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STATE OF NEVADA  
COUNTY OF WASHOE

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: **04/17/2009 - 04/24/2009**, for exact publication dates please see last line of Proof of Publication below.

Signed: Debra Dikauns

Subscribed and sworn to before me  
LINDA ANDERSON  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 08-5430-2 - Expires January 15, 2012

Linda Anderson

**APR 24 2009**

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1398 BILL NO. 1577 An ordinance concerning Washoe County, Nevada, SpecialAssessment District No. 39 (Lightning W Water SystemSupply Improvement Project); assessing the cost of a water project against the assessable tracts of land benefitedby the project; describing the manner for the collectionand payment of the assessments; providing penalties fordelinquent payments; and providing other details in connection therewith. PUBLIC NOTICE IS HEREBY GIVEN that an adequatenumber of typewritten copies of the above-numbered andentitled Ordinance are available for public inspection anddistribution at the office of the County Clerk of WashoeCounty, at her office in the County Courthouse in Reno,Nevada, 75 Court Street, Reno, Washoe County, Nevada;and can be found on the County Clerk's website, www.washoecounty.us/clerks. and that said Ordinance was proposed by Commissioner Larkin on March 24, 2009, andwas passed and adopted without amendment at the regular meeting held not more than 35 days thereafter (i.e. atthe regular meeting on April 14, 2009), by the followingvote of the Board of County Commissioners: Those Voting Aye: John Breternitz, David E. Humke, Robert M. Larkin, Bonnie Weber Those Voting Nay: None Those Absent: Kitty Jung This Ordinance shall be in full force and effect from andafter April 24, 2009, 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. AMY HARVEY, Washoe County Clerk and Clerk of the Board of  
County Commissioners No. 637722 - Apr. 17, 24, 2009

Summary: An ordinance levying assessments in Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project).

**BILL NO. 1577**  
**ORDINANCE NO. 1398**  
(of Washoe County, Nevada)

**AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT); ASSESSING THE COST OF A WATER PROJECT AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE PROJECT; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTIES FOR DELINQUENT PAYMENTS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.**

**WHEREAS**, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," the "County" and the "State," respectively), has heretofore, pursuant to the requisite preliminary proceedings, created Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) (the "District"), for the purpose of acquiring and constructing a water project as defined in Nevada Revised Statutes ("NRS") 271.250 (the "Project"); and

**WHEREAS**, the District has been created by an ordinance adopted on February 26, 2008, under the provisions of NRS Chapter 271, the Consolidated Local Improvements Law; and

**WHEREAS**, on February 12, 2008, 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 \$1,478,641.78 of

which of which \$1,478,641.78 is to be assessed upon the benefited lots, tracts and parcels of land in the District for the Project and a portion of which may be paid from other sources if and to the extent set forth in the ordinance levying assessments; 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 reported the assessment roll to the Board and filed the assessment roll with the County Clerk; and

**WHEREAS**, the Board thereupon fixed a time and place, to-wit, Tuesday, March 24, 2009 at 6:00 p.m., at the County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, 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 February 17, 2009; and the County Clerk by publication, and the Engineer by mail, gave the requisite notice of the time and place of such hearing, of the filing of the assessment roll in the office of the County Clerk, 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, objection 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 on March 24, 2009 (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**, 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. 39 (Lightning W Water System Supply Improvement Project) 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. 39, 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, the amounts and assessments shown in the assessment roll, as filed in the office of the County Clerk on February 17, 2009 and as modified and confirmed by the Assessment Protest Resolution (the "Final Assessment Roll"), 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 Final Assessment Roll.

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 all persons 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 forty (40) substantially equal semiannual installments which will include both principal and interest until paid in full. Interest in all cases on the unpaid and deferred installments of principal will be charged from the effective date of this Ordinance. Both principal and interest on such assessments shall be 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, 2009. After the effective date of this Ordinance and before assessment bonds are



issued, the Board shall, by resolution, fix or adjust or authorize the County Manager or Finance Director of the County to fix or adjust, the rate of interest on the unpaid and deferred installments of assessments which will not exceed by more than 1% the highest rate of interest payable on the District's assessments bonds at any maturity. Before assessment bonds are issued or if assessment bonds are not issued, the rate of interest on unpaid installments of assessments shall be 7% or otherwise established by resolution of the Board or as fixed or adjusted by the County Manager or County Finance Director. The effective interest rate on the District's assessment bonds will not exceed the then effective statutory maximum rate. Such limit currently states that the interest rate may not exceed by more than three percent (3%) the "Index of Twenty Bonds" which is 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. In no event will the interest rate on assessment bonds or unpaid assessments exceed 14%. 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%) (or at any higher rate authorized by statute) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. 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 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 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, together with the payment of a penalty for such prepayment not to exceed five percent (5%) of the principal of the installments so prepaid. The Board may by ordinance or resolution, at any time, adjust the 2% delinquency penalty and 5% prepayment penalty provided herein. The Board hereby authorizes the County Treasurer to reduce or waive for good cause the collection of any penalties assessed pursuant to NRS 271.415(4) and any interest incurred pursuant to NRS 271.585.

Section 6. The amounts assessed against each parcel as set forth in the Final Assessment Roll shall be a lien upon the lots, tracts and parcels of land from the effective date of this Ordinance (i.e. \$1,478,641.78) until paid. The 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 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. If such delinquency is not be paid within 10 days after such notice has 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 Final 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 bondholder 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 the 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. Pursuant to NRS 271.431 and 271.4315, the Board hereby pledges, for the crediting to or payment of the assessments, certain revenues, if any (the "Revenues"),



appertaining to the facilities of the District which are to be financed in whole or in part with the proceeds of the assessments levied pursuant to this Ordinance (the "Facilities") if and only to the extent imposed pursuant to an ordinance adopted by the Board and designated for such use. The Revenues, if any, shall consist of excess use and service charges or other charges to be derived in connection with the Facilities or all or any part of any property appertaining to the Facilities. This pledge shall constitute a lien upon the Revenues, if any, to secure the payment of the assessments and shall be foreclosed by the County in the event of delinquency. The Revenues, if any, shall be credited in the proportion which each individual assessment or installment of principal bears to the total of all individual assessments in the assessment to which the Revenues are to be credited. If an individual assessment, or any installment of principal and interest has been paid in cash, the credit shall be returned in cash to the person or persons paying the same upon their furnishing satisfactory evidence of payment. Where all or any part of an individual assessment remains unpaid and is payable in installments of principal, the credit shall be applied to the installment, and if after the payment of the installment there remains an unused portion of the credit, the unused portion shall be applied to the payment of interest, and if after the payment of such principal and interest there remains an unused portion of the credit, the unused portion shall be applied to the next ensuing installment or installments of principal and interest.

Section 10. 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 County Clerk as the Final Assessment Roll designated in the 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 assessments.

Section 11. 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) at least once a week for 3 consecutive weeks, by 3 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. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. 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. In accordance with NRS 271.390(2) and NRS 271.415(5) the County Treasurer 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 County Clerk, the Engineer or any deputy thereof 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 12. The notice provided for in NRS 271.390(2), NRS 271.405(7) and NRS 271.415(5) and in Section 11 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.  
39 (LIGHTNING W WATER SYSTEM SUPPLY  
IMPROVEMENT PROJECT ).

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 April 14, 2009 (the "Ordinance"), there was levied and assessed a portion of the cost and expense of such improvements 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. 39 (Lightning W Water System Supply Improvement Project )" (the lots, tracts and parcels of land being more specifically described in the assessment roll designated in the Ordinance).

Assessments are due and payable at the office of the County Treasurer of Washoe County, in Reno, Nevada, on or before May 25, 2009, 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 persons 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 forty (40) 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 April 25, 2009 (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, 2009. After the effective date of the Ordinance and before assessment bonds are issued (or if bonds are not issued) the Board shall fix or adjust, or authorize the County Manager or Finance Director of the County to fix or adjust, the rate of interest on the unpaid and deferred installments of assessments which will not exceed by more than 1% the highest rate of interest payable on the District's assessment bonds at any maturity. Before assessment bonds are issued or if assessment bonds are not issued, the rate of interest on unpaid installments of assessments shall be 7% or otherwise established by resolution of the Board or as fixed or adjusted by the County Manager or County Finance Director. The effective interest rate on the District's assessment bonds will not exceed the then effective statutory maximum rate. 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 before bids for the bonds are received, or before a negotiated offer for the sale of such bonds is accepted. In no event will the interest rate on assessment bonds or unpaid assessments exceed 14%. 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 or not the County's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. 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, together with the payment of a penalty for such prepayment not to exceed five percent (5%) of the principal of the installments 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 April 25, 2009 (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: April 14, 2009.

(End of Form of Notice)

Section 13. The officers of the County be, and the same 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 14. 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 15. 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.

Section 16. In accordance with NRS Section 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 April 14, 2009), such publication to be in substantially the following form:

[Form of Notice of Filing of the 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 County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, in Reno, Washoe County, Nevada at 6:00 p.m., on Tuesday, April 14, 2009, for the purpose of hearing objections to the adoption of a proposed ordinance (the "Ordinance"). At such hearing, interested persons may present their views. The Ordinance is entitled:

**AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT); ASSESSING THE COST OF A WATER PROJECT AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE PROJECT; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTIES FOR DELINQUENT PAYMENTS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.**

An adequate summary of the Ordinance is as follows:

Section 1 states that the Ordinance shall be known as the "Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) Assessment Ordinance"; Section 2 dispenses with complaints, protests and objections made in connection with the District; Section 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) and levy assessments against all specially benefited property in Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) as set forth in the assessment roll filed with the County Clerk on February 17, 2009, except as modified by the March 24, 2009 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 forty (40) 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, and for the prepayment of any assessment or any portion of an assessment at anytime under specified conditions; provides for a prepayment penalty of 5%; provides for the interest rate on the assessment installments to be established 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; and 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 pledges, for the crediting to or payment of the assessments, certain revenues, if any, appertaining to the facilities of the District which are financed with the proceeds of the assessments levied pursuant to the Ordinance if and to the extent provided by the Board and designated for such use; provides the proportion in which credits are to be applied; directs credits of paid installments to be made in cash; and prioritizes the application of credits towards current installments of principal, current payments of interest, and future installments of principal and interest, for unpaid individual assessments.

Section 10 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 11 and 12 direct notice that assessments have been levied and are due and payable and provide specific forms for publication and mailing of such notice; Section 13 authorizes and directs the officers of the County to take all action necessary or appropriate to effectuate the provisions of the Ordinance; Sections 14 and 15 provide that conflicting resolutions and ordinances are repealed and that if any provision of the Ordinance is invalid it does not affect the remaining provisions of the Ordinance; Section 16 provides for a public hearing on the adoption of the Ordinance and this form of notice of that hearing; and Section 17 provides for the effective date of the Ordinance and for publication of the Ordinance by title after it has been adopted.

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.

DATED: March 24, 2009.

(SEAL)

/s/ Amy Harvey  
County Clerk

[End of Form of Notice of Filing of the Ordinance]



Section 17. 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 Notice of Adoption of the Ordinance]

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

(of Washoe County, Nevada)

**AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT); ASSESSING THE COST OF A WATER PROJECT AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE PROJECT; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTIES FOR DELINQUENT PAYMENTS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.**

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 on March 24, 2009 and was passed and adopted without amendment at a regular meeting held not more than 35 days thereafter (i.e., at the regular meeting on April 14, 2009) by the following vote of the Board of County Commissioners:

Those Voting Aye:

John Breternitz  
David Humke  
Kitty Jung  
Robert M. Larkin  
Bonnie Weber

Those Voting Nay:

\_\_\_\_\_

Those Absent:

\_\_\_\_\_

\_\_\_\_\_

This ordinance shall be in full force and effect from and after the date of the second publication of such ordinance by its title only on April 24, 2009.

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

DATED: April 14, 2009.

/s/ Robert M. Larkin

Chairman  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey

County Clerk

[End of Form of Notice of Adoption of the Ordinance]

Proposed on March 24, 2009.

Proposed by Commissioner Larkin.

Passed April 14, 2009.

Vote:

Ayes:

John Breternitz  
David Humke  
~~Kitty Jung~~  
Robert M. Larkin  
Bonnie Weber

Nays:

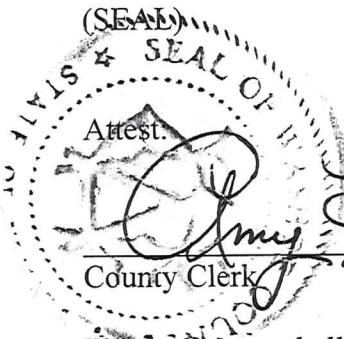
\_\_\_\_\_

Absent:

Kitty Jung

Amal Humke

Chairman  
Board of County Commissioners  
Washoe County, Nevada



Attest.

County Clerk

Amy Harvey


This ordinance shall be in force and effect from and after April 24, 2009 (the date of the second publication of such ordinance by its title only).


STATE OF NEVADA        )  
  ) ss.  
COUNTY OF WASHOE    )

I am the duly chosen, qualified and acting County Clerk of Washoe County (the "County"), in the State of Nevada, and the Board of County Commissioners of the County (the "Board") and do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance introduced and read by title on March 24, 2009 and adopted on April 14, 2009 (the "Ordinance"). The Ordinance relates to Special Assessment District No. 39 (the "District"). Except as recited in this paragraph, no other actions were taken concerning the District 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. The original of the Ordinance has been approved and authenticated by the signatures of the Chairman of the Board and myself as County Clerk, and has been recorded in the minute book of the Board kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.
4. An affidavit of publication of the "Notice of Filing of the Ordinance" is attached hereto as Exhibit C.
5. An affidavit of publication of the "Notice of Adoption of the Ordinance" is attached hereto as Exhibit D.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County this April 14, 2009.

  
\_\_\_\_\_  
County Clerk  
Washoe County, Nevada



(SEAL)

The undersigned does hereby certify:

1. All members of the Board were given due and proper notice of the meetings held on March 24, 2009 and April 14, 2009.

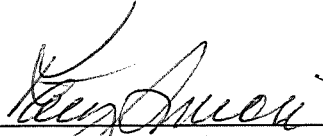
2. Public notice of such meetings was given and such meetings were held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notices of the meetings and excerpts from the agendas for the meetings relating to the Ordinance, as posted not later than 9:00 a.m. on the third working day prior to the meetings, on the County's website, and at the following locations:

- (i) Washoe County Administration Complex  
1001 East Ninth Street, Bldg. A  
Reno, Nevada
- (ii) Washoe County Courthouse-Clerk's Office  
Virginia and Court Streets  
Reno, Nevada
- (iii) Washoe County Central Library  
301 South Center Street  
Reno, Nevada
- (iv) Sparks Justice Court  
630 Greenbrae Drive  
Sparks, Nevada

are attached as Exhibit A and Exhibit B.

3. Prior to 9:00 a.m. at least 3 working days before such meetings, such notices were mailed to each person, if any, who has requested notice of meetings of the Board in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

**IN WITNESS WHEREOF**, I have hereunto set my hand this April 14, 2009.

  
\_\_\_\_\_  
County Manager (or representative thereof)  
Washoe County, Nevada

**EXHIBIT A**

(Attach Copy of Notice of March 24, 2009 Meeting)

**COUNTY COMMISSIONERS**

David Humke, Chairman  
Bonnie Weber, Vice-Chairman  
John Breternitz  
Kitty Jung  
Bob Larkin

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

**WASHOE COUNTY COMMISSION CAUCUS ROOM  
1001 E. 9<sup>th</sup> Street, 2<sup>nd</sup> Floor, Room A205, Reno, Nevada  
March 24, 2009 @ 12:00 p.m.**

**COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada  
March 24, 2009 @ 2:00 p.m.**

**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 or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

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.

**Public Comment** during the Commission Meeting on March 24, 2009 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "\*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".



19. Consideration of the City of Reno's request to reassign a portion of Washoe County's State Question-1 funds from the Steamboat Creek Restoration Project to Truckee River Enhancements in the amount of \$1,500,000; and if approved, authorize the Chairman to execute funding agreement upon receipt, with required 50% match to be provided by the City of Reno. Requested by Commissioner Jung.
20. Discussion and possible action regarding reduction of hours at the County Clerk's Satellite Office at Incline Village, Nevada, as of April 1, 2009 and/or closure of said office effective April 1, 2009 or July 1, 2009--County Clerk. (Commission District 1.)
21. Possible status report and direction to staff on Fiscal Year 2009/10 Budget--Finance. (All Commission Districts.)
22. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County--Government Affairs. (All Commission Districts.)

**6:00 p.m.**

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 the items in this category can vary.)

23. Second reading and adoption of an Ordinance adopting Supplement Number 12 to the Washoe County Code and all clerical and technical corrections made therein. (Bill No.1575)--District Attorney. (All Commission Districts.)

Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project--Finance/Water Resources. (Commission District 2.)

24. Hearing to consider notice of filing of assessment roll, of the opportunity to file written complaints, protests, or objections, and of the assessment roll hearing, all concerning that certain area to be assessed for a water project within the Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project).

**AND**

Execute a Resolution concerning Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); 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**

Introduction and first reading of an Ordinance concerning Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); assessing the cost of a water project against the assessable tracts of land benefited by the project; describing the manner for the collection and payment of the assessments; providing penalties for delinquent payments; and providing other details in connection therewith.

### End Of Scheduled Public Hearings

- \*25. 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).
26. Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.
27. Emergency Items.
28. Adjournment.

**EXHIBIT B**

(Attach Copy of Notice of April 14, 2009 Meeting)

**COUNTY COMMISSIONERS**

David Humke, Chairman  
Bonnie Weber, Vice-Chairman  
John Breternitz  
Kitty Jung  
Bob Larkin

**COUNTY MANAGER**

Katy Simon

**ASSISTANT  
DISTRICT ATTORNEY**

Paul Lipparelli

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

**COMMISSION CHAMBERS - 1001 E. 9<sup>th</sup> Street, Reno, Nevada**

**April 14, 2009**

**10:00 a.m.**

**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 or from the Consent Agenda at the beginning of the Board Meeting or may be voted on in a block.

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**Public Comment** during the Commission Meeting on April 14, 2009 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency and mutual respect between citizens and their government. The Board respects the right of citizens to present differing opinions and views, even criticism, but our democracy cannot function effectively in an environment of personal attacks, slander, threats of violence and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who is disrupting the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the proceedings.

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19. Consideration of proposal by the City of Reno to reopen the Interlocal Agreement between Washoe County and the City of Reno regarding the disposition of proceeds from the sale of water rights from the North Valleys; and possible direction to staff--County Manager. (Commission District 5.)
20. Discussion and possible adoption of a timeline for actions regarding Northgate Golf Course, pursuant to an agreement with RJB Development; and possible direction to staff--County Manager. (Commission Districts 1 and 5.)

**10:00 a.m.** 21. South Truckee Meadows General Improvement District--See separate agenda.

22. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County--Government Affairs. (All Commission Districts.)
23. Possible status report and direction to staff on Fiscal Year 2009/2010 budget--Finance. (All Commission Districts.)

**6:00 p.m.**

**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 the items in this category can vary.)**

24. Second reading and adoption of an Ordinance concerning Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); assessing the cost of a water project against the assessable tracts of land benefited by the project; describing the manner for the collection and payment of the assessments; providing penalties for delinquent payments; and providing other details in connection therewith--Finance/Water Resources. (Bill No. 1577.) (Commission District 2.)
25. Consideration and possible action regarding the appeal by the Sierra Fire Protection District of the Board of Adjustment's decision regarding the residential fire sprinkler requirements of the 2006 International Fire Code--Sierra Fire Protection District/Building and Safety. (Commission District 5.)

**EXHIBIT C**

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

**RENO NEWSPAPERS INC**

**Publishers of**

**Reno Gazette-Journal**

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STATE OF NEVADA  
COUNTY OF WASHOE

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: **04/03/2009 - 04/03/2009**, for exact publication dates please see last line of Proof of Publication below.

Signed: *Kellee Butler*

**APR 03 2009**

Subscribed and sworn to before me



*Linda Anderson*

**Proof of Publication**

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 County Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Building A, in Reno, Washoe County, Nevada at 6:00 p.m., on Tuesday, **April 14, 2009**, for the purpose of hearing objections to the adoption of a proposed ordinance (the "Ordinance"). At such hearing, interested persons may present their views. The Ordinance is entitled: AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT); ASSESSING THE COST OF A WATER PROJECT AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE PROJECT; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTIES FOR DELINQUENT PAYMENTS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. (Bill No. 1577) An adequate summary of the Ordinance is as follows: Section 1 states that the Ordinance shall be known as the "Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project)



Assessment Ordinance"; Section 2 dispenses with complaints, protests and objections made in connection with the District; Section 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) and levy assessments against all specially benefited property in Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) as set forth in the assessment roll filed with the County Clerk on February 17, 2009, except as modified by the March 24, 2009 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 forty (40) 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, and for the prepayment of any assessment or any portion of an assessment at any time under specified conditions; provides for a prepayment penalty of 5%; provides for the interest rate on the assessment installments to be established 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; and 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 pledges, for the crediting to or payment of the assessments, certain revenues, if any, appertaining to the facilities of the District which are financed with the proceeds of the assessments levied pursuant to the Ordinance if and to the extent provided by the Board and designated for such use; provides the proportion in which credits are to be applied; directs credits of paid installments to be made in cash; and prioritizes the application of credits towards current installments of principal, current payments of interest, and future installments of principal and interest, for unpaid individual assessments. Section 10 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 11 and 12 direct notice that assessments have been levied and are due and payable and provide specific forms for publication and mailing of such notice; Section 13 authorizes and directs the officers of the County to take all action necessary or appropriate to effectuate the provisions of the Ordinance; Sections 14 and 15 provide that conflicting resolutions and ordinances are repealed and that if any provision of the Ordinance is invalid it does not affect the remaining provisions of the Ordinance; Section 16 provides for a public hearing on the adoption of the Ordinance and this form of notice of that hearing; and Section 17 provides for the effective date of the Ordinance and for publication of the Ordinance by title after it has been adopted. 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. DATED: March 25, 2009. Anyone wishing to protest or affirm may do so by appearing at the above-named time and place. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 635550 - April 3, 2009

**EXHIBIT D**

(Attach Affidavit of Publication of "Notice of Adoption of the Ordinance" twice by title)