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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: 10/28/2005 - 11/4/2005, for exact publication dates please see last line of Proof of Publication below.

Signed: *Julia Ketcham*

Subscribed and sworn to before me



*Tana Cicotti*

**NOV 4 2005**

**Proof of Publication**

NOTICE OF ADOPTION BILL NO. 1455 ORDINANCE NO. 1277 (of Washoe County, Nevada) AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); ORDERING A SANITARY SEWER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled Ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia and Court Streets, Reno, Nevada; and that said Ordinance was proposed by Commissioner Larkin on October 11, 2005, and following a public hearing, was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on October 25, 2005, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Galloway Dave Humke Pete Sferrazza Robert M. Larkin Bonnie Weber Those Voting Nay: (none) Those Absent: (none) This Ordinance shall be in full force and effect from and after November 4, 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: October 25, 2005. /s/ Bonnie Weber Chair, Board of County Commissioners Washoe County, Nevada (SEAL) Attest: /s/ Amy Harvey County Clerk No. 142982 October 28; November 4, 2005

Summary - An ordinance creating Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), ratifying action taken by County officers toward the creation of such District and providing other matters related thereto.

**BILL NO. 1455**  
**ORDINANCE NO. 1277**  
**(of Washoe County, Nevada)**

**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); ORDERING A SANITARY SEWER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State", respectively) deems it necessary to create Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) (the "District"), for the purpose of acquiring and constructing, pursuant to Chapter 271, Nevada Revised Statutes, a sanitary sewer project as defined in NRS §271.200 and as hereinafter more specifically described a sewer project (the "Project" or "Sewer Project"), and to defray a portion of the cost and expense of such improvements by special assessments, according to benefits, against the benefitted lots and premises in said District; and

**WHEREAS**, by a resolution passed and approved on September 13, 2005 (the "provisional order resolution"), the Board declared its determination to create the District for the purpose of acquiring and constructing the Project, stating therein the improvements, that a portion of the cost and expense thereof shall be paid by special assessment, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

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

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

**WHEREAS**, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection or to appear before the Board on Tuesday, October 11, 2005, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof, and manner of payment therefor, and as to the amount thereof to be assessed against said property; and

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

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

**WHEREAS**, every written protest and other objection was found to be without sufficient merit and was overruled by the Board by a resolution passed and approved on October 11, 2005 except as stated in such resolution with respect to any parcels which were deleted from the District; and

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

**WHEREAS**, in accordance with NRS 271.357, the Board considered all applications for hardship filed with the County and determined that no qualifying hardships were filed except as stated in such resolution with respect to any owners of parcels which were granted hardships; and

**WHEREAS**, the Engineering Division of the Washoe County Department of Water Resources, as engineer for the County (the "Engineer") for the District presented to the Commission and filed with the Clerk the following documents:

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

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

(C) A revised assessment plat or map (designated as a "Tabulation of Parcels" or "Preliminary Assessment Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District, the estimate being based on a modified area basis (i.e., on an acreage basis modified to treat any parcel or tract that is less than one acre as a one-acre parcel) such that each acre will benefit by capacity of one equivalent residential unit in the Project as hereafter described (an equitable adjustment having been made for assessments to be levied against wedge or V or other irregularly shaped lots or lands, if any, or for any tract or parcel not specially benefitted in proportion to the percentage applicable to that tract or parcel under the assessment method otherwise so used so that assessments according to benefits will be equal and uniform); and

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

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

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) Creation Ordinance" (herein the "Ordinance").

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

A. That each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore has been by a resolution adopted and approved on October 11, 2005, overruled, and finally passed on by said Board except as otherwise provided in that resolution;

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

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

Section 3. There shall be, and hereby is, created in the County an improvement district designated the "Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a)" (the "District") for the purpose of acquiring the Project as more particularly described below.

Section 4. The Project, which is hereby ordered to be constructed and acquired, shall be as shown on the final plans and specifications for the District filed with the County Clerk on October 25, 2005. The kind, character and location of the Project (without mentioning minor details) is as follows:

The Project will provide a collection system of gravity sewers to 214 units comprised of 205 units of 1 acre or less single-family homes and 9 units of an approximately 9 acre elementary school. All facilities will be installed in public street rights-of-way. The Project will consist of the installation of sanitary sewer mains in the locations specified below, the installation of four inch sanitary sewer laterals from the mains to the property line of each lot in the District, surface restoration including paving repairs to streets, all necessary, manholes, ditching, fill, and surveying. All construction is to be in accordance with the Standard Details and Specifications for Public Works Construction. The Project will consist of:

100 feet of 8-inch diameter sewer main and 200 feet of 4-inch service lateral in Aswan Court from the intersection with Aswan Street to its southeastern terminus in a cul-de-sac;

1,790 feet of 8-inch diameter sewer main and 770 feet of 4-inch service lateral in Aswan

Street from the intersection with Rosetta Stone Drive to its western terminus;

1,615 feet of 8-inch diameter sewer main and 685 feet of 4-inch service lateral in Date Palm Drive from the intersection with Hyacinth Street to the intersection with Dromedary Road;

967 feet of 8-inch diameter sewer main and 345 feet of 4-inch service lateral in Dromedary Road from the intersection with Rosetta Stone Drive to the intersection with Date Palm Drive;

120 feet of 8-inch diameter sewer main and 240 feet of 4-inch service lateral in Emanuel Court from the intersection with Palm Desert Drive to its eastern terminus in a cul-de-sac;

450 feet of 8-inch diameter sewer main and 275 feet of 4-inch service lateral in Firestone Court from the intersection with Palm Springs Drive to its eastern terminus in a cul-de-sac;

300 feet of 8-inch diameter sewer main and 90 feet of 4-inch service lateral in Firestone Drive from the intersection with Palm Springs Drive to its western terminus;

750 feet of 8-inch diameter sewer main and 390 feet of 4-inch service lateral in Hyacinth Street from the intersection with Aswan Street to the intersection with Date Palm Drive;

590 feet of 8-inch diameter sewer main and 400 feet of 4-inch service lateral in Palm Desert Court from the intersection with Palm Springs Drive to its eastern terminus in a cul-de-sac;

2,950 feet of 8-inch diameter sewer main and 1,190 feet of 4-inch service lateral in Palm Desert Drive from the intersection with Palm Springs Drive to the intersection with Aswan Street;

1,250 feet of 10-inch diameter sewer main and 420 feet of 4-inch service lateral in Palm Springs Drive from the intersection with Sky Ranch Court to its southern terminus;

300 feet of 8-inch diameter sewer main and 210 feet of 4-inch service lateral in Pharaoh Court from the intersection with Palm Desert Drive to its eastern terminus in a cul-de-sac;

1,080 feet of 8-inch diameter sewer main and 540 feet of 4-inch service lateral in Regier Springs Drive from 470 feet east of Sphinx Court to its western terminus;

1,122 feet of 8-inch diameter sewer main and 404 feet of 4-inch service lateral in Rosetta Stone Drive from the intersection with Egyptian Drive to the intersection with Aswan Street;

260 feet of 8-inch diameter sewer main and 200 feet of 4-inch service lateral in Sphinx Court from the intersection with Regier Springs Drive to its southern terminus in a cul-de-sac;

200 feet of 8-inch diameter sewer main and 215 feet of 4-inch service lateral in Suez Court from the intersection with Palm Desert Drive to its eastern terminus in a cul-de-sac.

The boundaries of each unit in the District consist of the Project to be constructed as described above and each of the following parcels, identified by Assessor's Parcel Number ("APN"):

089-160-15	089-261-09	089-331-12	089-352-07
089-232-10	089-261-10	089-331-13	089-352-08
089-232-11	089-261-11	089-331-14	089-352-09
089-234-01	089-262-01	089-332-01	089-352-10
089-241-01	089-263-01	089-332-02	089-352-11
089-241-02	089-263-02	089-332-03	089-352-12
089-242-01	089-263-03	089-332-04	089-353-01
089-242-02	089-263-04	089-333-01	089-354-01
089-242-03	089-263-05	089-341-01	089-354-02
089-243-01	089-263-06	089-341-04	089-354-03
089-243-02	089-263-07	089-341-05	089-355-01
089-243-03	089-263-08	089-341-06	089-355-02
089-243-04	089-263-09	089-341-07	089-355-03
089-243-05	089-263-10	089-341-08	089-355-04
089-243-06	089-271-01	089-341-09	089-361-01
089-243-07	089-271-02	089-341-10	089-361-02
089-243-08	089-271-03	089-342-01	089-361-03
089-243-09	089-271-04	089-342-04	089-361-04
089-243-10	089-271-05	089-343-01	089-361-05
089-243-11	089-271-06	089-343-02	089-361-06
089-243-12	089-271-07	089-344-01	089-361-07
089-243-13	089-271-08	089-344-02	089-361-08
089-243-14	089-272-01	089-344-03	089-361-09
089-243-15	089-272-02	089-344-04	089-361-10
089-243-16	089-272-03	089-344-05	089-361-11
089-243-17	089-273-01	089-344-06	089-361-12
089-243-18	089-273-02	089-344-07	089-362-01
089-243-19	089-273-03	089-344-08	089-362-02
089-243-20	089-273-04	089-344-09	089-362-03
089-243-21	089-273-05	089-344-10	089-362-04
089-243-22	089-273-06	089-344-11	089-362-05
089-243-23	089-274-01	089-344-12	089-362-06
089-251-01	089-274-04	089-344-13	089-362-07
089-251-06	089-274-05	089-344-14	089-362-08
089-251-07	089-274-06	089-344-17	089-362-09
089-251-08	089-274-07	089-344-18	089-363-01
089-252-01	089-274-08	089-344-19	089-363-02
089-252-02	089-274-09	089-351-01	089-363-03
089-252-03	089-274-10	089-351-02	089-363-04
089-253-01	089-274-11	089-351-03	089-363-05
089-253-02	089-274-12	089-351-04	089-363-06
089-253-03	089-274-13	089-351-05	089-363-07
089-253-04	089-274-14	089-351-06	089-363-08
089-261-01	089-274-15	089-351-07	089-363-09
089-261-02	089-274-16	089-351-08	089-363-10
089-261-03	089-274-18	089-352-01	089-363-11
089-261-04	089-274-19	089-352-02	089-363-12
089-261-05	089-281-06	089-352-03	089-364-01
	089-282-01	089-352-04	089-364-02



089-261-06	089-323-01	089-352-05	089-364-03
089-261-07	089-331-11	089-352-06	089-364-04
089-261-08			089-364-05
			089-364-06

The Project is described in more detail on the final plans and specifications on file with the County Clerk. A substantial change in existing street elevation or grades will result from the Project. Except as shown in the final plans, the character of the improvements shall be as described in the preceding paragraph.

Section 5. The Project described above is to be constructed and acquired by the County at an estimated preliminary total cost of \$4,633,007 of which \$982,593 is estimated to be paid by the levy of assessments against property in the District as further described below.

Section 6. The amount to be assessed for the Project will be levied upon all tracts in the District, i.e., upon each piece, lot, tract or parcel in the District, in proportion to the special benefits derived on a modified area basis (i.e., on an acreage basis modified to treat any parcel or tract that is less than one acre as a one-acre parcel) such that each acre will benefit by capacity of one equivalent residential unit in the Project as hereafter described (an equitable adjustment having been made for assessments to be levied against wedge or V or other irregularly shaped lots or lands, if any, or for any tract or parcel not specially benefited in proportion to the percentage applicable to that tract or parcel under the assessment method otherwise so used so that assessments according to benefits will be equal and uniform). The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat.

Section 7. The extent of the District, i.e., a description of the land comprising the District including the parcels to be assessed is set forth in Section 4 above.

Section 8. The District shall have one construction contract.

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

Section 10. After the award of the contract to the lowest bidder, or after the determination of the net cost to the County, the Board shall determine the total cost of such work, including

incidentals, and assessments shall be levied in accordance with the laws of the State, and the Board shall provide that the assessments may be payable without interest or demand during a specific cash payment period, or at the election of the owner, or in twenty (20) substantially equal semiannual installments which will include both principal and interest. The Board shall provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments. The Board shall also provide the rate of interest on unpaid installments of assessments which will not exceed 1% over the rate of interest on the assessment bonds for the District, if issued.

The effective interest rate on the assessment bonds of the District will not exceed the then-effective statutory limit, if any, for interest on assessment bonds. Such limit currently states that the interest rate may not exceed by more than 3% the Index of Twenty Bonds which shall have been most recently published in The Bond Buyer before bids for the bonds are received, or before a negotiated offer for the sale of such bonds is accepted. If bonds are not issued the Board shall establish, by resolution, the rate of interest on unpaid installments of assessments not exceeding 14% per annum.

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

Section 12. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds and any interim warrants therefor.

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

The ordaining clause is then set forth.

Sections 1 and 2 provide that the Ordinance shall be designated "Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) Creation Ordinance," and recite that the complaints, protests and objections made at the October 11, 2005 hearing have been overruled except as provided in a resolution adopted on October 11, 2005, and find that public convenience and necessity require creating of the District and that the creation of the District is economically sound and feasible.

Sections 3 and 4 create Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), and describe the kind and location of the improvements.

Sections 5, 6, and 7 provide that an estimate of the total cost of the project for the District \$4,633,007 of which \$982,593 is estimated to be paid by the levy of assessments against property in the District as further described therein; provide that the assessments will be levied on a modified area basis; and describe the extent of the District, including the area to be assessed.

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

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

Sections 11, 12 and 13 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) and the levying of special assessments against the property in the District; authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions.

Section 14, 15 and 16 provide for notice by publication of the Ordinance and that the Ordinance shall be in effect from and after its publication for two weeks following its final adoption.

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

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

**DATED:** October 25, 2005.

/s/ Amy Harvey  
County Clerk

(SEAL)

(End of Form for Publication)

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

(Form for Publication After Final Adoption of Ordinance)

**BILL NO.** \_\_\_\_\_  
**ORDINANCE NO.** \_\_\_\_\_  
(of Washoe County, Nevada)

**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); ORDERING A SANITARY SEWER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

**PUBLIC NOTICE IS HEREBY GIVEN** that typewritten copies of the above-numbered and entitled Ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia and Court Streets, Reno, Nevada; and that said Ordinance was proposed by Commissioner \_\_\_\_\_ on October 11, 2005, and following a public hearing, was passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on October 25, 2005, by the following vote of the Board of County Commissioners:

Those Voting Aye:

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

Those Voting Nay:

\_\_\_\_\_

Those Absent:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This Ordinance shall be in full force and effect from and after \_\_\_\_\_, 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:** \_\_\_\_\_, 2005.

/s/ Bonnie Weber  
Chair  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)  
Attest:

/s/ Amy Harvey  
County Clerk

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

Proposed on the 11<sup>th</sup> day of October, 2005.

Proposed by Commissioner LARKIN.

Passed the 25<sup>th</sup> day of October, 2005.

Those Voting Aye:

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

Those Voting Nay:

\_\_\_\_\_

Absent:

\_\_\_\_\_

*Bonnie Weber*

Chair  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

*Amy Harvey*  
\_\_\_\_\_  
County Clerk

This ordinance shall be in force and effect from and after NOVEMBER 4, 2005, the date of the second publication of such ordinance by its title only.

STATE OF NEVADA            )  
                                       ) ss.  
COUNTY OF WASHOE         )

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

1.       The foregoing pages are a full and correct copy of an Ordinance introduced and read by title on October 11, 2005 and adopted on October 25, 2005 which relates to Special Assessment District No. 37. Minutes of the hearing on the Ordinance held on October 25, 2005 are attached as Exhibits A and B, respectively. Except as recited in this paragraph, no actions were taken concerning such District at such meetings. Such copies of such ordinance are true, correct, compared copy of the original proposed and adopted at such meeting.

2.       All members of the Board were given due and proper notice of such meetings, and the members of the Board 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, and at least three other separate, prominent places within the jurisdiction of the Board, to wit:

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

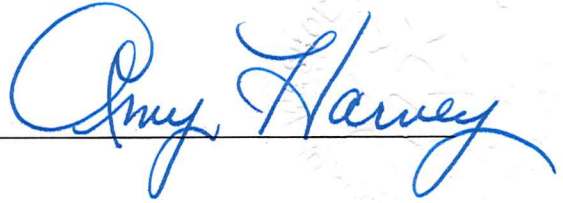
4. Justice Court  
630 Greenbrae Drive  
Sparks, Nevada

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

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of Washoe County, Nevada, this October 25, 2005.

County Clerk



(SEAL)



EXHIBIT A

(Attach Minutes of October 25, 2005 Hearing on Ordinance)

**BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA**

TUESDAY

2:00 P.M.

OCTOBER 25, 2005

PRESENT:

**Bonnie Weber, Chairman**  
**Bob Larkin, 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:

**05-1117      AGENDA**

Sam Dehne, local resident, stated he did not agree with the consent agenda unless it contained mundane items.

Chairman Weber warned members of the audience to refrain from vocal outbursts and applause after every speaker. She said she would not tolerate disruption and would remove the public if it continued.

In response to Chairman Weber, Katy Singlaub, County Manager, explained the Board received their packets on the Wednesday preceding the meeting. She said Commissioners reviewed the packet and submitted any questions to staff by the Monday prior to the meeting. Ms. Singlaub added Board members might suggest options on improving the efficiency of the agenda, such as placing non-controversial items on a block vote. She said it was the Board's practice to take public comment on any action item that members of the public wished to speak on.

Gary Schmidt, Washoe County resident, said notice was not given to the public concerning the block vote. He contended that was a violation of the Open Meeting Law.

Melanie Foster, Legal Counsel, noted the public was given notice that these items would be heard at 2:00 p.m., or sometime thereafter, and anyone who desired to comment on one of the items could do so. She said the agenda noticed items may not

Upon recommendation of Ms. Ely, through Mr. Gadd, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the report on the status of the Regional Animal Services Program and the clarification on the process for the issuance of citations for violations of Washoe County Code, Chapter 55, be accepted.

**05-1148      ORDINANCE NO. 1277 – BILL NO. 1455 – CREATING SPECIAL ASSESSMENT DISTRICT 37 – SPANISH SPRINGS SEWER PHASE 1A – WATER RESOURCES**

**5:30 p.m.**      This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on October 14, 2005 to consider second reading and adoption of Bill No. 1455. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that Ordinance No. 1277, Bill No. 1455, entitled, “**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1A); ORDERING A SANITARY SEWER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**” be approved, adopted and published in accordance with NRS 244.100.

**05-1149      APPEAL CASE NO. AX05-010 – VARIANCE CASE NO. VA05-023 – COMMUNITY DEVELOPMENT**

**5:30 p.m.**      This was the time set in a Notice of Public Hearing mailed to affected property owners on October 14, 2005, concerning Appeal Case No. AX05-010, of the Planning Commission’s denial of Variance Case No. VA05-023, Dennis Veile, to consider reducing the side yard setback from ten feet to five feet to facilitate the construction of a single-family dwelling unit as authorized in Article 406 of the Washoe County Development Code. The project is located at 893 Incline Way, approximately 100 feet north of the intersection of Southwood Boulevard and Incline Way, Commercial 1 Subdivision, Lot 1, Block B. The ±0.4-acre parcel is designated General Commercial (GC) in the Tahoe Area Plan, and is situated in a portion of Section 15, T16, R18, MDM, Washoe County, Nevada. The property is located in the Incline Village Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN: 132-221-08)

Katy Singlaub, County Manager, said there was a request by the appellant to continue the appeal to December 13, 2005.

EXHIBIT B

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

**COUNTY COMMISSIONERS**

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

**COUNTY MANAGER**

Katy Singlaub

**ASSISTANT  
DISTRICT ATTORNEY**

Melanie Foster

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

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

**October 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 or from 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.

**Public Comment** during the Commission Meeting on October 11, 2005 will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items on the agenda. The Commission reserves the right to reduce the time or limit the total time allowed for public comment if more than 10 people request to speak during the comment period or on an agenda item. 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 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 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 will not 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".

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Washoe County Administration Building (1001 E. 9<sup>th</sup> 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, as the Board of Fire Commissioners for the Sierra Forest Fire Protection District, and/or the Board of Trustees of either the Lawton/Verdi or South Truckee Meadows General Improvement Districts.

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

**5:30 p.m.** 20. **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.*)

A. Second reading and adoption of an ordinance amending the Washoe County business license code at chapter 25 by adding thereto provisions that require license applications, information and fees for tent shows, theme parks and permanent exhibitions, and that require registration cards for tent shows and theme parks; adding a definition for tent shows, and including tent shows, theme parks and permanent exhibitions in other definitions; revising provisions regarding event performance security review and approval; adding provisions regarding state massage therapist licenses; revising and adding provisions regarding fees charged for written exams and practical exams conducted by massage board members; adding provisions to compensate massage board members for conducting and grading exams but not for board service; revising provisions to disband the massage board on July 1, 2007; adding provisions to expire valid massage therapist permits on July 1, 2007 and not issue new permits after that date; and providing other matters properly relating thereto. (Bill No. 1454).

B. Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a)--Water Resources.

(1) 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 specifically benefited by, and proposed to be assessed for, the improvements in the Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), by any person interested, and by any parties aggrieved by such assessments.

**AND**

(2) Possible adoption and execution of this Resolution considering protests made at the hearing on the provisional order and considering hardship applications for Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a); directing that the Engineer prepare and file a revised and detailed estimate of cost, full and detailed final plans and specifications, and a revised map and assessment plat; and providing other matters related thereto.

**AND**

(3) Introduction and first reading of an Ordinance creating Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a); ordering a sanitary sewer project within Washoe County, Nevada; providing for the levy and collection of special assessments therefor; and prescribing other matters relating thereto.

**END OF SCHEDULED PUBLIC HEARINGS**

EXHIBIT C

(Attach Copy of Notice of October 25, 2005 Meeting)

**COUNTY COMMISSIONERS**

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

**COUNTY MANAGER**

Katy Singlaub

**ASSISTANT  
DISTRICT ATTORNEY**

Melanie Foster

**AGENDA**

**WASHOE COUNTY BOARD OF COMMISSIONERS**

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

**October 25, 2005  
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 October 25, 2005 will be for all matters, both on and off the agenda, and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during individual action items on the agenda. The Commission reserves the right to reduce the time or limit the total time allowed for public comment if more than 10 people request to speak during the comment period or on an agenda item. 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 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 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".

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations. Washoe County Administration Building (1001 E. 9<sup>th</sup> 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, as 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.



11. Recommendation to accept Community Wildfire Risk and Hazard Assessment for North Lake Tahoe Fire Protection District; and if accepted, authorize Chairman to execute the implementation document--North Lake Tahoe Fire Protection District.
12. 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.
- \*13. 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).

**4:00 p.m.** 14. South Truckee Meadows General Improvement District.

See separate agenda.

**5:30 p.m.** 15. **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.*)

- A. Second Reading and Adoption of an Ordinance creating Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a); ordering a sanitary sewer project within Washoe County, Nevada; providing for the levy and collection of special assessments therefor; and prescribing other matters relating thereto. (Bill No. 1455)
- B. Appeal Case Number AX05-010 – Variance Case No. VA05-023--Community Development.

To consider an appeal of the Planning Commission's denial of Variance Case No. VA05-023, to reduce the side yard setback from ten feet to five feet to facilitate the construction of a single-family dwelling unit as authorized in Article 406 of the Washoe County Development Code. The project is located at 893 Incline Way, approximately 100 feet north of the intersection of Southwood Boulevard and Incline Way, Commercial 1 Subdivision, Lot 1, Block B. The ±0.4-acre parcel is designated General Commercial (GC) in the Tahoe Area Plan, and is situated in a portion of Section 15, T16, R18, MDM, Washoe County, Nevada. The property is located in the Incline Village Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN: 132-221-08)

EXHIBIT D

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

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STATE OF NEVADA  
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **10/14/2005 - 10/14/2005**, for exact publication dates please see last line of Proof of Publication below.

Signed: \_\_\_\_\_

**OCT 14 2005**

Subscribed and sworn to before me



**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 Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, at 5:30 p.m., on Tuesday, October 25, 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: BILL NO. 1455 ORDINANCE NO. (of Washoe County, Nevada) AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); ORDERING A SANITARY SEWER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO. An adequate summary of the Ordinance is as follows: The preambles of the Ordinance recite that the Board of County Commissioners deems it necessary to create Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) for the purpose of acquiring and construction sanitary sewer improvements; recite that the Board declared its determination to create the District by a

resolution; recite that the Board fixed a time and place, i.e., Tuesday, October 25, 2005, for a hearing on the creation of the District and provided for the giving of mailed, posted and published notice of such hearing; recite that the requisite Notice was given and that such Notice was reasonably calculated to inform the parties of the proceedings concerning the District; recite that the hearing was held, that all written and oral objections were duly considered and were found without sufficient merit and were overruled by resolution adopted on October 11, 2005, except as provided therein; recite that the owners of tracts representing less than one-half of the lots to be assessed filed such written or oral objections; recite that any person filing a written protest has the right within thirty (30) days to commence an action in any Court of competent jurisdiction to set aside the Board's determination; and recite that the Board and the Officers of the County have done all things necessary and preliminary to the creation of the District. The ordaining clause is then set forth. Sections 1 and 2 provide that the Ordinance shall be designated "Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) Creation Ordinance," and recite that the complaints, protests and objections made at the October 11, 2005 hearing have been overruled except as provided in a resolution adopted on October 11, 2005, and find that public convenience and necessity require creating of the District and that the creation of the District is economically sound and feasible. Sections 3 and 4 create Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), and describe the kind and location of the improvements. Sections 5, 6, and 7 provide that an estimate of the total cost of the project for the District \$4,633,007 of which \$982,593 is estimated to be paid by the levy of assessments against property in the District as further described therein; provide that the assessments will be levied on a modified area basis; and describe the extent of the District, including the area to be assessed. Section 8 provides that the District shall have one construction contract. Sections 9 and 10 provide that the Engineering Division of the Washoe County Department of Water Resources is authorized to advertise for the construction contract; that the Board shall levy the assessments, which may be payable without interest or demand during a cash-payment period to then be specified, or in twenty (20) substantially equal semi-annual installments of principal and interest, that interest shall be at a rate which will not exceed the lesser of 1% over the interest rate on assessment bonds issued for the District. The interest rate on assessment bonds will not exceed the lesser of 14% per annum or the then-effective statutory maximum interest rate. Sections 11, 12 and 13 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) and the levying of special assessments against the property in the District; authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions. Section 14, 15 and 16 provide for notice by publication of the Ordinance and that the Ordinance shall be in effect from and after its publication for two weeks following its final adoption. Copies of the proposed ordinance are on file in the office of the Washoe County Clerk at the Washoe County Courthouse, Virginia and Court Streets, Reno, Nevada, for public examination. The Board shall adopt or reject the Ordinance (or the Ordinance as amended) within 35 days after the date of the final public hearing. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has ordered this notice to be published. DATED: October 11, 2005. /s/ Amy Harvey County Clerk (SEAL)  
No. 134954 October 14, 2005

EXHIBIT E

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