

RENO NEWSPAPERS INC

Publishers of

Reno Gazette-Journal

955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200

Legal Advertising Office 775.788.6394

WASHOE CO
PO BOX 11130
RENO NV 89520-0027

Customer Acct# 349008
PO# **ORD 1324**
Ad# 1000393254
Legal Ad Cost \$189.98

STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **03/07/2007 - 03/14/2007**, for exact publication dates please see last line of Proof of Publication below.

Signed: 

MAR 15 2007

Subscribed and sworn to before me

 **TANA CICCOTTI**
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-75259-2 - Expires May 16, 2010



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1324 NOTICE IS HEREBY GIVEN THAT: Bill No. 1503, Ordinance No. 1324 entitled: AN ORDINANCE CONCERNING AMENDMENTS TO THE CRE-ATION ORDINANCE, THE ASSESSMENT ORDINANCE AND THE BOND ORDINANCE FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a; LEVYING ASSESSMENTS IN THE DISTRICT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe county, Nevada, at her office in the Washoe County Court-house, 75 Court Street, Reno, Washoe County, Nevada; and that the ordinance was proposed February 13, 2007, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on February 27, 2007, by the following vote of the Board of County Commis-sioners: Those Voting Aye: Jim Galloway, David Humke, Robert M. Larkin, Pete Sferrazza, Bonnie Weber Those Voting Nay: None Those Absent: None This ordinance shall be in full force and effect from and after March 14, 2007, i.e., the date of the second publication of such or-dinance by its title only. IN

✓
1324

WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street Reno, Nevada, and can be found on the County Clerk's website, www.washoecounty.us/clerks. Dated this March 3, 2007. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 393254 March 7, 14, 2007

Summary: An ordinance concerning amendments to the creation ordinance, the assessment ordinance and the bond ordinance for Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) and levying assessments there in the District.

BILL NO. 1503
ORDINANCE NO. 1324
(of Washoe County, Nevada)

AN ORDINANCE CONCERNING AMENDMENTS TO THE CREATION ORDINANCE, THE ASSESSMENT ORDINANCE AND THE BOND ORDINANCE FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a; LEVYING ASSESSMENTS IN THE DISTRICT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State," respectively), has heretofore, pursuant to the requisite preliminary proceedings, created Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) (the "District"), for the purpose of acquiring a sanitary sewer project as defined in NRS Section 271.200 (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, pursuant to a resolution adopted on September 13, 2005, the Board called a provisional order hearing on October 11, 2005 (the "Provisional Order Resolution"); and

WHEREAS, the District has been created by an ordinance (the "Creation Ordinance") adopted on October 25, 2005, under the provisions of Chapter 271 of NRS, the Consolidated Local Improvements Law; and

WHEREAS, on October 11, 2005, 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 \$5,091,725.09 of which \$1,069,082.81 is to be assessed upon the benefited tracts and parcels of land in the District for the Project and \$4,022,642.28 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, October 24, 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 September 26, 2006; 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 on October 24, 2006 (the "Assessment Protest Resolution"), the Board confirmed the assessment roll to be in final form; and

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

WHEREAS, by ordinance duly adopted on November 13, 2006 (the "Assessment Ordinance"), the Board levied the assessments in the assessment roll in the District; and

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

WHEREAS, the Board has amended the Provisional Order Resolution by resolution adopted on January 9, 2007 (the "Amendment Ordinance") and desires to amend all proceedings relating to the District, including the Creation Ordinance and the Assessment Ordinance, to provide for the payment of assessments in installments of forty (40) substantially equal semiannual installments which will include both principal and interest 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, 2007; and

WHEREAS, by ordinance duly adopted on November 28, 2006 (the "Bond Ordinance"), the Board authorized the issuance of the "Washoe County, Nevada, District No. 37 (Spanish Springs Sewer Phase 1a) Local Improvement Bonds, Series 2006" in the aggregate principal amount not to exceed \$1,069,082 with interest payable semiannually on May 1 and November 1 of each year, commencing on May 1, 2007; and

WHEREAS, the Board desires to amend the Bond Ordinance to provide for the issuance of the "Washoe County, Nevada, District No. 37 (Spanish Springs Sewer Phase 1a) Local Improvement Bonds, Series 2007" in the aggregate principal amount not to exceed \$1,069,082 with interest payable semiannually on May 1 and November 1 of each year, commencing on November 1, 2007; and

WHEREAS, pursuant to the Amendment Resolution, the Board established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained therein on Tuesday, February 13, 2007, at 5:30 p.m., at the First Floor Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada; and

WHEREAS, on February 13, 2007, the Board met at the place and time to hear and considered all complaints, protests and objections made or filed and, after extensive review and deliberation, found to be without sufficient merit and overruled all complaints, protests and objections and confirmed the assessment roll by resolution adopted on February 13, 2007 (the "Amendment Protest Resolution"); except as otherwise set forth in the Amendment Protest Resolution;

WHEREAS, the Board has determined and does hereby again determine, that all of the assessable property in the County which is specially benefited by the improvements acquired in the District, and only the property which is so specially benefited, is included on the assessment roll heretofore filed with the County Clerk on September 26, 2006 and confirmed by resolution of the Board adopted on October 24, 2006 and by the Amendment Protest Resolution;

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) Amendment Ordinance" (the "Ordinance").

Section 2. 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 creation of the

District, the acquisition of the Project, the cost of the Project, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed. The Creation Ordinance and the Assessment Ordinance are hereby amended to provided for the payment of assessments in installments of forty (40) substantially equal semiannual installments which will include both principal and interest 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, 2007. The Bond Ordinance is hereby amended to provide for the issuance of local improvement bonds designated as the "Washoe County, Nevada, District No. 37 (Spanish Springs Sewer Phase 1a) Local Improvement Bonds, Series 2007" in the aggregate principal amount not to exceed \$1,069,082 with interest payable semiannually on May 1 and November 1 of each year, commencing on November 1, 2007

Section 3. 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 Amendment Protest Resolution.

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 September 26, 2006, as modified and confirmed by the Amendment 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 forty (40) 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, 2007. Pursuant to the Bond Ordinance, the Board authorized 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 and such authorization is hereby ratified and confirmed. 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 the Assessment Ordinance, as amended by this Ordinance, 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. 37
(SPANISH SPRINGS SEWER PHASE 1a)

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 November 13, 2006, as amended by ordinance adopted on February 27, 2007 (as amended, 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. 37 (Spanish Springs Sewer Phase 1a)" (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 April 9, 2007, 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 forty (40) substantially equal semiannual installments which include principal and interest. Interest in all cases on the unpaid and deferred installments of principal will be charged from April 10, 2007, 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, 2007. Pursuant to an ordinance adopted on November 28, 2007, the Board authorized 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 and to 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 March 10, 2007, 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 March 10, 2007, 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 February 27, 2007.

(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 Section 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such ordinance by publication at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before February 27, 2007, 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 27th day of February, 2007, 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 AMENDMENTS TO THE CREATION ORDINANCE, THE ASSESSMENT ORDINANCE AND THE BOND ORDINANCE FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a; LEVYING ASSESSMENTS IN THE DISTRICT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

An adequate summary of the ordinance is as follows:

Sections 2 and 3 of the ordinance ratify, approve and confirm all consistent prior action taken in connection with ratifies all action previously taken with respect to Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) (the "District"), overrules all complaints, protests and objections made at the February 13, 2007, hearing and provides for amendment of the ordinance creating the district, the ordinance levying assessments in the District and the ordinance authorizing the issuance of bonds for the District.

Section 4 levies assessments against all specially benefited property in the District as set forth in the assessment roll filed with the County Clerk on September 26, 2006, except as modified by the February 13, 2007 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 40 substantially equal semi-annual installments, for the option to accelerate the payment of principal in the case of failure to pay any installment of principal or interest, for the payment of 2% per month (or higher) penalty interest and other penalties, for the restoration of the right to pay in installments on certain payments being made before date of sale, for the prepayment of any assessment or any portion of an assessment at anytime under specified conditions, provides for a prepayment penalty of 5%, provides for the interest rate on the assessment installments to be established after the adoption of the assessment ordinance.

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

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

Section 7. Provides for mailed notice to the owner of any delinquent property in case of delinquency in assessment payments; provides for the duty of the Board to foreclose such lien, as provided by law, if the assessment is not paid within 10 days after such notice; 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 of the levy of assessment and 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: February 13, 2007.

(SEAL)

/s/ Amy Harvey
County Clerk

(End of Form of Notice)

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

(Form for Publication)

BILL NO. _____

ORDINANCE NO. _____

(of Washoe County, Nevada)

AN ORDINANCE CONCERNING AMENDMENTS TO THE CREATION ORDINANCE, THE ASSESSMENT ORDINANCE AND THE BOND ORDINANCE FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a; LEVYING ASSESSMENTS IN THE DISTRICT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe county, Nevada, at her office in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada; and that the ordinance was proposed February 13, 2007, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on February 27, 2007, by the following vote of the Board of County Commissioners:

Those Voting Aye:

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

Those Voting Nay:

Those Absent:

This ordinance shall be in full force and effect from and after March 10, 2007, 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 February 27, 2007.

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

(SEAL)

Attest:

/s/ Amy Harvey
County Clerk

(End of Form of Publication)

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

Proposed on February 13, 2007.

Proposed by Commissioner Galloway.

Passed on February 27, 2007.

Vote: 4-0

Ayes:

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

Nays: None

Absent: HUMKE

DAVID Humke

Robert M Larkin

Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

Amy Harvey
County Clerk

This Ordinance shall be in force and effect from and after the 10th day of the month of March of the year 2007, i.e., the date of the second publication of such Ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

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

1. The foregoing pages are a full and correct copy of a resolution adopted by the Board of County Commissioners of the County (the "Board") on February 13, 2007, and an Ordinance introduced and read by title on February 13, 2007 and adopted on February 27, 2007 which relate to Special Assessment District No. 35. Minutes of the hearing on the District held on February 13, 2007 are attached as Exhibit A. Except as recited in this paragraph, no actions were taken concerning such District at such meetings. Such copies of such resolution and ordinance are true, correct, compared copy of the original proposed and adopted at such meetings.

2. All members of the Board were given due and proper notice of such meetings, and the members of the Board were present and voted on such resolution as follows:

Those Voting Aye:

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

Those Voting Nay:

none

Those Absent:

Humke

and were present and voted on such ordinance as set forth in the ordinance.

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand, this February 27, 2007.

County Clerk

Romy Harvey



EXHIBIT A

(Attach Copy of Minutes of February 13, 2007 Hearing on District No. 37)

details of the Bonds, and if deemed appropriate by him, to advertise the Bonds for sale, subject to the Project Act and the Bond Act and subject to ratification by the Board. Such Bonds shall be issued on such other terms and conditions as the Board determines, all as provided in the Project Act and NRS 350.500 to 350.720, inclusive, (the "Bond Act") and as specified by the adoption of one or more bond ordinances and the execution of a certificate of the Finance Director specifying the Bond terms and details approving and ratifying their sale (the "Bond Ordinance").

Section 7. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, (a) updating the County's capital improvement plan, debt management policy and statements of current and contemplated debt, if required, to reflect the Project, (b) forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, (c) assembling of financial and other information concerning the County and the Project, and the Bonds, and (d) if deemed appropriate by the Finance Director, preparing and circulating a preliminary official statement for the Bonds, a notice of bond sale for the Bonds, or both, in the forms specified by the Finance Director. The Finance Director is authorized to deem the preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 8. The County represents that it is in compliance with the applicable provisions of law, including, without limitation, the provisions of chapter 354 of NRS.

Section 9. In order to permit the County to reimburse itself for prior expenditures relating to the Project with the proceeds of Bonds, the Board hereby determines and declares as follows:

- (i) The County reasonably expects to incur expenditures with respect to the financing of the Project prior to the issuance of Bonds and to reimburse those expenditures from the issuance of the Bonds; and
- (ii) The maximum principal amount of Bonds expected to be used to reimburse such expenditures is \$4,800,000.

Section 10. This Resolution shall become effective upon the approval hereof by the Executive Director of the Department of Taxation of the State of Nevada as provided in NRS 350.089.

07-186

**SPECIAL ASSESSMENT DISTRICT NO. 37 SPANISH SPRINGS
SEWER PHASE 1a – WATER RESOURCES**

5:30 p.m. This was the time set in a Notice of Hearing by Washoe County, Nevada, published in the *Reno Gazette-Journal* on January 26th, February 2nd and February 9,

2007 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 (SAD) No. 37 (Spanish Springs Sewer Phase 1a), by any person interested, and by any parties aggrieved by such assessments.

Chairman Larkin opened the public hearing by calling on anyone wishing to speak for or against the SAD No. 37, Spanish Springs Sewer Phase 1a.

Rosemary Menard, Water Resources Director, provided a Power Point presentation, protest letters received, as well as a brief summary pertaining to the status of this item, which were all placed on file with the Clerk. She explained this project was undertaken to address nitrate contamination as a result of failing septic systems in that area. She indicated the purpose of today's action was to correct an earlier error that established the pre-payment period for the local assessment district. Ms. Menard explained the Department of Water Resources (DWR) told property owners they would have 20 years to repay their assessment, but the initial authorizing legislation mistakenly established a repayment period of 20 installments over a 10-year period. She explained the summary provided some answers to key questions raised from the protest letters received and quite a bit of work had been completed to develop the plan to correct the nitrate contamination.

Chairman Larkin said there were several items raised in a letter that was circulated throughout the community, which he believed prompted most of the protest letters. He inquired how many steps had been completed in this process to date. Joe Stowell, Licensed Engineer, stated there had been about 17 steps. Chairman Larkin corrected him in stating this was actually the 21st step and he wondered how many protests had been received to date. Mr. Stowell replied there had been 42 protests.

Ms. Menard addressed the questions received via protest letters. The first question was when would future phases of the project be completed. She explained the project had been divided into nine phases. Ms. Menard stated the nitrate contamination project needed to be completed, but right now they were waiting for additional federal resources from the grant program to mitigate some of the cost impacts to the property owners. She said DWR staff was ready to move ahead with Phase 1b as soon as those additional resources became available.

Ms. Menard stated the second question dealt with whether or not the money for the Spanish Springs phased sewer project had been spent elsewhere. She summarized where the funds came from, and that all funds were spent or dedicated to the Spanish Springs Project.

Ms. Menard stated the third question addressed how the phases were established. She reported this particular phase was designed and chosen so that the school located in the north part of the service area, which was a major source of the nitrate contamination, could be addressed. She said Phase 1a was not chosen to facilitate new

development, but acknowledged the development might not have occurred had this project not been put in place.

Ms. Menard stated another question was would the completion of the Phase 1a solve the issues related to nitrate contamination of the groundwater. She reported it would not, because groundwater monitoring demonstrated the nitrate contamination was still rising.

Ms. Menard said property owners wondered if the County, through the Assessment District, should pay for private property costs and sewer use fees of private property owners associated with the project. She explained Nevada Revised Statutes (NRS) did not allow the County to pay for private property improvements using this assessment mechanism.

Ms. Menard stated the final question dealt with the tax status of the reimbursement of the private property costs, which came from a State Grant. She stated it was a taxable contribution from the County to the individual property owners, but she believed that providing funds to mitigate private property costs in connecting to the sewer was a benefit for most property owners.

Chairman Larkin inquired how many units would be in all phases. Ms. Menard responded there were 2,000 units with 212 units in the first phase. Chairman Larkin inquired on the consequences of the Board not adopting the resolution. Ms. Menard stated original authorizing legislation established a 10-year repayment period and that would stand, rather than the intended 20-year repayment period.

Kendra Follett, Swendseid and Stern Bond Counsel, stated it was required to re-open the public hearings to implement the new terms to be included in most of the future steps.

Commissioner Galloway inquired how much of the total project was taxable. Ms. Menard explained property owners received \$2,000 from a State Grant to mitigate their connecting costs, which meant they would end up saving \$2,000, but would end up paying a fraction of that back in federal taxes.

In response to Chairman Larkin, Ms. Menard replied the construction of Phase 1 had been completed. She explained Phase 1b was waiting for the federal budget for fiscal year 2007 to find out if additional funds would be available to begin the phase.

In response to the call for public comment, Paul Chapman stated his main concern was that, if this was so important, why was there not more being done to get federal funds. He wondered why property owners could not just deal with one County agency instead of the three.

Frank Karaglanis felt this had adversely affected him. He said the County received 40+ protests, but there were 163 people affected, so a 25 percent objection rate

was pretty high considering a majority of the residents did not receive their registered letter. He voiced his concerns about actual interest rates and what the school had been assessed.

Chairman Larkin inquired if there were any more public comments. Hearing none, he closed the public hearing portion of the meeting and opened discussion up to the Board.

Katy Singlaub, County Manager, stated the County aggressively pursued federal funding for this project. She explained the 10 and 20-year discussion was not about the construction schedule, but about the payment schedule. She said the project was an emergency, which was why the County had already completed construction of Phase 1.

Mr. Stowell stated it would take 10 to 20 years to see the affects of the work being done, because it took a long time for the water to travel from some of these septic systems into the groundwater. He explained the school paid an assessment of approximately \$43,000 to connect in addition to their own on-site construction work.

In response to Chairman Larkin, Ms. Singlaub stated the County had consolidated permitting functions. She would pass along the request to Dave Childs, Assistant County Manager, to ensure the process was streamlined.

Mr. Childs recommended the public begin with the Department of Water Resources for future phases and then contact him for further assistance. He informed the Board one-stop shopping entitled "Permits Plus Zone" had been implemented.

Ms. Singlaub stated the previous action would be upheld whereby the payment plan would go through on a payment schedule of 10 years instead of 20 years if the Board did not approve the proposed Resolution. She explained that the Nevada Department of Environmental Protection directed the County to correct this problem and the County was fortunate to be able to do this project in a cost effective manner due to federal assistance.

Commissioner Galloway wondered if the inspections could be streamlined along with the permitting process and could the connection be approved before it was turned on and the old system removed. Mr. Childs responded the idea of the Permits Plus Zone was to streamline the entire process.

Upon recommendation by Mr. Stowell, and Paul Orphan, Engineering Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Weber absent, it was ordered the protests received be dismissed, the following Resolution be adopted and the Chairman be authorized to execute the same:

RESOLUTION

A RESOLUTION CONSIDERING PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER AND THE ASSESSMENT ROLL FOR THE ACQUISITION AND IMPROVEMENT OF A SANITARY SEWER PROJECT IN WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); AND PROVIDING OTHER MATTERS RELATED THERETO.

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. 37 (Spanish Springs Sewer Phase 1a) (the "District"), for the purpose of acquiring a sanitary sewer project as defined in NRS Section 271.200 (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, pursuant to a resolution adopted on September 13, 2005, the Board called a provisional order hearing on October 11, 2005 (the "Provisional Order Resolution"); and

WHEREAS, on October 11, 2005, the Board held a provisional order hearing and considered all protests to the assessments, the District and the Project, each written protest and oral complaint, objection and protest were considered and found to be without merit and the Board overruled all protests and complaints pursuant to a resolution adopted on October 11, 2005; and

WHEREAS, on October 11, 2005, 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 caused to be filed with the County Clerk on October 25, 2005:

- a) The detailed estimate of the total cost of the District, including each of the incidental costs;
- b) The engineer's report on benefits;
- c) Full and detailed final plans and specifications; and
- d) The assessment map and assessment plat.

WHEREAS, the District has been created by an Ordinance adopted on October 25, 2005 (the "Creation Ordinance"), under the provisions of Chapter 271 of NRS, the Consolidated Local Improvements Law; 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 \$5,091,725.09 of which \$1,069,082.81 is to be assessed upon the benefited tracts and parcels of land in the District for the Project and \$4,022,642.28 will be paid from other sources; and

WHEREAS, the Board, by a resolution duly adopted directed the Engineering Division of the Washoe County Department of Water Resources, 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 (the "Assessment Roll") with the County Clerk; and

WHEREAS, the Board thereupon fixed a time and place, to-wit, Tuesday, October 24, 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 September 26, 2006; 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 adopted on October 24, 2006 (the "Assessment Protest Resolution"), the Board confirmed the Assessment Roll to be in final form; and

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

WHEREAS, by ordinance duly adopted on November 13, 2006 (the "Assessment Ordinance"), the Board levied the assessments in the Assessment Roll in the District; and

WHEREAS, the Board desires to amend all proceedings relating to the District, including the Provisional Order Resolution, the Creation Ordinance and the Assessment Ordinance, to provide for the payment of assessments in installments of forty (40) substantially equal semiannual installments which will include both principal and interest 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, 2007; and

WHEREAS, the Board by resolution duly adopted on January 9, 2007, established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the Assessment Roll and to the assessments contained therein; and

WHEREAS, the Board has, in accordance with the provisions of law relating thereto, given the requisite legal notice by posting, mail and publication that complaints, protests and objections the provisional order, 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 assessed for, the Project in the District, by any person interested, and by any parties aggrieved by such assessments should be filed with the County Clerk, and that the Board would hear and consider any and all complaints, protests or objections on Tuesday, February 13, 2007, at 5:30 p.m., at the First Floor Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada; and

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

WHEREAS, the Board has determined (based upon the tabulation of the percentage of owners protesting prepared by the Engineering Division of the Washoe County Department of Water Resources, as the engineer for the County, and filed with

the County Clerk) that the total percentage of those owners filing written or oral objections for the entire District amounted to less than one-half of the area to be assessed using the 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); and

WHEREAS, the written and oral protests or objections were noted for the record and a copy of the minutes of the public hearing are hereto as Exhibit A, which were placed on file with the Clerk; and

WHEREAS, all complaints, protests and objections, both written and oral, were heard and considered by the Board on February 13, 2007, and after extensive review and deliberation hereby are found to be without sufficient merit and are hereby overruled; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the District and the Assessment Roll be corrected and revised as set forth in Section 2 hereof (as so corrected and revised, the "Assessment Roll");

WHEREAS, the Board has determined and does hereby again determine, that all of the assessable property in the County which is specially benefited by the improvements acquired in the District, and only the property which is so specially benefited, is included on the Assessment Roll heretofore filed with the County Clerk on September 26, 2006 and confirmed by resolution of the Board adopted on October 24, 2006; and

WHEREAS, the Board has determined, and does hereby determine, that the notice, posted, mailed and published, for the hearing held on February 13, 2007, on the provisional order, the Assessment Roll, the amount of the assessments, and the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and assessed for, the Project in the District, by any person interested, and by any parties aggrieved by such assessments, was reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. The Board determines that each and every protest and objection filed or otherwise made (representing less than 50 percent of the area to be assessed based on the 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)) is without sufficient merit, and that the same is overruled and finally passed on by the Board except the District and the Assessment Roll are modified as described in Section 2.

Section 2. The Board has determined, and does hereby determine, that, except as hereinafter stated, it is advisable to acquire the Project as provided by the

provisional order resolution and does hereby order that assessments be levied therefore and the Board hereby validates and confirms the Assessment Roll for the District, as made out by the Board, together with the Engineer, and filed in the records of the office of the County Clerk on September 26, 2006 and confirmed by the Board by resolution adopted on October 24, 2006 as set forth below is modified, revised, corrected and made de novo; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the Assessment Roll be corrected and revised as follows:

Revised Amount

<u>Parcel Number</u>	<u>Ownership</u>	<u>Final Assessment</u>
----------------------	------------------	-------------------------

[unless changes are listed here, no changes are made and
all protests or objections are overruled and denied]

Section 3. Pursuant to NRS 271.360 and an ordinance adopted on October 23, 2001 establishing a hardship determination procedure, the Board has considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and made determinations in connection therewith on October 11, 2005.

Section 4. Any person who filed, and did not withdraw a written protest or objection as aforesaid, shall have the right, within 30 days from the effective date of this resolution, to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amounts of benefits, shall be perpetually barred.

Section 5. The Engineering Division of the Washoe County Department of Water Resources as the engineer for the County has prepared and filed with the County Clerk in the manner required by law and presented to the Board and the Board hereby ratifies the preparation and filing of the following:

- (A) A revised (to the extent necessary) and detailed estimate of the total cost of the District, including each of the incidental costs;
- (B) Full and detailed final plans and specifications; and
- (C) A revised (to the extent necessary) map and revised assessment plat.

Section 6. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the Provisions of this Resolution) concerning Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a), including, but not limited to the acquisition of the Project, the creation of the District and the validation and confirmation of the Assessment Roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed. The officers of the County are directed to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 8. The invalidity of any provision of this resolution shall not affect any remaining provisions hereof.

Section 9. The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

07-186 **BILL NO. 1503 – SPECIAL ASSESSMENT DISTRICT NO. 37**
(SPANISH SPRINGS SEWER PHASE 1a PROJECT) – WATER
RESOURCES

Bill No. 1503, entitled, "AN ORDINANCE CONCERNING AMENDMENTS TO THE CREATION ORDINANCE, THE ASSESSMENT ORDINANCE AND THE BOND ORDINANCE FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a); LEVYING ASSESSMENTS IN THE DISTRICT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH" was introduced by Commissioner Galloway, the title read to the Board and legal notice for final action of adoption directed.

07-187 **COMMENTS – BILL DRAFT REQUEST (BDR) NO. 48-183**
CREATE REGIONAL WATER ENTITY - WATER RESOURCES

Senator Mark Amodei stated the subcommittee was created by Legislation in 2005 and had a large laundry list of items to look at. He stated the Bill Draft Request (BDR) was presently circulating in draft form, so the public, stakeholders and affected entities could provide input. Senator Amodei said the regional entity would manage water resource issues such as conjunctive use, conservation programs, service boundaries, regional capital construction treatment facilities and regional size mains. He stated the legislative committee would only get to meet five or six times to come up with a responsible recommendation; so they focused from the beginning on the issue of wholesale water and regional issues in terms of conservation service areas, acquisition, and capital improvements.

Senator Amodei said nothing in the BDR would impact the Orr Ditch Decree or the Truckee River Operating Agreement (TROA), just as there was nothing in the draft to tell the Truckee Meadows what their importation plan would or water rates would be. He said the BDR would leave intact the retail operations of the four existing retail water utilities in the Truckee Meadows; South Truckee Meadows General Improvement District (STMGID); Sun Valley GID; Washoe County Water Resources and the Truckee Meadows Water Authority (TMWA). He said there was nothing in the BDR to condemn directly or indirectly, existing rights to water or to affect the underlying water law of the State of Nevada in terms of prior appropriation and priority. Senator Amodei said the BDR would not give the entity's jurisdiction to schedule the delivery of water throughout the Truckee Meadows through the four retail facilities. He indicated it

EXHIBIT B

(Attach Copy of Notice of February 13, 2007 Meeting)

COUNTY COMMISSIONERS

Bob Larkin, Chairman
Annie 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

**February 13, 2007
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 February 13, 2007 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

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

The County Commission can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters 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"**.

5:30 p.m. 25. Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a)--Water Resources.

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

Possible adoption/execution of a Resolution considering protests made at the hearing on the provisional order and the Assessment Roll for the acquisition and improvement of a Sanitary Sewer Project in Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a); and providing other matters related thereto.

AND

Introduction and first reading of an Ordinance concerning amendments to the Creation Ordinance, the Assessment Ordinance and the Bond Ordinance for Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a); levying assessments in the District; and providing other details in connection therewith.

26. Comprehensive Plan Amendment Case No. CP06-006 (Southeast Truckee Meadows Area Plan Update)--Community Development.

To determine if the Washoe County Planning Commission recommendation for approval should be upheld or reversed, if the proposed update/amendment is an appropriate change to the Southeast Truckee Meadows Area Plan, and consistent with the goals, policies and standards of the elements of the Washoe County Comprehensive Plan; if any modifications, revisions, additions, or deletions are necessary in response to the proposed amendment to the Southeast Truckee Meadows Area Plan.

To reflect the changes requested within this application and to maintain currency of general area plan data, additional administrative changes to the area plan may include a revised map series with updated parcel base and revisions to the Table of Land Uses.

AND IF APPROVED

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 C

(Attach Copy of Notice of February 27, 2007 Meeting)

RENO NEWSPAPERS INC

Publishers of

Reno Gazette-Journal

955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200

Legal Advertising Office 775.788.6394

WASHOE CO
PO BOX 11130
RENO NV 89520-0027

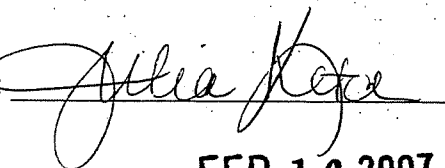
Customer Acct# 349008
PO# PH
Ad# 1000385553
Legal Ad Cost \$177.13

STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **02/16/2007 - 02/16/2007**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____



FEB 16 2007



Proof of Publication

NOTICE OF PUBLIC HEARING BEFORE: The Washoe County Board of County Commissioners Bill No. 1503 Ordinance No. _____ (of Washoe County, Nevada) 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 27th day of February, 2007, 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 AMENDMENTS TO THE CREATION ORDINANCE, THE ASSESSMENT ORDINANCE AND THE BOND ORDINANCE FOR WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 37 (SPANISH SPRINGS SEWER PHASE 1a; LEVYING ASSESSMENTS IN THE DISTRICT; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. An adequate summary of the ordinance is as follows: Sections 2 and 3 of the ordinance ratify, approve and confirm all consistent prior action taken in connection with ratifies all action previously taken with respect to Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) (the "District"), overrules all complaints, protests and objections made at the February 13, 2007, hearing and

provides for amendment of the ordinance creating the district, the ordinance levying assessments in the District and the ordinance authorizing the issuance of bonds for the District. Section 4 levies assessments against all specially benefited property in the District as set forth in the assessment roll filed with the County Clerk on September 26, 2006, except as modified by the February 13, 2007 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 40 substantially equal semi-annual installments, for the option to accelerate the payment of principal in the case of failure to pay any installment of principal or interest, for the payment of 2% per month (or higher) penalty interest and other penalties, for the restoration of the right to pay in installments on certain payments being made before date of sale, for the prepayment of any assessment or any portion of an assessment at anytime under specified conditions, provides for a prepayment penalty of 5%, provides for the interest rate on the assessment installments to be established after the adoption of the assessment ordinance. Section 6. Provides that the amounts assessed shall constitute a lien on the lots, tracts and parcels of land in the District co-equal of that with general taxes and prior and superior to all other liens, claims, encumbrances and titles and that the lien shall survive other foreclosure sales. Section 7. Provides for mailed notice to the owner of any delinquent property in case of delinquency in assessment payments; provides for the duty of the Board to foreclose such lien, as provided by law, if the assessment is not paid within 10 days after such notice; 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 of the levy of assessment and 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: February 13, 2007 (SEAL) /s/ Amy Harvey County Clerk No. 385553 February 16, 2007

EXHIBIT D

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

3

ERS INC
of
JOURNAL

955 Kuenzli St. P.O.Box 22000 RENO, NV 89520 PHONE: (775) 788-6200
Legal Advertising Office (775) 788-6394

Customer Account # 349008
PO# /ID# 373801
Ad Cost \$1,761.27

- Washoe County
- JAIME DELLERA
- PO Box 30083
- Reno, NV 89520

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:

of hearing

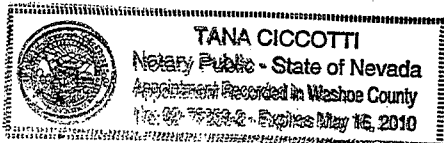
has published in each regular and entire
issue of said newspaper on the following
dates to wit:

Jan. 26, Feb. 2, 9, 2007

Signed: *Julia Ketcham*

2-14-07

Tana Ciccotti
Notary Public



**NOTICE OF HEARING ON
PROVISIONAL ORDER AND ASSESSMENT ROLL
THE PROJECT AND ASSESSMENTS WITHIN THE
WASHOE COUNTY, NEVADA**

**SPECIAL ASSESSMENT DISTRICT NO. 37
(SPANISH SPRINGS SEWER PHASE 1a)**

NOTICE IS HEREBY GIVEN to the property owners within the proposed Washoe County, Nevada, Special Assessment District No. 37 (Spanish Springs Sewer Phase 1a) (the "District") and to all interested persons that:

The Board of County Commissioners of the County of Washoe in the State of Nevada has provisionally ordered the acquisition of a sanitary sewer project as defined in NRS §271.200 (the "Project"), created the District pursuant to an ordinance, levied assessments in the District pursuant to an ordinance and has determined to amend the proceedings to provide for all or any part of any assessment to be paid, at the election of the owner, in forty (40) substantially equal semiannual installments which will include both principal and interest. The Project is as more particularly described below.

The Project will provide a collection system of gravity sewers to 220 units comprised of 211 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 consists 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 in accordance with the Standard Details and Specifications for Public Works Construction. The Project is described in more detail on the Plans and Specifications prepared by the Washoe County Department of Water Resources and titled "SAD 37 - Spanish Springs Sewer Phase 1a" and as more particularly described herein. A substantial change in existing elevation or grades may result from the Project.

The Project described above has been constructed and acquired by the County and 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 \$5,091,725.09 of which \$1,069,082.81 is to be assessed upon the benefited tracts and parcels of land in the District for the Project and \$4,022,642.28 will be paid from other sources.

The amount to be assessed for the Project has been 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 calculated 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; such assessments are in proportion to the special benefits derived to each of the tracts comprising the District; an equitable adjustment will be made for assessments levied against any tract or parcel of land not specially benefited so that the assessments according to the benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat.

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	089-243-23	089-263-08	089-274-14	089-344-03	089-352-09	089-362-08
089-232-10	089-251-01	089-263-09	089-274-15	089-344-04	089-352-10	089-362-09
089-232-11	089-251-06	089-263-10	089-274-16	089-344-05	089-352-11	089-363-01
089-234-01	089-251-07	089-271-01	089-274-18	089-344-06	089-352-12	089-363-02
089-241-01	089-251-08	089-271-02	089-274-19	089-344-07	089-353-01	089-363-03
089-241-02	089-252-01	089-271-03	089-281-06	089-344-08	089-354-01	089-363-04
089-242-01	089-252-02	089-271-04	089-282-01	089-344-09	089-354-02	089-363-05
089-242-02	089-252-03	089-271-05	089-323-01	089-344-10	089-354-03	089-363-06
089-242-03	089-252-04	089-271-06	089-323-11	089-344-11	089-354-04	089-363-07

VISIT THE VERIZON WIRELESS STORE INSIDE CIRCUIT CITY

STARTED WITH VERIZON WIRELESS EMPLOYEES - EXCLUSIVE OFFERS AVAILABLE!

RENO SPARKS

BUSINESS CUSTOMERS, PLEASE CALL 925-279-6760

(775) 826-6869
(775) 829-1848
(505) 853-5105
(916) 331-6833

CALL 1.877.2.BUY.VZW

Hablamos español

MOTOROLA

Includes: • Camera • Music • VZ Navigator

1324

EXHIBIT E

(Attach Affidavit of Publication of Ordinance Twice by Title)