ORDINANCE DESIGNATED AS THE "2004 REVENUE BONDS ORDINANCE"; AUTHORIZING AND DIRECTING THE ISSUANCE OF WASHOE COUNTY, NEVADA, MINOR LEAGUE BASEBALL STADIUM PROJECT REVENUE BONDS, SERIES 2004 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,600,000 SECURED BY PLEDGED REVENUES; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, THE SALE THEREOF; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND OTHER DETAILS IN CONNECTION THEREWITH. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled ordinance are available for inspection by all interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at 350 South Center Street, Suite 100, Reno, Nevada; and that such ordinance was proposed by Commissioner Weber, on February 17, 2004, and was passed at a meeting held on February 17, 2004, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Shaw, Bonnie Weber, Jim Galloway, and Pete Sferrazza Those Voting Nay: (none) Those Absent: Dave Humke IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published twice by

title only. DATED on this February 17, 2004. /s/ Jim Shaw Chairman, Board of County  
Commissioners Washoe County, Nevada Attest: /s/ Amy Harvey County Clerk  
No.207090 Feb 20, 27, 2004

Summary - An ordinance authorizing the issuance by Washoe County, Nevada of its Minor League Baseball Stadium Project Revenue Bonds, Series 2004, and providing other matters relating thereto.

BILL NO. 1410  
ORDINANCE NO. 1230

**AN ORDINANCE DESIGNATED AS THE "2004 REVENUE BONDS ORDINANCE"; AUTHORIZING AND DIRECTING THE ISSUANCE OF WASHOE COUNTY, NEVADA, MINOR LEAGUE BASEBALL STADIUM PROJECT REVENUE BONDS, SERIES 2004 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,600,000 SECURED BY PLEDGED REVENUES; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, THE SALE THEREOF; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND OTHER DETAILS IN CONNECTION THEREWITH.**

**WHEREAS**, the County of Washoe, in the State of Nevada (the "County" and the "State," respectively), is a county incorporated and operating under the laws of the State; and

**WHEREAS**, pursuant to Nevada Revised Statutes ("NRS") §§ 244A.011 through 244A.065 (the "County Bond Law"), and NRS §§ 244A.800 through 244A.830 (the "Project Act"), NRS chapter 350 and all laws amendatory thereof, which includes the Local Government Securities Laws, being §§ 350.500 through 350.720, and all laws amendatory thereof (the "Bond Act"), the Board of County Commissioners of the County (the "Board") is authorized to acquire, improve, equip, operate and maintain, within the County, a minor league baseball stadium project as defined in NRS § 244A.0344 (the "Project"); and

**WHEREAS**, pursuant to the County Bond Law, the Board, on behalf of the County, is authorized and empowered to issue the "Washoe County, Nevada, Minor League Baseball Stadium Project Revenue Bonds, Series 2004" (the "Bonds") in the maximum aggregate principal amount of \$2,600,000 to defray the cost of the Project, in the manner and on the conditions provided in the County Bond Law, the Project Act and the Bond Act; and

**WHEREAS**, for the purpose of defraying a part of the cost of the Project, the Board deems it necessary to issue the Bonds payable solely from Pledged Revenues (as defined herein); and

**WHEREAS**, the Board hereby determines that it is necessary and advisable that the County incur a bonded indebtedness by issuing the Bonds pursuant to the County Bond Law, the Project Act and the Bond Act; and

**WHEREAS**, the County Finance Director is hereby authorized to arrange for the sale of the Bonds, including, without limitation, solicit bids for the Bonds; and

**WHEREAS**, after a sale of the Bonds pursuant to the provisions of NRS §§ 350.105 to 350.195, inclusive (the "Bond Sale Act"), the Finance Director of the County (the "Finance Director"), or in his absence, the County Manager, is hereby authorized to sell the Bonds to the bidder determined by the Finance Director to be in the best interest of the County (the "Purchaser"), and the Finance Director, or in his absence, the County Manager, is hereby authorized to accept a binding bid for the Bonds, the Bonds to bear interest at the rate or rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal"), at a price equal to the principal amount thereof, less a discount or plus a premium not exceeding 9% of the principal amount thereof, all as specified by the Finance Director, or in his absence, the County Manager, in a certificate dated on or before the date of delivery of the Bonds (the "Certificate of the Finance Director"), which price does not result in an effective interest rate on the Bonds in excess of 3% over the Index of Revenue Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds; and

**WHEREAS**, the Board hereby elects to have the provisions of chapter 348 of NRS (the "Supplemental Bond Act") apply to the Bonds; and

**WHEREAS**, the Board has determined and hereby declares that each of the limitations and other conditions to the issuance of the Bonds in the County Bond Law, the Bond Act, the Project Act, the Supplemental Bond Act, and in any other relevant act of the State or the federal government has been met, and pursuant to § 350.708 of the Bond Act such determination of the Board that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion; and

**WHEREAS**, the Board has determined and does hereby declare:

- (1) This Ordinance pertains to the sale, issuance and payment of the Bonds;
- (2) Such declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of § 350.579 of the Bond Act; and
- (3) This Ordinance may accordingly be adopted as if an emergency exists and may become effective at any time when an emergency ordinance of the County may go into effect.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:**

Section 1. This Ordinance shall be known and may be cited as the "2004 Revenue Bonds Ordinance" (the "Ordinance").

Section 2. The County Finance Director is hereby authorized to arrange for the issuance and sale of the Bonds in order to finance the Project in a total principal amount of not more than that which is necessary to carry out the Project. The County Finance Director, or in

his absence, the County Manager, is hereby authorized to accept the Bond Purchase Proposal submitted by the Purchaser for the purchase of the Bonds on behalf of the County.

Section 3. For the purpose of providing funds to effect the Project, on behalf of the County, the Board shall issue the Bonds in the maximum aggregate principal amount. It is necessary and in the best interests of the County and the inhabitants of the County that the County effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefore.

Section 4. For the purpose of providing for the payment of a part of the costs and expenses of the Project and for the purpose of defraying other costs (incidental or otherwise) heretofore incurred or to be incurred in the County, there shall be issued, and the County hereby authorizes and directs the Chairman or his designee to issue, the County's fully registered (i.e. registered as to both principal and interest) Bonds in the maximum aggregate principal amount designated in the Certificate of the Finance Director, such Bonds to be designated the "Washoe County, Nevada, Minor League Baseball Stadium Project Revenue Bonds, Series 2004," or such lesser amount as is advanced to the County by the Purchaser. The Bonds shall be dated as of the date of delivery, shall mature as set forth in the Certificate of the Finance Director, which shall not exceed five years from the dated date of the Bonds (the "Maturity Date"), subject to the County's option to redeem the Bonds by prior redemption as described below. The Bonds shall bear interest (calculated on the basis of a 360 day year consisting of twelve 30 day months) at the rate or rates shown in the Certificate of the Finance Director on the unpaid balance of the total principal advanced from the date or dates of each advance to the Maturity Date, payable on June 1 and December 1 of each year commencing on December 1, 2004, except that Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates as set forth in the Certificate of the Finance Director from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. Notwithstanding the foregoing, the obligation of the County as represented by the Bonds shall be the amount specified in the Certificate of the Finance Director or such lesser amount as shall represent the aggregate principal amount advanced by the Purchaser to the County, as shown on the principal advance panel appended to the Bonds. The Finance Director is hereby authorized to request advances of principal from the Purchaser.

The principal of and interest on the Bonds shall be secured solely by and paid only from the Pledged Revenues, solely to the registered owner thereof upon surrender thereof in lawful money of the United States of America, without deduction for exchange or collection charges, at the office of the paying agent designated in the Certificate of the Finance Director (the "Paying Agent"). If, upon presentation at maturity, payment of the Bonds is not made as therein provided, interest thereon shall continue at the interest rate borne by the Bonds until the principal thereof is paid in full.

Section 5. The Bonds shall be signed and executed by the manual or facsimile signature of the Chairman, shall be sealed with the manual or facsimile seal of the County, shall be countersigned by the manual or facsimile signature of the County Treasurer and shall be attested by the manual or facsimile signature of the County Clerk. The fully registered Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligation of the County notwithstanding that before the delivery thereof and

payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices.

Section 6. The Bonds shall be fully registered in the name of the owner for the payment of both principal and interest in the office of the registrar designated in the Certificate of the Finance Director County Treasurer (the "Registrar"), and any transfer thereof must likewise be registered in said office. The Registrar shall maintain records showing at all times that the Bonds are registered as to both principal and interest, and the name, address and taxpayer identification number of the owner(s) thereof. The Registrar will not be required to transfer the Bonds (i) during a period beginning at the opening of business ten days before the day of the mailing by the Registrar of a notice of prior redemption of the Bonds and ending at the close of business on the day of such mailing, or (ii) after the mailing of notice calling such Bonds for prior redemption. The Registrar shall note such registration on the registration records and on the registration panel on the Bonds showing that such Bonds is registered as to both principal and interest. The County and its officers may treat the person in whose name the Bonds is registered as the absolute owner, whether or not such Bonds shall be overdue. All payments made as provided in this Ordinance shall be valid and effectual to discharge the liability upon any part of the Bonds to the extent of the amount so paid.

Section 7. The Bonds maturing in the years designated in the Certificate of the Finance Director, shall be subject to redemption prior to their respective maturities, at the option of the County, on and after the date specified in the Certificate of the Finance Director, in whole at any time or in part at any time, from such maturities as are selected by the County, for the principal amount of each Bond or portion thereof so redeemed and accrued interest thereon to the redemption date, and a premium not exceeding 9 percent of the principal amount of each Bond redeemed as specified in the Certificate of the Finance Director and computed in accordance with the schedule, if any, set forth in the Certificate of the Finance Director. The Paying Agent and Registrar, on behalf and at the expense of the County, shall mail notice of redemption once, no later than the tenth (10th) day preceding the selected redemption date, to the registered owner of the Bonds at the address shown on the registration records of such Registrar and Paying Agent; provided, however, that neither failure of the Bonds holder to receive any such notice nor any defect therein shall affect the validity of the proceedings for the redemption of the Bonds or the cessation of the accrual of interest thereon. Such notice shall state the date of the notice, the redemption date, the redemption place and the redemption amount, and shall require that the Bonds be surrendered at the office designated by the Paying Agent for redemption at the redemption price of the principal amount thereof plus accrued interest to the redemption date, giving notice also that further interest on the Bonds will not accrue from and after the redemption date. From and after the date fixed for redemption (if funds available for the payment of the principal of and interest on the Bonds called for redemption shall have been duly provided), the Bonds shall cease to be entitled to any benefit under this Ordinance other than the right to receive payment of the redemption amount, and no interest shall accrue thereon from and after the redemption date specified in such notice. Any prepayment shall be applied first to accrued interest and second to the outstanding principal amount of the Bonds. Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditional upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the owners

of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Section 8. The Bonds shall be in substantially the following form with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law or the Bond Purchase Proposal with respect thereto:

[Form of Bonds]

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

WASHOE COUNTY, NEVADA  
MINOR LEAGUE BASEBALL STADIUM PROJECT REVENUE BONDS  
SERIES 2004

No. R-1

Maximum Principal Amount: \$ \_\_\_\_\_

Maturity Date  
\_\_\_\_\_, \_\_\_\_\_

Dated as of  
\_\_\_\_\_, 2004

REGISTERED OWNER:  
MAXIMUM PRINCIPAL AMOUNT:

Washoe County, Nevada (the "County") will on the maturity date stated above, or at an earlier date upon prior redemption by the County as described below, pay to the registered owner hereof as specified above, or registered assigns, the maximum principal amount specified above, or such lesser amount as shall represent the aggregate principal amount advanced to the County, as shown on the principal advance panel appended hereto, at the office of \_\_\_\_\_ (the "Paying Agent"), with the interest due thereon at the interest rate of \_\_\_\_\_% per annum based on \_\_\_\_\_ (except as otherwise set forth below) from the date of each advance payable on June 1 and December 1, commencing on December 1, 2004 and semi-annually thereafter until the maturity date shown above or upon prior redemption. Except as set forth below, interest shall be calculated based on a 360 day year of twelve 30 day months. Principal on this Bond shall be due on \_\_\_\_\_.

The principal amount of the Bonds and interest due hereon, on an interest payment date, at maturity or on any redemption date as provided below, is payable solely to the registered owner hereof in lawful money of the United States of America, without deduction for exchange or collection charges, on presentation hereof, at the office of \_\_\_\_\_.

[The principal of this Bond may be redeemed in whole or in part at any time prior to maturity at the option of the County at a price equal to the principal amount thereof so redeemed plus accrued interest to the redemption date upon ten (10) days' notice, by first class mail, to the registered owner hereof as provided in the Ordinance authorizing the issuance of this Bond, adopted and approved by the Board of County Commissioners of the County (the "Board") on February \_\_, 2004. Any prepayment shall be applied first to accrued interest and second to the outstanding principal amount of the Bonds.]

This registered Bonds and the interest hereon shall be a special obligation of the County for the payment of which the County hereby pledges the Pledged Revenues as defined in the Ordinance authorizing the issuance of this Bond adopted pursuant to the County Bond Law (NRS §§ 244A.011 through 244A.065), the Project Act (§§ 244A.800 through 244A.830, Nevada Revised Statutes), and the Local Government Securities Law (§§ 350.500 through 350.720, Nevada Revised Statutes. This Bond is being issued in accordance with said provisions of the Nevada Revised Statutes sections and pursuant to NRS 350.628, this recital is conclusive evidence of the validity of this Bond and the regularity of its issuance.



The Bonds is issuable solely as a fully registered Bonds and is transferable for a fully registered Bonds in equivalent aggregate principal amount at the aforesaid office of the Registrar but only in the manner, subject to the limitations, and on payment of the charges provided in the Ordinance. The Registrar will not be required to transfer the Bonds (i) during a period beginning at the opening of business 10 days before the day of the mailing by the Registrar of a notice of prior redemption of the Bonds and ending at the close of business on the day of such mailing, or (ii) after the mailing of notice calling the Bonds for prior redemption.

This Bond must be registered in the name of the owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

It is hereby certified, recited and warranted that all of the requirements of law have been fully complied with by the proper officers of the County in the issuance of this Bond.

No recourse shall be had for the payment of the principal and interest of this Bond or for any claim based thereon or otherwise upon the Ordinance, against any individual member of the Board or any officer or other agent of the County, past, present, or future, either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute, or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the registration panel appended hereto.

**IN WITNESS WHEREOF**, Washoe County, in the State of Nevada, acting by and through the Board of County Commissioners, has caused this Bond to be signed and executed in the name and on behalf of the County with the manual or facsimile signature of the Chairman, countersigned with the manual or facsimile signature of the County Treasurer and attested by the manual or facsimile signature of the County Clerk and has caused the manual impression of the corporate seal of the County to be affixed or a facsimile thereof, all as of the date above designated.

WASHOE COUNTY, NEVADA

James M. Shaw  
Chairman

Countersigned:  
[Signature]  
County Treasurer

(SEAL)  
Attest:  
[Signature]  
County Clerk

[End of Form of Bonds]

[Form of Advance Panel]  
PRINCIPAL ADVANCES

Date

Amount of Advance

Signature of County Finance Director

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

[End of Form of Advance Panel]

[Form of Registration Panel]

**PROVISION FOR REGISTRATION AS TO PRINCIPAL AND INTEREST**

This Bond must be registered as to both principal and interest on the registration records of the County, kept by \_\_\_\_\_, as Registrar. After registration as to principal and interest, the Registrar shall note such registration on such registration records and in the registration blank below, and the principal and interest on this Bond shall be paid to such registered owner. This Bond may be transferred by the registered owner or his or her legal representative only upon a duly executed assignment in form satisfactory to the Registrar, such transfer to be made on said registration records and endorsed hereon.

Every privilege, registration and transfer shall be exercised only in accordance with the authorizing Ordinance and such reasonable rules and regulations as the Registrar may prescribe.

<b><u>Date of Registration</u></b>	<b><u>Name of Registered Owner</u></b>	<b><u>Signature of Registrar</u></b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

[End of Registration Panel]

[Form of Assignment]

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bonds and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney, to transfer the same on the records kept for registration of the within Bonds, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:  
\_\_\_\_\_

Address of transferee:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Social Security or other tax  
identification number of  
transferee: \_\_\_\_\_

Note: The signature to this Assignment must correspond with the name as written on the face of the within Bonds in every particular, without alteration or enlargement or any change whatsoever.

[End of Form of Assignment]

Section 9. There is hereby created a special account to be designated the "2004 Proceeds Account" (the "Proceeds Account") to be held by the County. The proceeds received by the County and advanced from the Purchaser from time to time shall be deposited in the Proceeds Account. Moneys deposited in the Proceeds Account shall be used and expended by the County solely for the Project and for the purposes for which the proceeds of the Bonds are to be received, and any money remaining in the Proceeds Account shall be used to pay the Bonds and after the Bonds are paid in full (both principal and interest) shall be used for any lawful purpose.

Section 10. The principal amount advanced under the Bonds, together with the interest thereon, shall be payable solely from the Pledged Revenues. As security for the payment of the principal of and interest on the Bonds, the County hereby pledges irrevocably, but not necessarily exclusively, the Pledged Revenues to the payment of the principal of and interest on the Bonds. The Pledged Revenues, as received by the County and hereby pledged, shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing, or further act, and the lien of this pledge and the obligation to perform the contractual provisions hereby made shall have priority over any or all other obligations and liabilities of the County secured by the Pledged Revenues, except for any securities hereafter authorized the liens of which on the Pledged Revenues are superior to or on a parity with the lien thereon of the Bonds; and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County (except as herein otherwise provided) irrespective of whether such parties have notice thereof. "Pledged Revenues" means all income and revenue distributed to the County pursuant to NRS 244A.820(1)(b) from proceeds of the fee imposed pursuant to NRS 244A.810 and an ordinance of the County (the "Rental Car Fee Ordinance"). The designated term "Pledged Revenues" indicates sources of revenues and does not necessarily indicate all or any portion or other part of such revenues in the absence of further qualification. The principal advanced under the Bonds and the interest thereon shall constitute a prior lien and charge on the Pledged Revenues. The County is not limited hereby on the issuance of additional securities secured by a lien on the Pledged Revenues that is superior to, on a parity with or subordinate to the lien thereon of the Bonds.

Section 11. So long as any of the Bonds shall be outstanding, as to outstanding principal, interest and premium, if any, due thereon (the "Bond Requirements"), the entire Pledged Revenues, upon their receipt from time to time by the County, shall be set aside and credited immediately to a special fund hereby created and designated as the "Washoe County, Nevada, Minor League Baseball Stadium Project Revenue Fund" (the "Revenue Fund"). The Revenue Fund shall be maintained by the County Finance Director separate and apart from all other County funds and accounts, including the Bond Fund. So long as any of the Bonds hereby authorized shall be outstanding, as to any Bond Requirements, each fiscal year the Revenue Fund shall be administered, and the moneys on deposit therein shall be applied in the following order of priority, all as provided in §§ 12 through 16 hereof.

Section 12. A. First, from any moneys in the Revenue Fund, i.e., from the Pledged Revenues, there shall be credited to any bond fund created to pay the principal of, interest on and prior redemption premiums, if any, due on any superior bonds or superior securities issued in accordance with the provisions of this Ordinance:

1. Quarterly, an amount in equal quarterly installments necessary, together with any other moneys from time to time available therefor from whatever source, to pay the next maturing installment of interest on the superior bonds or superior securities, and quarterly thereafter, commencing on each interest payment date, one-half of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the superior bonds or superior securities then outstanding.

2. Quarterly, an amount in equal quarterly installments necessary, together with any other moneys from time to time available therefor from whatever source, to pay the next installment of principal of the superior bonds or superior securities coming due at maturity, and quarterly thereafter, commencing on each principal payment date, one-fourth of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the superior bonds or superior securities coming due at maturity, or, if any, an amount sufficient to pay the principal of, interest on and any prior redemption premiums due on the outstanding superior bonds or superior securities.

B. Second, subject to the provisions of § 14 hereof, the following transfers shall be credited to the "Washoe County, Nevada, Minor League Baseball Stadium Project Revenue Bonds, Series 2004 Bond Fund" (the "Bond Fund") hereby created and to be held by the County, concurrently with the payments required to be made by any bond ordinances hereafter adopted authorizing the issuance of parity securities:

1. Quarterly, commencing on the first day of the month following receipt of Pledged Revenues by the County and the date of delivery of the Bonds, an amount in equal quarterly installments necessary, together with any other moneys from time to time available therefor from whatever source, to pay the next maturing installment of interest on the Bonds, and quarterly thereafter, commencing on each interest payment date, one-half of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Bonds then outstanding.

2. Quarterly, commencing on the first day of the month following receipt of Pledged Revenues by the County and the date of delivery of the Bonds, an amount in equal quarterly installments necessary, together with any other moneys from time to time available therefor from whatever source, to pay the next installment of principal of the Bonds coming due at maturity, and quarterly thereafter, commencing on each principal payment date, one-fourth of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the Bonds coming due at maturity.

The moneys credited to the Bond Fund shall be used to pay the Bond Requirements of the Bonds as the Bond Requirements become due.

Section 13. No payment need be made into the Bond Fund, if the amount in the Bond Fund totals a sum at least equal to the entire amount of the outstanding Bonds as to all Bond Requirements, to their respective maturities, and both accrued and not accrued, in which case moneys in that account in an amount at least equal to such Bond Requirements shall be used solely to pay such Bond Requirements as the same become due; and any moneys in excess thereof in those two accounts and any other moneys derived from the Pledged Revenues shall be applied as hereafter provided.

Section 14. Third, and subject to the provisions hereinabove in this Ordinance, but either prior to, concurrently with or subsequent to the payments required by § 12 hereof, any moneys remaining in the Revenue Fund may be used by the County for the payment of Bond Requirements of additional bonds or other additional securities payable from the Pledged Revenues and hereafter authorized to be issued in accordance with the Bond Act and the Project Act and any other provisions herein supplemental thereto, including reasonable reserves for such securities, as the same accrue. The lien of such additional bonds or other additional securities on the Pledged Revenues and the pledge thereof for the payment of such additional securities shall be superior to, on a parity with or subordinate to the lien and pledge of the Bonds as herein provided. Payments for bond and reserve funds for any superior securities shall be made concurrently with the payments for superior securities required by § 12 hereof. Payments for bond and reserve funds for any additional parity securities shall be made concurrently with the payments for the Bonds required by § 12 hereof, but payments for bond and reserve funds for additional subordinate securities shall be made after the payments required by §§ 12 and 15 hereof.

Section 15. Fourth, subject to the provisions hereinabove in this Ordinance, after deposits to any rebate accounts for any additional superior securities required by any bond ordinances authorizing the issuance of such superior securities hereafter adopted, and concurrently with the deposits to any rebate accounts for any additional parity securities required by any bond ordinances authorizing the issuance of such parity securities hereafter adopted, there shall be transferred into the "Washoe County, Nevada, Minor League Baseball Stadium Project Revenue Bonds, Series 2004, Rebate Account," (the "Rebate Account") hereby created, after making in full the quarterly deposits required by §§ 12, but prior to the transfer of any Pledged Revenues to the payment of subordinate securities, such amounts as are required to be deposited therein to meet the County's obligations under the covenant contained in § 19 hereof, in accordance with Section 148(f) of the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds (the "Code"). Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by such covenant and Section 148(f) of the Code. Any amounts in the Rebate Account in excess of those required to be on deposit therein by § 19 hereof and Section 148(f) of the Code may be withdrawn therefrom and used for any lawful purpose relating to the Project.

Section 16. After the payments hereinabove required to be made in this Ordinance are made, any remaining Pledged Revenues in the Revenue Fund may be used at any time during

any fiscal year whenever in the fiscal year there shall have been credited to the Bond Fund, to the Rebate Account and to each other bond fund and reserve fund, if any, for the payment of any other securities payable from the Pledged Revenues, all amounts required to be deposited in those special accounts for such portion of the fiscal year, as hereinabove provided in this Ordinance, for any one or any combination of lawful purposes relating to the Project, or otherwise, as the County may from time to time determine.

Section 17. If the Bonds shall become mutilated, the Registrar, at the expense of the holder of the Bonds, shall execute and deliver a new Bonds of like maturity and principal amount in exchange and substitution for the Bonds so mutilated, but only upon surrender to the Registrar of the Bonds so mutilated. Every mutilated Bonds so surrendered to the Registrar shall be canceled by it and destroyed. If the Bonds shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Registrar and if such evidence is satisfactory to the Registrar and County and indemnity satisfactory to the Registrar shall be given, the Registrar, at the expense of the owner, shall execute and deliver a new Bonds of like maturity and principal amount in lieu of and in substitution for the Bonds so lost, destroyed or stolen. The Registrar may require payment of a sum not exceeding the actual cost of preparing each new Bonds issued and of any extra expenses which may be incurred by the Registrar. Any Bonds issued under the provisions of this Section in lieu of a Bonds alleged to be lost, destroyed or stolen shall constitute an original additional contractual obligation on the part of the County whether or not the Bonds so alleged to be lost, destroyed or stolen is at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Ordinance with any other Bonds issued pursuant to this Ordinance.

Section 18. It is hereby covenanted and warranted by the County that all representations and recitals contained in this Ordinance are true and correct, and that the County and its appropriate officials have duly taken all proceedings necessary to be taken, and will take any additional proceedings necessary to be taken by them, to carry out the provisions of this Ordinance. In addition, it is hereby covenanted by the County that the County will not make or cause or permit to be made any application of the proceeds of the Bonds or of any moneys in the Revenue Fund, the Bond Fund or the Rebate Account except in accordance with this Ordinance.

Section 19. The County covenants for the benefit of the owner of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the County or any facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b) (2) of the Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the County in fulfilling the above covenant under the Code have been met. Pursuant to § 350.710, Bond Act, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any



subdivision thereof, except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to chapter 375B of NRS.

Section 20. The County reserves the privilege of issuing without limitation at a later time or times, from time to time, any securities hereafter authorized by law (not herein designated for issuance), as moneys, if any, are needed for the Project or projects for which such securities are authorized respectively to be issued with a lien on the Pledged Revenues prior to, on a parity with or subordinate to the lien on the Pledged Revenues of the Bonds.

Section 21. The County covenants not to repeal or amend the Rental Car Fee Ordinance for so long as the Bonds are outstanding if such repealer or amendment would materially adversely affect the holders of the Bonds.

Section 22. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation, the execution of such certificates as may be reasonably required by the Purchaser relating to the signing of the Bonds, the tenure and identity of the officials of the County and of the Board, the delivery of the Bonds and the receipt of the purchase price, and, if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof, and the absence and existence of factors affecting the exemption of interest on the Bonds from federal income taxation, the assembly and dissemination of financial and other information concerning the County, the Board and the Bonds, and the sale and issuance of the Bonds pursuant to the provisions of this Ordinance and to any instrument supplemental thereto.

Section 23. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Board, on the behalf and in the name of the County, shall reasonably determine that it is in the best interest of the County or that the Registrar or Paying Agent has become incapable of performing its duties hereunder, the Board may, upon notice mailed to each owner of any Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the County Treasurer or a commercial bank as defined in NRS § 350.512 with trust powers. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the Board shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Section 24. Any corporation or association into which the Registrar or Paying Agent may be converted or merged, or with which they may be consolidated, or to which they may sell or transfer their corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer, to which they are a party, shall be and become the successor Registrar or Paying Agent under this ordinance, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything in this ordinance to the contrary notwithstanding.

Section 25. The Board has expressed in the preambles to this Ordinance that it pertains to the sale, issuance, or payment of bonds, and that this instrument may accordingly be adopted

as if an emergency now exists. This Ordinance shall become effective after its publication at least twice by its title only, together with the names of the Commissioners voting for or against its passage and a statement that typewritten copies of this Ordinance are available for inspection by interested parties at the office of the County Clerk, such publication to be made in a newspaper or newspapers of general circulation in the County at least once a week for a period of two weeks, and such publication to be in substantially the following form:

(Form of Publication)  
BILL NO. \_\_\_\_\_  
ORDINANCE NO. \_\_\_\_\_

(of Washoe County, Nevada)

**AN ORDINANCE DESIGNATED AS THE "2004 REVENUE BONDS ORDINANCE"; AUTHORIZING AND DIRECTING THE ISSUANCE OF WASHOE COUNTY, NEVADA, MINOR LEAGUE BASEBALL STADIUM PROJECT REVENUE BONDS, SERIES 2004 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,600,000 SECURED BY PLEDGED REVENUES; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, THE SALE THEREOF; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND OTHER DETAILS IN CONNECTION THEREWITH.**

**PUBLIC NOTICE IS HEREBY GIVEN** that typewritten copies of the above numbered and entitled ordinance are available for inspection by all interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Courthouse, Reno, Nevada; and that such ordinance was proposed by Commissioner WEBER on February 17, 2004, and was passed at a meeting held on February 17, 2004, by the following vote of the Board of County Commissioners:

Those Voting Aye:	Jim Galloway
	Pete Sferrazza
	Jim Shaw
	Bonnie Weber
Those Voting Nay:	<u>(NONE)</u>
Those Absent:	<u>DAVID HAMKE</u>

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published twice by title only.

DATED on this February 17, 2004.

Attest:	<u>/s/ Jim Shaw</u> Chairman Board of County Commissioners Washoe County, Nevada
<u>/s/ Amy Harvey</u> County Clerk	

(End of Form of Publication)

Section 26. When all Bond Requirements of any Bond have been duly paid, the pledge and lien and all obligations as to that Bond hereunder shall thereby be discharged and the Bond shall no longer be deemed to be outstanding within the meaning of this ordinance. There shall be deemed to be such due payment when the County has placed in escrow or in trust with a trust bank located within or without the State (the "Bank"), an amount sufficient (including the known minimum yield available for such purpose from Federal Securities (as defined below) in which such amount wholly or in part may be initially invested) to meet all Bond Requirements of the Bond, as the same become due to the final maturity of the Bond or upon any redemption date as of which the County shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of the Bond for payment. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the County and the Bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the owners thereof to assure availability as so needed to meet the schedule. For the purpose of this Section, the term "Federal Securities" shall be as defined in NRS § 350.522, and shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the holder thereof.

Section 27. A. This ordinance may be amended by the Board without the consent of or notice to the holders of the Bonds for the purpose of curing any ambiguity or formal defect or omission herein.

B. No such amendment, unless consented to by the Bondholder adversely affected thereby, shall permit:

- (1) A change in the maturity or in the terms of redemption of the principal of any outstanding Bond or any installment of interest thereon;
- (2) A reduction in the principal amount of any Bond, the rate of interest thereon, or any prior redemption premium payable in connection therewith; or
- (3) The establishment of priorities as between Bonds issued and outstanding under the provisions of this ordinance.

Section 28. All consistent action taken previously by the County and the Board officers directed toward the Project and toward the issuance of its Bonds for that purpose is ratified, approved, and confirmed.

Section 29. After delivery of the Bonds to the Purchaser, the provisions of the Bond Act, the Local Government Securities Law, and of this ordinance shall be a part of the irrevocable contract between the County and the owner or owners from time to time of Bonds issued hereunder; and after the issuance of any of the Bonds hereby authorized, this ordinance shall be irrevocable until such time as all the Bonds issued hereunder and the interest accruing thereon shall have been paid in full. No Bond shall be delivered hereunder until the Rental Car Fee Ordinance is effective.

Section 30. If any section, paragraph, clause or 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 provision shall in no way affect any remaining provisions of this Ordinance.

Proposed on February 17, 2004.

Proposed by Commissioner WEBER

Passed February 17, 2004.

Vote: Aye:

Jim Galloway

Pete Sferrazza

Jim Shaw

Bonnie Weber

Nay:

(NONE)

Absent:

DAVID HANKE

(SEAL)

Attest:

*Amy Harvey*  
County Clerk

*James M. Shaw*  
Chairman of the Board

THIS ORDINANCE SHALL BE IN FORCE AND EFFECT FROM AND AFTER THE 27th  
DAY OF FEB., 2004.

STATE OF NEVADA )  
 ) ss.  
WASHOE COUNTY )

I, Amy Harvey, the duly chosen, qualified and acting County Clerk of Washoe County (the "County"), in the State of Nevada (the "State"), does hereby certify:

1. The foregoing pages constitute a true, correct and compared copy of an ordinance adopted at a meeting of the Board of County Commissioners (the "Board") held on February 17, 2004; such copy of such ordinance contained in such minutes is a true, correct and compared copy of the original passed and adopted by the Board at the designated meeting and the original of such ordinance has been approved and authenticated by the signature of the Chairman of the Board and myself as 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 such officers and properly sealed.

2. The members of the Board were present at such meeting and voted on the passage of such ordinance as set forth in the ordinance.

3. All members of the Board were given due and proper notice of such meeting.

4. Public notice of such 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 excerpt from the agenda for the meeting relating to the resolution, as posted at least 3 working days in advance of the meeting at the Board's office, the County's website, and three other locations, i.e., at:

- a. Washoe County Administration Complex  
1001 East Ninth Street  
Reno, Nevada
- b. Washoe County Courthouse  
75 Court Street  
Reno, Nevada
- c. Washoe County Library  
301 South Center Street  
Reno, Nevada
- d. Justice Court  
630 Greenbrae Drive  
Sparks, Nevada

is attached as "Exhibit A."

5. At least three working days before such meeting, such notice was mailed to each member of the Board and to each person, if any, who has requested notice of meetings of the Board in the same manner in which notice is required to be mailed to a member of the Board.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County this February 17, 2004.

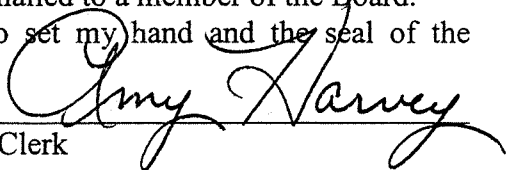
  
County Clerk

EXHIBIT "A"  
(Attach Notice of Meeting)

COUNTY COMMISSIONERS

Jim Shaw, Chairman  
Donnie Weber, Vice-Chairman  
Galloway  
David Humke  
Pete Sferrazza

COUNTY MANAGER

Katy Singlaub

ASSISTANT  
DISTRICT ATTORNEY

Madelyn Shipman

**AGENDA**

**MEETING OF**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

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

**February 17, 2004**

**NOTE:** Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to the Consent Agenda at the beginning of the Board Meeting.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, please call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

**Monday, February 16, 2004, County Commission Caucus Meeting has been cancelled due to County Holiday.**

**Public Comment:** Limited to three minutes per person and limited to matters other than the agenda items that will be heard at the Commission Meeting. Persons are invited to submit comments in writing on agenda items and/or attend and make comment on that item at the Commission Meeting.

Pursuant to NRS 241.020, the agenda for the Commission Meeting has been posted at the following locations. Washoe County Administration Building (1001 E. 9th Street), Washoe County Courthouse Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center Street) and Sparks Justice Court (630 Greenbrae Drive). At the meeting, after salute to the flag and roll call, the Board of County Commissioners may vote on the following items as the Board and, ex-officio, as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District, the Board of Fire Commissioners for the Sierra Forest Fire Protection District and/or the Board of Trustees of either the Lawton/Verdi or South Truckee Meadows General Improvement Districts.

Support documentation for items on the agenda, provided to the Washoe County Board of Commissioners, is available to members of the public at the County Manager's Office (1001 E. 9<sup>th</sup> St., 2nd Floor, Reno, Nevada) and on the County's website at [www.co.washoe.nv.us](http://www.co.washoe.nv.us).

**Unless otherwise indicated by asterisk (\*), all items on the agenda are action items upon which the Board of County Commissioners will take action.**



9. Recommendation to acknowledge the Government Finance Officers Association's awarding of the Distinguished Budget Presentation to the Washoe County Budget Division for Fiscal Year 2003-2004--Finance.

**0 p.m.** 10. Truckee Meadows Fire Protection District.

See separate agenda.

11. Presentation of [www.YourNevada.com](http://www.YourNevada.com), a regional governments portal website (Community Relations.)
12. Recommendation to authorize Purchasing and Contracts Administrator to enter into a twelve-month renewal agreement (Amendment #1 to Agreement for Golf Professional Services at Sierra Sage Golf Course), retroactive to January 1, 2004 through December 31, 2004, with option to renew, upon mutual agreement, for one additional one-year extension--Parks.
13. Recommendation to approve transfer [\$5,481,484] of General Fund carryover from Fiscal Year 2002/03 to Public Works Construction Fund as follows: Mills B. Lane Justice Center Project \$5,031,484 and Incline Village Library Project \$450,000; and if approved, direct Comptroller to make appropriate journal entries for cash and appropriation authority transfer to appropriate accounts in the Public Work Construction Fund--Finance.
14. Recommendation to allocate or self-direct Washoe County's share of Fiscal Year 2004/05 HOME Funds to Grace Senior Apartments [\$92,330]; Independent Living for Seniors in Washoe County [\$132,999]; New Opportunities for Home Ownership [\$332,803] (Community Development).
15. Public Works.
- A. Recommendation to approve purchase [up to \$360,000] of land coverage for Incline Village Library from Nevada Division of State Lands; and if approved, authorize Public Works Director to execute necessary documents.
- B. Recommendation to approve purchase [up to \$26,125] of land coverage for Incline Village Maintenance Facility from Nevada Division of State Lands; and if approved, authorize Public Works Director to execute necessary documents.
- C. Recommendation to discuss and provide direction to staff regarding the potential acquisition of 350 S. Center Street and 220 S. Center Street for use by Social Services, Public Defender, County Clerk and other Washoe County functions.
16. Introduction and adoption (as if an emergency existed) of an Ordinance designated as the "2004 Revenue Bonds Ordinance"; authorizing and directing the issuance of Washoe County, Nevada, minor league baseball stadium project revenue bonds, series 2004 in the maximum principal amount of \$2,600,000 secured by pledged revenues; providing the form, terms and conditions of the bonds, the security therefor, the sale thereof; providing for adoption as if an emergency exists; and other details in connection therewith.

EXHIBIT "B"  
(Attach Affidavit of Publication Twice by Title)

H:\03400\140 Baseball Stadium\Interim Debenture\revenue bond ord v3.doc

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STATE OF NEVADA  
COUNTY OF WASHOE

ss: Julia Ketcham

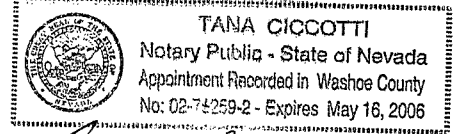
Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **02/20/04 - 02/27/04**, for exact publication dates please see last line of Proof of Publication below.

Signed:

*Julia Ketcham*

**FEB 27 2004**

Subscribed and sworn to before me



*Tana Ciccotti*

**Proof of Publication**

BILL NO. 1410 ORDINANCE NO. 1230 (of Washoe County, Nevada) AN ORDINANCE DESIGNATED AS THE "2004 REVENUE BONDS ORDINANCE"; AUTHORIZING AND DIRECTING THE ISSUANCE OF WASHOE COUNTY, NEVADA, MINOR LEAGUE BASEBALL STADIUM PROJECT REVENUE BONDS, SERIES 2004 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,600,000 SECURED BY PLEDGED REVENUES; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, THE SALE THEREOF; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS; AND OTHER DETAILS IN CONNECTION THEREWITH. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above numbered and entitled ordinance are available for inspection by all interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at 350 South Center Street, Suite 100, Reno, Nevada; and that such ordinance was proposed by Commissioner Weber, on February 17, 2004, and was passed at a meeting held on February 17, 2004, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Shaw, Bonnie Weber, Jim Galloway, and Pete Sferrazza Those Voting Nay: (none) Those Absent: Dave Humke IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published twice by

title only. DATED on this February 17, 2004. /s/ Jim Shaw Chairman, Board of County  
Commissioners Washoe County, Nevada Attest: /s/ Amy Harvey County Clerk  
No.207090 Feb 20, 27, 2004