

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. NOVEMBER 26, 1996

PRESENT:

Steve Bradhurst, Chairman  
Grant Sims, Vice Chairman  
Joanne Bond, Commissioner  
Mike Mouliot, Commissioner  
Jim Shaw, Commissioner

Betty Lewis, Chief Deputy County Clerk  
John MacIntyre, County Manager  
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

96-1149A WORK CARD PERMIT APPEAL - MICHAEL ERICSON

This appeal was considered on MONDAY, NOVEMBER 25, 1996, prior to the Caucus meeting, the Board having convened, with all members of the Board present and Chairman Bradhurst presiding, to consider the appeal of MICHAEL ERICSON of the Sheriff's denial of his work permit application to work as a private security guard for BURNS INTERNATIONAL SECURITY.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session as was Debi Williams, Records Section of the Sheriff's office. The Board then reconvened in open session wherein the following action was taken.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the denial by the Sheriff to MICHAEL ERICSON for a work card to work at BURNS INTERNATIONAL SECURITY be overturned and the work permit granted.

96-1150A WORK CARD PERMIT APPEAL - CHARLES ETCHISON

This appeal was considered on MONDAY, NOVEMBER 25, 1996, prior to the Caucus meeting, the Board having convened, with all members of the Board present and Chairman Bradhurst presiding, to consider the appeal of CHARLES ETCHISON of the Sheriff's denial of his work permit application as a private security guard for HOLMAN SECURITY.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session as was Debi Williams, Records Section of the Sheriff's office. The Board then reconvened in open session wherein the following action was taken.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the denial by the Sheriff to CHARLES ETCHISON for a work permit card to work at HOLMAN SECURITY be overturned and the work permit granted.

It was noted that applicant TERRY LANE did not appear and his appeal was not heard and is to be rescheduled if the applicant desires.

96-1151A AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the agenda for the November 26, 1996 meeting be approved with the following amendments: Delete -- Item 15B, Ordinance amending the Washoe County Code relative to operations of a motor vehicle while abilities are impaired; Item 15C, Ordinance amending the Uniform Schedule of charges for sewer connection fees; Item 18, Modification of the Utility Division Fiscal 1997 Capital budget; Item 19, Agreement between Washoe County and John Copoulos, Architect, concerning Utility Division tenant improvements; and Item 20, Addition to Washoe County Fiscal Policies Section 11-Annual Operating Budget.

PUBLIC COMMENTS

Tom Gregory, Board of Directors, Sierra Valley Groundwater Management District, Loyalton, California, complimented the efforts that have gone into the Regional Water Plan and the progress made to coordinate the different entities. He then requested the Board's support for an amendment to the Regional Water Plan and presented documentation appealing the Regional Water Planning Commission's adoption of the Washoe County 1995-2015 Comprehensive Regional Water Management Plan and containing the amendment proposal. Mr. Gregory advised that he will be appearing before the Regional Water Planning Commission to discuss this issue.

Chairman Bradhurst advised that this item is not on today's agenda and it would be inappropriate to discuss the details of the appeal at this time; and that the proper procedure is for Mr. Gregory to first go before the Regional Water Planning Commission.

96-1152 KENNEL PERMIT APPEAL - SHARON TUSH

Katie Stevens, Animal Control Officer, reviewed background information concerning the kennel permit application for Sharon Tush to house four dogs at 9570 Benedict Drive, Sparks, Nevada, advising that 14 neighbors were notified of the application, and four letters in opposition were received stating concerns relative to the CC&R's prohibiting more than three dogs, barking, and the possibility of noise; and that one letter was received in favor of granting the permit. She further advised that Animal Control has a report on file of a bite by one of the dogs listed on the application that occurred in July, 1994.

Sharon Tush, applicant, explained that the dog bite occurred when she first moved in and had no front or back fencing; that the back fence was installed immediately and the front is now completely fenced; that the dogs are never out of the yard unless she takes them for a walk; that she has been keeping the barking dog inside at night; and that the fourth dog is a stray she rescued and there was no intent to break the rules of the CC&R's. Ms. Tush then responded to questions of the Board.

Cal Schumacher, next door neighbor, requested that the permit be denied. He stated that the dogs start barking at 5:30 a.m. and bark all day and sometimes all night.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Bradhurst ordered that the kennel permit application submitted by Sharon Tush be denied.

96-1153 DEFER TRANSFER OF ADMINISTRATIVE COSTS TO GENERAL FUND - FY 1996/97 EMERGENCY ASSISTANCE BUDGET - SOCIAL SERVICES

John MacIntyre, County Manager, reviewed background information regarding this item. He reviewed estimated expenditures and revenues for the Emergency Assistance (EA) budget for the current fiscal year, stating that staff recommends that the funds be monitored and if at the end of the fiscal year there is a shortfall as projected, the request for a transfer of funds would be presented to the Board at that time.

May Shelton, Director, Department of Social Services, provided additional information and responded to questions of the Board.

Commissioner Sims discussed issues relative to the block grant funds received by the State and the mandated programs of the County and stated that this issue needs to be addressed at the Legislature. Ms. Shelton stated that this matter will be addressed at the legislative level. She advised that her office is in weekly communication with the State Department of Human Resources regarding the progress of the Welfare Reform State Plan; that Washoe County, Clark County, and the Division of Child and Family Services are working together on this issue; and that staff will continue to pursue continued funding.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the transfer of County administrative costs from the FY 1996-97 Emergency Assistance budget to the General Fund be deferred until June 1997. It was noted that, if at that time there is a shortfall in the EA budget and the transfer of funds becomes necessary, the matter will be brought back before the Board.

#### 96-1154 DISCUSSION - DROP-IN-CENTER FOR HOMELESS - CENTER STREET MISSION

Mickey Lufkin, Director, Center Street Mission, presented and reviewed information regarding the Center Street Mission's operation of a homeless drop-in center. He stated that for two years the Center received funding through contracts with Washoe County; that this year they received only Community Development Block Grant money in the amount of \$25,770; that their expenses are averaging around \$4,700 each month and they are projected to be out of funding by January 1, 1997; and that they would like to be placed on a future County agenda to request additional funding of approximately \$30,000 to carry them through June of 1997. Mr. Lufkin then responded to questions of the Board.

Commissioner Bradhurst requested that the County Manager place this item on a future agenda and noted that it is important to make sure that the homeless drop-in center is an efficient operation in order to maximize taxpayer money.

Commissioner Sims stated that when the Board reviews the request, it should be acknowledged that the County and the City of Reno are working together on this issue and that it promotes the County Strategic Plan. He further stated that it is absolutely critical that the County and City work together on this issue because tax revenues are limited and accountability must be promoted.

#### 96-1155 SPECIAL USE PERMIT CASE NO. SPW7-30-96 - COLD SPRINGS STORMWATER DETENTION FACILITY - DEVELOPMENT REVIEW (APN's: 87-021-07 AND 11, AND 87-491-19)

9:30 a.m. This was the time set for the establishment of conditions of approval for Special Use Permit Case No. SPW7-30-96 granted on November 12, 1996 [BCC Item No. 96-1092] for construction of a stormwater detention facility, including an earthen dam, inlet structure, and spillway on a 60-acre portion of a 476.31-acre site, designed to reduce the 100-year floodplain and the threat of flooding within developed and developing areas of Cold Springs Valley. The project area is located northeast of Bordertown and approximately one mile north of the area of Cold Springs Valley developed at one-third acre density on three parcels designated General Rural (GR) and Medium Density Suburban (MDS) in the North Valleys Area Plan within portions of Sections 4 and 9, T21N, R18E, MDM, Washoe County, Nevada.

Don Young, Planner, Department of Development Review, presented and discussed proposed conditions for the Cold Springs Stormwater Detention Facility. He stated that, pursuant to discussion at yesterday's caucus meeting, he contacted the State Engineer regarding the Board's concerns relative to groundwater recharge who indicated that there is a good chance that no water resources permit will be necessary because of the short time this dam detains water, and that he would not issue a permit if it was found there would be serious impacts to groundwater. Mr. Young then discussed Condition No. 17, advising that it was added to address the Board's concerns relative to this matter.

Chairman Bradhurst suggested language changes to Condition No. 17 to more accurately reflect the Board's desire that there will be no adverse impact on groundwater recharge in the valley and the Reno Park Water Company wells.

Jason King, State Division of Water Resources, provided comments and responded to questions of the Board. He advised that Condition 17 clearly indicates the Board's concerns relative to groundwater recharge; that the State Engineer would be looking at this issue even if the condition was not included; and that the State Engineer would evaluate the report done by Terry Katzer, hydrologist for Reno Park Water Company. Chairman Bradhurst noted that Mr. Katzer stated at the meeting on November 12 that there might be an adverse impact on the Reno Park Water Company Wells.

Commissioner Bond commented that she would not want to move forward on this project if there is any question about water quality or impacts of recharge; and stated that she feels the structural analysis is very important, noting several people living in the area have very little faith in earthen dams. Mr. King stated that the structure is categorized as a high hazard structure by the State Engineer and it will be looked at very closely.

Commissioner Sims referred to the letter from Reno Park Water Company dated November 21, 1996 and stated that it implies that the Board was capricious and did not care about Reno Park Water Company; and that this is "hogwash" because when the Board approved this special use permit, it was aware that the State Water Engineer would play a very important role in insuring that there would not be a significant or adverse impact to the groundwater recharge, and it was with that understanding that the Board moved forward. He further commented that there was not a lack of concern on the Board's part for the wells and he takes "offense" to that type of information being thrown around as factual, when it is not.

Commissioner Bond encouraged that staff be very visible in the community and provide education to the area residents in order for them to have a better comfort level of what is being proposed.

Commissioner Shaw suggested that a copy of the conditions be forwarded to the North Valleys CAB and other organizations in the valley so that they understand that the Board did do something in their behalf.

Chairman Bradhurst asked if there was anyone present wishing to provide testimony and there was no response.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following conditions including amended language on Condition No. 17 on Special Use Permit Case No. SPW7-30-96 for the Cold Springs Stormwater Detention Facility be approved:

CONDITIONS FOR SPECIAL USE PERMIT CASE NO. SPW7-30-96

(As amended and approved by the Board of County Commissioners on November 26, 1996)

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A GRADING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

COPIES OF ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL BE FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF DEVELOPMENT REVIEW.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Development Review shall be responsible for determining compliance with this condition.

2. The applicant shall complete construction of all structures used to further the operation within two years from the date of approval by Washoe County.

3. A copy of the Clerks Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.

4. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

5. Prior to ground-disturbing activity, the developer shall submit two copies of the archaeological/historical survey to the Department of Development Review. The Department of Development Review shall submit the surveys to the State Historic Preservation Office (SHPO) of the Department of Museums, Library and Arts and the applicable tribe for review. Following that review, the SHPO and the applicable tribe shall submit a letter to the Department of Development Review that indicate the survey was acceptable. Any required mitigation plans will be subject to the same review procedures.

6. The applicant shall ensure that the funding for the maintenance of this stormwater facility is provided by the property owners receiving the benefits of the facility. Existing residents are excluded from this requirement and shall not be required to pay unless Washoe County adopts a regional or sub-regional program that incorporates all residents within a specific area. Any new residences within the service area approved by the county shall be subject to conditions, covenants, and restrictions (CC&R's) that shall be reviewed and approved by the Office of the District Attorney. Said CC&R's shall specifically address the requirement of either the applicant or the property owners, through an appropriate mechanism, to fund the maintenance of stormwater facilities maintained by a public agency. Washoe County shall be made a party to the applicable provisions of these CC&R's. A suitable draft of the provisions addressing this condition must be submitted to the Office of the District Attorney for review and approval prior to the issuance of a grading permit. Should another means of assuring the continued maintenance of the stormwater facilities become available, the Department of Public Works may allow replacement of the mechanism required by this condition.

7. Prior to ground-disturbing activity, the applicant shall provide a letter of credit in the amount of \$25,000 to Washoe County for the maintenance by Washoe County of the stormwater facility. As this amount is expended, the applicant shall annually restore the financial assurance to the full amount. This letter of credit may also be reduced annually as the permanent fund for the maintenance of the stormwater facility supplants the amount necessary to ensure the continued maintenance. If a regional or sub-regional program is implemented, the letter of credit will no longer be necessary, and any remaining deposits or funds shall be returned. The Department of Public Works shall be responsible for administering this condition.

8. The applicant shall submit detailed improvement drawings and final hydrology/hydraulic analyses for review and approval by the County Engineer.

9. The applicant shall obtain approval from the State Engineer and shall submit a copy of the application and approved dam permit to the County Engineer. Washoe County shall be made a party to all meetings with the State Engineer and shall be made co-permit holder. The Department of Public Works shall be responsible for determining compliance with this condition.

10. As a requirement of the Federal Emergency Management Agency (FEMA), the applicant shall prepare and submit a detailed operation and maintenance plan to Washoe County for review and approval. Said plan shall discuss, among other things, inspection

schedules, funding, and acknowledgment of the party responsible for performing the maintenance. The Department of Public Works shall be responsible for administering this condition.

11. Existing roads which will be disturbed due to the dam construction or inundated during the 100-year design storm shall be relocated to provide continued access to existing roads. The Department of Public Works shall be responsible for determining compliance with this condition.

12. Maintenance access easements from a public road to the dam site shall be granted to Washoe County and improved maintenance access roads shall be constructed to Washoe County standards. The Department of Public Works shall be responsible for determining compliance with this condition.

13. The site of the dam, the outfall facilities, and the 100-year flood pool area shall be dedicated to Washoe County. All other necessary easements for the construction of the stormwater facility shall be obtained and granted or dedicated to Washoe County. The Department of Public Works shall be responsible for determining compliance with this condition.

14. The applicant shall enter into a "hold-harmless" agreement with Washoe County. This agreement shall hold the applicant responsible for a period of five years for any claims resulting from any shortcomings in the design and/or construction of the facility. Risk Management shall be responsible for determining compliance with this condition.

15. All land disturbing activities during construction phases, such as, but not limited to, grading, excavation, cut and fill, etc., must be done with effective dust control measures consistent with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030. Disturbances greater than 1 acre in size must obtain an approved dust control plan prior to beginning work. The District Health Department shall be responsible for determining compliance with this condition.

16. Grading shall be performed in accordance with best management practices and mosquito breeding places shall be eliminated within graded areas. The District Health Department shall be responsible for determining compliance with this condition.

17. A grading permit will not be issued by Washoe County if the State Engineer determines that the proposed detention facility will create an adverse impact on groundwater recharge, particularly the Reno Park Water Company wells.

96-1156 SITE REVIEW CASE NO. SR8-8-96 - HIGH SIERRA CONVENIENCE CENTER - DEVELOPMENT REVIEW (APN: 48-070-09)

9:30 a.m. This was the time set for continuance of public hearing from November 12, 1996 [BCC Item No. 96-1093] to consider the appeal of Gary R. Schmidt from the Washoe County Planning Commission approval of Site Review Case No. SR8-8-96 to William Buck and John Wood for the development of High Sierra Convenience Center, which will include a restaurant, retail and sports services, gas pumps, and 8 rental units on property located on the north side of the Mount Rose Highway (SR431) opposite the Reindeer Lodge. Because the project proposes utilizing the C-1 (Limited Commercial) zoning, a site review is required by the transition policy on the 2.0-acre parcel designated Medium Density Suburban (MDS) in the Forest Area Plan and situated in a portion of Section 17, T17N, R19E, MDM, Washoe County, Nevada.

Don Young, Planner, Department of Development Review, presented a copy of a letter dated October 23, 1996 from the Planning Commission to Nevada Department of Transportation (NDOT), expressing their concerns and the concerns of citizens in the area relative to the projects being approved on Mt. Rose Highway, as well as a copy of a letter he faxed to NDOT, pursuant to discussion at yesterday's caucus, regarding the Board's request that NDOT affirm that safety concerns are addressed through their requirements set forth in the conditions for the project. He advised that he followed up the faxed letter with a telephone call to Richard Nelson, District Engineer, and was told that he was not in the office; that nothing has been received from NDOT stating or reaffirming that safety was one of their concerns; and that he spoke with the NDOT engineer handling the project who advised that safety was one of the factors they consider, which is one of the reasons they required the center turn lane and acceleration/deceleration lanes. Mr. Young then pointed out the location of the acceleration/deceleration lanes on a display map. Upon inquiry of Commissioner Bond, Mr. Young reviewed Conditions 6 and 7 addressing road improvements and requiring their completion prior to issuance of the occupancy permits, and advised that the applicant will be held to these requirements.

Commissioner Sims stated that Condition No. 7 is very vague, as is the letter dated September 4, 1996 from Mr. Nelson of NDOT indicating that the developer will be required to construct a leftturn pocket and acceleration/deceleration lanes but not indicating the length, location, etc.; that the Board is requesting that someone from NDOT state that the road improvement requirements will provide safe travel for the public through this area of Mt. Rose; that he believes NDOT needs to go on record as saying their requirements of the development will provide safe travel for the public; and that he does not want to approve the project until NDOT has something in writing that addresses the concerns of safety. Mr. Young then responded to additional questions of the Board.

Chairman Bradhurst asked if there was anyone present wishing to provide testimony at this time.

Jim Posten, Manager of Traffic and Transportation, Jeff Codega Planning and Design, Inc., stated that they understand the Board's concerns that NDOT needs to indicate that their requirements will address the safety concerns; and that due to the nature of concerns with safety, their clients do not object to continuing this item to obtain a response from NDOT.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that this item be continued to December 10, 1996.

96-1157 MAPS DESIGNATING PUBLIC ROADS - PUBLIC WORKS

9:30 a.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on November 15 and 22, 1996 for consideration and possible adoption of Maps designating certain roads within Washoe County as public roads. Proof was made that due and legal notice had been given.

Jack Holmes, County Surveyor, Engineering Division, stated that several maps are presented today depicting roadways that were prepared at the direction of Board of County Commissioners Action No. 96-433 on May 21, 1996, at which time the Board directed that the areas marked in "red" identified on previous maps at the public hearings be temporarily held in abeyance. He advised that the maps presented today are of the entire County, do not contain controversial road locations, and do not purport to identify all public access on private or publicly owned property in Washoe County; that the participants in the final map preparation were the Bureau of Land Management and Washoe County Engineering and Road Department staff; and that the roadways depicted on the maps are BLM or County maintained roadways with the exception of Thomas Creek to Logan Meadows and portions of Ophir Road that are not under private ownership at this time. Mr. Holmes discussed NDOT's definition of public roadways and stated that pursuant to concerns discussed at yesterday's caucus he called John Whitaker of NDOT requesting documentation that roads identified in the Nevada Map Atlas either were or were not all public; that Mr. Whitaker was unable to make either statement and faxed information indicating their position that the 10-year verification of the Nevada Map Atlas, which is a result of aerial photography, may change the status of roadways depending upon circumstances that exist at the time of field verification. Mr. Holmes discussed other issues relative to this matter and requested that, if the maps presented today are adopted, a request be made to the Federal Government that assertions be made to Washington, DC requiring that when property is sold from the public to the private sector, there be a reservation at these locations for roadways. Mr. Holmes then responded to questions of the Board advising that this is a first completed effort of identifying County roadways in the rural areas and there will be upgrades as additional information comes in.

Chairman Bradhurst provided detailed background information regarding the process of developing the maps which began with the request in March, 1995 from the Nevada Public Lands Access Coalition that Washoe County record a series of maps of public roads within the County prepared in 1948, and to develop and record maps of all public roads within the County. He discussed the subsequent opinion of the District Attorney's office that the 1948 maps do not meet the requirements of NRS 403, and that the Board is not required to prepare the maps as the result of the 1995 legislative action. He advised that the Board decided, however, to form a committee and move forward on this important issue.

A discussion commenced relative to the "redroads" and Mr. Holmes advised that staff has not had time to do much work verifying evidence submitted on the "red roads" and that even though they are not depicted on the maps presented today, it does not mean they are not public.

Chairman Bradhurst asked Legal Counsel about criteria under State or Federal law that the Board must meet to declare a road a public road. Legal Counsel Shipman reviewed the relevant Federal and State law and advised that there is guidance in case law and the law from the Federal level as to what constitutes a 2477 road; and that NRS 405 includes 2477 roads with less limited criteria than Federal law. She discussed the processes available advising that the ultimate process would be litigation and adjudication through the court. She further stated that in her opinion the County has statutory authority under NRS 405 to initiate action to maintain the openness of the public roads as defined in NRS 405, noting that she has never recommended that the Board take an absolute stand as to what a road is because of potential takings issues and other such matters. Chairman Bradhurst commented that development of these maps is a significant responsibility and he would not want people to continue this effort without having specific criteria. He commented that the statement has been made that by developing these first step maps somehow the public roads are being taken away. Legal Counsel Shipman responded that that would not be case; that a disclaimer on the maps makes it clear there is no attempt to address those issues; and that a 2477 road either does or does not exist.

Further discussion was held and Mr. Holmes responded to additional questions of the Board advising that the mapping committee last met in October with two people showing up and that he tried to have a meeting in November, but could not get the people; that the County has not historically provided maps for the general public's use; and that the general public obtains maps from NDOT.

Chairman Bradhurst opened the public hearing and called on those wishing to speak.

Helen Leveille, President, Nevada Public Land Access Coalition, reviewed various maps they have updated with verification received from NDOT, BLM, and State Division of Minerals, and read various letters from those agencies regarding the roads on said maps. She advised that all documentation was given to the County and these issues were brought up at the April BCC meeting, but the documentation's and maps were not given to the Board; that the mapping committee knew exactly what the Board wanted and tried hard to put it together, and they felt that staff would present this to the Board, but that was not done. She then read a letter from the Coalition requesting that the Board not make a decision on the maps presented today until the Board has received all documentation that goes with the maps, stating that the maps did not come from the mapping committee that was working on this project; that the five County Commissioners sit down with the mapping committee at their next meeting so that documentation can be presented to everyone at the same time; and that Dave Roundtree, Director of Public Works, be placed in charge of this meeting. Further discussion commenced and Ms. Leveille responded to questions of the Board, advising that the Coalition is trying to work with the County on this issue.

Marjorie Sill, Federal Lands Coordinator, Toiyabe Chapter, Sierra Club, advised that their organization has approximately 3,000 members in the State with approximately 1,500 members living in Washoe County; and that they have very active outings programs that use public lands and are very concerned about access to these public lands. She stated that they believe the County Commission is doing the right thing in taking responsibility for access to public lands, and commended the work done by the Nevada Coalition on Public Access. She added that they have made no determination as to whether the Board should accept the maps presented today as being preliminary, but she would encourage the Board to continue to look at the roads in question.

Larry Johnson, Chairman, Coalition for Nevada's Wildlife, advised that their organization is comprised of 28 sportsman and conservation groups around the State; that outdoor recreation is one of the major benefits of the State and public access is of paramount importance to all outdoor enthusiasts; that they feel that the public roads in the County are much more extensive than depicted in the Washoe County maps and cannot be eliminated simply because proper rights of way and easements have not been reserved; that if these maps are adopted, it should be clearly documented that they do not depict all public access but are merely a start; and that they feel that only continued coordination between the public and private interest can fulfill the increasing demands for public access while protecting private property rights.

Kurt Sodenrantz, President, Friends of Peavine, stated that at the present time, he knows of only one guaranteed access to Peavine, and they are hoping that something can be done about access, noting that access is an important issue for the future and needs to be considered when developments are approved.

Tom McCauley, Reno resident, stated that there are many ancient public roads and trails that were open and accessible to the public and asked that the Board consider the fact that people can buy private land but they cannot block public access.

George Kent, area resident, presented and reviewed his written statement and stated that he believes it is inappropriate to accept the maps presented at this time and requested that they be remanded back to the committee. He advised that the committee work essentially stopped when the minutes of the May 21, 1996 public hearing were published, at which meeting Chairman Bradhurst said to produce a map depicting public roads where there is no dispute, noting that is about 80% of the roads from Pyramid Lake north, and at which meeting Commissioner Bond suggested not including the "red roads" at this time. He stated that there are approximately 191 "red roads" where a portion of the road crosses private property; that the owners were notified in writing with five property owners disputing 36 roads; that, therefore, 155 roads not in dispute were thrown out even though people had no objection to them; and that at the Technical Committee meeting on July 11, 1996, a request was given to County staff to ask the Commissioners for the direction the Committee was to take, and no response was given back to the Committee. He further stated that the maps were prepared unilaterally by Mr. Holmes outside the Committee and without notice to the Committee and have been available for public viewing only about a week; and that for these reasons he believes the Commission owes good faith to the Committee participants and the community to remand this project back to the Committee with a response to their questions. Commissioner Mouliot noted that the Committee's maps are in the possession of the Coalition and were not available to be displayed today. Mr. Kent responded that the request was made to pull all the roads off and the Committee did not want to unwind all the work that had been done.

Commissioner Bond commented that she did not intend that the "red roads" would never show up on a map and was concerned that there be proper documentation and a method to address the concerns of people who felt those roads may be in contention with them on public land.

Anastasia LaRue, Winnemucca Ranch Road, read portions of a letter from NDOT Deputy Director Ronald Hill regarding the roads shown on the Nevada Map Atlas that advised that no effort is made by NDOT to discern the roads between public or private. She stated that the Coalition knew that Black Canyon was determined not to be a public road but that the maps displayed in April showed Black Canyon as a public road; that if there is that kind of inconsistency she has concerns about other roads on the map; and that she believes the roads in question need to be dealt with on a one-on-one basis. She further stated that she believes the direction the Board is going is correct and understands the enormity and intricacies of a field file; and that no one has said there is anything wrong with these maps and they are a good start.

Elizabeth McCauley, County resident, advised that she is a member of the Washoe County Sheriff's Air Squadron, but is not representing that organization in her statements to the Board. She stated she has participated in many search operations over the last 10 years and has found that, when they have tried to direct ground people into an area for rescue, many of the roads have been blocked off; that the maps in the airplanes do not reflect this and people have to be redirected taking much longer to reach individuals; and that the maps that the County is trying to produce would give them much more information.

L. V. Bennett, Publisher/Director, Back Country Horseman in Nevada, stated that their organization is very concerned about maintaining public access to public lands. He commended the Board for their efforts in this matter when there is no requirement, and stated that it concerns him that there is a breakdown between the Board's directions and what is actually being accomplished. He urged the Board to place emphasis on completing the maps as soon as possible.

There being no one else wishing to speak, Chairman Bradhurst closed the public hearing.

Chairman Bradhurst thanked everyone for their comments and stated that this issue has been sensitive and controversial in the West for many years; that he believes the only way the maps can be accomplished is through a collaborative and cooperative effort and feels it has been the Board's intent for some time to produce the best map possible; and that there had to be a starting place and he feels there is now a good base map from which to move forward. He suggested that a committee comprised of four people representing various parties, such as the Public Lands Access Group, the private sector, a BLM retiree, and a County Public Works Department retiree, be formed that would work with criteria the Board would endorse and would review all the roads in contention and come back to the Board with a recommendation; and that their direction would be to work on a consensus mode, and if there is not consensus, the Board should be advised of the reasons.

Commissioner Bond commented that Mr. Holmes has taken a lot of "heat" and she feels his direction was perhaps the Board's fault

for which she will take some of the responsibility, and she thinks the Board has started a process to be proud of.

Legal Counsel Shipman stated that it would be her assumption that members of the Public Works staff would be present or observing when the committee meets and would be responsible for staffing the committee; and that the first step would be the development of proposed criteria, with the District Attorney's Office being involved in that process because it would encompass case law determination, which would be presented to the Board.

Chairman Bradhurst stated that he is pleased with the direction this issue is going; that he was not happy to see the article in the newspaper that said the effort was a fraud; that this is far from a fraud and writing such an article does no good for the community when the media does not talk to a County representative or Commissioner before they write a story.

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that a four-person committee be formed to review the County roads in contention and make recommendations to the Board relative to whether they are public or private; and that staff present recommendations relative to the criteria to be utilized by said committee to make their determination.

Chairman Bradhurst commented that no action was taken relative to the maps at this time and that hopefully the County can build on them quickly.

96-1158 NEW EMPLOYEE POSITIONS - OFFICE EQUIPMENT - CARRYOVER FUNDS - PUBLIC DEFENDER

John MacIntyre, County Manager, reviewed background information regarding this item.

Mike Specchio, Public Defender, was present to respond to questions of the Board regarding this item.

Commissioner Mouliot stated that he will support the recommendation with the understanding that the attorneys are to be used in Family Court.

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that three Public Defender I attorneys, one Legal Secretary, 4 computers, and 2 desks for the Public Defender's office to represent indigent cases in Family Court be approved. It was further ordered that the Public Defender's office be directed to use carryover funds to fund the estimated cost of \$98,888 for fiscal year 1996-97.

96-1159 AIRPORT ACCESS - OLD PYRAMID HIGHWAY - DISTRICT ATTORNEY

Don Edwards, Federal Aviation Administration (FAA), advised that he is not appearing in an official capacity as a representative of the FAA, and that he is also a member of the Spanish Springs Pilots Association, which is the group that recently acquired the lease for the subject airport; that as of October 29, 1996 the airport received its final certification inspection from NDOT who determined that they are in compliance with FAA Advisory Circular 5313 which establishes legal requirements for an airport; and that they subsequently put the airport in open status and it is now charted as an open public use airport.

Paul Neuffer, Nevada Flyers, Inc., stated that the airport has had approval by all Federal, State, and County agencies, the CAB, the Airport Authority, and the community; that the airport is there mainly because of the Board's support for which they are thankful; and that an access problem has developed due to a negative 10-foot easement controlled by Patrick Shane, an adjacent property owner. He provided Board members with a map of the area and pointed out on a display map the location of the airport, surrounding area, and the area where the access problem exists. Mr. Neuffer provided historical information regarding right-of-way acquisition and stated that the airport is open, the community is happy with it and it is well accepted, and there is a contract with the community and the rest of the country that the airport is open and accessible; and that blocking the access at Old Stage Road presents a safety problem; and that their suggestion is perhaps condemnation. Mr. Neuffer then responded to questions of the Board.

Chairman Bradhurst commented that condemnation is not something governments like to do but the airport is a public resource and the County has been very active in trying to preserve that area for an airport.

Legal Counsel Shipman stated that the Board does have the authority to exercise its right of eminent domain in acquiring access to the airport. She reviewed her report to the Board dated November 14, 1996 outlining the various options the Board might take.

A discussion commenced relative to the Board's options. Commissioner Bond stated that she feels that option No. 3, whereby the Board would exercise its power of eminent domain, should only be utilized if other options are not successful. Chairman Bradhurst suggested that the County send a formal correspondence to Mr. Shane pointing out that the airport is an asset that needs to be protected and provided with clear access and that the County would like to work with Mr. Shane in this regard, but would consider the option of eminent domain if he is not willing to work with the County.

Joe DuRousseau, Spanish Springs Pilots Association, commented that he has done a lot of research trying to show that Old Pyramid Highway was a 2477 road at the County and State level; that they believe the road was created in the 1870's and came under private ownership in the 1880's; and that it is his understanding that if the road was on public property and was subsequently sold, the road could qualify as a public road, but he has been unable to find documentation that it meets the criteria of a public road because it went into private hands so early.

Chairman Bradhurst stated that he would want staff to investigate the property and work with Mr. Shane and prepare a report as quickly as possible that clearly states whether or not there are any other options relative to access. Commissioner Mouliot stated that the County should ask for Mr. Shane's assistance but if that is not forthcoming, the Board would have no other option but to commence the eminent domain procedure.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that staff be directed to investigate all possible options relative to access to the airport property and contact Mr. Shane to solicit his assistance regarding same indicating the Board's desire to keep the airport open and noting that it is leaning toward the option of exercising eminent domain.

County Manager MacIntyre advised that staff will report back to the Board regarding this issue at the regular meeting on December 17, 1996 if possible.

96-1160 PURCHASE - HEIDELBERG QUICKMASTER 46-2 COLOR PRESS - REPROGRAPHICS

Gary Goelitz, Finance Division, responded to questions of the Board regarding this item.

Upon recommendation of the Reprographics Division of the General Services Department with concurrence of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the purchase of one Heidelberg Quickmaster 46 - 2 Color Press from Heidelberg, USA, Inc., in the amount of \$57,500, be approved.

It was noted that the Quickmaster 46 - 2 Color Press is not available from any press equipment dealers and is only available from the manufacturer, Heidelberg USA, Inc.; and that the press, therefore, is not conducive to the competitive bidding process and should be considered a single source purchase.

96-1161 AWARD OF BID - JANITORIAL SERVICES AT SENIOR SERVICES BUILDING - BID NO. 1964-97 - GENERAL SERVICES

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on October 10, 1996, for janitorial services at the Senior Services Building for the General Services Department. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Best Janitorial Services, Inc.  
Qual-Econ U.S.A., Inc.  
Universal Building Maintenance

Sparkling Nevada, Inc. submitted a "No-Bid" response. A+ Commercial Cleaning, Fred's Janitorial & Lawns Service, and McNeil's Cleaning Service failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1964-97 for janitorial services at the Senior Services Building for the General Services Department be awarded to the low bidder, Best Janitorial Services, Inc., for a total bid award amount of \$55,872 for a two-year period. It was further ordered that the Purchasing and Contracts Administrator be authorized to enter into a two-year Agreement with Best Janitorial Services, Inc. for janitorial services at the Senior Services Building commencing December 30, 1996 through December 29, 1998, with one two-year option. It was noted that prices are to remain firm for the duration of the original Agreement and pricing for any renewal agreement shall be subject to renegotiations between the vendor and the Purchasing Department.

#### 96-1162 AWARD OF CONSTRUCTION BID - SPANISH SPRINGS ELEMENTARY SCHOOL SANITARY SEWER MAIN EXTENSION - UTILITY DIVISION

This was the time to consider award of construction bid, Notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on November 1, 4, 6, 7, and 8, 1996 for construction of the Spanish Springs Elementary School sanitary sewer main extension for the Utility Division. Proof was made that due and legal Notice had been given.

The following bids were received:

Contractor	Bid
Joe Suter Construction	\$190,830.00
Schauer Excavating	\$213,610.10
Interstate Utilities	\$228,674.00
Gerhardt and Berry	\$232,564.00
Mike's Trenching	\$234,482.00
Ford Construction	\$240,488.00
Canyon Creek Construction	\$246,842.00
Dossey Construction	\$257,420.00

John MacIntyre, County Manager, noted that at yesterday's caucus meeting several gentleman indicated a desire to speak to the Board today relative to their protest for this item; and that the Board received a memorandum from George Campbell, Deputy District Attorney, dated November 22, 1996 in response to the protest.

Paul Orphan, Utility Division, presented and reviewed a map showing the location of the proposed sewer project. He advised that a formal protest was received on November 15, 1996 of the bid submitted on November 14, 1996 by Joe Suter Construction for the subject project which stated that Joe Suter Construction's bid was non-responsive due to their failing to submit a subcontractors list within two hours after the

bid opening in accordance with NRS 338.144; and that the memorandum from Deputy District Attorney George Campbell states that NRS 338.144 applies if a particular subcontractor's portion of the total bid amount is greater than 5% and is also greater than \$50,000, and that in this case the dollar amount of the Suter subcontractor is less than \$50,000 and the statute does not apply. Mr. Orphan then responded to questions of the Board.

Michael Keife and Jarrod Schauer were present representing Schauer Excavation. Mr. Keith stated that NRS 338.144 is referred to in the bid document, which statute states that the list must be turned in; and that the statute does not contain any monetary limits and does not say that if it is redundant it can be waived. He further stated that the submission of the subcontractor list protects the subcontractors and the general contractors; that it is part of the bid document and the law is very clear in stating that any general contractor failing to submit such list shall be deemed non-responsive; that the State has set the precedence as they require the list or that "none" be filled in if there are no contractors to be added to the second list; and that the State Public Works Board also requires the second list.

Legal Counsel Shipman stated that Mr. Keife is espousing policy that has been adopted by the State which is to require as part of their procedure that there be a submittal whether it is required under the law or not to assure that there is no question about complete forms being submitted; that, however, the County does not have that policy and requires that the list be submitted in accordance with NRS 338.144, i.e., if the subcontract amount exceeds 5% or \$50,000, whichever is greater.

County Manager MacIntyre pointed out that the bid form states that "within two hours after bid opening, the bidders who submitted the three lowest bids must submit a list of the name and contractor's license number of each subcontractor who will provide labor or a portion of the work and the project contractor for which will be paid an amount exceeding 5% of the contractor's total bid or \$50,000 whichever is greater," and noted that this parallels State law.

Commissioner Sims stated that he feels the law is clear and that Joe Suter Construction should be awarded the bid based on the District Attorney's information.

Following further discussion, upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the bid for construction of the Spanish Springs Elementary School sanitary sewer main extension be awarded to Joe Suter Construction, the lowest responsible, responsive bidder, in the amount of \$190,830, and Chairman Bradhurst be authorized to execute the contract documents upon presentation. It was further ordered that the Chief Sanitary Engineer be authorized to issue the Notice to Proceed.

96-1163 AMENDMENT NO. 2 - INTERLOCAL CONTRACT - NEVADA DEPARTMENT OF CONSERVATION - STEAMBOAT CREEK WETLAND - STORM MITIGATION PROJECT - PLANNING

Leonard Crowe, Acting Flood Control Manager, answered questions of the Board concerning this item.

Upon recommendation of Leonard Crowe, Acting Flood Control Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that Amendment No. 2 to an Interlocal Contract between Washoe County and the Nevada Division of Environmental Protection concerning the Steamboat Creek Wetland-Storm Drain Mitigation Project extending the expiration date of the

Contract to December 31, 1997, be accepted; and that Chairman Bradhurst be authorized to execute.

96-1164 AGREEMENT - CONSULTING ENGINEERING SERVICES - HARDING LAWSON ASSOCIATES - PHASE I - HIGHLAND PARKWAY DRAINAGE FEASIBILITY STUDY - PLANNING

Leonard Crowe, Acting Flood Control Manager, answered questions of the Board raised at yesterday's caucus stating that upon completion of Phase I of the Highland Parkway Drainage Feasibility Study and determination of feasibility, then negotiations will be needed between the County, the City of Sparks and property owner David Kiley; and that staff will be bringing this information back to the Board for consideration.

Upon recommendation of Leonard Crowe, Acting Flood Control Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the agreement and scope of services for Phase I of the Highland Parkway Drainage Feasibility Study between Harding Lawson Associates and Washoe County at a cost of \$9,952 be accepted; that Chairman Bradhurst be authorized to execute the agreement; and that staff be authorized to issue a Notice to Proceed.

96-1165 CORRECTION OF FACTUAL ERRORS - 1996 SECURED TAX ROLL - ASSESSOR

Ron Fox, Washoe County Assessor's Office, answered questions raised at yesterday's caucus concerning the reason why his office cannot wait to file taxes until Certificate's of Occupancy are completed. He explained that whatever is completed as of July 1st has to be placed on the roll; that if this was not done, serious consequences could result concerning available revenues; and that the impact would not be as great on small construction projects.

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, copies of which are placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Bradhurst be authorized to execute on behalf of the Commission.

Patrick & Candice E. North	Parcel No. 020-111-22 & Personal Property 2/117-057
Taywood Dermody PTSP	Parcel No. 051-410-10
Taywood Dermody PTSP	Parcel No. 051-421-14
Taywood Dermody PTSP	Parcel No. 051-421-19
Taywood Dermody PTSP	Parcel No. 051-432-13

96-1166 REFUND OF TAXES - VETERANS HOSPITAL FOUNDATION, INC.

Pursuant to District Attorney Opinion No. 6327, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and that Chairman Bradhurst be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

WHEREAS, The Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Veterans Hospital Foundation, Inc. (Taxpayer), made application for the refund of 1994-1995 and 1995-1996 real property taxes and 1995-1996 personal property taxes because the Taxpayer's property, APN 013-124-22 and Personal Property I.D. #2/636-001 was tax exempt during this period; and

WHEREAS, Veterans Hospital Foundation, Inc. has overpaid taxes for fiscal years 1994-1995 and 1995-1996 in the amount of \$704.81; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washoe County as follows:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Veterans Hospital Foundation, Inc., a total of \$704.81, that amount being the taxes overpaid by Veterans Hospital Foundation, Inc. for the tax years 1994-1995 and 1995-1996 on APN 013-124-22 and Personal Property I.D. #2/636-001.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

96-1167 REFUND OF TAXES - CLAYTON H. JR. AND JUDY A. WRIGHT,

Ron Fox, Washoe County Assessor's Office, answered questions of the Board concerning this item.

Pursuant to District Attorney Opinion No. 6328, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and that Chairman Bradhurst be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

WHEREAS, The Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Clayton H. Jr. and Judy A. Wright (Taxpayers) have made application for the refund of 1994-1995 and 1995-1996 real property taxes because, based upon assessment errors, the Assessor's Office misappraised the Taxpayer's property, APN 125-491-11; and

WHEREAS, Clayton H. Jr. and Judy A. Wright have overpaid taxes for fiscal years 1994-1995 and 1995-1996 in the amount of \$926.71; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such

application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washoe County as follows:

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Clayton H. Jr. and Judy A. Wright a total of \$926.71, that amount being the taxes overpaid by Clayton H. Jr. and Judy A. Wright for the tax years 1994-1995 and 1995-1996 on APN 125-491-11.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

#### 96-1168 RESOLUTION - PRELIMINARY PLANS & ASSESSMENT PLANS - SPECIAL ASSESSMENT DISTRICT NO. 24 - GROUND WATER REMEDIATION

John MacIntyre, County Manager, stated that a question was raised at yesterday's caucus concerning Section 5 of the resolution referring to the basis of assessment.

John Swendseid, Bond Counsel, stated that the resolution is the first step required by NRS in order to create a special assessment district; that contents of the resolution are tentative; that a definitive resolution will be brought back to the Board and scheduled for a public hearing at a future date and; that the boundaries of the resolution are not fixed by the resolution and most likely will be amended before the resolution comes back before the Board. He explained that the resolution designates a method of assessment authorized by NRS.

Chairman Bradhurst read a letter into the record from Joe McGinley regarding the PCE issue. He suggested having Mr. McGinley meet with the Board to discuss some of the concerns and issues that he has raised.

County Manager John MacIntyre stated that this is an initiating action on the part of the Board; that there is a need for more analysis as indicated by staff; and that he would suggest that the Board have the results of a further analysis projected to be complete within twelve months as well as results of the legislative process for fine tuning the provisions of law concerning the remediation process before they proceed any further with this issue.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bradhurst be authorized to execute on behalf of Washoe County:

#### RESOLUTION NO. 96-1168

A RESOLUTION DIRECTING THE ENGINEERS ON BEHALF OF THE COUNTY TO PREPARE AND FILE WITH THE COUNTY CLERK PRELIMINARY PLANS AND AN ASSESSMENT PLAT IN CONNECTION WITH A PROPOSED PROJECT IN SPECIAL ASSESSMENT DISTRICT NO. 24 TRUCKEE MEADOWS WATER REMEDIATION FOR THE ACQUISITION AND IMPROVEMENT OF A PROJECT FOR THE REMEDIATION OF THE QUALITY OF WATER IN WASHOE COUNTY PURSUANT TO NRS SECTION 540A.250 THROUGH 540.A280 AND THE CONSOLIDATED LOCAL IMPROVEMENT LAW, AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") in the State of Nevada is considering creation of a district for the remediation of the quality of water; and

WHEREAS, subsection 1 of Nevada Revised Statutes ("NRS") Section 540A.250 provides that the Board of County Commissioners shall create a district for the remediation of the quality of water if the county or district health officer (the "Health Officer") or Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources (the "Division") certifies in writing to a Board that a condition exists in an area of the region which is affecting or will affect the quality of water that is available for municipal, industrial and domestic use within the region; and

WHEREAS, the Board has received a certification in writing the ("Certification") as described to in Subsection 1 of NRS Section 540A.250, a copy of which is placed on file with the Clerk; and

WHEREAS, subsection 2 of NRS Section 540A.250 provides that on receipt of the Certification, the Board must proceed in cooperation with the County or District Health Officer and the Division to verify the existence and extent of the condition and establish the appropriate boundaries of a district for the remediation of the quality of water; and

WHEREAS, subsection 3 of NRS Section 540A.250 provides that:

"The District created pursuant to this section must include, without limitation:

- (a) The entire area for where the condition which requires remediation is present;
- (b) The entire area for which remediation is necessary; and
- (c) Any other area which will benefit directly or indirectly from the protection and the quality or quantity of water which is available for municipal industrial or domestic use; and

WHEREAS, NRS Section 540A.260 contains various requirements for a plan for remediation (the "Plan"), which Plan must be prepared before a district as required by NRS Section 540A.250 is created; and

WHEREAS, subsection 6 of NRS Section 540A.260 in part provides that in preparing the plan and establishing the district, the Board shall to the extent practical comply with the provisions of Chapter 271 of NRS and the owners of property must be granted the rights and remedies provided for owners of property in Chapter 271 of NRS except that the provisions of NRS Chapter 271.306 do not apply: and

WHEREAS, it is the desire of the Board to initiate the procedures for creating a district in accordance with NRS Section 540A.250 through 540A.280 (the "Project Act") and Chapter 271 of NRS; and

WHEREAS, the County desires to order that additional work and studies be done to ascertain more definitely the area where remediation is necessary and the area where the condition that requires remediation is present, and to develop the Plan for the remediation of those areas; and

WHEREAS, in the course of such planning and developing of the district herein described, it may be desirable to request that the legislature amend the Project Act or Ch. 271 of NRS or both in order to enable the County to economically and effectively develop and implement the Plan; and

WHEREAS, for the purpose of designation and identification it is desirable that the hereinafter described district be know and identified as "Washoe County, Nevada, Special Assessment District No. 24 (Truckee Meadows Water Remediation)" (the "Improvement District" or "District").

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

Section 1. The County Engineer (the "Engineer") is hereby directed to perform the further studies and planning as described in the preambles hereto in order to develop and implement the Plan.

Section 2. The Engineer is also directed to prepare, and file with the County Clerk preliminary plans showing a typical section of the contemplated improvements, the type or types of material, approximate thickness and wideness, and including as may be appropriate to this Project, wells, pumps, sparging equipment, and other necessary or desirable improvements and equipment, and a preliminary estimate of the total cost (including all incidental cost), and a preliminary estimate of the portion of the total cost to be assessed for the acquisition and improvement of the Project, which is described in general terms as follows:

The Project consists of development and implementation of the Plan of remediation as required by the Project Act, based on studies performed, and to be performed as directed in this Resolution and other reliable data and in cooperation with the Health Officer and the Division, as provided in NRS Section 540A.260 and the Certification.

Section 3. The Engineer is hereby directed to estimate the cost of each type of construction in a lump sum or by unit process, as to such Engineer may seem most desirable for the construction, acquisition, improvement and installation of the improvements included in the Plan. Such preliminary estimate of costs shall also include, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing and such other expenses as in the judgment of such Engineer are necessary or essential to the completion of such work or improvement in the improvement district and the payment of the cost thereof. All costs of development of the Plan, and reimbursements of the County for any money spent in connection therewith and the reimbursement described in Section 9 shall be included in the cost estimate.

Section 4. The entire cost of the Project is of special benefit and shall be paid by special assessment against the tracts benefited. For the purposes of assessments, the District shall be divided into two areas, Area 2 consisting of the area in which the condition which requires remediation is present and the area for which remediation is necessary, and Area 1 consisting of the balance of the District. The preliminary boundaries of the Area 1 and Area 2 are shown on the map attached as Exhibit B placed on file with the Clerk. Assessments will be levied on a basis permitted by Section 4 of NRS Section 540A.260 in the two areas. The portion of the cost determined to be of special benefit to the properties in Area 2 will be levied on the properties in Area 2 of the District, in proportion to the benefits received on a combined parcel area/improvement square footage basis, and the portion of the cost determined to be of special benefit to all of the properties in the District will be levied on the properties in Area 1 and Area 2 of the District in proportion to benefits received on the basis of the amount of water used by each such parcel. The Engineer is hereby directed to identify Area 1 and Area 2 and to refine such methods of assessments, or if it appears desirable, propose different methods of assessment, so that the assessment against each parcel of land in the District is proportionate to the

benefit received.

Section 5. The Engineer is hereby directed to prepare and file with the County Clerk an assessment plat showing the area to be assessed, the market value and a description of each tract, the name and address of each owner, and the amount of estimated maximum benefits to be assessed against each tract, with assessments levied against each tract or parcel of land within the boundaries of the District on the bases specified in Section 4. Such estimated benefits may be shown by an attached addendum to the plat which may be designated as the preliminary assessments roll or tabulation of parcels. In any event, the assessments shall be against all lots benefited by the Project proportionally to benefits received. Such bases of assessments is hereby designated by the Board.

Section 6. A. The boundaries of the District shall consist of all of Area 1 and all of Area 2 as shown on the map marked Exhibit B, more particularly described in Exhibit C placed on file with the County Clerk.

B. The location of the Project shall be as follows: All of the Project improvements will be located in Area 2, as shown on Exhibit B which is on file with the Clerk. The exact location shall be identified in the Plan and preliminary plans and specifications.

Section 7. After preparation of the Plan as provided in Section 1 and NRS Section 540A.260 and its approval by the Board, the Plan shall be submitted to the Division for its approval prior to creation of the District.

Section 8. The Engineer and other County staff are authorized and directed to recommend to the Board any changes they feel may be desirable to the Project Act, Ch. 271 of NRS, or both, for possible presentation to the 1997 Nevada Legislature.

Section 9. The County hereby declares its intent to reimburse Sierra Pacific Power Company and the Nevada Division of Environmental Protection for reasonable expenses, as approved by the Board, incurred before the District is created in identifying, studying and remedying or attempting in good faith to remedy, the condition needing remediation for which the District is being created. This section does not obligate the County to approve any particular expense. Reimbursements will be made pursuant to this Section only from the proceeds of assessments levied in the District or the proceeds of bonds ("Bonds") issued for the District, which are available to make such reimbursements, taking into account other amounts that are to be paid from the assessments or Bonds.

Section 10. The officers of the County are directed to effectuate the provisions of this resolution.

Section 11. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 12. The invalidity of any provisions of this resolution shall not affect any remaining provisions hereof.

Section 13. This resolution may be amended in any manner, at any time by the Board. This resolution does not obligate the Board to proceed with the District or issue bonds.

Section 14. The Board has determined, and does hereby declare, that this resolution shall be in effect after its passage in accordance with law.

Leonard Crowe, Acting Flood Control Manager, reviewed legislative changes amending remediation district law contained in a memorandum from John Swendseid, Bond Counsel and answered questions of the Board. Mr. Crowe advised that he is working on these changes with Assistant District Attorney Madelyn Shipman and would suggest bringing this back to the Board in December.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that this item be continued to December 17, 1996.

96-1170 RESOLUTION - GENERAL OBLIGATION (LIMITED TAX) WATER AND SEWER IMPROVEMENT & REFUNDING BONDS - SERIES 1997

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bradhurst be authorized to execute:

RESOLUTION NO. 1170

A RESOLUTION RELATING TO THE WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) WATER AND SEWER IMPROVEMENT AND REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 1997 TO BE ISSUED IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,100,000 AND FOR THE PURPOSE OF ACQUIRING, IMPROVING AND EQUIPPING WATER PROJECTS AND REFUNDING CERTAIN OUTSTANDING BONDS OF THE COUNTY; REQUESTING THE STATE TREASURER, AS ADMINISTRATOR OF THE MUNICIPAL BOND BANK OF THE STATE OF NEVADA, TO MAKE A LOAN TO THE COUNTY BY PURCHASING SUCH BONDS; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HEREWITH; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners of Washoe County, Nevada (the "Board", the "County" and the State", respectively), proposes to issue up to \$4,100,000 of general obligation (limited tax) water and sewer improvement and refunding bonds of the County (the "bonds"); and

WHEREAS, the Bonds will be additionally secured by a pledge of net revenues of the County's municipal water system and municipal sanitary sewer system of which the Project (as defined herein) is a part; and

WHEREAS, the Board has previously adopted a resolution on June 25, 1996 proposing the issuance of up to \$3,000,000 of the Bonds to acquire, improve and equip water projects as defined in NRS 244A.056 pertaining to the County's municipal water system (the "Water Project"); and

WHEREAS, no petition has been filed with respect to the Water Project during the period allowed by NRS 350.020(3); and

WHEREAS, interest rates have declined since the issuance of certain outstanding bonds of the County, and in order to reduce interest rates and effect other economies, the County desires to refund such outstanding bonds by the issuance of up to \$1,100,000 of the bonds (the "Refunding Project" and together with the Water Project, the "Project"); and

WHEREAS, in order to obtain an interest rate or rates which otherwise might not be available, the County proposes to issue and sell the Bonds to the State Treasurer (the "Treasurer") pursuant to Chapter 350A, Nevada Revised Statutes ("NRS").

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

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board and the officers of the County directed toward the Project and toward the issuance of the Bonds to defray, in part, the cost of the Project, is hereby ratified, approved and confirmed.

Section 2. The Board has determined and hereby declares that the Bonds are to be issued for the purpose of effecting the Project, i.e. improvement and refunding bonds issued to finance and refinance a water and sewer project, and are, therefore, for a purpose necessary, expedient and advisable for the protection and preservation of the property and natural resources of the State and for obtaining the benefits thereof.

Section 3. The Board hereby requests the Treasurer, as Administrator of the Municipal Bond Bank of the State, to make a loan to the County by purchasing the Bonds in the maximum aggregate principal amount of \$4,100,000 (the "Lending Project").

Section 4. The bonds shall be issued and sold to the Treasurer as general obligation (limited tax) water and sewer improvement and refunding bonds (additionally secured by pledged revenues in one or more series and with such terms and conditions as may be required by Chapters 244A.350 and 350A of NRS, and otherwise as may be agreed upon by the Board and the Treasurer.

Section 5. The Clerk is authorized and directed to certify a copy of this resolution to the Treasurer, which act shall constitute the formal request of the County for the Lending Project. The Clerk and other officers and employees of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution including, without limitation, the furnishing of such additional information concerning the Project as may be required by the Treasurer.

Section 6. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 7. If any section, paragraph, clause or other provision of this resolution shall for any reasons 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 resolution.

Section 8. This resolution shall become effective and be in force immediately upon adoption and approval.

96-1171 BILL NO. 1144 - AMENDING WCC - EXPANDING GREATER TRUCKEE MEADOWS CONGESTED AREA - DOG CONTROL

Dave Roundtree, Acting Public Works Director, answered questions of the Board concerning areas designated as congested areas and areas intended to be added as congested areas depicted on a map presented to the Board.

Bill No. 1144, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY EXPANDING THE GREATER TRUCKEE MEADOWS AND SURROUNDING ENVIRONS CONGESTED AREAS WITH RESPECT TO THE CONTROL OF DOGS AND OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Sims, the title read to the Board and legal notice for final action of adoption directed.

96-1172 BILL NO. 1145 - AMENDING WCC CHAPTER 80 - CREATING DEPARTMENT OF COMMUNITY DEVELOPMENT - APPOINTMENT OF DIRECTORS

## AND DIVISIONS

Bill No. 1145, entitled "AN ORDINANCE AMENDING CHAPTER 80 OF THE WASHOE COUNTY CODE BY REPEALING SECTIONS 80.010 THROUGH 80.220 AND ADDING NEW SECTIONS 80.010 THROUGH 80.080 CREATING A DEPARTMENT OF COMMUNITY DEVELOPMENT; PROVIDING FOR THE APPOINTMENT OF DIRECTOR OF DEPARTMENT; CREATING THE POSITION OF MANAGER OF A DIVISION OF BUILDING AND SAFETY; MAKING THE DEPARTMENT THE REPOSITORY FOR RECORDS OF PLANNING COMMISSION AND BOARD OF ADJUSTMENT; PROVIDING THAT THE DEPARTMENT ASSUME RESPONSIBILITY FOR THE WASHOE COUNTY COMPREHENSIVE PLAN, DEVELOPMENT CODE AND OTHER ACTIVITIES CARRIED OUT BY FORMER DEPARTMENT OF DEVELOPMENT REVIEW AND COMPREHENSIVE PLANNING; PROVIDING FOR BUSINESS LICENSE AND CODE ENFORCEMENT ACTIVITIES TO BE CARRIED OUT BY DEPARTMENT; AND REPEALING REFERENCES TO DEPARTMENT OF DEVELOPMENT REVIEW AND DEPARTMENT OF COMPREHENSIVE PLANNING; AND OTHER MATTERS RELATING THERETO," was introduced by Commissioner Bond, the title read to the Board and legal notice for final action of adoption directed.

### 96-1173 BILL NO. 1146 - AMENDING WCC CHAPTER 40 - CREATING DEPARTMENT OF WATER RESOURCES

Bill No. 1146, entitled "AN ORDINANCE AMENDING CHAPTER 40 OF THE WASHOE COUNTY CODE CREATING A DEPARTMENT OF WATER RESOURCES; PROVIDING FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; PROVIDING FOR A DIVISION OF UTILITY SERVICES AND A DIVISION OF RESOURCE PLANNING AND MANAGEMENT; AMENDING SECTIONS 40.180, 40.220, 40.225, 40.230, 40.260, 40.265 AND 40.266 TO SUBSTITUTE REFERENCES TO DIRECTOR/DEPARTMENT OF PUBLIC WORKS TO DIRECTOR/DEPARTMENT OF WATER RESOURCES; TO MAKE DEPARTMENT OF WATER RESOURCES REPOSITORY FOR WATER PLANNING COMMISSION RECORDS; MAKING CLERICAL AMENDMENT TO NUMEROUS ADDITIONAL SECTION [40.010, 40.030, 40.050, 40.060, 40.100, 40.130, 40.170, 40.200, 40.210 AND 40.260] TO REFLECT RENUMBERING; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO, was introduced by Commissioner Shaw, the title read to the Board and final action of adoption directed.

### 96-1174 BILL NO. 1147 - ORDINANCE NO. 972 - 1996 PUBLIC SAFETY BONDS

Following introduction by Commissioner Bond of Bill No. 1147 on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following ordinance be adopted as if an emergency exists and Chairman Bradhurst be authorized to execute:

BILL NO. 1147

ORDINANCE NO. 972

AN ORDINANCE DESIGNATED AS THE "1996 PUBLIC SAFETY BOND ORDINANCE"; DELEGATING TO THE ASSISTANT COUNTY MANAGER, FINANCE DIVISION OF THE COUNTY THE AUTHORITY TO ACCEPT THE BID SUBMITTED BY THE BEST BIDDER FOR THE PURCHASE OF THE WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) PUBLIC SAFETY BONDS, SERIES DECEMBER 1, 1996; SPECIFYING THE TERMS AND CONDITIONS OF SUCH BONDS AND THEIR FORM; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (the "Board" or the "Governing Body") of Washoe County, Nevada (the "County"), has received the approval of the Debt Management Commission of the County to issue its Washoe County, Nevada, General Obligation (Limited Tax) Public Safety Bonds, Series December 1, 1996 in the maximum principal amount of \$19,000,000 (the "Bonds") for the purpose of improving and equipping public safety facilities including additions to the inmate housing units at the Consolidated Jail and a regional emergency radio system (the "Project") subject to submission of the Bond Question (hereinafter defined) to the electors of the County at an election on November 5, 1996 (the "Election"); and

WHEREAS, the following bond question was approved by the electors of the County at the Election:

**PUBLIC SAFETY BOND QUESTION:**

Shall the Board of County Commissioners on behalf of Washoe County be authorized to issue up to \$19,000,000 of general obligation public safety bonds, expected to be funded from existing property tax rates, for the purpose of improving and equipping public safety facilities including additions to the inmate housing units at the Consolidated Jail and a regional emergency radio system? Due to the retirement of other bonds and the recent growth in assessed valuation in the County, the County does not expect to increase property tax rates to pay the public safety bonds.

(the "Bond Question"); and

WHEREAS, the Board hereby determines that it is necessary and advisable that the County incur a bonded indebtedness by issuing the Bonds pursuant to NRS Chapter 244A (the "County Bond Law"), to NRS 350.001 through 350.006, as amended (the "Debt Management Commission Act"), to NRS 350.020 through 350.070 (the "Bond Election Act"), and to NRS 350.500 through 350.720 (designated in 350.500 therein as the "Local Government Securities Law") (the "Bond Act") in the aggregate principal amount of \$19,000,000 for the purpose of the Project; and

WHEREAS, after a public sale of the Bonds pursuant to the provisions of NRS 350.105 to 350.195, inclusive (the "Bond Sale Act"), the Assistant County Manager, Finance Division of the County (the "Assistant County Manager") is hereby authorized to sell the Bonds to the best bidder therefor (the "Purchaser"), and the Assistant County Manager is hereby authorized to accept a binding bid for the Bonds, the Bonds to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal"), at a price equal to the principal amount thereof, plus accrued interest to the date of delivery of the Bonds, less a discount or plus a premium not exceeding 9% of the principal amount thereof, all as specified by the Assistant County Manager in a certificate dated on or before the date of delivery of the Bonds (the "Certificate of the Assistant County Manager"), which price does not result in an effective interest rate on the Bonds in excess 3% over the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds; and

WHEREAS, the County hereby elects to have the provisions of NRS Chapter 348 (the "Supplemental Bond Act") apply to the Bonds; and

WHEREAS, the Board has determined and does declare that this ordinance pertains to the sale, issuance and payment of the Bonds; and

WHEREAS, such declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of subsection 2 of NRS 350.579; and

WHEREAS, this ordinance may accordingly be adopted as if an emergency now exists and shall take effect from and after its passage and publication twice by title and collateral statement in accordance with law.

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

Section 1. Short Title. This ordinance shall be known and may be cited as the "1996 Public Safety Bond Ordinance."

Section 2. Ratification; Approval of Official Statement. All action taken (not inconsistent with the provisions of this ordinance) by the Board and the officers of the County directed:

A. Toward the purpose of defraying in whole or in part the cost of the Project; and

B. Toward the issuance and sale of the Bonds for that purpose, including, without limitation, circulating a preliminary official statement for the Bonds (the "Preliminary Official Statement"), deeming the Preliminary Official Statement "final" for the purposes of Rule 15(c)2-12 of the Securities and Exchange Commission be, and the same hereby is, ratified, approved and confirmed. The preparation of a final official statement in substantially the form of the Preliminary Official Statement with such amendments as the Assistant County Manager shall approve (the "Official Statement") and the distribution of the Official Statement are hereby authorized, directed and approved. The Assistant County Manager is hereby authorized and directed to affix her signature to the Official Statement for and on behalf of the Board.

Section 3. Authorization of Bonds; Necessity and Life of Project. For the purpose of providing funds to effect the Project, on behalf of the County and upon its credit, the Board shall issue its registered general obligation bonds, designated as the "Washoe County, Nevada, General Obligation (Limited Tax) Public Safety Bonds, Series December 1, 1996," in the aggregate principal amount of \$19,000,000. It is necessary and in the best interests of the County and the inhabitants of the County that the County effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefor; and the Board hereby determines that the estimated life or estimated period of usefulness of the improvements contemplated by the Project is not less than 21 years, and the Bonds must mature over a term not exceeding such estimated life or estimated period of usefulness.

Section 4. Bond Details. The Bonds shall be issued in fully registered form, i.e., registered as to both principal and interest. The Bonds shall be dated as of the first of the month of the date of delivery of the Bonds. Except as provided in Section 12 hereof, the Bonds shall be issued in denominations of \$5,000 and any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual Bond will be issued for more than one maturity). The Bonds shall bear interest (calculated on the basis of a 360 day year consisting of twelve 30 day months) at the rates shown in the Bond Purchase Proposal from their date until their respective fixed maturity dates, payable on June 1 and December 1 of each year commencing on June 1, 1997, except that Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates as set forth in the Certificate of the Assistant County Manager from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on June 1 of the years and in the amounts as set forth in the Certificate of the Assistant County Manager. The principal of any Bond shall be payable to the registered owner thereof as shown on the registration records kept by First Bank National Association in Phoenix, Arizona, as Registrar (the "Registrar") upon maturity or prior redemption thereof and upon presentation and surrender at First Bank National Association in Phoenix, Arizona, as Paying Agent (the "Paying Agent") or at such other location as shall be

directed by the Paying Agent. If any Bond shall not be paid upon presentation and surrender at or after maturity or prior redemption, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full. Payment of interest on any Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day) to the registered owner thereof at his address as shown on the registration records kept by the Registrar at the close of business on the 15th day of the calendar month next preceding such interest payment date (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner thereof at the close of business on the Regular Record Date and shall be payable to the person who is the registered owner thereof at the close of business on a special record date for the payment of any such defaulted interest (a "Special Record Date"). Such Special Record Date and the date for payment of the defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the Bonds not less than ten (10) days prior thereto by registered or certified mail to each such registered owner as shown on the Registrar's registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent (provided, however, that the County shall not be required to make funds available to the Paying Agent prior to the due dates of interest and principal, respectively). All such payments shall be made in lawful money of the United States of America.

Section 5. Prior Redemption

A. Optional Redemption. The Bonds maturing in the years designated in the Certificate of the Assistant County Manager, shall be subject to redemption prior to their respective maturities, at the option of the County, on and after the date specified in the Certificate of the Assistant County Manager, in whole at any time or in part at any time, from such maturities as are selected by the County, and if less than all of the Bonds of a maturity are to be redeemed, the Bonds of such maturity are to be redeemed by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$5,000), in such manner as the Registrar may determine, for the principal amount of each Bond or portion thereof so redeemed and accrued interest thereon to the redemption date, and a premium not exceeding 9 percent of the principal amount of each Bond redeemed as specified in the Certificate of the Assistant County Manager and computed in accordance with the schedule set forth in the Certificate of the Assistant County Manager.

B. Mandatory Redemption. The Bonds shall be subject to mandatory sinking fund redemption as provided in the Certificate of the Assistant County Manager.

C. Partial Redemption. If any Bond is in a denomination larger than \$5,000, a portion of such Bond (\$5,000 of principal amount thereof, or any integral thereof) may be redeemed pursuant to subsection A or B hereof, as appropriate, in which case the Registrar, except as provided in Section 12 hereof, shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity pursuant to subsection A or B hereof, the Registrar shall select the Bonds to be redeemed by lot at such time as directed by the County (but at least 30 days prior to the redemption date), and if such selection is more than 60 days before a redemption date, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as is deemed adequate by the Registrar and any Bond or Bonds issued in exchange for, or to replace, any

Bond so called for prior redemption shall likewise be stamped or otherwise identified.

D. Redemption Notice. Unless waived by any registered owner of a Bond to be redeemed, notice of prior redemption shall be given by the Registrar, by certified or registered mail as long as Cede & Co. is registered owner of the Bonds and otherwise by first-class mail, at least 30 days but not more than 60 days prior to the Redemption Date to the registered owner of any Bond (initially Cede & Co.) all or a part of which is called for prior redemption at his or her address as it last appears on the registration records kept by the Registrar. The notice shall identify the Bonds and state that on such date the principal amount thereof, and premium, if any, thereon will become due and payable at the Paying Agent (accrued interest to the Redemption Date being payable by mail or as otherwise provided in this Ordinance), and that after such Redemption Date interest will cease to accrue. After such notice and presentation of said Bonds, the Bonds called for redemption will be paid. Actual receipt of mailed notice by any registered owner of Bonds shall not be a condition precedent to redemption of such Bonds. Failure to give such notice by mailing to the registered owner of any Bond designated for redemption, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bond. A certificate by the Registrar that notice of call and redemption has been given as provided in this Section shall be conclusive as against all parties; and no owner whose Bond is called for redemption or any other owner of any Bond may object thereto or may object to the cessation of interest on the Redemption Date on the ground that he failed actually to receive such notice of redemption.

Section 6. Registration, Transfer and Exchange. Except as otherwise provided in Section 12 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in Section 4 hereof. The Registrar shall authenticate and deliver the Bond or Bonds, which the registered owner making the exchange is entitled to receive, bearing number or numbers not previously assigned. The Registrar shall require the payment by the owner of any Bond requesting exchange or transfer, of any tax or other governmental charge required to be paid with respect to such exchange or transfer, and, except for the first transfer or exchange of any Bond, shall charge the owner of the Bond a fee sufficient to pay the costs of registering, exchanging, preparing and authenticating a new Bond.

B. The Registrar shall not be required to transfer or exchange (i) any Bond subject to redemption during a period beginning the opening of business 15 days before the date of mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the date of such mailing, or (ii) any Bond after the mailing of notice calling such Bond, or any portion thereof, for redemption as herein provided.

C. The person in whose name any Bond shall be registered, in the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereto (except to the extent otherwise provided in Section 4 hereof with respect to interest payments) and for all other purposes; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual

to discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the County may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed or mutilated bond shall have matured or be called for redemption, the Registrar may direct that such bond be paid by the Paying Agent in lieu of replacement.

E. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the County, upon request.

Section 7. Ordinance to Constitute Contract. In consideration of the purchase and the acceptance of the Bonds by those who shall own the same from time to time, the provisions of this ordinance shall be deemed to be and shall constitute a contract between the County and the registered owners from time to time of the Bonds.

Section 8. Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the County shall be for the equal benefit, protection and security of the registered owners of any and all of the Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any of the Bonds of the issue over any other thereof, except as otherwise expressly provided in or pursuant to this ordinance.

Section 9. General Obligations. All of the Bonds, as to the principal thereof, any prior redemption premiums due in connection therewith, and the interest thereon (the "Bond Requirements"), shall constitute general obligations of the County, and the full faith and credit of the County is hereby pledged for their payment.

Section 10. Payment from General Taxes. The Bonds as to all Bond Requirements shall be payable from general (ad valorem) taxes (the "General Taxes") (except to the extent that other moneys are available therefor) as herein provided.

Section 11. Limitations upon Security. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the County, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the County, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

Section 12. Custodial Deposit.A. Notwithstanding the foregoing provisions, the Bonds shall initially be evidenced by one Bond for each year in which the Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in subsection 3 of NRS 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as

amended; or

(2) Upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this cause (2) of this Subsection A, or a determination by the Board that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the Board of another depository institution acceptable to the Board and to the depository then holding the Bonds, which new depository institution must be both a "clearing corporation" as defined in subsection 3 of NRS 104.8102 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository;

(3) Upon the resignation of The Depository Trust Company or a new depository under clause (1) or (2) of this Subsection A or a determination by the County that the depository company or such successor or new depository is no longer able to carry out its functions, and the failure by the Board, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of Subsection A hereof or designation of a new depository pursuant to clause (2) of Subsection A hereof, upon receipt of the outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity of the Bonds then outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of Subsection A hereof and the failure after reasonable investigation to locate another qualified depository institution for the Bonds as provided in clause (3) of Subsection A hereof, and upon receipt of the outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 6 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The Board, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Board, the Registrar and the Paying Agent shall have no responsibility for transmitting payments or notices to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to Subsection A hereof.

D. The Board, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of Subsection A hereof in effectuating payment of the Bonds in accordance with this ordinance by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

E. Upon any partial redemption of any maturity of the Bonds, Cede & Co. (or its successor) in its discretion may request the County to issue and authenticate a new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Paying Agent prior to payment.

Section 13. Execution and Authentication. The Bonds shall be executed as follows:

A. If any Bonds bear facsimile signatures, pursuant to NRS 350.638 and to the act cited as the Uniform Facsimile Signatures of Public Officials Act, designated as NRS Chapter 351, and to the Supplemental Bond Act and prior to the execution of any Bonds bearing a facsimile signature, the Chairman, the Treasurer and the Clerk shall each file with the Secretary of State of the State of Nevada the manual signature certified by such official under oath.

B. Each Bond shall be signed and executed in the name of and on behalf of the County with the manual or the engraved, imprinted, stamped or otherwise reproduced facsimile of the signature of the Chairman and shall be countersigned, subscribed and executed with a manual or facsimile signature of the Treasurer; each Bond shall be authenticated with the manual or the facsimile of the official seal of the County; and each Bond shall be signed, executed and attested with such a manual or a facsimile of the signature of the Clerk.

C. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if it is manually signed by an authorized officer of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds delivered pursuant to this ordinance, the Registrar shall be deemed to have assented to all of the provisions of this ordinance.

D. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the County, notwithstanding that before the delivery thereof and the payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. The Chairman, the Treasurer and the Clerk, at the time of the execution of the Bonds and of the signature certificate, may adopt as and for his own facsimile signature the facsimile signature of his predecessor in office in the event that such facsimile signature appears upon any of the Bonds, upon compliance with NRS Chapter 351.

Section 14. Incontestable Recital. Pursuant to NRS 350.628, each Bond shall recite that it is issued pursuant to the Bond Act, and to the Supplemental Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

Section 15. State Tax Exemption. Pursuant to NRS 350.710, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except the tax on estates imposed pursuant to Chapter 375A of NRS and the tax on generation skipping transfers imposed pursuant to Chapter 375B of NRS.

Section 16. Initial Registration. In a separate book or electronic records, the Registrar shall maintain the registration records of the County for the Bonds showing the name and address of the registered owner of each Bond authenticated and delivered, the date of authentication, the maturity of the Bond and its interest rate, principal amount, Bond number and CUSIP number, if any.

Section 17. Negotiability. Subject to the registration provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purposes of the Uniform Commercial Code -- Investment Securities, and each registered owner shall possess all rights enjoyed by registered owners of negotiable instruments under the Uniform Commercial Code -- Investment Securities.

Section 18. Bond Delivery and Bond Form. After such registration by the Registrar, he shall cause the Bonds to be delivered to the Purchaser, upon due payment being made. Subject to the provisions of this ordinance, each Bond shall be in substantially the form placed on file with the

Clerk, with such omissions, insertions, endorsements and variations as to any recitals of act or other provisions as may be required by the circumstances, be required or permitted by this ordinance, or be consistent with this ordinance and necessary or appropriate to conform to the rules and requirements or any governmental authority or any usage or requirement of law with respect thereto

Section 19. Use of Bond Proceeds. When the Bonds have been duly executed, the Treasurer shall deliver them to the Purchaser on receipt of the agreed purchase price. The Treasurer shall cause the proceeds of the Bonds to be applied as follows:

- A. First, any accrued interest received from the sale of the Bonds shall be deposited in the Interest Fund herein created below.
- B. Second, the County shall deposit an amount (consisting of available moneys of the County and/or funds realized from the sale of the Bonds) equal to one-half of one percent of the proceeds of the Bonds in one or more accounts hereby created and designated the "Washoe County, Nevada, General Obligation (Limited Tax) Public Safety Bonds, Series December 1, 1996 Extraordinary Maintenance Accounts" to be held within the fund for extraordinary maintenance, repair or improvement of capital projects required to be created pursuant to NRS 354.6105 (the "Extraordinary Maintenance Fund") to be used for maintenance, repair or improvement expenses ordinarily incurred not more than once every five years relating to the Project.
- C. The balance of the proceeds received from the sale of the Bonds shall be deposited into a special account hereby created and designated as the "Washoe County, General Obligation (Limited Tax) Public Safety Bonds, Series December 1, 1996 Construction Fund" (the "Construction Fund"). Moneys in the Construction Fund shall be used solely to defray wholly or in part the cost of the Project and the costs of issuance of the Bonds, which the Board hereby determines are necessary and desirable and appertain to the Project. After the Project is complete and after all expenses have been paid or adequate provision therefor is made, pursuant to NRS 350.650, any unexpended balance of Bond proceeds remaining in the Construction Fund shall be deposited into the Bond Fund hereinafter created to be used to pay the principal of and interest on the Bonds.

Section 20. Use of Investment Gain. Pursuant to NRS 350.658, any gain from any investment and any reinvestment of any proceeds of the Bonds, shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Construction Fund to defray, in part, the cost of the Project or, if adequate provision has been made for the Project, into the Principal Fund or the Interest Fund, hereinafter created, for the respective payment of the principal of or interest on the Bonds. As provided in Section 24 hereof ("General Tax Levies"), General Taxes for the payment of the principal of or interest on the Bonds levied after such deposit may be diminished to the extent of the availability of such deposit for the payment of such principal or interest.

Section 21. Completion of Project. The County, with the proceeds derived from the sale of the Bonds, shall proceed to complete the Project without delay and with due diligence to the best of the County's ability, as hereinabove provided. A contract or contracts for the Project shall be let as soon as practicable after the delivery of any Bonds except to the extent theretofore let, if theretofore let.

Section 22. Prevention of Bond Default. The Treasurer shall use any Bond proceeds, without further order or warrant, to pay the Bond Requirements as the same become due whenever and to the extent moneys otherwise available therefor are insufficient for that purpose, unless such Bond proceeds shall be needed to defray obligations accrued and to accrue under any contracts then existing.

Section 23. Purchaser Not Responsible. The validity of the Bonds shall be neither dependent on nor affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. The Purchaser of the Bonds, any associate thereof, and any subsequent holder of any Bond shall in no manner be responsible for the application or disposal by the County or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys herein designated.

Section 24. General Tax Levies. The interest and principal falling due on the Bonds at any time when there are not on hand from such tax levy or levies sufficient funds to pay same shall be paid out of the general fund of the County or out of any other funds that may be available for such purpose, including, without limitation, any General Taxes as defined below. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements on other than a temporary basis), and for the purpose of creating funds for the payment of the Bonds and the interest thereon, there shall be created and maintained, the "Washoe County, Nevada, General Obligation (Limited Tax) Public Safety Bonds, Series December 1, 1996 Interest Fund" (the "Interest Fund") and the "Washoe County, Nevada, General Obligation (Limited Tax) Public Safety Bonds, Series December 1, 1996 Principal Fund" (the "Principal Fund"; collectively, the Interest Fund and Principal Fund are referred to herein as the "Bond Fund"). There shall be levied, in the calendar year 1996, and annually thereafter, until all of the Bond Requirements of the Bonds shall have been fully paid, satisfied, and discharged, a tax, which shall be part of the general ad valorem tax, on all property, both real and personal, subject to taxation within the boundaries of the County, including the net proceeds of mines ("General Taxes"), fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installment of interest and principal to pay the interest on the Bonds becoming due after such initial installment and to pay and retire the Bonds as they thereafter become due as hereinabove provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to the Principal Fund and the Interest Fund for the payment of such Bond Requirements. In the preparation of the annual budget or appropriation resolution or ordinance for the County, the Board shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the County, including without limitation, the Bonds, subject to the limitation imposed by NRS 361.453 and by 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all the revenues received by the County.

Section 25. Priorities for Bonds. As provided in NRS 361.463, in any year in which the total General Taxes levied against the property in the County by all overlapping units may exceed the limitation imposed by NRS 361.453, and it shall become necessary by reason thereof to reduce the levies made by any and all such units, the reduction so made shall be in General Taxes levied by such unit or units (including, without limitation, the County and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the County and the State) for all other purposes where reduction is necessary in order to comply with the limitation of NRS 361.453.

Section 26. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept in the Principal Fund and in the Interest Fund, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

Section 27. Use of General Fund. Any sums coming due on the Bonds at any time when there are on hand from such General Taxes (and any other

available money) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the County, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to NRS 350.596.

Section 28. Use of Other Funds. Nothing in this ordinance prevents the County from applying any funds (other than General Taxes) that may be available for that purpose to the payment of such interest or principal as the same, respectively, mature, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished.

Section 29. Legislative Duties. It shall be the duty of the Board annually, at the time and in the manner provided by law for levying other General Taxes of the County, if such action shall be necessary to effectuate the provisions of this ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Board shall require the officers of the County to levy, extend, and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such General Taxes when collected shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinabove specified.

Section 30. Appropriation of General Taxes. There are hereby specially appropriated the proceeds of such General Taxes to the payment of such principal and interest; and neither shall such appropriations be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the principal of and the interest on the Bonds have been wholly paid.

Section 31. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge and lien and all obligations as to that Bond hereunder shall thereby be discharged and the Bond shall no longer be deemed to be outstanding within the meaning of this ordinance. There shall be deemed to be such due payment when the County has placed in escrow or in trust with a trust bank located within or without the State (the "Bank"), an amount sufficient (including the known minimum yield available for such purpose from Federal Securities (as defined below) in which such amount wholly or in part may be initially invested) to meet all Bond Requirements of the Bond, as the same become due to the final maturity of the Bond or upon any redemption date as of which the County shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of the Bond for payment. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the County and the Bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the owners thereof to assure availability as so needed to meet the schedule. For the purpose of this Section, the term "Federal Securities" shall be as defined in NRS 350.522, and shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the holder thereof.

Section 32. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Board, on the behalf and in the name of the County, shall reasonably determine that the Registrar or Paying Agent has become incapable of performing its duties hereunder, the Board for the County may, upon notice mailed to each owner of any Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. Every such successor Registrar or Paying Agent shall be the County Treasurer or a commercial bank as defined in NRS 350.512 with trust powers. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the Board

shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Any corporation or association into which the Registrar or Paying Agent may be converted or merged, or with which they may be consolidated, or to which they may sell or transfer their corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer, to which they are a party, shall be and become the successor Registrar or Paying Agent under this ordinance, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything in this ordinance to the contrary notwithstanding.

Section 33. Federal Tax Covenant. The County covenants for the benefit of the registered owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the County or any facilities financed with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the defeasance of the Bonds until the date on which all obligations of the County in fulfilling the above covenant under the Tax Code have been met.

Section 34. Amendments. A. This ordinance may be amended by the Board:

(1) Without the consent of or notice to the holders of the Bonds for the purpose of curing any ambiguity or formal defect or omission herein; and

(2) With the consent of the insurer of the Bonds, if any, (as long as the insurer has not defaulted on its insurance policy with respect to such Bonds) in connection with any other amendment,

B. No such amendment, unless consented to by the Bondholder adversely affected thereby, shall permit:

(1) A change in the maturity or in the terms of redemption of the principal of any outstanding Bond or any installment of interest thereon;

(2) A reduction in the principal amount of any Bond, the rate of interest thereon, or any prior redemption premium payable in connection therewith; or

(3) The establishment of priorities as between Bonds issued and outstanding under the provisions of this ordinance.

C. Copies of any amendments to this ordinance consented to by the insurer of the Bonds must be sent to Moody's Investors Service and Standard & Poor's Rating Services.

Section 35. Continuing Disclosure Undertaking. The County covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the Continuing Disclosure Certificate to be executed by the Assistant County Manager in substantially the form

which is currently on file with the County Clerk with such amendments as are deemed necessary by the Assistant County Manager, and delivered in connection with the delivery of the Bonds.

Section 36. Delegated Powers. 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:

- A. The printing of the Bonds, including, without limitation, printing thereon or appending thereto, a certified true copy of bond counsel's approving opinion and of a statement of insurance on the Bonds if so requested, by the Purchaser;
- B. The execution of such certificates as may be required by the Purchaser relating to the signing of the Bonds, the tenure and identity of the officials of the County, the assessed valuation and indebtedness of the County, the rate of taxes levied against the taxable property within the County, the delivery of the Bonds and the receipt of the bond purchase price, the expectations of the County with respect to investments, the adequacy and completeness of the official statement or other offering materials for the Bonds, and, if in accordance with the facts, the absence of litigation, pending or threatened, affecting the validity thereof;
- C. The mailing and publication of a notice of sale for the Bonds; and
- D. The acceptance and execution of the Bond Purchase Proposal by the Assistant County Manager and the completion and execution of the Certificate of the Assistant County Manager, the Continuing Disclosure Certificate and The Depository Trust Company Letter of Representations concerning the Bonds.

Section 37. Police Power. Nothing in this ordinance prohibits or otherwise limits or inhibits the reasonable exercise in the future by the State and its governmental bodies of the police powers and powers of taxation inherent in the sovereignty of the State or the exercise by the United States of the powers delegated to it by the Federal Constitution. The County cannot contract away such powers nor limit or inhibit by contract the proper exercise thereof, and this ordinance does not purport to do so.

Section 38. Ordinance Irrepealable. After delivery of the Bonds to the Purchaser, the provisions of the Bond Act, the Local Government Securities Law, NRS 361.463, and of this ordinance shall be a part of the irrevocable contract between the County and the owner or owners from time to time of Bonds issued hereunder; and after the issuance of any of the Bonds hereby authorized, this ordinance shall be irrepealable until such time as all the Bonds issued hereunder and the interest accruing thereon shall have been paid in full.

Section 39. Repealer. All ordinances, bylaws, orders and resolutions, or parts thereof, in conflict with this ordinance, are hereby repealed. This repealer shall not be construed to revive any ordinance, bylaw, order or resolution, or part thereof, heretofore repealed.

Section 40. Publication of Ordinance. The Board has expressed in the preambles to this ordinance that it pertains to the sale, issuance and payment of the Bonds, and accordingly, it shall be adopted as if an emergency exists and final action hereon shall be taken immediately. 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 twice by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of said ordinance are available for inspection by

all interested parties at the office of the County Clerk, such publications 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, such publication to be in substantially the form placed on file with the Clerk:

Section 41. Parties Interested Herein. Nothing in this ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the County, the insurer of the Bonds, if any, and the registered owners of the Bonds, any right, remedy or claim under or by reason of this ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this ordinance contained by and on behalf of the County shall be for the sole and exclusive benefit of the County and the registered owners of the Bonds.

Section 42. Severability. 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.

96-1175 CLARIFICATION OF MOTION - COUNTY COMMISSION MINUTE ITEM NO. 96-1007 - SPECIAL USE PERMIT CASE NO. SPW7-33-96 - JACKLING AGGREGATES PIT/GRANITE CONSTRUCTION COMPANY - APPEAL

Ron Gilgore, Department of Development Review, discussed background information concerning this item advising that Pierre Hascheff, representing Rocky Ridge, has indicated that the motion and conditions contained in Order No. 96-1007 from the County Commission meeting of October 8, 1996 do not reflect what was intended by the Commissioners. Mr. Gilgore then discussed the following conditions disputed by Mr. Hascheff:

Condition No. 32: Mr. Hascheff requested that this be changed to "total vehicle trips".

Mr. Kilgore explained that the minutes reflect what the Board intended which was to reflect "total number of truck trips per day" advising that there is no way they can monitor the number of private vehicle trips but they can monitor truck traffic.

Condition No. 5: Mr. Hascheff disputed this condition stating that the configuration of the turn lanes, acceleration and de-acceleration lanes should be precise as to the length and width consistent with Commissioner Mouliot's remarks advising that if Commissioner Mouliot intended at least 600 feet with separate turning and merging areas, that this should be inserted into the condition.

Mr. Kilgore stated that a complicating factor is that Pyramid Highway is under the control of NDOT; and that the condition should be enforceable by the applicant.

Commissioner Mouliot stated that he does not believe that this will be a standard entry/exit onto a highway; that it is set up for exceptional equipment and should be an exceptional entrance and acceptable escape off the highway and provide maximum safety for the people who reside there. He explained that this is what he meant in the motion, and Mr. Kilgore stated that based on Commissioner Mouliot's remarks he does not believe the condition requires an amendment.

Condition No. 30: Mr. Hascheff requested clarification on this condition stating his belief that the Commissioners did not want any night time operations unless the applicant could show that it was required by contract; that Condition 30 does not appear to provide this same restriction and could be read to allow an exception for night time operations irrespective of whether the night operations are required by contract.

Mr. Kilgore stated that Condition 30 states that the hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. with the exception that the asphalt batch plant may be operated on a 24-hour basis to supply material for night paving operations; that it is correct that contracts are not specifically mentioned in this case; that it is his belief that State law requires a contract for all construction activities above a certain amount; and that in this case, he was attempting to avoid being the contract police, however, he would have no objection to inserting a clarification that a contract is required.

Legal Counsel Madelyn Shipman suggested amending the language to read "Hours of operation should be limited to 7:00 a.m. to 7:p.m. with the exception that the asphalt batch plant may be operated on a 24-hour basis to supply material for night paving operations as required pursuant to the contract."

In conclusion, Mr. Hascheff stated that all of the issues raised by him have been addressed.

96-1176 RESIGNATION & APPOINTMENT - BOARD OF TRUSTEES - SENIOR SERVICES

Upon recommendation of Rita Lencioni, Assistant to the County Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the resignation of John Squires from the Washoe County Senior Services Board of Trustees be accepted effective immediately; and that Barbara Gaizutis be appointed to fill Mr. Squires unexpired term to July 1,1997.

96-1177 RESIGNATION & APPOINTMENT - PARKS AND RECREATION COMMISSION

Upon recommendation of Rita Lencioni, Assistant to the County Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the resignation of Thomas Fitzgerald from the Park and Recreation Commission be effective immediately; and that Ellen Arrascada be appointed to fill Mr. Fitzgerald's unexpired term to June 30, 1999.

96-1178 CHANGE ORDER NO. 2 - BONEYARD FLAT DIVERSION FACILITIES PLAN - PLANNING

Upon recommendation of Leonard Crowe, Department of Comprehensive Planning, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Change Order No. 2 in the amount of \$9,100.00 for the Boneyard Flat Diversion Facilities Plan be accepted; and that the Acting Flood Control Manager be authorized to sign the change order.

96-1179 COMMUNITY OUTREACH AIDE - JUVENILE SERVICES

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the new class of Community Outreach Aide, class code P749, grade P720 (\$12.51 - \$16.53 per hour) be approved.

## 96-1180 EXCHANGE/SALE OF COUNTY PROPERTY - APN 088-020-48, 088-020-50 AND A PORTION OF 47 - PUBLIC WORKS

This item was continued from October 8, 1996.

John MacIntyre, County Manager, reviewed background information contained in a staff report from Jim Gale, Senior Property Agent, concerning the proposed exchange of property located on the west side of North Hills Boulevard and various options available to the Board.

Chairman Bradhurst stated that Option 2 has some merit as it would be a step in the right direction to consolidate the County's holdings in the area.

Upon recommendation of James Gale, Senior Property Agent, following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Alternative No. 2 to accept the offer to exchange, which would result in County ownership of a single parcel containing 19.06 acres on the west side of North Hills Boulevard to develop County facilities, be accepted.

## 96-1181 GEOGRAPHIC INFORMATION SYSTEM STRATEGY REPORT - PLANNING

Matt Beckstedt, GIS Manager and Debbie Hester, Hester Consulting, who was previously involved in preparing the GIS Strategy Report, gave a brief overhead presentation concerning background, definitions, purpose, present users, existing applications, Vision Statement and other components of the Geographic Information System and answered questions of the Board.

Following discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that receipt of the GIS Strategy Report be acknowledged; and that Recommendations No. 23: "Establish a GIS Policy Committee" No. 24: "Establish a GIS Users Group and No. 25: "Establish GIS Project Implementation Teams, be endorsed; and that the reorganization issue be brought back to the Board within six months as directed at the November 12, 1996 meeting.

## 96-1182 SEXUAL ASSAULT VICTIMS - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that payments with funds from the District Attorney's account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up treatment for 9 victims of sexual assault in an amount totaling \$2,725.73 as set forth in a memorandum placed on file with the Clerk from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated November 10, 1996.

## 96-1183 ALCOHOL BEVERAGE WAIVER - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Washoe County Senior Services, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the prohibition of serving alcoholic beverages be waived for the following events:

Senior Dance Club of Nevada, Inc., to utilize the Reno Senior Services Center for an annual "New Year's Eve Dinner and Dance" scheduled for Tuesday, December 31, 1996 from 7:00 p.m. to 1:00 a.m. approximating 225 seniors.

The Sparks Sertoma to utilize the Reno Seniors Center for a "Free Seniors Christmas Dinner," an annual event for seniors scheduled for Saturday, December 14, 1996 from 4:00 p.m. to 7:00 p.m. approximating 400 seniors.

96-1184 WATER RIGHTS DEED - S.F. & W.W. ECCLES - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Department, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the Water Rights Deed for 80.0 acre-feet of surface water rights being a portion of Claim 83 between S.F. & W.W. Eccles, a Nevada general partnership, as "Grantor" and Washoe County as "Grantee" be approved; that Chairman Bradhurst be authorized to execute the Water Rights Deed; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

It was noted that S.F. & W.W. Eccles are dedicating the water rights on behalf of Hawco Investment and Development Company, Inc., in support of future development.

96-1185 ACCEPTANCE OF DONATIONS - KIDS KOTTAGE

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the following cash donations in the amount of \$6,554.60 for children in emergency shelter care be accepted:

Cash Donations

- \$ 100.00 from May Shelton in memory of Vincent Mooney
- \$ 25.00 from Melinda Juisto in memory of Vincent Mooney
- \$ 100.00 from Mr. and Mrs. Hal Tarry in memory of Vincent Mooney
- \$ 1.00 from Victor J. Caroddo in memory of Vincent Mooney
- \$ 159.00 from staff at Washoe County Social Services in memory of Vincent Mooney
- \$ 10.00 from Lilli Otten
- \$ 447.50 from staff at A and H Insurance, Inc.
- \$1,621.00 from staff at Ferrari-Lund Real Estate
- \$4,000.00 from Carl M. Hebert
- \$ 11.10 from Cynthia Kirsten
- \$ 80.00 from Albany Medical College staff in memory of Vincent Mooney

Other Donations

Hair products, shampoo and tooth brushes from Lilli Otten.

It was further ordered that the following account transactions be authorized:

Increase Revenues

Account 28-28052-5802

(General Donations)

\$ 6,554.60

Increase Expenditures

Account 28-28052-7205

(Minor Furniture & Equip)

\$ 6,554.60

#### 96-1186 DONATION - RENO RODEO ASSOCIATION - FOOSBALL/TABLE - MCGEE CENTER

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that a donation of a foosball/soccer table in an estimated amount of \$250.00 for the McGee Center from the Reno Rodeo Association, be accepted with gratitude.

#### 96-1187 LEGISLATION/ORGANIZATION - PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN OFFICE

This item was continued from November 12, 1996.

Howard Reynolds, Assistant County Manager, reviewed background information contained in a staff report dated October 25, 1996 concerning possible legislative amendments to resolve statutory conflicts existent in NRS Chapter 253 regarding the office of Public Administrator/Public Guardian. Mr. Reynolds explained that the current statute contains some conflicts; that NRS 253.0415 vests with the elected Public Administrator the responsibility and the authority to investigate the financial status of any proposed ward and then petition the Court for guardianship where it may be appropriate; that the petition is required regardless of the financial status of the proposed ward; that under NRS 253.150 it vests with the Board of County Commissioners the authority to either establish the office of Public Guardian or to designate some other official; that the first conflict comes into play if the Board chose to designate someone other than the elected Public Administrator as the Public Guardian; and if that were to occur without amending the State statute, there would be two officials, one elected and one appointed that would legally be responsible for investigating the guardianship status.

Mr. Reynolds stated that with regard to the second conflict and in discussions with other public guardians, including the Public Administrator/Public Guardian in Clark County, they recommended strongly that the Board not amend the statute with respect to NRS 253.200; that under the Public Guardian portion of the statute there are three criteria for an individual to become a ward (1) that they be a resident of the State of Nevada, (2) that they be age 60 and older and (3) that they not have the financial means to pay for a private guardianship. He further explained that there are not similar criteria under the Public Administrator portion of the statute 253.0415; that as it stands now with the Public Administrator, approximately 25% of their caseload are individuals that are under age 60 so there is that statutory conflict; that he sees it as a conflict, but it is not as critical a change as the first one with respect to the designation of cleaning up the language dealing with the Public Administrator and the Public Guardian; and that the Courts are designating individuals to be wards that do not meet the criteria under the Public Guardian Statute, and at the NACO conference two weeks ago they were advised not to change that particular provision.

Assistant District Attorney Madelyn Shipman stated that her interpretation of what she heard from the Administrator in Clark County was that they regard the statute setting forth that Public Guardian criteria as discretionary in that, if a person is not age 60, a public guardianship is not

mandated; that they are saying they have the right to refuse guardianship services to someone under 60, but cannot refuse it for someone over 60 who meets the other criteria. She stated that the message she received concerning the Public Administrator/Public Guardian Statute is that it needs a total separation of the functions and a total cleaning up of all of the duties and responsibilities of both the Public Administrator and the Public Guardian; and the indication was given that Clark County attorneys are working on this and are recommending that others not pick at the statutes. She added that this Board needs to address it as it relates to providing those services through the Public Administrator, and whether they want to interpret this as a discretionary service for 60-year-olds. Mr. Reynolds further clarified that there is no conflict of interest between the Administrator and Guardian functions; and that the conflict of interest comes into play if it becomes part of another department.

Ms. Shipman stated that unless the Board adopts a policy stating that the services of guardian will be provided to people under age 60, the Courts will continue to appoint the Public Administrator under the existing language, so if the Board were to adopt a policy to view the statutes similar to Clark County, making it discretionary, leaving aside the fiscal impacts on the County, the Courts would very likely, when they wanted a guardianship provided, appoint whoever the Board appointed as Public Guardian to provide the services, but for those people under 60 in the absence of a change, they probably would continue to appoint the Public Administrator.

Laura Duffrin, Senior Deputy Public Administrator, read a statement from Phil Moore, Public Administrator, which was placed on file with the Clerk.

In response to Chairman Bradhurst's inquiry as to whether Mr. Moore elected not to attend today's meeting, Ms. Duffrin stated that he requested that she attend on his behalf.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that this item be continued to December 10, 1996 to allow further review of this issue and input from the District Court.

#### 96-1188 COMMISSIONERS' MANAGER'S COMMENTS

Acting Registrar of Voters Howard Reynolds, advised that he is very pleased with the outcome of the recount of the vote requested by Judge Stone. He stated that 1,194 ballots were recounted which was the exact amount of votes cast previously; and that they have never had a recount resulting in such a precise conclusion which proves that the new voting system is much better than the previous punch card system.

He further explained that the recount was performed in Court; that after the results were shown to Judge Stone he withdrew his complaint, and Judge Kosach declared Judge-elect Elliot the winner of the election.

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There being no further business to come before the Board, the meeting adjourned at 4:30 p.m.

STEPHEN T. BRADHURST, CHAIRMAN  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk