

Summary - An ordinance authorizing the issuance of registered interim warrants in connection with the Washoe County, Nevada, Special Assessment District No. 18 (Thomas Creek Water Improvements) and providing other matters relating thereto.

BILL NO. 921
 ORDINANCE NO. 746
 (of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS), AUTHORIZING AND DIRECTING THE ISSUANCE OF GENERAL OBLIGATION INTERIM WARRANTS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,189,335 FOR THE PAYMENT OF THE COSTS AND EXPENSES IN WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); PRESCRIBING THE FORM OF SAID REGISTERED INTERIM WARRANTS; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL THEREOF AND INTEREST THEREON; PRESCRIBING DETAILS IN CONNECTION THEREWITH; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND CONSTRUCTION OF WATER IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County"), and State of Nevada, pursuant to an ordinance finally adopted June 14, 1988 (herein "District Ordinance"), created Washoe County, Nevada, Special Assessment District No. 18 (Thomas Creek Water Improvements)

(herein "District") and ordered the acquisition of a water project for the District (the "Project" or "Water Project"); and

WHEREAS, the District has been created by the District Ordinance in accordance with NRS 271.010 to 271.630, i.e., the Consolidated Local Improvement Law; and

WHEREAS, the Board has authorized the proper officers of the County to advertise for a construction contract for the Project on behalf of said County and District; and

WHEREAS, the County has in addition, in the manner provided by law, incurred obligations in connection with the District; and

WHEREAS, § 271.355, NRS, provides that the Board may issue interim warrants for the purpose of paying any contractor or otherwise defraying any costs of the Project as the same become due from time to time until moneys are available therefor from the levy and collection of assessments to the benefited lots, tracts and parcels of land (and any issuance of bonds), and that such interim warrants may be general obligation interim warrants to which the full faith and credit of the County is pledged, and shall be issued in such manner, in such form, with such recitals, terms, covenants and conditions and with such other details as may be provided by the Board by ordinance; and

WHEREAS, the Board now desires to issue general obligation interim warrants for the purpose of paying such a contractor (herein the "Contractor") and otherwise defraying the costs and expenses of the aforesaid Project until moneys are available from the levy and collection of assessments or the issuance of any special assessment bonds; and

WHEREAS, the Board has determined and does hereby determine to issue an interim warrant or interim warrants in connection with the District, payable to the purchaser thereof to be designated by motion or resolution of the Board (the "Purchaser") upon estimates of the County's Chief Sanitary Engineer (herein the "Engineer") to provide funds to pay the Contractor or other proper persons, which warrant or warrants, together with the interest

thereon, shall be general obligations of the County to which the full faith and credit of the County shall be pledged; and

WHEREAS, the Board intends to pay the interim warrants from special assessments to be levied to pay, in whole, the cost of the improvements in the District and from the proceeds of special assessment bonds to be hereafter sold and delivered.

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

Section 1. This ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 18 (Thomas Creek Water Improvements) Interim Warrant Ordinance" (herein the "Ordinance").

Section 2. For the purpose of providing for the payment to the Contractor or other proper person of the costs and expenses of the improvements and for the purpose of defraying the other costs (incidental or otherwise) heretofore incurred or to be incurred in Washoe County, Nevada, Special Assessment District No. 18 (Thomas Creek Water Improvements), there shall be issued, and the Board hereby authorizes and directs the County Comptroller to issue (pursuant to § 271.355, NRS), the County's fully registered (i.e. registered only as to both principal and interest) general obligation interim warrant or from time to time interim warrants in an aggregate principal amount not to exceed \$1,189,335, which is the Engineer's present estimate of construction costs and incidental costs to be assessed in the District. The interim warrants shall consist of such numbers and denominations as may be necessary, bearing a rate of interest to be designated by motion or resolution of the Board, which does not exceed by more than 3% the "Index of 20 Bonds" most recently published before bids are received or a negotiated offer to purchase the warrants is accepted from the date of their issuance until their respective maturities, not to exceed twenty-four (24) months after the date of the issuance thereof; provided, however, that such interim warrants may be paid at any time upon call by the County (such date of payment to be selected solely at the County's option). The Board has determined that the

interest rate on the interim warrants of the District will not exceed by more than three percent (3%) such "Index of Twenty Bonds" which shall have been most recently published in "Credit Markets" before the bids are received or a negotiated offer to purchase the warrants is accepted. Both principal and interest shall be payable solely to the registered owner thereof in lawful money of the United States of America, without deduction for exchange or collection charges, at the office of the County Comptroller of the County of Washoe, at Reno, Nevada. If upon presentation at maturity or on call by the County, payment of any of the interim warrants is not made as therein provided, interest thereon shall continue at the same rate stated therein until the principal thereof is paid in full.

Section 3. The fully registered general obligation interim warrant or interim warrants, together with the interest due thereon from the date of issue until paid, shall be redeemed and retired in regular numerical order from any legally available County funds, and the full faith and credit of the County is pledged to such payment. C
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Section 4. Each warrant shall be issued pursuant to the laws of the State, and shall be fully registered in the name of the owner thereof, and each warrant issued to the Purchaser or to any other proper person, together with all other interim warrants theretofore issued to said Purchaser or person in connection with the District, shall not exceed the estimates of the Engineer of the costs to be assessed in the District, made on or before the date of issuing each of said interim warrants.

Section 5. The fully registered interim warrant or interim warrants shall be signed and executed in the name of and on behalf of the County of Washoe, Nevada, with the signatures of the Chairman of the Board of County Commissioners, the County Treasurer and the County Comptroller, as provided by law, and shall be attested by the County Clerk under the seal of the County, and shall be consecutively numbered, beginning with number one.

Section 6. The fully registered interim warrant or interim warrants 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 payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices.

Section 7. Each interim warrant shall be fully registered in the name of the owner for the payment of both principal and interest in the office of the County Comptroller and any transfer thereof must likewise be registered in said office. The Comptroller of the County is hereby appointed Registrar and shall maintain books in the office of the Comptroller showing at all times what interim warrants are registered as to both principal and interest, and the name and address of the owner thereof. The Comptroller shall register or permit to be transferred any interim warrant presented for such purpose subject to such reasonable regulations as the Comptroller may prescribe. The Comptroller, as Registrar, shall note such registration on his registration books and on the registration panel on the back of the interim warrant showing that each interim warrant is registered as to both principal and interest. The County and its officers may treat the person in whose name any interim warrant is registered as the absolute owner, whether or not such interim warrant shall be overdue. All payments made as provided in this Ordinance shall be valid and effectual to discharge the liability upon any interim warrants to the extent of the amounts so paid.

Section 8. The interim warrant or interim warrants shall be in substantially the following form:

Section 9. The interim warrant or interim warrants shall be sold at a price which is not less than their par amount.

Section 10. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performance of all prerequisites to the creation of the District, the acquisition of the water improvements, the specially benefited property therein, the sale and issuance of its interim warrants, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved, and confirmed.

Section 11. 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, all necessary action to establish and maintain the exemption of interest on the interim warrants from federal income taxation under Section 103 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and to establish and maintain the exclusion of the interest on the interim warrants 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 net book income and adjusted current earnings adjustments applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income, and to prevent the County from being subject to any penalties under Section 148 of the Tax Code (to the extent enacted into law, the foregoing references to "Tax Code" shall include those amendments to the Tax Code proposed in H.R. 4333 and S. 2238 (the "Technical Corrections Act of 1988") in the form introduced in the House of Representatives and Senate of the United States on March 31, 1988), the preparation of all necessary interim warrants and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the interim warrants therefor.

Section 12. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 13. In accordance with NRS 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed ordinance are to be filed with the office of the County Clerk for public examination; therefore, the County Clerk is authorized and directed to give notice of the filing, together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such Ordinance by publication at least once in the Reno Gazette-Journal, i.e., a newspaper published and having general circulation in the County, at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before the 14th day of June, 1988, such publication to be in substantially the following form:

Section 14. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS 244.100 and all laws thereunto enabling, such publication to be in substantially the following form:

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Section 15. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on May 24, 1988.

Proposed by Commissioner Cornwall.

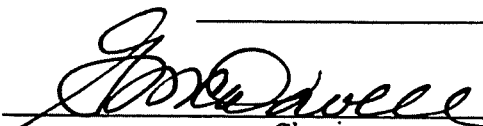
Passed on June 14, 1988.

Ayes:

- Gene McDowell
- Larry Beck
- Dianne Cornwall
- James Lillard
- Belie Williams


Nays:

Absent:



 Chairman
 Board of County Commissioners
 Washoe County, Nevada





 County Clerk

This Ordinance shall be in force and effect from and after June 27, 1988, i.e., the date of the second publication of such ordinance by its title only.

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