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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: **04/30/04 - 05/07/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

MAY 7 2004

TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 02-70269-2 - Expires May 16, 2008
Tana Cicotti

Proof of Publication

BILL NO. 1414 ORDINANCE NO. 1233 (of Washoe County, Nevada) AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ORDERING A STREET PROJECT AND A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled Ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at 350 South Center Street, Suite 100, Reno, Nevada; and that said Ordinance was proposed by Commissioner Galloway on April 13, 2004, and following a public hearing, was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on April 27, 2004, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Shaw, Bonnie Weber, David Humke, Jim Galloway and Pete Sferrazza Those Voting Nay:(none) Those Absent:(none) This Ordinance shall be in full force and effect from and after May 7, 2004, i.e., the date of the second publication of such Ordinance by its title only. IN WITNESS WHEREOF, the Board of

County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED: April 27, 2004. /s/Jim Shaw Chairman, Board of County Commissioners Washoe County, Nevada (SEAL) Attest: /s/ Amy Harvey County Clerk No.266029 Apr 30; May 7, 2004

Summary - An ordinance creating Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive).

BILL NO. 1414
ORDINANCE NO. 1233
 (of Washoe County, Nevada)

AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ORDERING A STREET PROJECT AND A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State", respectively) deems it necessary to create Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive) (the "District"), for the purpose of acquiring and constructing a street project (the "Street Project") and a water project (the "Water Project" and together with the Street Project, the "Project"), and to defray the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots and premises in said District; and

WHEREAS, by a resolution passed and approved March 9, 2004 (the "provisional order resolution"), the Board declared its determination to create the District for the purpose of acquiring and constructing the Project, stating therein the improvements, that the entire expense thereof shall be paid by special assessment, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, pursuant to the provisional order resolution, the Board gave notice (in the manner specified by NRS § 271.305) of the filing of the preliminary plans, assessment plat, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, and of the time and place of hearing thereon and the consideration of any hardship applications; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection or to appear before the Board on Tuesday, April 13, 2004, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof, and manner of payment therefor, and as to the amount thereof to be assessed against said property and to file hardship applications for consideration by the Board on April 13, 2004; and

WHEREAS, all hardship applications and written and oral objections and protests received were duly considered, and the Board has determined that it is in the best interests of the District, the County, and the inhabitants thereof to create the District as theretofore proposed; and

WHEREAS, the owners of lots, tracts or parcels of land in the District representing less than half of the area to be assessed of all lots, tracts or parcels of land in the District filed written or oral objections thereto; and

WHEREAS, every hardship application was considered and none were granted and every written protest and other objection was found to be without sufficient merit and was overruled by the Board by a resolution passed and approved on April 13, 2004 except as stated in such resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the Board has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the County Engineer as engineer (the "Engineer") for the District presented to the Commission and filed with the Clerk the following documents:

(A) Revised, if necessary, final plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and wideness;

(B) Revised, if necessary, the estimate of the total cost of the Project and of each type of construction, the estimate being made on a lump sum, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing, and such other expenses as in the judgment of the Engineer

are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof; and

(C) A revised assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels" or "Preliminary Assessment Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District, the estimate being based on a per parcel or per lot method for the Street Project and on an actual cost to parcel basis method for the Water Project, each as hereafter described and with an equitable adjustment having been made for assessments to be levied against any tract or parcel not specially benefited in direct proportion to the percentage applicable to that tract or parcel under the applicable basis for the Project used so that assessments according to benefits will be equal and uniform; and

WHEREAS, the Board has reviewed the documents submitted as aforesaid for the District; and

WHEREAS, the Board and officers of said County have done all things necessary and preliminary to the creation of the District, and the said Board desires now to authorize such Project by this Ordinance.

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 36 (Evergreen Hills Drive) Creation Ordinance" (herein the "Ordinance").

Section 2. The Board has heretofore determined and does hereby determine:

A. That each and every hardship application and each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore has been by a resolution adopted and approved on April 13, 2004, overruled, and finally passed on by the Board except as otherwise provided in the resolution;

B. That the public convenience and necessity require creation of the District;
and

C. That the creation of the District is economically sound and feasible.

Section 3. There shall be, and hereby is, created in the County an improvement district designated the "Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive)" (the "District") for the purpose of acquiring and constructing the Project as more particularly described below.

Section 4. The Project, which is hereby ordered to be constructed and acquired, shall be as shown on the final plans and specifications for the District filed with the County Clerk. The kind, character and location of the Project (without mentioning minor details) is as more particularly described below in two separate assessment units:

Unit 1- Street Project. The Street Project is for the acquisition, construction and improvement of a street more particularly described as the earthwork grading to construct the road subgrade, importation and placement of aggregate base, construction of 22 foot wide asphalt cement paving with concrete curb and gutter on both sides, storm drainage improvements including catch basins, trench drain, stormdrain laterals, reinforced concrete pipe stormdrain and manholes; extension of existing water main to outside of new paved surface, signage, and surveying. The pavement structural section is to be a minimum of 3 inches of asphalt over 6 inches of aggregate base. All improvements are to be in accordance with the Standard Details and Specifications for Public Works Construction; and all grading, paving and incidental drainage, signing and surveying improvements will include all necessary excavations, filling, grading and appurtenances incidental thereto.

Unit 2 – Water Project. The Water Project is for the acquisition, construction and improvement of standard Washoe County water service from the existing water main located within the right-of-way of Evergreen Hills Drive. The water service improvements shall be in accordance with the Standard Details and Specifications for Public Works Construction.

The Project is described in more detail on the Preliminary Plans and Specifications described herein. A substantial change in existing street elevation or grades will result from the Project. Except as shown in the preliminary plans, the character of the Street Project shall be as described in the preceding paragraph and approximately located beginning at the current terminus of asphalt paving being approximately 0.22 miles easterly of the existing asphalt paving of Evergreen Hills Drive.

Except as shown in the preliminary plans, the character of the Water Project shall be as described in the preceding paragraph and approximately located within the right-of-way of the Street Project to be improved and as described above.

The Project described above is to be constructed and acquired by the County at an estimated cost of \$294,000. All of such costs will be paid by the levy of special assessments against property in the District as further described below.

The amount to be assessed for the Project will be levied upon all tracts in the District, i.e.,

upon each piece, lot, tract or parcel in the District, in proportion to the special benefits derived. Accordingly, each parcel will be assessed in proportion to the estimate maximum special benefit that property will receive for the construction and acquisition of the Project. In order to determine the estimated maximum special benefit for each parcel in Unit 1, a per parcel or per lot method is being used. In order to determine the estimated maximum special benefit for each parcel in Unit 2, an actual cost to parcel basis method is being used.

Section 5. The Project described above is to be constructed and acquired by the County at an estimated cost of \$294,000. All of such costs will be paid by the levy of special assessments against property in the District as further described below.

Section 6. The amount to be assessed for the Project will be levied upon all tracts in the District, i.e., upon each piece, lot, tract or parcel in the District, in proportion to the special benefits derived, provided that an equitable adjustment will be made for assessments levied against any tract or parcel of land not specially benefited so that the assessments according to the benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat. Accordingly, each parcel will be assessed in proportion to the estimate maximum special benefit that property will receive for the construction and acquisition of the Project. In order to determine the estimated maximum special benefit for each parcel, a per lot or per parcel method is being used for the Street Project and an actual cost to parcel basis method is being used for the Water Project.

Section 7. The extent and boundaries of the District, i.e., a description of the land comprising the District including the parcels to be assessed for Unit 1 – Street Project consist of each of the parcels described by Assessment Parcel Number ("APN") as follows:

.No.	APN
1	04702018
2	04702019
3	04702022
4	04702025
5	04702030
6	04702031
7	04702054
8	04702055
9	04702056
10	04702063

11	04702064
12	04702069
13	04702070
14	04702071
15	04702072
16	04702073
17	04702064

The extent and boundaries of the District, i.e., a description of the land comprising the District including the parcels to be assessed for Unit 2 – Water Project consist of each of the parcels described by APN:

.No.	APN
1	04702019
2	04702025
3	04702063
4	04702064

Section 8. The District shall have one construction contract.

Section 9. The Engineer is hereby authorized on behalf of the County to advertise for the doing of the work and making the improvements on behalf of the County in accordance with NRS § 271.335 to the extent the improvements are not constructed pursuant to NRS § 271.340 or §271.345.

Section 10. After the award of the contracts to the lowest bidder(s), or after the determination of the net cost to the County, the Board shall determine the total cost of such work, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the Board shall provide that the assessments may be payable without interest or demand during a specific cash payment period, or at the election of the owner, or in twenty (20) substantially equal semi-annual installments which will include both principal and interest. The Board shall provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments. The Board shall also provide the rate of interest on unpaid installments of assessments which will not exceed 1% over the rate of interest on the assessment bonds for the District, if issued. The effective interest rate on the assessment bonds of the District will not exceed the then-effective statutory limit, if any, for interest on assessment bonds. Such limit currently states that the interest rate may not exceed by more than 3% the

Index of Twenty Bonds which shall have been most recently published in The Bond Buyer before bids for the bonds are received, or before a negotiated offer for the sale of such bonds is accepted. If bonds are not issued the Board shall establish, by resolution, the rate of interest on unpaid installments of assessments not exceeding 14% per annum.

Section 11. All action, proceedings, matters and things heretofore taken, had and done by the County, and the officers thereof (not inconsistent with the provisions of this Ordinance), concerning the District, including, but not limited to, the performing of all prerequisites to the creation of said District, the acquisition of the street improvements, the advertising and award of a construction contract therefor, and the levy of assessments against the specific benefited property therein for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 12. 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 limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds and any interim warrants therefor.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. In accordance with NRS § 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed Ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such ordinance, by publication at least once in the Reno Gazette-Journal, i.e., a newspaper published and having general circulation in the County, at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before April 27, 2004, such publication to be in substantially in the following form:

(Form of Publication of Notice of Filing of Bill for an Ordinance)

Bill No. _____

Notice of Public Hearing Before

The Washoe County Board of County Commissioners

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, at 5:30 p.m., on Tuesday, April 27, 2004, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The Ordinance is entitled:

BILL NO. _____

ORDINANCE NO. _____

(of Washoe County, Nevada)

AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ORDERING A STREET PROJECT AND A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

An adequate summary of the Ordinance is as follows:

The preambles of the Ordinance recite that the Board of County Commissioners deems it necessary to create Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive) for the purpose of acquiring street and water improvements; recite that the Board declared its determination to create the District by a resolution; recite that the Board fixed a time and place for a hearing on the creation of the District and provided for the giving of mailed, posted and published notice of such hearing; recite that the requisite Notice was given and that such Notice was reasonably calculated to inform the parties of the proceedings concerning the District; recite that the hearing was held, that all hardship applications and all written and oral objections were duly considered and were found without sufficient merit and were overruled by resolution adopted on April 13, 2004, except as provided therein; recite that the owners of tracts representing less than one-half of the lots to be assessed filed such written or oral objections; recite that any person filing a written protest has the right within thirty (30) days to commence an action in any Court of competent jurisdiction to set aside the Board's determination; and recite that the Board and the Officers of the County have done all things necessary and preliminary to the creation of the District.

The ordaining clause is then set forth.

Sections 1 and 2 provide that the Ordinance shall be designated "Special Assessment District No. 36 (Evergreen Hills Drive) Creation Ordinance," and recite that the complaints, protests and objections made at the hearing have been overruled except as provided in a resolution and find that public convenience and necessity require creating of the District and that the creation of the District is economically sound and feasible.

Sections 3 and 4 create Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive), and describe the kind and location of the improvements.

Sections 5, 6, and 7 provide that an estimate of the total cost to be assessed is \$294,000; provide that all of such total cost shall be paid for by the levy of special assessments; provide that the assessments will be levied on a modified zone/per parcel basis; and describe the extent of the District, including the area to be assessed.

Section 8 provides that the District shall have one construction contract.

Sections 9 and 10 provide that the County Engineer is authorized to advertise for the construction contract; that the Board shall levy the assessments, which may be payable without interest or demand during a cash-payment period to then be specified, or in twenty (20) substantially equal semi-annual installments of principal and interest, that interest shall be at a rate which will not exceed the lesser of 1% over the interest rate on assessment bonds issued for the District. The interest rate on assessment bonds will not exceed the lesser of 14% per annum or the then-effective statutory maximum interest rate.

Sections 11, 12 and 13 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 36 (Evergreen Hills Drive) and the levying of special assessments against the property in the District; authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions. Section 14, 15 and 16 provide for notice by publication of the Ordinance and that the Ordinance shall be in effect from and after its publication for two weeks following its final adoption.

Copies of the proposed ordinance are on file in the office of the Washoe County Clerk at the Washoe County Courthouse, Virginia and Court Streets, Reno, Nevada, for public examination. The Board shall adopt or reject the Ordinance (or the Ordinance as amended) within 35 days after the date of the final public hearing.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has ordered this notice to be published.

DATED: April __, 2004.

/s/ Amy Harvey
County Clerk

(End of Form for Publication)

Section 15. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS § 244.100 and all laws thereunto enabling, such publication to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

BILL NO. _____
ORDINANCE NO. _____
(of Washoe County, Nevada)

AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ORDERING A STREET PROJECT AND A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled Ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia and Court Streets, Reno, Nevada; and that said Ordinance was proposed by Commissioner _____ on April 13, 2004, and following a public hearing, was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on April 27, 2004, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after May ____, 2004, i.e., the date of the second publication of such Ordinance by its title only.

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

DATED: _____, 2004.

/s/ Jim Shaw
Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey
County Clerk

Section 16. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on the 13th day of April, 2004.

Proposed by Commissioner GALLOWAY.

Passed the 27th day of April, 2004.

Those Voting Aye:

JIM SHAW

BONNIE WEBER

JIM GALLOWAY

DAVE HANKE

PETE SFARDEZZA

Those Voting Nay:

(NONE)

Those Absent:

(NONE)

James M. Shaw
Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

James L. R. T., Chief Deputy
County Clerk

This Ordinance shall be in force and effect from and after the 7th day of May, 2004, i.e., the date of the second publication of such Ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, Amy Harvey, am the duly chosen and qualified Clerk of Washoe County, and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages are a full and correct copy of an ordinance adopted by the Board of County Commissioners of the County (the "Board") introduced and read by title on April 13, 2004 and adopted on April 27, 2004 which relates to Special Assessment District No. 36. Minutes of the hearing on the Ordinance held on April 27, 2004 are attached as Exhibit A. Except as recited in this paragraph, no actions were taken concerning such District at such meetings. Such copies of the ordinance are true, correct, compared copy of the original proposed and adopted at such meetings.

2. All members of the Board were given due and proper notice of such meetings, and the members of the Board voted on the Ordinance as set forth in the Ordinance.

3. Public notice of such meetings was given and such meetings were held and conducted in full compliance with the provisions of NRS § 241.020. Pursuant to NRS § 241.020, written notice of such meeting was given by 9:00 a.m. at least three working days before the meetings:

(a) By mailing a copy of the notice to each member of the Board,

(b) By posting a copy of the notice at the principal office of the Board, or if there is no principal office, at the building in which the meeting was held, on the County's website and at least three other separate, prominent places within the jurisdiction of the Board, to wit:

- 1. Washoe County Administration Complex
1001 East Ninth Street
Reno, Nevada
- 2. Washoe County Courthouse
Virginia and Court Streets
Reno, Nevada

- 3. Washoe County Library
 -- 301 South Center Street
 Reno, Nevada

- 4. Justice Court
 630 Greenbrae Drive
 Sparks, Nevada

(c) By mailing a copy of the notice to each person, if any, who had requested notice of the meetings of the Board in the same manner in which notice is required to be mailed to a member of the Board.

5. A copy of the notices so given is attached to this certificate as Exhibit B and C.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of Washoe County, Nevada, this April 27, 2004.

Dorey L. P. Chief Deputy

 County Clerk

EXHIBIT A

(Attach Minutes of April 27, 2004 Hearing on Ordinance)

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

APRIL 27, 2004

PRESENT:

Jim Shaw, ChairmanBonnie Weber, Vice ChairmanJim Galloway, CommissionerDavid Humke, CommissionerPete Sferrazza, CommissionerAmy Harvey, County ClerkNancy Parent, Deputy County ClerkKaty Singlaub, County ManagerJohn Rhodes, Assistant District Attorney

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

04-344 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Weber, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Shaw ordered that the agenda for the April 27, 2004 meeting be approved.

PUBLIC COMMENTS

Sam Dehne, Reno resident, stated he attends all the government meetings in the County, and he sang a song about the news media.

Al Hesson, area resident, read articles regarding the Bush tax cut and explained why it does not add up. He commented on a salary tax and how it would benefit corporations but not the people who are starting out with nothing.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Galloway announced the public grand opening of the Jan Evans Juvenile Justice Center on May 6, 2004 at 10:00 a.m. at Parr Boulevard. He noted he attended the ribbon cutting for the trailhead at Keystone Canyon.

Commissioner Weber said April 24, 2004 was a great day at the North Valleys Regional Sports Complex. She described the events that took place, from the grand opening of the baseball fields to the opening day ceremony for the Little League.

Commissioner Weber disclosed that she had a telephone conversation with Steven Sparks, a current member of the BOE.

On motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the resignations of Marti Allison and Ron Fox be accepted, and Chairman Shaw be authorized to appoint a new Chairman of the BOE for the remainder of the 2004 calendar year.

Chairman Shaw appointed Steve Sparks as Chairman of the BOE for the remainder of the 2004 calendar year.

04-388 ORDINANCE NO. 1233 - BILL NO. 1414 - CREATING SPECIAL ASSESSMENT DISTRICT NO. 36 – EVERGREEN HILLS DRIVE

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on April 16, 2004 to consider second reading and adoption of Bill No. 1414. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Colin Duncan, 4640 Azalea Drive, expressed his opposition to being assessed the same as the parcels on Evergreen Hills Drive since he is not located on the portion of the road that will be paved, and he does not believe he will benefit the same as the other parcels. At the first reading of the ordinance, Mr. Duncan had suggested that the parcels not directly benefited should be assessed at 80 percent. He said that was still the only fair method unless the County wanted to pave the other private roads also.

There being no one else wishing to speak, the Chairman closed the public hearing.

On motion by Commissioner Weber, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that Ordinance No. 1233, Bill No. 1414, entitled, "**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ORDERING A STREET PROJECT AND A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO,**" be approved, adopted and published in accordance with NRS 244.100.

EXHIBIT B

(Attach Copy of Notice of April 13, 2004 Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Singlaub

**ASSISTANT
DISTRICT ATTORNEY**

Madelyn Shipman

AGENDA**WASHOE COUNTY BOARD OF COMMISSIONERS****COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada**

April 13, 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, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

An Agenda **CAUCUS** Meeting will be held in the Commission Caucus Room (1001 E. 9th St., Bldg. A, 2nd Floor, Reno) on **MONDAY, April 12, 2004 at 1:30 p.m.** in order to review agenda items for the regular meeting of the Washoe County Board of Commissioners as described below. Said review, if requested by the Commission, is limited to a brief staff presentation of issue and may include review of background information and questions to be answered at the regular meetings.

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.

AT THE CAUCUS MEETING (April 12, 2004), the following items may also be discussed:

Meeting Management Effectiveness.

Possible items for placement on the April 20, 2004 Commission Agenda.

Status Report on Central Truckee Meadows Remediation District (Washoe County Water Resources).

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, Bldg. A), 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. 9th St., Bldg. A, 2nd Floor, Reno, Nevada) and on the County's website at www.co.washoe.nv.us.

5:30 p.m. 20. C. Special Assessment District No. 36 (Evergreen Hills Drive).

Public hearing to consider all complaints, protests and objections and hardship applications made in writing or verbally concerning formation of Special Assessment District No. 36.

AND

Execute Resolution disposing of the protests made at the hearing on the provisional order for Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive); directing that the Engineer prepare and file a revised and detailed estimate of cost, full and detailed plans and specifications, and a revised map and assessment plat; and providing the effective date hereof.

AND

First reading of an Ordinance creating Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive); ordering a street project and a water project within Washoe County, Nevada; providing for the levy and collection of special assessments therefore; and prescribing other matters relating thereto. (Second reading and adoption to be April 27, 2004.)

- D. Recommendation to accept 11 Irrevocable Offers of Dedication and two Grants of Easement for Evergreen Hills Drive; and if accepted, authorize Chairman to execute same--Public Works.

END OF SCHEDULED PUBLIC HEARINGS

21. Possible Closed Session for the purpose of discussing negotiations with Employee Organizations. (Note: This item may be discussed at the Monday Caucus Meeting or Tuesday Board Meeting.)
22. Emergency Items.

EXHIBIT C

(Attach Copy of Notice of April 27, 2004 Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Singlaub

**ASSISTANT
DISTRICT ATTORNEY**

Madelyn Shipman

AGENDA**WASHOE COUNTY BOARD OF COMMISSIONERS**

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

April 27, 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, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

An Agenda **CAUCUS** Meeting will be held in the Commission Caucus Room (1001 E. 9th St., Bldg. A, 2nd Floor, Reno) on **MONDAY, April 26, 2004 at 1:30 p.m.** in order to review agenda items for the regular meeting of the Washoe County Board of Commissioners as described below. Said review, if requested by the Commission, is limited to a brief staff presentation of issue and may include review of background information and questions to be answered at the regular meetings.

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.

AT THE CAUCUS MEETING (April 26, 2004), the following items may also be discussed:

Meeting Management Effectiveness.

Possible items for placement on the May 11, 2004 Commission Agenda.

Possible Budget Appeal Hearings with various County Departments concerning Fiscal Year 2004/05 Budget.

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, Bldg. A), 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. 9th St., Bldg. A, 2nd Floor, Reno, Nevada) and on the County's website at www.co.washoe.nv.us.

22. Status report, discussion and possible direction to staff regarding County Commission position(s) on possible law enforcement consolidation--Labor Relations Manager.
 23. Discussion and possible adoption of a Resolution designated as the "2004 Commission Resolution Unfunded Mandate Advisory Question;" declaring the necessity of submitting an advisory question at the General Election on Tuesday, November 2, 2004 requesting advice from the registered voters residing in Washoe County on whether the Nevada Constitution should be amended to prohibit the Nevada Legislature from requiring counties and cities to provide services without appropriating state funds to support such services and to prohibit the Nevada Legislature from eliminating or reducing revenue sources authorized to support county and city services.
 24. Discussion and appointment of a Washoe County Commissioner to serve as an additional Washoe County Director on the Board of Directors for the Nevada Association of Counties (requested by Commissioner Sferrazza).
 25. Discussion and possible direction regarding 2002 Regional Plan Settlements, litigation, potential litigation and associated issues, including reports on actions of the Regional Planning Commission and Regional Planning Governing Board.
 - *26. Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to (these may include, but not be limited to, Regional Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).
- 5:30 p.m.** 27. **Public Hearings.** (*Note: The items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.*)
- A. Second Reading and Adoption of an Ordinance creating Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive); ordering a street project and a water project within Washoe County, Nevada; providing for the levy and collection of special assessments therefor; and prescribing other matters relating thereto. (Bill No. 1414).

EXHIBIT D

(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)

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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: **04/16/04 - 04/16/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me



TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded In Washoe County
No: 02-73259-2 - Expires May 16, 2006

Signed: *Julia Ketcham*

5-5-04 Tana Ciccotti

Proof of Publication

BILL NO. 1414 NOTICE OF PUBLIC HEARING BEFORE THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, at 5:30 p.m., on Tuesday, April 27, 2004, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The Ordinance is entitled: AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ORDERING A STREET PROJECT AND A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO. An adequate summary of the Ordinance is as follows: The preambles of the Ordinance recite that the Board of County Commissioners deems it necessary to create Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive) for the purpose of acquiring street and water improvements; recite that the Board declared its determination to create the District by a resolution; recite that the Board fixed a time and place for a hearing on

the creation of the District and provided for the giving of mailed, posted and published notice of such hearing; recite that the requisite Notice was given and that such Notice was reasonably calculated to inform the parties of the proceedings concerning the District; recite that the hearing was held, that all hardship applications and all written and oral objections were duly considered and were found without sufficient merit and were overruled by resolution adopted on April 13, 2004, except as provided therein; recite that the owners of tracts representing less than one-half of the lots to be assessed filed such written or oral objections; recite that any person filing a written protest has the right within thirty (30) days to commence an action in any Court of competent jurisdiction to set aside the Board's determination; and recite that the Board and the Officers of the County have done all things necessary and preliminary to the creation of the District. The ordaining clause is then set forth. Sections 1 and 2 provide that the Ordinance shall be designated "Special Assessment District No. 36 (Evergreen Hills Drive) Creation Ordinance," and recite that the complaints, protests and objections made at the hearing have been overruled except as provided in a resolution and find that public convenience and necessity require creating of the District and that the creation of the District is economically sound and feasible. Sections 3 and 4 create Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive), and describe the kind and location of the improvements. Sections 5, 6, and 7 provide that an estimate of the total cost to be assessed is \$294,000; provide that all of such total cost shall be paid for by the levy of special assessments; provide that the assessments will be levied on a modified zone/per parcel basis; and describe the extent of the District, including the area to be assessed. Section 8 provides that the District shall have one construction contract. Sections 9 and 10 provide that the County Engineer is authorized to advertise for the construction contract; that the Board shall levy the assessments, which may be payable without interest or demand during a cash-payment period to then be specified, or in twenty (20) substantially equal semi-annual installments of principal and interest, that interest shall be at a rate which will not exceed the lesser of 1% over the interest rate on assessment bonds issued for the District. The interest rate on assessment bonds will not exceed the lesser of 14% per annum or the then-effective statutory maximum interest rate. Sections 11, 12 and 13 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 36 (Evergreen Hills Drive) and the levying of special assessments against the property in the District; authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions. Section 14, 15 and 16 provide for notice by publication of the Ordinance and that the Ordinance shall be in effect from and after its publication for two weeks following its final adoption. Copies of the proposed ordinance are on file in the office of the Washoe County Clerk at 350 South Center Street, Suite 100, Reno, Nevada, for public examination. The Board shall adopt or reject the Ordinance (or the Ordinance as amended) within 35 days after the date of the final public hearing. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has ordered this notice to be published. DATED: April 13, 2004. /s/ Amy Harvey County Clerk
No.252972 Apr 16, 2004

EXHIBIT E

(Attach Affidavit of Publication of Title of Creation Ordinance Twice)

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