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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **10/01/04 - 10/08/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: _____

OCT 8 2004

TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-75259-2 - Expires May 16, 2006

Proof of Publication

NOTICE OF ADOPTION BILL NO. 1430 ORDINANCE NO. 1250 (of Washoe County, Nevada) AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at 350 South Center Street, Suite 100, Reno, Washoe County, Nevada; and that the ordinance was proposed September 14, 2004, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on September 28, 2004, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Galloway David Humke Pete Sferrazza Jim Shaw Bonnie Weber Those Voting Nay:(none) Those Absent:(none) This ordinance shall be in full force and effect from and after October 8, 2004, i.e., the date of the

second publication of such ordinance by its title only. IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. Dated this September 28, 2004. /s/ Jim Shaw Board of County Commissioners Washoe County, Nevada (SEAL) Attest: /s/Amy Harvey County Clerk No.525540 Oct 1, 8, 2004

Summary: An ordinance levying assessments in Washoe County, Nevada, Special Assessment District No. 29 (Mt. Rose Sewer Phase 1).

BILL NO. 1430
ORDINANCE NO. 1250
(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State," respectively), has heretofore, pursuant to the requisite preliminary proceedings, created Washoe County, Nevada, Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) (the "District"), for the purpose of acquiring a sanitary sewer project as defined in NRS §271.200 within the District and as hereinafter more specifically described as a sewer project (the "Project") and has provided that a portion of the entire cost and expense of such Project shall be paid by special assessments, according to benefits, levied against the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the District has been created by an Ordinance adopted on July 22, 2003, under the provisions of Chapter 271 of NRS, the Consolidated Local Improvements Law; and

WHEREAS, on April 9, 2002, the Board considered all applications for hardship determinations and the recommendations of the Washoe County Department of Social Services and did not approve any applications for hardship determination; and

WHEREAS, the Board has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the Board has heretofore determined and does hereby declare that the net cost to the County of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$1,351,345, of which \$1,293,473.69 is to be assessed upon the benefitted lots, tracts and parcels of land in the District; and

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

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

WHEREAS, the Board thereupon fixed a time and place, to-wit, Tuesday, September 14, 2004 at 5:30 p.m., at the Commission Chambers, Washoe County Administration Complex, 1001 E. 9th Street, Reno, Nevada, when all complaints, protests and objections to the assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefitted by, and proposed to be assessed for, the Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the Board; and

WHEREAS, the Board caused the assessment roll to be filed in the records of the office of the County Clerk on August 24, 2004; and the Clerk by publication and by mail gave or caused to be given the requisite notice of the time and place of such hearing, of the filing of the assessment roll in her office, of the date of filing the same, and of the right of any such person so to object specifically in writing and of the waiver of any objection in the absence of such objection; and

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

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

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

WHEREAS, by a resolution duly adopted this September 14, 2004 (the "Assessment Protest Resolution"), the Board if it determined necessary, modified, corrected and revised the assessment roll and, corrected and revised, confirmed the assessment roll to be in final form; and

WHEREAS, \$1,293,473.69 is to be assessed against the benefitted lots, tracts and parcels of land in the District; and

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

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

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

Section 1. This ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) Assessment Ordinance" (the "Ordinance").

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

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this ordinance) concerning Special Assessment District No. 29, including, but not limited to, the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Project, there are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefitted by the Project) and described in the assessment roll for the District, as filed in the office of the County Clerk on August 24, 2004, and as modified and confirmed by the Assessment Protest Resolution the amounts and assessments shown in the assessment roll (as so filed, modified and confirmed).

Section 5. The assessments shall be due and payable at the office of the County Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided, that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within the period of 30 days shall be conclusively considered and held an election on the part of person interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in forty (40) substantially equal semiannual installments which will include both principal and interest. Interest in all cases on the unpaid and deferred installments of principal will be charged from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest payable on the bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the County Treasurer of Washoe County on March 1 and September 1 in each year, commencing on March 1, 2005. After the effective date of this Ordinance and before bonds are issued (or if bonds are not issued) the Board shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If bonds are sold, such rate will not exceed by more than one percent (1%) the rate of interest on the bonds for the District. The effective interest rate on the bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before the time the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. In no event will the interest rate exceed 14% per annum. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of

the County, the exercise of the option to be indicated by the commencement of foreclosure proceedings by the County; and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether the option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of the payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole amount or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date, together with the payment of a penalty for such prepayment of three percent (3%) of the principal of the deferred installments so prepaid. The Board may by ordinance or resolution adjust the 2% delinquency penalty and 3% prepayment penalty provided herein any time.

Section 6. The amounts assessed against each parcel as set forth in the assessment roll shall be a lien upon the lots, tracts and parcels of land from the effective date of this Ordinance (i.e. October 8, 2004) until paid, co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. In case any such lot, tract or parcel of land so assessed is delinquent in the payment of such assessment or any installment of principal or interest, the Board shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address; and if such delinquency shall not be paid within 10 days after such notice shall have been given by deposit in the United States mail, then the

assessment shall be enforced by the County, as provided by law with the other taxes in the general assessment roll of the County, and in the same manner. Nothing herein shall be construed as preventing the County from collecting any assessment by suit in the name of the governing body as provided in NRS 271.625, or by the method provided by NRS 271.540 to 271.620 if so ordered by the Board. The assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If the foreclosure is not promptly filed and prosecuted, then any bondowner may file and prosecute the foreclosure action in the name of the County.

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

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

Section 10. In accordance with NRS 271.405 (7), the County Clerk shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that the assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk of the County. In accordance with NRS 271.390 (2), the Engineer must also give written notice of the levy of

assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of the 30 day period, to the owner or owners of all property upon which the assessment was levied at his or her last-known address or addresses. Proof of such mailing shall be made by the affidavit of the Engineer and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments shall have been paid in full, as to both principal and interest, or until any claim is barred by an appropriate statute of limitations. The Board hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

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

(Form of Notice)

*Amount of Assessment \$ _____

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

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

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN WASHOE COUNTY, NEVADA
SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons that, by an ordinance duly passed, adopted, signed and approved on September 28, 2004 (the "Ordinance"), there was levied and assessed against the lots, tracts and parcels of land specially benefitted by the local improvements in what is commonly designated as "Washoe County, Nevada, Special Assessment District No. 29 (Mt. Rose Sewer Phase 1)" (the lots, tracts and parcels of land being more specifically described in the assessment roll designated in the Ordinance), a portion of the cost and expense of such improvements.

Assessments are due and payable at the office of the County Treasurer of Washoe County, in Reno, Nevada, on or before November 7, 2004, being 30 days after the effective date of the Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all person interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in forty (40) substantially equal semiannual installments which include principal and interest. Interest in all cases on the unpaid and deferred installments of principal will be charged from October 8, 2004 (i.e., the effective date of the Ordinance), both principal and interest being payable semiannually at the office of the County Treasurer of Washoe County, Reno, Nevada, on March 1 and September 1, commencing on March 1, 2005. After the effective date of the Ordinance and before assessment bonds are issued (or if bonds are not issued) the Board shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, such rate will not exceed by more than 1% the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e. will not exceed by more than three (3%) percent the "Index of Twenty Bonds" which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether of principal or interest, when due will cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the County, the exercise of the

option to be indicated by the commencement of foreclosure proceedings by the County; and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether the County's option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole amount or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date and the payment of a penalty for such prepayment of three percent (3%) of the installment or installments of principal so prepaid.

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

The amounts assessed as aforesaid constitute a lien upon the lots, tracts and parcels of land from October 8, 2004 (the effective date of the Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this September 28, 2004.

/s/ Amy Harvey
County Clerk

(End of Form of Notice)

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

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

Section 14. In accordance with NRS § 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such ordinance by publication at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before September 28, 2004, such publication to be in substantially the following form:

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

Bill No. _____

Ordinance No. _____

(of Washoe County, Nevada)

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

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commission Chambers, Washoe County Administration Complex, 1001 E. Ninth Street, in Reno, Washoe County, Nevada at 5:30 p.m., on the 28th day of September, 2004, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The ordinance is entitled:

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT No. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

An adequate summary of the ordinance is as follows:

Section 2 of the ordinance dispenses with complaints, protests and objections made at the September 14, 2004, hearing.

Section 3 and 4 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) and levy assessments against all specially benefitted property in Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) as set forth in the assessment roll filed with the County Clerk on August 24, 2004, except as modified by the September 14, 2004, resolution.

Section 5. Provides for the time and conditions for the payment of the assessments including, but not necessarily limited to, provisions for the payment of the assessments without interest during a 30-day period, for the election to pay the assessments in 40 substantially equal semi-annual installments, for the option to accelerate the payment of principal in the case of failure to pay any installment of principal or interest, for the payment of 2% per month (or higher) penalty interest and other penalties, for the restoration of the right to pay in installments on certain payments being made before date of sale, for the prepayment of any assessment in part or in full at anytime under specified conditions, provides for a prepayment penalty of 3%, provides for the interest rate on the assessment installments to be established by a resolution of the Board to be adopted after the adoption of the assessment ordinance.

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

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

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

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

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

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

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

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

Date: September 14, 2004.

(SEAL)

/s/ Amy Harvey
County Clerk

(End of Form of Notice)

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

(Form for Publication)

BILL NO. _____

ORDINANCE NO. _____

(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe county, Nevada, at her office in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada; and that the ordinance was proposed September 14, 2004, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on September 28, 2004, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Jim Galloway
David Humke
Pete Sferrazza
Jim Shaw
Bonnie Weber

Those Voting Nay:

Those Absent:

This ordinance shall be in full force and effect from and after October 8, 2004, i.e., the date of the second publication of such ordinance by its title only.

IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only.

Dated this September 28, 2004.

/s/ Jim Shaw
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey
County Clerk

(End of Form of Publication)

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

Proposed on September 14, 2004.
Proposed by Commissioner HUMKE.
Passed on September 28, 2004.
Vote:

Ayes: Jim Galloway
David Humke
Pete Sferrazza
Jim Shaw
Bonnie Weber

Nays: none
Absent: none

James M. Shaw
Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:
Amy Harvey
County Clerk

This Ordinance shall be in force and effect from and after the 8th day of the month of October of the year 2004, i.e., the date of the second publication of such Ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

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

1. The foregoing pages are a full and correct copy of a resolution adopted by the Board of County Commissioners of the County (the "Board") on September 14, 2004, and an Ordinance introduced and read by title on September 14, 2004 and adopted on September 28, 2004 which relate to Special Assessment District No. 29. Minutes of the hearing on the District held on September 14, 2004 are attached as Exhibit A. Except as recited in this paragraph, no actions were taken concerning such District at such meetings. Such copies of such resolution and ordinance are true, correct, compared copy of the original proposed and adopted at such meetings.

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

Those Voting Aye: Jim Galloway
David Humke
Pete Sferrazza
Jim Shaw
Bonnie Weber

Those Voting Nay: None

Those Absent: None

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of Washoe County, Nevada, this September 28, 2004.

Amy Harvey

 County Clerk

EXHIBIT A

(Attach Copy of Minutes of September 14, 2004 Hearing on District No. 29)

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

SEPTEMBER 14, 2004

PRESENT:

Jim Shaw, Chairman
Bonnie Weber, Vice Chairman
Jim Galloway, Commissioner
David Humke, Commissioner
Pete Sferrazza, Commissioner *

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Melanie Foster, Legal Counsel

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

04-924 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Commissioner Sferrazza absent, Chairman Shaw ordered that the agenda for the September 14, 2004, meeting be approved. It was noted that Item 21, Canvass of the September 7, 2004 Primary election, was added to the agenda.

*Commissioner Sferrazza arrived at 2:05 p.m.

04-925 PUBLIC COMMENTS

Margarita Ibane, on behalf of Carter King, attorney, stated a lawsuit was filed on a contract regarding Jack Alian.

Guy Felton, NorthernNevada.com, criticized Chairman Shaw on time constraints placed on citizens who were speaking on behalf of the Ballardini Ranch issue.

Al Hesson, Reno resident, spoke out against George W. Bush. He encouraged citizens to vote against Bush and to vote for John Kerry.

Gary Schmidt, Washoe resident, spoke on the loss he experienced recently due to the Andrew Lane Fire. He requested documents related to County policy and procedures dealing with a property owner's right to defend their property.

2. An analysis for a scenario where the accumulation of the total of 159,400 acre-feet of usage water rights does not materialize.
3. Analysis for a scenario where the Truckee River Operating Agreement is not implemented.
4. Recommendation of measures to regulate or limit the granting of new development entitlements (such as up-zoning).

**04-971 SPECIAL ASSESSMENT DISTRICT NUMBER 29 (MT. ROSE
SEWER PHASE I) PUBLIC HEARING - PROTEST DISPOSAL
RESOLUTION - BILL NO. 1430 - WATER RESOURCES**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 27, September 3 and 10, 2004 to consider for Washoe County, Nevada, Special Assessment District (SAD) No. 29 (Mt. Rose Sewer Phase 1) all complaints, protests, and objections made in writing or verbally to the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments.

Thomas Kelly, Senior Licensed Engineer, advised that three written protests have been received and have been determined to have validity. He said staff is recommending the three parcels be dropped from the District.

In response to Commissioner Sferrazza, Mr. Kelly said anyone not originally included in the assessment district could be added if they pay all of the appropriate connection fees and a surcharge that is approximately equal to what the assessment would have been had they been an initial participant.

The Chairman opened the public hearing by calling on anyone wishing to speak.

Lesley Bienvenue, 40 Mountain Haven Lane, said the previous owner of the property had agreed to be included in SAD 29, which was not disclosed upon purchase of the property. She asked what the policy was at the time of the sale. Kendra Follett, Bond Counsel, said her title company should have informed her about the SAD. Commissioner Galloway asked if an assessed property was required to connect and would the property be guaranteed the capacity in the interceptor. Mr. Kelly said connection was not required and capacity would be guaranteed. Ms. Bienvenue said, besides the \$5,900 connection fee, the interceptor was not located near her property so it would be very expensive to connect to the sewer line.

Juan Sparhawk, 1185 Sky Tavern Road, asked if the sewer line does not happen would he get a refund of the assessment fee, how would he be billed, and can the

assessment and sewer connection fee be paid at the same time. Mr. Kelly said the assessment was for the sewer that was constructed approximately up to the Reindeer Lodge and was for capacity in the lower sewer line. He said a separate bill would come from the Treasurer's Office twice a year, and the payments cannot be combined. He said Mr. Sparhawk could pay the connection fee now, so if there were a fee increase, he would not have to pay the increased amount.

Barney Drake, 1205 Sky Tavern Road, asked that he be added to the assessment district.

Bert Querra, property owner, said he would receive no benefit because the sewer line was too far away from his property, and he asked to be taken off the assessment role.

Mr. Kelly recommended the Bienvenue's and Mr. Querra have their assessments reduced to zero. He said, if Mr. Drake would sign a waiver that he had received all notices, his property could be added to the assessment roles. In response to Commissioner Humke, Mr. Kelly said Mr. Sparhawk's protest had been withdrawn.

Dylan Mattole, 10195 Old Mt. Rose Highway, said one of three parcels he and his wife owned was included in the assessment district, and was it possible to include the other two parcels if they were willing to sign the waiver. Chairman Shaw said it was possible. Mr. Mattole asked how long a neighbor would have to opt out, and Katy Singlaub, County Manager, said that was the purpose of this hearing, and tonight was the final opportunity to do so.

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

Katy Singlaub, County Manager, asked if the parcel changes could be noted or does it have to come back to the Board, and Ms. Follett said they could be noted.

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

RESOLUTION NO. 04-971
(of Washoe County, Nevada)

**A RESOLUTION CONCERNING WASHOE
COUNTY, NEVADA, SPECIAL ASSESSMENT
DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1);
OVERRULING COMPLAINTS, PROTESTS AND
OBJECTIONS MADE TO THE ASSESSMENTS AT
THE HEARING ON THE ASSESSMENT ROLL;
VALIDATING AND CONFIRMING THE**

**ASSESSMENT ROLL; PROVIDING OTHER
DETAILS IN CONNECTION THEREWITH.**

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (the "County"), in the State of Nevada, pursuant to an Ordinance, adopted July 22, 2003 (the "District Ordinance"), created Washoe County, Nevada, Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) (the "District") and ordered the acquisition of a sanitary sewer project as defined in NRS §271.200 and as hereinafter more specifically described as a sewer project for the District (the "Project"); and

WHEREAS, the Board has heretofore determined that the cost and expense of the Project is to be paid by special assessments levied against the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the Board has heretofore determined and does hereby declare that the net cost to the County of all the improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$1,351,345, of which \$1,293,473.69 is to be assessed upon the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the Board together with the an engineer for the County Department of Water Resources as the engineer for the County with respect to the District (the "Engineer") made out an assessment roll for the District which contains, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known stating that the name is "unknown"; a description of each lot, tract or parcel of land to be assessed; and the amount of the proposed assessment to be levied thereon; and the Engineer has reported the assessment roll to the Board and filed the same with the County Clerk; and

WHEREAS, the Board by resolution duly adopted on August 24, 2004, established a date, time and location at which the Board would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained therein; and

WHEREAS, the Board has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the County Clerk, and that the Board would hear and consider any and all complaints, protests or objections on Tuesday, September 14, 2004, at 5:30 p.m., at the First Floor Commission Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada; and

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

WHEREAS, the written and oral protests or objections were noted for the record and a copy of the minutes of the public hearing are attached hereto as Exhibit A; and

WHEREAS, all complaints, protests and objections, both written and oral, were heard and considered by the Board on September 14, 2004, and after extensive review and deliberation hereby are found to be without sufficient merit and are hereby overruled; provided, however, that the Board has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

Parcel Number	Ownership	Revised Amount of Final Assessment
48-092-10	Dylan Mattole	\$2,791.41
48-092-14	Dylan and Robbin L. Mattole	\$2,791.41
48-092-12	Barney F. Drake	\$2,791.41
48-062-06	David R. Houston	\$0
48-070-02	Lesley S. and Christian Bienvenue	\$0
48-091-11	Bert Guerra	\$0
48-091-32	Albert Jr. and Mary M. Guerra	\$0

and

WHEREAS, the Board has determined and does hereby again determine, that all of the assessable property in the County which is specially benefitted by the improvements acquired in the District, and only the property which is so specially benefitted, is included on the assessment roll heretofore filed with the County Clerk on August 24, 2004; and

WHEREAS, the Board has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on September 14, 2004, on the assessment roll was reasonably calculated to inform each interested person of the proceedings concerning the District which may directly and adversely affect his or her legally protected rights and interests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA: Section 1. This resolution shall be known as and may be cited by the short title "District No. 29 (Mt. Rose Sewer Phase 1) Assessment Protest Resolution" (the "Resolution").

Section 2. All complaints, protests and objections, both written and oral, are hereby found to be without sufficient merit and are hereby overruled, except as otherwise provided in this resolution.

Section 3. The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Engineer, and filed in the records of the office of the County Clerk on August 24, 2004, is hereinabove modified, revised, corrected and made de novo.

Section 4. All action, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the Provisions of this Resolution) concerning Special Assessment District No. 29 (Mt. Rose Sewer Phase 1), including, but not limited to the acquisition of the Project and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 5. The Engineer and 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 Resolution.

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

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way effect any remaining provisions of this Resolution.

Section 8. The Board has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

BILL NO. 1430

Bill No. 1430, entitled, "AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH," was introduced by Commissioner Humke, the title read to the Board and legal notice for final action of adoption directed.

04-972 **APPEAL CASE NUMBER AX04-010 – ADMINISTRATIVE PERMIT AP04-003 – RONALD AND FRANCEY DENNIS – COMMUNITY DEVELOPMENT**

5:30 p.m. This was the time set in a Notice of Public Hearing mailed on September 3, 2004 to affected property owners on Appeal Case Number AX04-010 to consider the

EXHIBIT B

(Attach Copy of Notice of September 14, 2004 Meeting)

COUNTY COMMISSIONERS

Don Shaw, Chairman
 Jonnie Weber, Vice-Chairman
 Jim Galloway
 David Humke
 Pete Sferrazza

COUNTY MANAGER

Katy Singlaub

**ASSISTANT
DISTRICT ATTORNEY**

Madelyn Shipman

AGENDA**WASHOE COUNTY BOARD OF COMMISSIONERS****COMMISSION CHAMBERS - 1001 E. 9th Street, Reno, Nevada**

September 14, 2004

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to the Consent Agenda at the beginning of the Board Meeting.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

An Agenda **CAUCUS** Meeting will be held in the Commission Caucus Room (1001 E. 9th St., Bldg. A, 2nd Floor, Reno) on **MONDAY, September 13, 2004 at 1:30 p.m.** in order to review agenda items for the regular meeting of the Washoe County Board of Commissioners as described below. Said review, if requested by the Commission, is limited to a brief staff presentation of issue and may include review of background information and questions to be answered at the regular meetings.

Public Comment: Limited to three minutes per person and limited to matters other than the agenda items that will be heard at the Commission Meeting. Persons are invited to submit comments in writing on agenda items and/or attend and make comment on that item at the Commission Meeting.

AT THE CAUCUS MEETING (September 13, 2004), the following items may also be discussed:

Meeting Management Effectiveness.

Possible items for placement on the September 21, 2004 Commission Agenda.

Technology Workshop: Discussion and possible direction regarding Information Technology Department's Fiscal Year 2004 Annual Report, status of the World Class Technology Task Force and outline major technology initiatives for Fiscal Year 2005.

Pursuant to NRS 241.020, the Agenda for the Commission Meeting has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street, Bldg. A), Washoe County Courthouse-Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center Street) and Sparks Justice Court (630 Greenbrae Drive). At the meeting, after salute to the flag and roll call, the Board of County Commissioners may vote on the following items as the Board and, ex-officio, as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District, the Board of Fire Commissioners for the Sierra Forest Fire Protection District and/or the Board of Trustees of either the Lawton/Verdi or South Truckee Meadows General Improvement Districts.

5:30 p.m.

18. **Public Hearings.** (Note: Items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on items in this category can vary.)

A. Second Readings and Adoption of Ordinances.

- (1) Amending the Washoe County Code by adding thereto provisions prohibiting the unlawful use of electronic stun devices and by prohibiting certain persons from possessing such devices--Sheriff. (Bill No. 1425)
- (2) Amending provisions relating to Washoe County Code Chapter 110, Article 330, Section 330.45 - 4H and Future Farmers of America Livestock Projects, to modify standards for the keeping of livestock in the medium density suburban (MDS) land use designation for youth enrolled in the 4H and Future Farmers of America (FFA) program. The changes would allow up to six hens, cavy or rabbits on medium density suburban designated lots of 6,000 square feet or more and one sheep, swine or goat on property between 12,000 and one-half acre, and other matters properly relating thereto (Community Development). (Bill No. 1426)

B. Comprehensive Regional Water Management Plan - Amendment--Water Resources.

Consider adopting an Amendment to the 1995-2015 Comprehensive Regional Water Management Plan. The Amendment is entitled, "2004 - 2025 Washoe County Comprehensive Regional Water Management Plan", and is proposed for adoption pursuant to the provisions of NRS 540A.170, 540A.180 and 540A.190.

C. Special Assessment District No. 29 (Mt. Rose Sewer Phase 1)

The Board of County Commissioners will meet to hear and consider all complaints, protests, and objections made in writing or verbally to the assessment roll or to the proposed assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments, on Tuesday, September 14, 2004 at 5:30 p.m., at the Commissioners Chambers, Washoe County Administration Complex, 1001 East Ninth Street, in Reno, Nevada.

AND

EXHIBIT C

(Attach Copy of Notice of September 28, 2004 Meeting)

COUNTY COMMISSIONERS

Don Shaw, Chairman
 Jonnie Weber, Vice-Chairman
 Jim Galloway
 David Humke
 Pete Sferrazza

COUNTY MANAGER

Katy Singlaub

**ASSISTANT
DISTRICT ATTORNEY**

Madelyn Shipman

AGENDA**MEETING OF****WASHOE COUNTY BOARD OF COMMISSIONERS**

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

September 28, 2004

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda. Items may be moved to the Consent Agenda at the beginning of the Board Meeting.

The Washoe County Commission Chambers are accessible to the disabled. If you require special arrangements for the meeting, please call the County Manager's Office, 328-2000, 24-hours prior to the meeting.

Monday, September 27, 2004, County Commission Caucus Meeting has been cancelled due to the County Commission holding a Special Meeting at 1:00 p.m. with the Incline Village General Improvement District Board of Trustees at The Chateau in Incline Village (see separate agenda).

Public Comment: Limited to three minutes per person and limited to matters other than the agenda items that will be heard at the Commission Meeting. Persons are invited to submit comments in writing on agenda items and/or attend and make comment on that item at the Commission Meeting.

Pursuant to NRS 241.020, the agenda for the Commission Meeting has been posted at the following locations. Washoe County Administration Building (1001 E. 9th Street), Washoe County Courthouse Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center Street) and Sparks Justice Court (630 Greenbrae Drive). At the meeting, after salute to the flag and roll call, the Board of County Commissioners may vote on the following items as the Board and, ex-officio, as the Board of Fire Commissioners for the Truckee Meadows Fire Protection District, the Board of Fire Commissioners for the Sierra Forest Fire Protection District and/or the Board of Trustees of either the Lawton/Verdi or South Truckee Meadows General Improvement Districts.

Support documentation for items on the agenda, provided to the Washoe County Board of Commissioners, is available to members of the public at the County Manager's Office (1001 E. 9th St., 2nd Floor, Reno, Nevada) and on the County's website at www.co.washoe.nv.us.

Unless otherwise indicated by asterisk (*), all items on the agenda are action items upon which the Board of County Commissioners will take action.

Transportation Commission, Reno-Sparks Convention & Visitors Authority, Debt Management Commission, District Board of Health, Truckee Meadows Water Authority, Organizational Effectiveness Committee, Investment Management Committee, Citizen Advisory Boards).

5:30 p.m. 22. **Public Hearings.** (*Note:* The items listed under this heading only will be heard at or after the noted time. In no case will they be heard before the stated time. Due to public testimony and discussion, time expended on the items in this category can vary.)

A. Second Readings and Adoption of Ordinances.

- (1) Amending the Washoe County Code by reducing the building permit fees, and other matters properly relating thereto--Building and Safety. (Bill No. 1428)
- (2) Amending the Washoe County Code by adding new sections to Washoe County Code Chapter 85 with Regard to Public Roads; providing for a declaration of policy; applicability; definitions; a petition process for the determination of a public road; notice and investigation by the Department of Public Works; public hearing and board required findings and order; limiting maintenance responsibility and liability of County; declaring the obstruction of a public road unlawful and a nuisance; providing for the removal of obstructions and assessment of costs of removal; limiting public use to public roads; and providing other matters related thereto--Public Works. (Bill No. 1429)
- (3) Concerning Washoe County, Nevada, Special Assessment District No. 29 (Mt. Rose Sewer Phase 1); assessing the cost of sanitary sewer improvements against the assessable tracts of land benefited by the improvements; describing the manner for the collection and payment of the assessments; providing penalty for delinquent payments; providing other details in connection therewith. (Bill No. 1430)

B. Comprehensive Plan Amendment Case No. CP04-003 (Sloane)--Community Development.

To consider a request to amend the South Valleys Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would change the Land Use Designations from Medium Density Suburban (MDS) and General Rural (GR) on ± 16.88 acres to a Land Use Designation of Medium Density Rural (MDR) for the entire area. The entire area of the parcel is ± 16.88 acres. The change will increase the development potential of the parcel from zero to three. The location of the request is approximately two miles south of Mount Rose Highway (SR 431) and east of Callahan Ranch Road by slightly more than one-half mile at the end of Roan Trail. The parcel is within the W/2 of Section 12, T17N, R19E, MDM, Washoe County, Nevada. The property is located within the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 148-070-16) This request also entails an

EXHIBIT D

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

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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **09/17/04 - 09/17/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

SEP 20 2004

TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-75259-2 - Expires May 16, 2006
Tana Ciccotti

Proof of Publication

NOTICE OF PUBLIC HEARING BEFORE THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS Bill No. 1430, Ordinance No. _____ (of Washoe County, Nevada) NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commission Chambers, Washoe County Administration Complex, 1001 E. Ninth Street, in Reno, Washoe County, Nevada at 5:30 p.m., on the 28th day of September, 2004, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The ordinance is entitled: AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. An adequate summary of the ordinance is as follows: Section 2 of the ordinance dispenses with complaints, protests and objections made at the September 14, 2004, hearing. Section 3 and 4 ratify, approve and confirm all consistent prior action taken in

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connection with Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) and levy assessments against all specially benefitted property in Special Assessment District No. 29 (Mt. Rose Sewer Phase 1) as set forth in the assessment roll filed with the County Clerk on August 24, 2004, except as modified by the September 14, 2004, resolution. Section 5 provides for the time and conditions for the payment of the assessments including, but not necessarily limited to, provisions for the payment of the assessments without interest during a 30-day period, for the election to pay the assessments in 40 substantially equal semi-annual installments, for the option to accelerate the payment of principal in the case of failure to pay any installment of principal or interest, for the payment of 2% per month (or higher) penalty interest and other penalties, for the restoration of the right to pay in installments on certain payments being made before date of sale, for the prepayment of any assessment in part or in full at anytime under specified conditions, provides for a prepayment penalty of 3%, provides for the interest rate on the assessment installments to be established by a resolution of the Board to be adopted after the adoption of the assessment ordinance. Section 6 provides that the amounts assessed shall constitute a lien on the lots, tracts and parcels of land in the District co-equal of that with general taxes and prior and superior to all other liens, claims, encumbrances and titles and that the lien shall survive other foreclosure sales. Section 7 provides for mailed notice to the owner of any delinquent property in case of delinquency in assessment payments; provides for the duty of the Board to foreclose such lien, as provided by law, if the assessment is not paid within 10 days after such notice; provides for the collection of delinquent assessments. Section 8 directs the County Clerk to deliver the assessment roll to the County Assessor and the County Treasurer and directs the County Treasurer to collect the assessments. Section 9 directs the County Clerk to deliver to the County Recorder for recordation, the assessment roll together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer. Sections 10, 11, 12, 13, 14, 15 and 16 provide specific forms of notice and publication of the ordinance. Copies of the Bill are on file in the office of the Washoe County Clerk, 350 South Center Street, Suite 100, Reno, Washoe County, Nevada, for public examination. The Board shall adopt or reject the ordinance (or the ordinance as amended) within 35 days after the date of the final public hearing. IN WITNESS WHEREOF, the Board of County Commissioners, Washoe County, Nevada, has ordered this notice to be published. Date: September 14, 2004.

(SEAL)/s/ Amy Harvey County Clerk No.509126 Sept.17, 2004

EXHIBIT E

(Attach Affidavit of Publication of Ordinance Twice by Title)

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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **10/01/04 - 10/08/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Julia Ketcham*

OCT 8 2004



Tana Ciccotti

Proof of Publication

NOTICE OF ADOPTION BILL NO. 1430 ORDINANCE NO. 1250 (of Washoe County, Nevada) AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 29 (MT. ROSE SEWER PHASE 1); ASSESSING THE COST OF SANITARY SEWER IMPROVEMENTS AGAINST THE ASSESSABLE TRACTS OF LAND BENEFITTED BY THE IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; PROVIDING OTHER DETAILS IN CONNECTION THEREWITH. PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at 350 South Center Street, Suite 100, Reno, Washoe County, Nevada; and that the ordinance was proposed September 14, 2004, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on September 28, 2004, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Galloway David Humke Pete Sferrazza Jim Shaw Bonnie Weber Those Voting Nay:(none) Those Absent:(none) This ordinance shall be in full force and effect from and after October 8, 2004, i.e., the date of the

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second publication of such ordinance by its title only. IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. Dated this September 28, 2004. /s/ Jim Shaw Board of County Commissioners Washoe County, Nevada (SEAL) Attest: /s/Amy Harvey County Clerk No.525540 Oct 1, 8, 2004