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FEB 10 2006

STATE OF NEVADA
COUNTY OF WASHOE

ss: Tamra Robinson

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: **1/26/2006 - 2/2/2006**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____

T. Robinson



2/2/06

Julia D. Miller-Ketcham

Proof of Publication

BILL NO. 1464 ORDINANCE NO. 1285 (of Washoe County, Nevada) AN ORDINANCE CONCERNING, WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 31 (SPEARHEAD WAY-RUNNING BEAR DRIVE); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASESABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada; and that the ordinance was proposed January 10, 2006, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on January 24, 2006, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Galloway David Humke Robert M. Larkin Bonnie Weber Those Absent: Pete Sferrazza This ordinance shall be in full force and effect from and after February 2, 2006, i.e., the date of the second publication of such ordinance by its title only. IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada,

has caused this ordinance to be published by title only. DATED this January 24, 2006 By:
ROBERT M. LARKIN Board of County Commissioners Washoe County, Nevada No. 182547
January 26; February 2, 2006

Summary: An ordinance levying assessments in Washoe County, Nevada, Special Assessment District No. 31 (Spearhead Way-Running Bear Drive).

BILL NO. 1464
ORDINANCE NO. 1285
(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 31 (SPEARHEAD WAY-RUNNING BEAR DRIVE); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State," respectively), has heretofore, pursuant to the requisite preliminary proceedings, created Washoe County, Nevada, Special Assessment District No. 31 (Spearhead Way-Running Bear Drive) (the "District"), for the purpose of acquiring a street project as defined in NRS 271.225 (the "Project") and has provided that a portion of the entire cost and expense of such Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been created by an Ordinance adopted on March 26, 2002, under the provisions of Chapter 271 of NRS, the Consolidated Local Improvements Law; and

WHEREAS, on March 12, 2002, 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 \$333,068.24 of which amount \$166,586.60 is to be assessed upon the benefited tracts and parcels of land in the District and \$166,481.64 will be paid from other sources; and

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

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

WHEREAS, the Board thereupon fixed a time and place, to-wit, Tuesday, January 10, 2006 at 5:30 p.m., at the Commission Chambers, Washoe County Administration Complex, 1001 E. 9th Street, Reno, Nevada, when all complaints, protests and objections to the assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the Board; and

WHEREAS, the Board caused the assessment roll to be filed in the records of the office of the County Clerk on December 13, 2005; and the Clerk by publication and by mail gave or caused to be given the requisite notice of the time and place of such hearing, of the filing of the assessment roll in her office, of the date of filing the same, and of the right of any such person so to object specifically in writing and of the waiver of any objection in the absence of such objection; and

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

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

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

WHEREAS, by a resolution duly adopted this January 10, 2006 (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, \$333,068.24 is the total cost of the Project, of which \$166,586.60 is to be assessed upon the benefited tracts and parcels of land in the District and \$166,481.64 will be paid from other sources; 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. 31 (Spearhead Way-Running Bear Drive) Assessment Ordinance" (the "Ordinance").

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

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this ordinance) concerning Special Assessment District No. 31, including, but not limited to, the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Project, there are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Project) and described in the assessment roll for the District, as filed in the office of the County Clerk on December 13, 2005, and as modified and confirmed by the Assessment Protest Resolution the amounts and assessments shown in the assessment roll (as so filed, modified and confirmed).

Section 5. The assessments shall be due and payable at the office of the County Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided, that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within the period of 30 days shall be conclusively considered and held an election on the part of person interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in twenty (20) substantially equal semiannual installments which will include both principal and interest. Interest in all cases on the unpaid and deferred installments of principal will be charged from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest payable on the bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the County Treasurer of Washoe County on March 1 and September 1 in each year, commencing on September 1, 2006. After the effective date of this Ordinance and before bonds are issued (or if bonds are not issued) the Board shall by resolution or shall authorize the Finance Director of the County as the Chief Financial officer of the County to fix or adjust the rate of interest on the unpaid and deferred installments of assessments. If bonds are sold, such rate will not exceed by more than one percent (1%) the rate of interest on the bonds for the District. The effective interest rate on the bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before the time the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. In no event will the interest rate exceed 14% per annum. Failure to pay any installment, whether of principal or interest,

when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the County, the exercise of the option to be indicated by the commencement of foreclosure proceedings by the County; and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether the option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of the payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole amount or any portion of the unpaid principal with interest accruing thereon to the next interest payment date, together with the payment of a penalty for such prepayment not to exceed five percent (5%) of the principal of the deferred installments so prepaid. The Board may by ordinance or resolution adjust the 2% delinquency penalty and 5% prepayment penalty provided herein any time. The Board hereby authorizes the County Treasurer to reduce or waive for good cause the collection of any penalties assessed pursuant to subsection 4 of NRS 271.415 and any interest incurred pursuant to NRS 271.585.

Section 6. The amounts assessed against each parcel as set forth in the assessment roll shall be a lien upon the lots, tracts and parcels of land from the effective date of this Ordinance (i.e. February 2, 2006) until paid, co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. In case any such lot, tract or parcel of land so assessed is delinquent in the payment of such assessment or any installment of principal or interest, the Board shall

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

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

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

Section 10. In accordance with NRS 271.405 (7), the County Clerk shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that the assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published

on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk of the County. In accordance with NRS 271.390 (2) 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 Engineer and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments shall have been paid in full, as to both principal and interest, or until any claim is barred by an appropriate statute of limitations. The Board hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2), NRS 271.405(7) and NRS 271.415(5) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

*Amount of Assessment \$ _____

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

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

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN WASHOE COUNTY, NEVADA
SPECIAL ASSESSMENT DISTRICT NO. 31 (SPEARHEAD WAY-RUNNING BEAR
DRIVE)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons that, by an ordinance duly passed, adopted, signed and approved on January 24, 2006 (the "Ordinance"), there was levied and assessed against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "Washoe County, Nevada, Special Assessment District No. 31 (Spearhead Way-Running Bear Drive)" (the lots, tracts and parcels of land being more specifically described in the assessment roll designated in the Ordinance), a portion of the cost and expense of such improvements.

Assessments are due and payable at the office of the County Treasurer of Washoe County, in Reno, Nevada, on or before March 3, 2006, being 30 days after the effective date of the Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all person interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in twenty (20) substantially equal semiannual installments which include principal and interest. Interest in all cases on the unpaid and deferred installments of principal will be charged from February 2, 2006 (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, 2006. After the effective date of the Ordinance and before assessment bonds are issued (or if bonds are not issued) the Board shall by resolution or shall authorize the Finance Director of the County as the Chief Financial officer of the County to fix or adjust the rate of interest on the unpaid and deferred installments of assessments. provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, such rate will not exceed by more than 1% the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e. will not exceed by more than three (3%) percent the "Index of Twenty Bonds" which is most recently published before the bids for such bonds are received, or

at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether of principal or interest, when due will cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the County, the exercise of the option to be indicated by the commencement of foreclosure proceedings by the County; and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether the County's option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole amount or any portion of the unpaid principal with interest accruing thereon to the next interest payment date and the payment of a penalty for such prepayment not to exceed five percent (5%) of the installment or installments of principal so prepaid.

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

The amounts assessed as aforesaid constitute a lien upon the lots, tracts and parcels of land from February 2, 2006 (the effective date of the Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this January 24, 2006.

(End of Form of Notice)

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

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

Section 14. In accordance with NRS § 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such ordinance by publication at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before January 24, 2006, such publication to be in substantially the following form:

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

Bill No. _____

Ordinance No. _____

(of Washoe County, Nevada)

NOTICE OF PUBLIC HEARING BEFORE THE
WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commission Chambers, Washoe County Administration Complex, 1001 E. Ninth Street, in Reno, Washoe County, Nevada at 5:30 p.m., on the 24th day of January, 2006, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The ordinance is entitled:

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 31 (SPEARHEAD WAY-RUNNING BEAR DRIVE); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

An adequate summary of the ordinance is as follows:

Section 2 of the ordinance dispenses with complaints, protests and objections made at the January 10, 2006, hearing.

Section 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 31 (Spearhead Way-Running Bear Drive) and levy assessments against all specially benefited property in Special Assessment District No. 31 (Spearhead Way-Running Bear Drive) as set forth in the assessment roll filed with the County Clerk on December 13, 2005, except as modified by the January 10, 2006, resolution.

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

Section 6. Provides that the amounts assessed shall constitute a lien on the lots, tracts and parcels of land in the District co-equal of that with general taxes and prior and superior to all other liens, claims, encumbrances and titles and that the lien shall survive other foreclosure sales.

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

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

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

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

Copies of the Bill are on file in the office of the County Clerk in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada, for public examination. The Board shall adopt or reject the ordinance (or the ordinance as amended) within 35 days after the date of the final public hearing.

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

Date: January 10, 2006.

(SEAL)

/s/ Amy Harvey
County Clerk

(End of Form of Notice)

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


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 January 10, 2006.
Proposed by Commissioner SFERRAZZA.
Passed on January 24, 2006.
Vote:
Ayes:

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

Nays:
Absent:

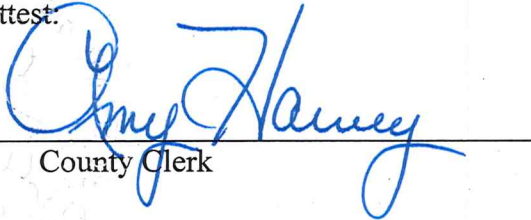
PETE SFERRAZZA



Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:


County Clerk

This Ordinance shall be in force and effect from and after the 2nd day of the month of February of the year 2006, i.e., the date of the second publication of such Ordinance by its title only.

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

1. Washoe County Administration Complex
1001 East Ninth Street
Reno, Nevada
2. Washoe County Courthouse
Virginia and Court Streets
Reno, Nevada
3. Washoe County Library
301 South Center Street
Reno, Nevada
4. Justice Court
630 Greenbrae Drive
Sparks, Nevada

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

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

IN WITNESS WHEREOF, I have hereunto set my hand, this January 24, 2006.

County Clerk

EXHIBIT A

(Attach Copy of Minutes of January 10, 2006 Hearing on District No. 31)

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JANUARY 10, 2006

PRESENT:

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

Amy Harvey, County Clerk
Michele Poché, Assistant 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:

06-08 AGENDA

Sam Dehne, local resident, said he was surprised that the agenda was being approved without making a lot of changes. He complained the backsides of some citizens were being televised, while televising the fronts of friends of the Board. He would file a complaint, but he did not trust the State Attorney General.

Gary Schmidt, local resident, thanked Commissioner Galloway or whoever was responsible for taking his suggestion and notifying the public on the agenda about the possibility the Board may block items that were not currently blocked on the printed and posted agenda. He commented he still did not like the process, but it was an improvement over the old process where things were moved willy-nilly in and out of the consent agenda and the order of things was changed confusing the public. Mr. Schmidt said that was a defacto violation of the Open Meeting Law and was certainly not in keeping with good open government by providing maximum notice to the public of the business being conducted and how and when it was being conducted. He said he believed the Board had created a rule that stated things would only be moved out of the consent agenda, not into it; and other things that were consensual would be blocked. He complained the note in the agenda said items could be moved to the consent agenda making the statement in violation of the rule. Mr. Schmidt commented on two District Attorneys disagreeing on whether something could be pulled from the agenda after the printed posting and on the Board of Equalization item from the December 20, 2005 meeting that was marked pulled on some agendas. He requested a written legal opinion on that issue.

Melanie Foster, Legal Counsel, had no comment.

In accordance with the Open Meeting Law, on motion by Commissioner Larkin, seconded by Commissioner Humke, which motion duly carried, Chairman Weber ordered that the agenda for the January 10, 2006 meeting be approved.

06-09 ELECTION OF CHAIRMAN

Commissioner Humke nominated Commissioner Larkin to serve as Chairman. Commissioner Sferrazza seconded the motion.

Sam Dehne, local resident, stated his choice for Chair would be Commissioner Sferrazza, second Commissioner Galloway, and third Commissioner Humke. He said these were the only people he considered eligible for Chair. He said the other fellow had no understanding of what democracy was about.

Gary Schmidt, local resident, commented on his attendance and that of the various Board members at these meetings. He said it was disrespectful to make motions and call for a vote before taking public comment. Mr. Schmidt said the motion and second should be withdrawn. He said at least some lip service should be given to public comment, although the item was already prejudiced when the error was made. He said only Commissioner Galloway and Commissioner Sferrazza were qualified to be Chair, and he recommended Commissioner Galloway. He stated Commissioners Larkin, Weber and Humke have consistently demonstrated disrespect for the public and the law and committed violations of the Public Records and Open Meeting Laws, the United States and Nevada Constitutions, and a host of State Statutes and County Codes. Mr. Schmidt said he knew what would happen, and it would not be starting the year off on a good note.

Chairman Weber apologized for not seeing the public comment sign-in sheet.

On a call for the vote, the motion carried unanimously.

06-10 ELECTION OF VICE CHAIRMAN

Commissioner Humke nominated Commissioner Weber to serve as Vice Chairman. Chairman Larkin seconded the motion. Commissioner Sferrazza nominated Commissioner Galloway. Commissioner Galloway seconded the motion.

Gary Schmidt, local resident, said nominating the leaving Chair for Vice Chair smacked of insider politics. He said there were substantial 3-2 votes this year where Commissioners Humke, Larkin and Weber voted in one manner and Commissioners Sferrazza and Galloway voted in another manner. He said there were also quite a few 4-1 votes where Commissioner Sferrazza voted in opposition. Mr. Schmidt said it was very obvious what was going on, and he noted Commissioners Humke and

06-70

**AMENDMENT – 2004-2025 COMPREHENSIVE REGIONAL
WATER MANAGEMENT PLAN – WATER RESOURCES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and the *Sparks Tribune* on December 9, 2005 to consider adopting an amendment to the 2004-2025 Washoe County Comprehensive Regional Water Management Plan entitled, "Amendment to the Regional Water Management Plan to include the Stead/Lemmon Valley Wastewater Disposal Plan."

The Chairman opened the public hearing by calling on anyone wishing to speak. There being no response, the hearing was closed.

Upon recommendation of Jim Smitherman, Water Resources Program Manager, and Jeanne Ruefer, Water Resources Planning Division Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Sferrazza, which motion duly carried, Chairman Larkin ordered that an amendment to the 2004-2025 Comprehensive Regional Water Management Plan entitled, "Amendment to the Regional Water Management Plan to include the Stead/Lemmon Valley Wastewater Disposal plan," which was placed on file with the Clerk, be approved and adopted.

06-71

**SPECIAL ASSESSMENT DISTRICT NO. 31 – SPEARHEAD
WAY/RUNNING BEAR DRIVE – PUBLIC WORKS –
ENGINEERING**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on December 23 and 30, 2005 and January 6, 2006 to consider all complaints, protests, and objections made in writing or verbally to the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the Special Assessment District No. 31 (Spearhead Way-Running Bear Drive), by any person interested, and by any parties aggrieved by such assessments.

The Chairman opened the public hearing by calling on anyone wishing to speak. There being no response, the hearing was closed.

06-72

**RESOLUTION – SPECIAL ASSESSMENT DISTRICT NO. 31 –
SPEARHEAD WAY/RUNNING BEAR DRIVE – PUBLIC WORKS
– ENGINEERING**

Upon recommendation of David Price, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Larkin be authorized to execute the same:

EXHIBIT B

(Attach Copy of Notice of January 10, 2006 Meeting)

COUNTY COMMISSIONERS

Donnie 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. 9th Street, Reno, Nevada

**January 10, 2006
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 January 10, 2006 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. 9th Street, Bldg. A), Washoe County Courthouse-Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center Street) and Sparks Justice Court (630 Greenbrae Drive). At the meeting after salute to the flag and roll call, the Board of County Commissioners may vote on the following items as the Board and, ex-officio, as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District, 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.

30 p.m. 23. F. Special Assessment District 31 (Spearhead Way-Running Bear Drive) – Public Works/Engineering.

- (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 specially benefited by, and proposed to be assessed for, the improvements in the Special Assessment District No. 31 (Spearhead Way-Running Bear Drive), by any person interested, and by any parties aggrieved by such assessments.

AND

- (2) Possible adoption and execution of a Resolution concerning Washoe County, Nevada, Special Assessment District No. 31 (Spearhead Way-Running Bear Drive); considering complaints, protests, and objections made to the assessments at the hearing on the assessment roll and making determinations thereon; validating and confirming the assessment roll; providing other details in connection therewith.

AND

- (3) Introduction and first reading of an Ordinance concerning Washoe County, Nevada, Special Assessment District No. 31 (Spearhead Way-Running Bear Drive); assessing the cost of street improvements against the assessable tracts of land benefited by the improvements; describing the manner for the collection and payment of the assessments; providing penalty for delinquent payments; providing other details in connection therewith.

END OF SCHEDULED PUBLIC HEARINGS

24. Ratification of a Declaration of a State of Emergency by Acting County Manager John Berkich on December 31, 2005--Management Services/Emergency Management.
25. Possible Closed Session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.
26. Emergency Items.
27. Adjournment.

EXHIBIT C

(Attach Copy of Notice of January 24, 2006 Meeting)

COUNTY COMMISSIONERS

Bob Larkin, Chairman
Jonnie Weber, 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. 9th Street, Reno, Nevada

**January 24, 2006
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 January 24, 2006 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. 9th Street, Bldg. A), Washoe County Courthouse-Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center Street) and Sparks Justice Court (630 Greenbrae Drive). At the meeting after salute to the flag and roll call, the Board of County Commissioners may vote on the following items as the Board and, ex-officio, as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District, 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, 2nd Floor, Reno, Nevada) and on the County's website at www.washoecounty.us.

5:30 p.m. 16. **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 concerning Washoe County, Nevada, Special Assessment District No. 31 (Spearhead Way-Running Bear Drive); assessing the cost of street improvements against the assessable tracts of land benefited by the improvements; describing the manner for the collection and payment of the assessments; providing penalty for delinquent payments; providing other details in connection therewith. (Bill No. 1464)
- B. Comprehensive Plan Amendment Case No. CP05-002 (Reynen and Bardis Communities) Community Development.

Conduct a public hearing on Comprehensive Plan Amendment Case No. CP05-002 (Reynen and Bardis Communities) to consider a request to amend the Forest and South Valleys Area Plans, being a part of the Washoe County Comprehensive Plan. The amendment request would redesignate a ±394-acre site from High Density Rural (HDR), Low Density Suburban (LDS) and Medium Density Rural (MDR) to a Specific Plan (SP). The Specific Plan allows a maximum of 210 lots and a .93-acre average size per lot with the southwest corner of the property and stream zone, approximately 173 acres in size, being designated open space. The current density on the property allows 159 lots. The property considered for the land use change is located approximately 1.7 miles south of Mount Rose Highway at the terminus of Callahan Ranch Road. Approximately 367 acres of the property, designated High Density Rural (HDR) & Low Density Suburban (LDS) are located in the Forest and South Valleys Area Plan and approximately 27 acres of the property designated MDR are located in the South Valleys Area Plan. The property is all within the Truckee Meadows Service Area as identified by the 2002 Truckee Meadows Regional Plan. The parcels are located within Section 11, T17N, R19E and within the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2.

Administrative changes to the area plans are necessary to reflect the changes requested within this application and a revised table of land use. The parcels considered for the land use change are located within the Truckee Meadows Service Area on the Truckee Meadows Regional Plan, therefore, a Regional Plan amendment will not be necessary. (APNs: 148-130-04; 047-141-03; 047-141-06; 047-141-07; 047-141-11; and 047-141-12).

AND

If approved, to authorize the Chair to sign the Resolution for the updated area plan after a determination of conformance with the Regional Plan by the Truckee Meadows Regional Planning Agency.

EXHIBIT D

(Attach Affidavit of Publication of Notice of Filing of 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: 1/13/2006 - 1/13/2006, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: Julia Ketcham

JAN 13 2006



Tana Cicotti

Proof of Publication

Bill No. 1464 Ordinance No. (of Washoe County, Nevada) NOTICE OF PUBLIC HEARING BEFORE THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commission Chambers, Washoe County Administration Complex, 1001 E. Ninth Street, in Reno, Washoe County, Nevada at 5:30 p.m., on the 24th day of January, 2006, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The ordinance is entitled: AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 31 (SPEARHEAD WAY-RUNNING BEAR DRIVE); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. An adequate summary of the ordinance is as follows: Section 2 of the ordinance dispenses with complaints, protests and objections made at the January 10, 2006, hearing. Section 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with

1960033192

Special Assessment District No. 31 (Spearhead Way-Running Bear Drive) and levy assessments against all specially benefited property in Special Assessment District No. 31 (Spearhead Way-Running Bear Drive) as set forth in the assessment roll filed with the County Clerk on December 13, 2005, except as modified by the January 10, 2006, resolution. Section 5. Provides for the time and conditions for the payment of the assessments including, but not necessarily limited to, provisions for the payment of the assessments without interest during a 30-day period, for the election to pay the assessments in 20 substantially equal semi-annual installments, for the option to accelerate the payment of principal in the case of failure to pay any installment of principal or interest, for the payment of 2% per month (or higher) penalty interest and other penalties, for the restoration of the right to pay in installments on certain payments being made before date of sale, for the prepayment of any assessment or any portion of an assessment at anytime under specified conditions, provides for a prepayment penalty of 5%, provides for the interest rate on the assessment installments to be established by a resolution of the Board to be adopted after the adoption of the assessment ordinance. Section 6. Provides that the amounts assessed shall constitute a lien on the lots, tracts and parcels of land in the District co-equal of that with general taxes and prior and superior to all other liens, claims, encumbrances and titles and that the lien shall survive other foreclosure sales. Section 7. Provides for mailed notice to the owner of any delinquent property in case of delinquency in assessment payments; provides for the duty of the Board to foreclose such lien, as provided by law, if the assessment is not paid within 10 days after such notice; provides for the collection of delinquent assessments. Section 8. Directs the County Clerk to deliver the assessment roll to the County Assessor and the County Treasurer and directs the County Treasurer to collect the assessments. Section 9. Directs the County Clerk to deliver to the County Recorder for recordation, the assessment roll together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer. Sections 10, 11, 12, 13, 14, 15 and 16 provide specific forms of notice and publication of the ordinance. Copies of the Bill are on file in the office of the County Clerk in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada, for public examination. The Board shall adopt or reject the ordinance (or the ordinance as amended) within 35 days after the date of the final public hearing. IN WITNESS WHEREOF, the Board of County Commissioners, Washoe County, Nevada, has ordered this notice to be published. Date: January 10, 2006. (SEAL) /s/Amy Harvey, County Clerk No. 176436 January 13, 2006

EXHIBIT E

(Attach Affidavit of Publication of Ordinance Twice by Title)

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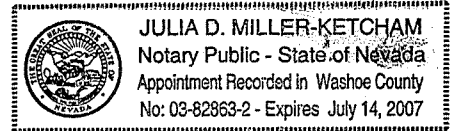
STATE OF NEVADA
COUNTY OF WASHOE

ss: Tamra Robinson

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: **1/26/2006 - 2/2/2006**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: Tamra Robinson



2/2/06

Julia D. Miller-Ketcham

Proof of Publication

BILL NO. 1464 ORDINANCE NO. 1285 (of Washoe County, Nevada) AN ORDINANCE CONCERNING, WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 31 (SPEARHEAD WAY-RUNNING BEAR DRIVE); ASSESSING THE COST OF STREET IMPROVEMENTS AGAINST THE ASESABLE TRACTS OF LAND BENEFITED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada; and that the ordinance was proposed January 10, 2006, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on January 24, 2006, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Galloway David Humke Robert M. Larkin Bonnie Weber Those Absent: Pete Sferrazza This ordinance shall be in full force and effect from and after February 2, 2006, 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,

✓
1285

has caused this ordinance to be published by title only. DATED this January 24, 2006 By:
ROBERT M. LARKIN Board of County Commissioners Washoe County, Nevada No. 182547
January 26; February 2, 2006