

Summary - An ordinance approving the issuance of the Reno-Sparks Convention & Visitors Authority Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2011.

BILL NO. 1650

ORDINANCE NO. 1469

(of Washoe County, Nevada)

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2011 RSCVA RATIFICATION ORDINANCE"; CONSENTING AND AGREEING TO BE BOUND BY THE PROVISIONS OF THE AUTHORITY'S RESOLUTION AUTHORIZING THE ISSUANCE OF THE GENERAL OBLIGATION (LIMITED TAX) RENO-SPARKS CONVENTION & VISITORS AUTHORITY REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2011 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$94,750,000; RATIFYING ACTION TAKEN, APPROVING AND CONFIRMING ACTION TO BE TAKEN IN THE AUTHORITY'S FINANCING AND IN THE IMPOSITION, COLLECTION AND ASSIGNMENT OF ROOM TAXES AND THE PLEDGE OF SUCH TAXES TO SAID BONDS; PRESCRIBING OTHER DETAILS IN CONNECTION HEREWITH; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS AND THE EFFECTIVE DATE THEREOF.

(1) **WHEREAS**, the County of Washoe, in the State of Nevada ("County" and "State," respectively), is a political subdivision under the laws of the State; and

(2) **WHEREAS**, the Reno-Sparks Convention & Visitors Authority (the "Authority") is authorized pursuant to NRS 244A.637 to issue general obligation bonds additionally secured by pledged revenues in the name of and on behalf of the County; and

(3) **WHEREAS**, the Authority has requested the Board of County Commissioners of the County (the "Board") to consent by ordinance to the issue and payment of the Washoe County, Nevada General Obligation (Limited Tax) Reno-Sparks Convention & Visitors Authority Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2011 (the "2011 Bonds"); and

(4) **WHEREAS**, pursuant to the NRS 244A.597 to 244A.655 as amended (the "Recreation Act") and NRS 350.500 to 350.720 as amended (the "Bond Act"), the Authority intends to adopt a resolution authorizing the issuance of the 2011 Bonds, a copy of which has been filed with the County Clerk (the "Refunding Bond Resolution"); and

(5) **WHEREAS**, Section 4.7 of the Reno-Sparks Convention & Visitors Authority Washoe County Cooperative Agreement Regarding General Obligation Backing of Bonds dated November 23, 1999, as amended (the "Cooperative Agreement") states that "[p]rior to incurring additional medium or long-term debt, which includes, but is not limited to bank loans and revenue bonds or any other obligations that cause the authority to pledge or be payable from any legally available funding for more than one year, the Authority will be required to have available revenue, not pledged for existing debt payments or required to be deposited into the Sinking Fund, or required for necessary ongoing Authority operating expenses that is two (2) times the annual payment of the proposed debt or obligation, and upon written request from the Authority, the County may modify or waive this requirement"; and

(6) **WHEREAS**, the Authority has requested in writing that the County waive the provisions of Section 4.7 of the Cooperative Agreement as to the 2011 Bonds, thereby allowing the Authority to issue the 2011 Bonds.

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

Section 1. Short Title. This resolution shall be designated by the short title "2011 RSCVA Ratification Ordinance".

Section 2. Ratification and Authorization of 2011 Bonds. All action heretofore taken by the Board and by the Authority in the sale and issuance of the 2011 Bonds, is hereby ratified; the adoption of the Refunding Bond Resolution by the Authority is hereby approved and confirmed; and the 2011 Bonds are hereby authorized to be issued.

Section 3. Agreement to the Refunding Bond Resolution. The County consents to and agrees to be bound by the provisions of the Refunding Bond Resolution, and waives the requirements of Section 4.7 of the Cooperative Agreement.

Section 4. Filing Ordinance. A certified copy of this ordinance shall be filed forthwith with the Secretary of the Authority.

Section 5. Ordinance Irrepealable. This ordinance shall be and shall remain irrepealable until the 2011 Bonds or any bonds refunding the 2011 Bonds shall be fully paid, canceled and discharged, or until provision shall be made therefor, in the manner provided in the Refunding Bond Resolution.

Section 6. Publication and Effective Date. 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 is 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 is to be in substantially the following form:

(Form of Adoption of Ordinance for Publication)

BILL NO. _____

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

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2011 RSCVA RATIFICATION ORDINANCE"; CONSENTING AND AGREEING TO BE BOUND BY THE PROVISIONS OF THE AUTHORITY'S RESOLUTION AUTHORIZING THE ISSUANCE OF THE GENERAL OBLIGATION (LIMITED TAX) RENO-SPARKS CONVENTION & VISITORS AUTHORITY REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2011 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$94,750,000; RATIFYING ACTION TAKEN, APPROVING AND CONFIRMING ACTION TO BE TAKEN IN THE AUTHORITY'S FINANCING AND IN THE IMPOSITION, COLLECTION AND ASSIGNMENT OF ROOM TAXES AND THE PLEDGE OF SUCH TAXES TO SAID BONDS; PRESCRIBING OTHER DETAILS IN CONNECTION HEREWITH; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS AND THE EFFECTIVE DATE THEREOF.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse in Reno, Nevada, and that such ordinance was proposed by Commissioner _____ on August 23, 2011 and was passed and adopted at a regular meeting of the Board of County Commissioners of Washoe County at a regular meeting held on August 23, 2011, by the following vote of the Board of County Commissioners:

Those Voting Aye:

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

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after September ____, 2011, 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 August 23, 2011.

/s/ John Breternitz
Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey
County Clerk

(End of Form of Adoption of Ordinance for Publication)

Section 7. Severability Clause. If any section, paragraph, clause or 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 provision shall not affect any of the remaining provisions of this ordinance or of any other ordinance heretofore or hereafter enacted.

Section 8. Repealer Clause. Any bylaw, order, resolution or ordinance, or part thereof, in conflict herewith is hereby repealed. This repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or part thereof, heretofore repealed.

PASSED AND ADOPTED BY AN AFFIRMATIVE VOTE OF A TWO-THIRDS MAJORITY OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, THIS AUGUST 23, 2011.

Proposed on August 23, 2011.
Proposed by Commissioner Larkin
Passed on August 23, 2011. _____

Aye:

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

Nay:
Absent:
Abstaining:

none
Bonnie Weber
none

(SEAL)

Attest

Dancy L. P. Chief Deputy
County Clerk

Chairman
Board of County Commissioners
Washoe County, Nevada

This ordinance shall be in force and effect from and after September 2, 2011, 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 qualified and elected Clerk of Washoe County (the "County"), and in the performance of my duties as Clerk do hereby certify:

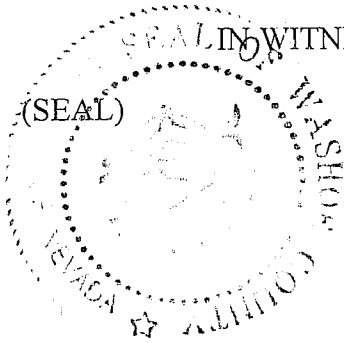
1. The foregoing pages are a true, correct and compared copy of an ordinance introduced and adopted by Board of County Commissioners (the "Board") of the County at a meeting held on August 23, 2011. The original of the ordinance has been approved and authenticated by the signatures of the Chairman of the Board and myself as County Clerk and sealed with the seal of the County, and has been recorded in the minute book of the Board kept for that purpose in my office.

2. Said proceedings were duly had and taken as therein shown. The Commissioners set forth in the ordinance were present at the August 23, 2011 meeting and voted on the ordinance.

3. The members of the Board voted on the passage of such ordinance as set forth following the ordinance.

4. After adoption, such ordinance was published twice by title and a copy of an affidavit evidencing publication of the ordinance twice by title in the Reno Gazette-Journal is attached to this certificate as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand this August 23, 2011.



Amy L. P. A. Chief Deputy
County Clerk

The undersigned does hereby certify:

1. Public notice of the meeting held on August 23, 2011 was given and such meetings were held and conducted in full compliance with the provisions of NRS § 241.020. Copies of the notices of meeting and excerpts from the agendas for the meetings relating to the ordinance, as posted by 9:00 a.m. at least 3 working days in advance of the meeting at:

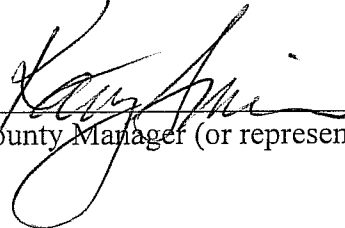
- (i) Washoe County Administration Complex
1001 East Ninth Street
Reno, Nevada
- (ii) Washoe County Courthouse
Virginia and Court Streets
Reno, Nevada
- (iii) Washoe County Library
301 South Center Street
Reno, Nevada
- (iv) Justice Court
630 Greenbrae Drive
Sparks, Nevada

is attached as Exhibit "A".

2. All members of the Board were given due and proper notice of such meeting.

3. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice were delivered to each member of the Board and to each person, if any, who has requested notice of meetings of the Board in accordance with the provisions of Chapter 241 of NRS.

IN WITNESS WHEREOF, I have hereunto set my hand this August 23, 2011.



County Manager (or representative thereof)

EXHIBIT A

(Attach Copy of Notice of Meeting held on August 23, 2011)

COUNTY COMMISSIONERS

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

COUNTY MANAGER

Katy Simon

**ASSISTANT
DISTRICT ATTORNEY**

Paul Lipparelli

NOTICE OF MEETING AND AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

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

**August 23, 2011
10:00 a.m.**

NOTE: Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent section; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time, but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless removed from the Consent section. The Board of County Commissioners may take short breaks approximately every 90 minutes.

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.

Time Limits. Public comments are welcomed during the Public Comment periods for all matters, whether listed on the agenda or not, and are 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. Persons may not allocate unused time to other speakers.

Forum Restrictions and Orderly Conduct of Business. The Board of County Commissioners conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

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

21. Recommendation that the Board of County Commissioners approve and authorize the Chairman to execute an amendment to the Cooperative Agreement between the Reno-Sparks Convention and Visitors Authority and Washoe County to establish a sinking fund for the prepayment of the 2011 Refunding Bonds and deleting provisions of the agreement that are no longer operative--Finance. (All Commission Districts.) **To be heard before Agenda Item #22.**
22. Recommendation that the Board of County Commissioners approve and execute an ordinance designated by the short title "2011 RSCVA Ratification Ordinance"; consenting and agreeing to be bound by the provisions of the Authority's resolution authorizing the issuance of the General Obligation (limited tax) Reno-Sparks Convention & Visitors Authority refunding bonds (additionally secured with pledged revenues), Series 2011 in the maximum principal amount of \$94,750,000; ratifying action taken, approving and confirming action to be taken in the Authority's financing and in the imposition, collection and assignment of room taxes and the pledge of such taxes to said bonds; prescribing other details in connection herewith; and providing for its adoption as if an emergency exists and the effective date thereof--Finance. (All Commission Districts) **To be heard after Agenda Item #21.**
23. Recommendation to approve and execute a Resolution finding that refunds of certain property tax payments are due, directing the treasurer to make such refunds, directing that subsequent apportionments of revenues from property tax to the other taxing units in the county which levied a tax represented in the combined tax rate be withheld, directing the treasurer to keep a list of refunds and other matters properly related thereto--District Attorney. (All Commission Districts.)
24. Discussion and possible direction to staff on funding option for Incline Village/Crystal Bay property tax refunds--Manager. (All Commission Districts.)
25. Introduction and first reading of an Ordinance amending Chapter 21 of the Washoe County Code (Miscellaneous and Additional Taxes) by adding a new section imposing a supplemental governmental services tax of one cent on each one dollar of valuation of certain vehicles based in Washoe County, by providing for the sunset of that tax, and by repealing the no longer effective vehicle privilege tax and other matters properly related thereto--District Attorney. (All Commission Districts.)
26. Update on status, discussion and possible direction to staff on the 2011 Washoe County Commission Election District Redistricting Project--Management Services. (All Commission Districts.)
27. Update on status of Shared Services efforts and possible direction to staff--Manager. (All Commission Districts.)
28. Recommendation to approve initial terms for the reconveyance of the Sky Ranch Park (APN's 534-091-01 and 534-091-02) to Damonte View II LLC; and if approved, direct staff to incorporate these terms into an agreement with Damonte View II LLC and return to the Board of County Commissioners with the Agreement within sixty (60) days. (Requested by Commissioner Humke.)

EXHIBIT B

(Attach Copy of Affidavit of Publication of Notice of Adoption of Ordinance)

RENO NEWSPAPERS INC

WASHOE COUNTY
COMPTROLLER

Publishers of

Reno Gazette-Journal

2011 SEP -7 AM 9:30

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Legal Advertising Office 775.788.6394

WASHOE CO
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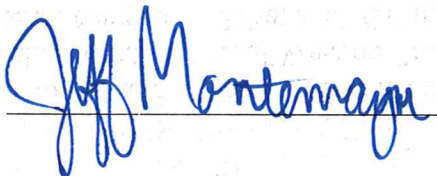
Customer Acct# 349008
PO# ADOPT 1469
Ad# 1000761899
Legal Ad Cost \$189.74

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 of general circulation 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: **08/26/2011 - 09/02/2011**, for exact publication dates please see last line of Proof of Publication below.

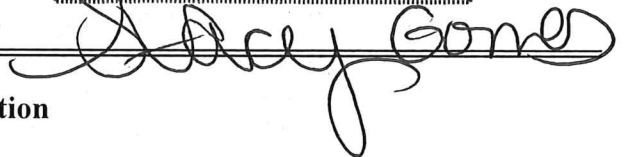
Subscribed and sworn to before me

Signed:



SEP 02 2011

 STACEY GOMES
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 09-10505-2 - Expires July 22, 2013



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1469 BILL NO. 1650 An Ordinance designated by the short title "2011 RSCVA Ratification Ordinance": consenting and agreeing to be bound by the provisions of the Authority's resolution authorizing the issuance of the General Obligation (Limited Tax) Reno-Sparks Convention & Visitors Authority Refunding Bonds (additionally secured with pledged revenues), Series 2011 in the maximum principal amount of \$94,750,000; ratifying action taken, approving and confirming action to be taken in the Authority's financing and in the imposition, collection and assignment of room taxes and the pledge of such taxes to said bonds; prescribing other details in connection herewith; and providing for its adoption as if an emergency exists and the effective date thereof. (Bill 1650.) PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse, 75 Court Street, Reno, Nevada, and that such Ordinance was proposed by Commissioner Larkin on August 23, 2011, and was passed and adopted at a regular meeting held on August 23, 2011, by the following vote of the Board of County Commissioners: Those Voting Aye: John Breternitz, Kitty Jung, Robert M. Larkin, and David Humke Those Voting Nay: None Those Absent:

Bonnie Weber Those Abstaining: None This Ordinance shall be in full force and effect from and after September 2, 2011, 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 24th day of August, 2011. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 761899 Aug. 26, Sep. 2, 2011