

District No. 36

Summary: An ordinance levying assessments in Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive).

BILL NO. 1437
 ORDINANCE NO. 1256
 (of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ASSESSING THE COST OF STREET AND WATER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State," respectively), has heretofore, pursuant to the requisite preliminary proceedings, created Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive) (the "District"), for the purpose of acquiring a street project as defined in NRS 271.225 (the "Street Project") and a water project as defined in NRS 271.250 (the "Water Project" and together with the Street Project, the "Project") and has provided that a portion of the entire cost and expense of such Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been created by an Ordinance adopted on April 27, 2004, under the provisions of Chapter 271 of NRS, the Consolidated Local Improvements Law; and

WHEREAS, on April 13, 2004, the Board considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and did not approve any applications for hardship determination; and

WHEREAS, the Board has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board has heretofore determined and does hereby declare that the net cost to the County of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$338,644, of which \$333,390 is to be assessed upon the benefited tracts and parcels of land in Unit 1 in the District for the Street Project and \$5,254 is to be assessed upon the benefited tracts and parcels of land in Unit 2 in the District for the Water Project; and

WHEREAS, the Board, by a resolution duly adopted directed the County engineer as the engineer for the County with respect to the District (the "Engineer") to make out a preliminary assessment roll; and

WHEREAS, after determination of the portion of the costs of such work to be paid by the property specially benefited, the Board, together with the Engineer, made out an assessment roll containing, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known that the name is "unknown", a description of each lot, tract or parcel of land to be assessed, and the amount of the assessment thereon, and the Engineer has reported the assessment roll to the Board and has filed the assessment roll with the County Clerk; and

WHEREAS, the Board thereupon fixed a time and place, to-wit, Tuesday, December 14, 2004 at 5:30 p.m., at the Commission Chambers, Washoe County Administration Complex, 1001 E. 9th Street, Reno, Nevada, when all complaints, protests and objections to the assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the Board; and

WHEREAS, the Board caused the assessment roll to be filed in the records of the office of the County Clerk on November 16, 2004; and the Clerk by publication and by mail gave or caused to be given the requisite notice of the time and place of such hearing, of the filing of the assessment roll in her office, of the date of filing the same, and of the

right of any such person so to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated the Board met to hear and determine all objections so filed or made orally by any interested party; and

WHEREAS, each written protest and oral complaint, objections and protest was duly considered; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled; and

WHEREAS, by a resolution duly adopted this December 14, 2004 (the "Assessment Protest Resolution"), the Board if it determined necessary, modified, corrected and revised the assessment roll and, corrected and revised, confirmed the assessment roll to be in final form; and

WHEREAS, \$338,644 is the total cost of the Project, of which \$333,390 is to be assessed upon the benefited tracts and parcels of land in Unit 1 in the District for the Street Project and \$5,254 is to be assessed upon the benefited tracts and parcels of land in Unit 2 in the District for the Water Project; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor that portion of the total cost of the Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the Board to provide when the assessments shall become due and the penalties payable after any delinquency.

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) Assessment Ordinance" (the "Ordinance").

Section 2. The Board has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the Board, except as provided in the Assessment Protest Resolution.

Section 3. All actions, 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 Special Assessment District No. 36, including, but not limited to, the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Project, there are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Project) and described in the assessment roll for the District, as filed in the office of the County Clerk on November 16, 2004, and as modified and confirmed by the Assessment Protest Resolution the amounts and assessments shown in the assessment roll (as so filed, modified and confirmed).

Section 5. The assessments shall be due and payable at the office of the County Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided, that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within the period of 30 days shall be conclusively considered and held an election on the part of person interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in twenty (20) substantially equal semiannual installments which will include both principal and interest. Interest in all cases on the unpaid and deferred installments of principal will be charged from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest payable on the bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the County Treasurer of Washoe County on March 1 and September 1 in each year, commencing on September 1, 2005. After the effective date of this Ordinance and before bonds are issued (or if bonds are not issued) the Board shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If bonds are sold, such rate will not exceed by more than one percent (1%) the rate of interest on the bonds for the District. The effective interest rate on the bonds of the District will not exceed the

statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before the time the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. In no event will the interest rate exceed 14% per annum. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the County, the exercise of the option to be indicated by the commencement of foreclosure proceedings by the County; and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether the option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of the payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole amount or any portion of the unpaid principal with interest accruing thereon to the next interest payment date, together with the payment of a penalty for such prepayment of three percent (3%) of the principal of the deferred installments so prepaid. The Board may by ordinance or resolution adjust the 2% delinquency penalty and 3% prepayment penalty provided herein any time.

Section 6. The amounts assessed against each parcel as set forth in the assessment roll shall be a lien upon the lots, tracts and parcels of land from the effective date of this Ordinance (i.e. January 21, 2005) until paid, co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. In case any such lot, tract or parcel of land so assessed is delinquent in the payment of such assessment or any installment of principal or interest, the Board shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address; and if such delinquency shall not be paid within 10 days after such notice shall have been given by deposit in the United States mail, then the assessment shall be enforced by the County, as provided by law with the other taxes in the general assessment roll of the County, and in the same manner. Nothing herein shall be construed as preventing the County from collecting any assessment by suit in the name of the governing body as provided in NRS 271.625, or by the method provided by NRS 271.540 to 271.620 if so ordered by the Board. The assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If the foreclosure is not promptly filed and prosecuted, then any bondowner may file and prosecute the foreclosure action in the name of the County.

Section 8. The County Clerk is hereby directed to deliver to the County Assessor and County Treasurer of Washoe County a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made; and the County Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 9. The County Clerk is hereby directed to deliver to the County Recorder of Washoe County for recordation, a copy of the final assessment roll, endorsed by the Clerk as the roll designated in the assessment ordinance, together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer who has been directed by the Board to collect the Assessment.

Section 10. In accordance with NRS 271.405 (7), the County Clerk shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of

the 30-day period stating that the assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk of the County. In accordance with NRS 271.390 (2), the Engineer must also give written notice of the levy of assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of the 30 day period, to the owner or owners of all property upon which the assessment was levied at his or her last-known address or addresses. Proof of such mailing shall be made by the affidavit of the Engineer and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments shall have been paid in full, as to both principal and interest, or until any claim is barred by an appropriate statute of limitations. The Board hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405 (7) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

*Amount of Assessment \$ _____

*Description of property assessed Assessor's Parcel No. _____

(*Included in mailed, not published, notice.)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN WASHOE COUNTY, NEVADA
SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons that, by an ordinance duly passed, adopted, signed and approved on January 11, 2005 (the "Ordinance"), there was levied and assessed against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive)" (the lots, tracts and parcels of land being more specifically described in the assessment roll designated in the Ordinance), a portion of the cost and expense of such improvements.

Assessments are due and payable at the office of the County Treasurer of Washoe County, in Reno, Nevada, on or before February 20, 2005, being 30 days after the effective date of the Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all person interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in twenty (20) substantially equal semiannual installments which include principal and interest. Interest in all cases on the unpaid and deferred installments of principal will be charged from January 21, 2005 (i.e., the effective date of the Ordinance), both principal and interest being payable semiannually at the office of the County Treasurer of Washoe County, Reno, Nevada, on March 1 and September 1, commencing on September 1, 2005. After the effective date of the Ordinance and before assessment bonds are issued (or if bonds are not issued) the Board shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, such rate will not exceed by more than 1% the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e. will not exceed by more than three (3%) percent the "Index of Twenty Bonds" which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether of principal or interest, when due will cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the County, the

exercise of the option to be indicated by the commencement of foreclosure proceedings by the County; and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether the County's option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole amount or any portion of the unpaid principal with interest accruing thereon to the next interest payment date and the payment of a penalty for such prepayment of three percent (3%) of the installment or installments of principal so prepaid.

Pursuant to NRS 271.395, within 15 days after the effective date of the Ordinance, any person who has filed a complaint, protest or objection in writing in the manner provided by NRS 271.380 may commence an action or suit in any court of competent jurisdiction to correct or set aside the determination. Judicial review of the proceedings in any action brought pursuant to NRS 271.395 is limited to any complaint, protest or objection to the assessment roll, the regularity, validity and correctness of each assessment, the amount of each assessment, or the regularity, validity and correctness of any other proceedings occurring after the date of the hearing described in NRS 271.301 and before the date of the hearing governed by NRS 271.385. Thereafter all actions or suits attacking the regularity, validity and correctness of the proceedings, of the assessment roll, of each assessment contained in the assessment roll, and of the amount of the assessment levied on each tract, including the defense of confiscation, are perpetually barred.

The amounts assessed as aforesaid constitute a lien upon the lots, tracts and parcels of land from January 21, 2005 (the effective date of the Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this January 11, 2005.

/s/ Amy Harvey
County Clerk

(End of Form of Notice)

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 and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds 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 ten (10) days before the date set for such hearing, i.e., at least ten (10) days before January 11, 2005, such publication to be in substantially the following form:

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

Bill No. _____

Ordinance No. _____

(of Washoe County, Nevada)

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 Commission Chambers, Washoe County Administration Complex, 1001 E. Ninth Street, in Reno, Washoe County, Nevada at 5:30 p.m., on the 11th day of January, 2005, 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 CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ASSESSING THE COST OF STREET AND WATER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

An adequate summary of the ordinance is as follows:

Section 2 of the ordinance dispenses with complaints, protests and objections made at the December 14, 2004, hearing.

Section 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 36 (Evergreen Hills Drive) and levy assessments against all specially benefited property in Special Assessment District No. 36 (Evergreen Hills Drive) as set forth in the assessment roll filed with the County Clerk on November 16, 2004, except as modified by the December 14, 2004, resolution.

Section 5. Provides for the time and conditions for the payment of the assessments including, but not necessarily limited to, provisions for the payment of the assessments without interest during a 30-day period, for the election to pay the assessments in 20 substantially equal semi-annual installments, for the option to accelerate the payment of principal in the case of failure to pay any installment of principal or interest, for the payment of 2% per month (or higher) penalty interest and other penalties, for the restoration of the right to pay in installments on certain payments being made before date of sale, for the prepayment of any assessment or any portion of an assessment at anytime under specified conditions, provides for a prepayment penalty of 3%, provides for the interest rate on the assessment installments to be established by a resolution of the Board to be adopted after the adoption of the assessment ordinance.

Section 6. Provides that the amounts assessed shall constitute a lien on the lots, tracts and parcels of land in the District co-equal of that with general taxes and prior and

superior to all other liens, claims, encumbrances and titles and that the lien shall survive other foreclosure sales.

Section 7. Provides for mailed notice to the owner of any delinquent property in case of delinquency in assessment payments; provides for the duty of the Board to foreclose such lien, as provided by law, if the assessment is not paid within 10 days after such notice; provides for the collection of delinquent assessments.

Section 8. Directs the County Clerk to deliver the assessment roll to the County Assessor and the County Treasurer and directs the County Treasurer to collect the assessments.

Section 9. Directs the County Clerk to deliver to the County Recorder for recordation, the assessment roll together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer.

Sections 10, 11, 12, 13, 14, 15 and 16 provide specific forms of notice and publication of the ordinance.

Copies of the Bill are on file in the office of the County Clerk in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, 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, Washoe County, Nevada, has ordered this notice to be published.

Date: December 14, 2004.

(SEAL)

/s/ Amy Harvey
County Clerk

(End of Form of Notice)

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 the 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)

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

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ASSESSING THE COST OF STREET AND WATER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING 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 the interested parties at the office of the County Clerk of Washoe county, Nevada, at her office in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada; and that the ordinance was proposed December 14, 2004, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on January 11, 2005, by the following vote of the Board of County Commissioners:

Those Voting Aye:	Jim Galloway David Humke Robert M. Larkin Pete Sferrazza Bonnie Weber
Those Voting Nay:	_____
Those Absent:	_____

This ordinance shall be in full force and effect from and after January 21, 2005, 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 this January 11, 2005.

/s/ _____
 Board of County Commissioners
 Washoe County, Nevada

(SEAL)
 Attest:
 /s/ Amy Harvey
 County Clerk

(End of Form of Publication)

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 December 14, 2004.

Proposed by Commissioner Humke.

Passed on January 11, 2005.

Vote:

Ayes: **5**

Jim Galloway
David Humke
Robert M. Larkin
Pete Sferrazza
Bonnie Weber

Nays: **0**

Absent:

none

Bonnie Weber

Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

Amy Harvey
County Clerk

This Ordinance shall be in force and effect from and after the 21st day of the month of January of the year 2005, 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 a resolution adopted by the Board of County Commissioners of the County (the "Board") on December 14, 2004, and an Ordinance introduced and read by title on December 14, 2004 and adopted on January 11, 2005 which relate to Special Assessment District No. 36. Minutes of the hearing on the District held on December 14, 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 such resolution and 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 were present and voted on such resolution as follows:

Those Voting Aye:

Jim Galloway
David Humke
Pete Sferrazza
Jim Shaw
Bonnie Weber

Those Voting Nay:

Those Absent:

and were present and voted on such 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 copies of the notices so given are attached to this certificate as Exhibit B and C.

IN WITNESS WHEREOF, I have hereunto set my hand, this January 11, 2005.

County Clerk

Amy Harvey

EXHIBIT A

(Attach Copy of Minutes of December 14, 2004 Hearing on District No. 36)

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

DECEMBER 14, 2004

PRESENT:

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

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

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:

04-1218 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the agenda for the December 14, 2004 meeting be approved with the following change: the 21A on top of page 9 should be 26A.

04-1219 PUBLIC COMMENTS

John Bradbury, Spanish Springs resident, complained that a West Coast Contractor striping crew blocked the entrance to the Lazy 5 Park on Saturday, December 11, 2004, which kept the visitors to the 4th annual Wonderful Christmas event down to 300 when last year there were 600 plus visitors. Mr. Bradbury said Nevada Department of Transportation had stated they would try to postpone the striping, and West Coast Contractors was given a calendar of events each month. Mr. Bradbury requested staff present a report of what happened and how it could be prevented from happening again to the Spanish Springs Citizen Advisory Board on January 12, 2005.

Don Weber, local resident, asked how he could obtain written material that would establish whether or not the County had used any resources to oppose the marijuana petition. Katy Singlaub, County Manager, responded that he should make his request in writing to the County Manager.

records of the office of the County Clerk on November 16, 2004, is hereinabove modified, revised, corrected and made de novo.

Section 4. 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 Resolution) concerning Special Assessment District No. 35 (Rhodes Road), including, but not limited to the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 5. The Engineer and 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 Resolution.

Section 6. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution or part of any Resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way effect any remaining provisions of this Resolution.

Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

04-1262 **BILL NO. 1436 – SPECIAL ASSESSMENT DISTRICT 35 (RHODES ROAD) - PUBLIC WORKS**

Bill No. 1436 entitled: AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 35 (RHODES ROAD); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH, was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

04-1263 **SPECIAL ASSESSMENT DISTRICT NO. 36 – EVERGREEN HILLS DRIVE – PUBLIC WORKS**

5:30 p.m. This was the time set in a Notice of Public Hearing to conduct a public hearing to consider all complaints, protests, and objections made in writing or verbally to

the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the Special Assessment District No. 36 (Evergreen Hills Drive), by any person interested, and by any parties aggrieved by such assessments.

Chairman Shaw opened the public hearing by calling on anyone wishing to speak.

Colin Duncan, local resident, said he has provided timely notices of protest to being included in the Special Assessment District. He stated he is not protesting the assessment roll amount but would like to continue to maintain his objection of being included and preserve his rights to take legal action.

Greg Bischoff, resident, commented he would like to make a formal protest on the amount of the assessment since it is substantially higher than they were lead to believe.

Walt West, Engineer, said the total projected cost was \$17,000 per parcel and has increased to approximately \$19,000 due to the added construction cost.

Michelle Poché, Assistant County Manager, asked staff if the breakdown was distributed to the residents. Mr. West responded those costs were provided to the Bischoffs and the other residents.

In response to Commissioner Humke, Mr. West replied the administration fees are included in the cost as a flat rate of four percent.

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

In response to Commissioner Humke, Mr. Bischoff stated the information received from the County had not been as accurate as was presented here. He said they had estimates from the beginning, however, were not notified of the extra costs along the way or that it would be over \$19,000 per parcel.

Tom Gadd, Public Works Director, said the construction portion was approximately \$60,000 over staff's initial estimate.

Kendra Follett, Bond Counsel, stated at the provisional order hearing staff was required to state the maximum special benefit, which in this case was about \$24,000 per parcel. The preliminary estimate of the assessment must also be stated, which was \$14,000-\$15,000, based on the estimated construction cost. She said this hearing is where the final cost is produced. Ms. Follett said the final cost does not exceed the special benefit of \$24,000 per parcel.

In response to Commissioner Weber, Ms. Follett said residents were notified by mail, and the final assessment cost was also published in the newspaper. Statutorily there is no process for a mid construction notification.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, Chairman Shaw ordered that staff be directed to provide a detailed analysis to the residents of increased cost.

04-1264 SPECIAL ASSESSMENT DISTRICT NO. 36 – EVERGREEN HILLS DRIVE – RESOLUTION

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Shaw be authorized to execute the same:

A RESOLUTION CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); CONSIDERING COMPLAINTS, PROTESTS, AND OBJECTIONS MADE TO THE ASSESSMENTS AT THE HEARING ON THE ASSESSMENT ROLL AND MAKING DETERMINATIONS THEREON; VALIDATING AND CONFIRMING THE ASSESSMENT ROLL; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (the "County"), in the State of Nevada, pursuant to an Ordinance, adopted April 27, 2004 (the "District Ordinance"), created Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive) (the "District") and ordered the acquisition of a street project (the "Street Project") and a water project (the "Water Project" and together with the Street Project, the "Project"); and

WHEREAS, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board has heretofore determined and does hereby declare that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$338,644, of which \$333,390 is to be assessed upon the benefited tracts and parcels of land in Unit 1 in the District for the Street Project and \$5,254 is to be assessed upon the benefited tracts and parcels of land in Unit 2 in the District for the Water Project; and

WHEREAS, the Board together with the County engineer as the engineer for the County with respect to the District (the "Engineer") made out an assessment roll for the District which contains, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known stating that the name is "unknown"; a description of each lot, tract or parcel of land to be assessed; and the amount of the proposed assessment to be levied thereon; and the Engineer has reported the assessment roll to the Board and filed the same with the County Clerk; and

WHEREAS, the Board by resolution duly adopted on November 16, 2004, established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained therein; and

WHEREAS, the Board has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the County Clerk, and that the Board would hear and consider any and all complaints, protests or objections on Tuesday, December 14, 2004, at 5:30 p.m., at the First Floor Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada; and

WHEREAS, the Board met at the place and time to hear and consider all complaints, protests and objections made or filed; and

WHEREAS, the written and oral protests or objections were noted for the record and a copy of the minutes of the public hearing are attached hereto as Exhibit A; and

WHEREAS, all complaints, protests and objections, both written and oral, were heard and considered by the Board on December 14, 2004, and after extensive review and deliberation hereby are found to be without sufficient merit and are hereby overruled; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

(No Revisions)

and

WHEREAS, the Board has determined and does hereby again determine, that all of the assessable property in the County which is specially benefited by the improvements acquired in the District, and only the property which is so specially benefited, is included on the assessment roll heretofore filed with the County Clerk on November 16, 2004; and

WHEREAS, the Board has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on December 14, 2004, on the assessment roll was reasonably calculated to inform each interested person of the

proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA:

Section 1. This resolution shall be known as and may be cited by the short title "District No. 36 (Evergreen Hills Drive) Assessment Protest Resolution" (the "Resolution").

Section 2. All complaints, protests and objections, both written and oral, are hereby found to be without sufficient merit and are hereby overruled, except as otherwise provided in this resolution.

Section 3. The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Engineer, and filed in the records of the office of the County Clerk on November 16, 2004, is hereinabove modified, revised, corrected and made de novo.

Section 4. 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 Resolution) concerning Special Assessment District No. 36 (Evergreen Hills Drive), including, but not limited to the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 5. The Engineer and 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 Resolution.

Section 6. All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution or part of any Resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way effect any remaining provisions of this Resolution.

Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

04-1265

**BILL NO. 1437 – SPECIAL ASSESSMENT DISTRICT NO. 36
(EVERGREEN HILLS DRIVE) – PUBLIC WORKS**

Bill No. 1437 entitled: AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ASSESSING THE COST OF STREET AND WATER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. Introduced by Commissioner Humke, the title read to the Board: and legal notice for final action of adoption directed.

04-1266

**COMPREHENSIVE PLAN AMENDMENT CASE NO. CP04-005
(SPANISH SPRINGS AREA PLAN UPDATE) – COMMUNITY
DEVELOPMENT**

5:30 p.m. This was the time to consider an amendment to the Spanish Springs Area Plan and the Spanish Springs Specific Plan that provides a wholesale update of the Spanish Springs Area Plan such that the Spanish Springs Specific Plan is dissolved, incorporating certain features of the Specific Plan into the updated Area Plan; establishing updated goals and policies relating to Land Use, Transportation, Scenic, Recreational and Cultural Resources, Natural Resources (Air, Land and Water), and establishing specific findings, criteria and thresholds for future amendments; amending the Land Use Map for certain land use changes within a proposed suburban character management area; and establishing a Land Use Map, Character Management Map, Recreational Opportunities Map, Public Services and Facilities Map, Streets and Highway Systems Map, and Development Suitability Map.

Pursuant to the ethics and government law, Chairman Shaw disclosed that his wife, Linda Shane, owns property within the Spanish Springs Area Plan. The zoning on her property located in Broken Hills would be changed under the plan, and the change may affect the value of the property. Accordingly, as required by NRS 281.501, Chairman Shaw abstained from the discussion and vote regarding this item.

Chairman Shaw turned the gavel over to Vice Chairman Weber.

Vice Chairman Weber opened the public hearing by calling on anyone wishing to speak.

Eric Young, Planner, provided background information summarizing the Spanish Springs Area Plan update as outlined in the agenda memorandum dated November 22, 2004. He highlighted the major changes.

EXHIBIT B

(Attach Copy of Notice of December 14, 2004 Meeting)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Singlaub

DEPUTY
DISTRICT ATTORNEY

Melanie Foster

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

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

December 14, 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, December 13, 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 meeting.

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 (December 13, 2004), the following items may also be discussed:

Meeting Management Effectiveness.

Possible items for placement on the December 21, 2004 Commission Agenda.

Management Issues on Public Lands in Washoe County (Community Development)--**This item will start at 1:30 p.m.**

- Status of Bureau of Land Management's plan updates for Northern Washoe County
- Land tenure issues (acquisition and disposal)

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.

5:30 p.m. 26. C. Special Assessment District No. 36 - Evergreen Hills Drive.

Conduct a public hearing to consider all complaints, protests, and objections made in writing or verbally to the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the Special Assessment District No. 36 (Evergreen Hills Drive), by any person interested, and by any parties aggrieved by such assessments.

AND

Possible adoption and execution of a Resolution concerning Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive); considering complaints, protests, and objections made to the assessments at the hearing on the assessment roll and making determinations thereon; validating and confirming the assessment roll; providing other details in connection therewith.

AND

First reading of an Ordinance concerning Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive); assessing the cost of street and water improvements against the assessable tracts of land benefited by the improvements; describing the manner for the collection and payment of the assessments; providing penalty for delinquent payments; providing other details in connection therewith.

END OF SCHEDULED PUBLIC HEARINGS

27. Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220. (Note: This item may be discussed at the Monday Caucus Meeting or Tuesday Board Meeting.)
28. Emergency Items.

EXHIBIT C

(Attach Copy of Notice of January 11, 2005 Meeting)

COUNTY COMMISSIONERS

Ronnie Weber, Vice-Chairman
 n Galloway
 David Humke
 Bob Larkin
 Pete Sferrazza

COUNTY MANAGER

Katy Singlaub

DEPUTY
DISTRICT ATTORNEY

Melanie Foster

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

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

January 11, 2005

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, January 10, 2005 at 11 a.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 meeting.

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 (January 10, 2005), the following items may also be discussed:

Meeting Management Effectiveness.

Possible items for placement on the January 18, 2005 Commission Agenda.

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.

Legislative Update - this item may be discussed at Monday's Caucus Meeting and/or Tuesday's Board Meeting and may involve discussion by the Commission and direction to staff on various bill draft requests (BDRs). Current bills the County is tracking that may be reported on or discussed are listed under Legislative Affairs at www.co.washoe.nv.us.

21. Truckee Meadows Fire Protection District.

Discussion and possible appointment of a community member to the Reno Fire Chief Assessment Panel.

22. 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).

23. Discussion and possible direction regarding 2002 Regional Plan Settlements, Regional Plan litigation and potential litigation and associated issues, including reports on actions of the Regional Planning Commission and Regional Planning Governing Board.

5:30 p.m. 24. **Public Hearings.** (*Note: 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 items in this category can vary.*)

A. Second reading and adoption of an Ordinance concerning Washoe County, Nevada, Special Assessment District No. 35 (Rhodes Road); assessing the cost of street improvements against the assessable tracts of land benefited by the improvements; describing the manner for the collection and payment of the assessments; providing penalty for delinquent payments; providing other details in connection therewith. (Bill No. 1436)

B. Second reading and adoption of an Ordinance concerning Washoe County, Nevada, Special Assessment District No. 36 (Evergreen Hills Drive); assessing the cost of street and water improvements against the assessable tracts of land benefited by the improvements; describing the manner for the collection and payment of the assessments; providing penalty for delinquent payments; providing other details in connection therewith. (Bill No. 1437)

END OF SCHEDULED PUBLIC HEARINGS

25. Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220. (Note: This item may be discussed at the Monday Caucus Meeting or Tuesday Board Meeting.)

26. Emergency Items.

EXHIBIT D

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

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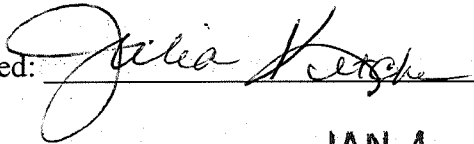
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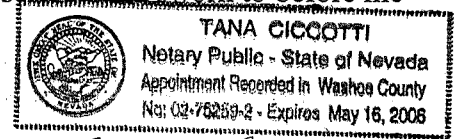
STATE OF NEVADA
COUNTY OF WASHOE

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: **12/31/04 - 12/31/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: 





JAN 4 2005

Proof of Publication

Bill No. 1437 Ordinance No. (of Washoe County, Nevada) 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 Commission Chambers, Washoe County Administration Complex, 1001 E. Ninth Street, in Reno, Washoe County, Nevada at 5:30 p.m., on the 11th day of January, 2005, 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 CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ASSESSING THE COST OF STREET AND WATER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. An adequate summary of the ordinance is as follows: Section 2 of the ordinance dispenses with complaints, protests and objections made at the December 14, 2004, hearing. Section 3 and 4 ratify, approve and confirm all consistent prior action taken in

connection with Special Assessment District No. 36 (Evergreen Hills Drive) and levy assessments against all specially benefited property in Special Assessment District No. 36 (Evergreen Hills Drive) as set forth in the assessment roll filed with the County Clerk on November 16, 2004, except as modified by the December 14, 2004, resolution. Section 5. Provides for the time and conditions for the payment of the assessments including, but not necessarily limited to, provisions for the payment of the assessments without interest during a 30-day period, for the election to pay the assessments in 20 substantially equal semi-annual installments, for the option to accelerate the payment of principal in the case of failure to pay any installment of principal or interest, for the payment of 2% per month (or higher) penalty interest and other penalties, for the restoration of the right to pay in installments on certain payments being made before date of sale, for the prepayment of any assessment or any portion of an assessment at anytime under specified conditions, provides for a prepayment penalty of 3%, provides for the interest rate on the assessment installments to be established by a resolution of the Board to be adopted after the adoption of the assessment ordinance. Section 6. Provides that the amounts assessed shall constitute a lien on the lots, tracts and parcels of land in the District co-equal of that with general taxes and prior and superior to all other liens, claims, encumbrances and titles and that the lien shall survive other foreclosure sales. Section 7. Provides for mailed notice to the owner of any delinquent property in case of delinquency in assessment payments; provides for the duty of the Board to foreclose such lien, as provided by law, if the assessment is not paid within 10 days after such notice; provides for the collection of delinquent assessments. Section 8. Directs the County Clerk to deliver the assessment roll to the County Assessor and the County Treasurer and directs the County Treasurer to collect the assessments. Section 9. Directs the County Clerk to deliver to the County Recorder for recordation, the assessment roll together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer. Sections 10, 11, 12, 13, 14, 15 and 16 provide specific forms of notice and publication of the ordinance. Copies of the Bill are on file in the office of the Washoe County Clerk at 350 South Center Street, Suite 100, Reno, Washoe County, 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, Washoe County, Nevada, has ordered this notice to be published. Date: December 14, 2004. (SEAL)/s/ Amy Harvey Washoe County Clerk and Clerk of the Board of County Commissioners No. 606447 Dec 31, 2005

EXHIBIT E

(Attach Affidavit of Publication of Ordinance Twice by Title)

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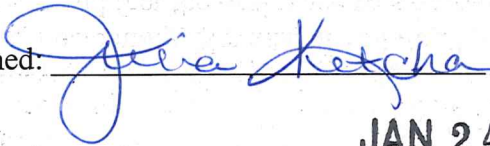
STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

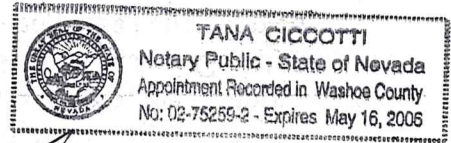
Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **01/14/05 - 01/21/05**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed:



JAN 24 2005



Proof of Publication

BILL NO. 1437 ORDINANCE NO. 1256 (of Washoe County, Nevada) AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 36 (EVERGREEN HILLS DRIVE); ASSESSING THE COST OF STREET AND WATER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING 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 the interested parties at the office of the County Clerk of Washoe county, Nevada, at 350 South Center Street, Suite 100, Reno, Washoe County, Nevada; and that the ordinance was proposed December 14, 2004, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on January 11, 2005, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Galloway David Humke Robert M. Larkin Pete Sferrazza Bonnie Weber Those Voting Nay:(none) Those Absent:(none) This ordinance shall be in full force and effect from and after January 21, 2005, 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 this January 11, 2005. /s/ Bonnie Weber Chairman Board of County Commissioners Washoe County, Nevada (SEAL) Attest: /s/Amy Harvey County Clerk No. 615572 Jan 14, 21, 2005