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Publishers of

Reno Gazette-Journal

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PO# **ORD 1317**
Ad# **1000335114**
Legal Ad Cost **\$206.18**

STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **10/13/2006 - 10/20/2006**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *[Signature]*
OCT 20 2006



Tana Ciccotti

Proof of Publication

BILL NO. 1416 ORDINANCE NO. 1317 AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY, NEVADA OF ITS GENERAL OBLIGATION (LIMITED TAX) STORM SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 2006 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,600,000 FOR THE PURPOSE OF FINANCING STORM SEWER PROJECTS FOR SPANISH SPRINGS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING OTHER MATTERS RELATING THERETO. PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse in Reno, Nevada, and that such Ordinance was proposed by Commissioner Humke on October 10, 2006, and was passed and adopted at a regular meeting of the Washoe County Board of County Commissioners on October 10, 2006, by the following vote of the Board of County Commissioners: Those Voting Aye: Jim Galloway Dave Humke Bob Larkin Pete Sferrazza Bonnie Weber Those Voting Nay: None Those Absent: None This Ordinance shall

1317 ✓

be in full force and effect from and after 5:00 p.m. on the 20th day of October, 2006, i.e., the date of the second publication of such Ordinance by 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 October 10, 2006. /s/ Bob Larkin, Chairman Board of County Commissioners Washoe County, Nevada Attest: /s/ Amy Harvey County Clerk No. 335114 October 13, 20, 2006

Summary - An ordinance authorizing the issuance by Washoe County, Nevada of its General Obligation (Limited Tax) Storm Sewer Bond (Additionally Secured by Pledged Revenues), Series 2006, and providing other matters relating thereto.

BILL NO. 1496
ORDINANCE NO. 1317

AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY, NEVADA OF ITS GENERAL OBLIGATION (LIMITED TAX) STORM SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 2006 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,600,000 FOR THE PURPOSE OF FINANCING STORM SEWER PROJECTS FOR SPANISH SPRINGS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING OTHER MATTERS RELATING THERETO.

(1) **WHEREAS**, Washoe County, in the State of Nevada (the "County" and "State," respectively), was created as a county pursuant to Section 243.340 of Nevada Revised Statutes ("NRS") and is operating as a county and political subdivision under the laws of the State; and

(2) **WHEREAS**, the County now owns and operates a municipal water system (the "Water System") and a municipal sewer system (the "Sewer System"; the Water System and the Sewer System are herein collectively designated the "Municipal Utility System"); and

(3) **WHEREAS**, the Board of County Commissioners of the County (the "Board" or "Governing Body") has determined and hereby declares that the public interest, health and welfare necessitates making certain improvements to the Sewer System by acquiring, improving, equipping, operating and maintaining sewer projects within the County, including, but not limited to facilities pertaining to the Sewer System, including a drainage and flood control project as provided in NRS 244A.0505 (the "Project"); and

(4) **WHEREAS**, pursuant to NRS §§ 244A.011 through 244A.065 (the "County Bond Law") and NRS chapter 350 and all laws amendatory thereof, which includes the Local Government Securities Laws, being NRS §§ 350.500 through 350.720, and all laws amendatory

thereof (the "Bond Act"), the County is authorized to borrow money and to issue general obligation bonds of the County for the purpose of defraying wholly or in part the cost of the Project; and

(5) **WHEREAS**, pursuant to NRS §§ 350.011 to 350.0165, inclusive, the Board submitted to the Debt Management Commission of Washoe County, Nevada (the "Commission") the County's proposal to issue its general obligation (limited tax) storm sewer bonds (additionally secured by pledged revenues) in the maximum aggregate principal amount of \$4,600,000 (the "Proposal"); and

(6) **WHEREAS**, the Commission has heretofore duly approved the Proposal; and

(7) **WHEREAS**, pursuant to NRS § 350.020(3), the County published a notice of its intent to issue a maximum of \$4,600,000 of general obligation (limited tax) storm sewer bonds (additionally secured by pledged revenues), and no petition in conformity with NRS § 350.020(3) requesting an election on the bonds was presented to the County within 90 days after such publication; and

(8) **WHEREAS**, none of the general obligation storm sewer bonds authorized in the Proposal have previously been issued; and

(9) **WHEREAS**, after receiving proposals for the purchase general obligation storm sewer bond designated as the "Washoe County, Nevada, General Obligation (Limited Tax) Storm Sewer Bonds (Additionally Secured by Pledged Revenues), Series 2006" (the "Bonds"; or the "Bond") the County Finance Director, or in his absence the County Manager, is authorized to sell the Bond to the best bidder therefore (the "Purchaser"); and to accept a binding bid for the Bond; and

(10) **WHEREAS**, the Bond is to bear interest at the rate or rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Proposal") and accepted by the County Finance Director, or in his absence the County Manager, which rates must not exceed by more than 3% the "Index of Twenty Bonds" which was most recently published in The Bond Buyer before bids were received for the Bond, and are to be sold at a price equal to the principal amount thereof, plus a premium or less a discount not exceeding 9% of the principal amount thereof, all as specified in a certificate by the County Finance Director, or in his absence the County Manager (the "Certificate of the Finance Director") executed before the date of delivery of the Bond; and

(11) **WHEREAS**, County has previously issued its "Washoe County, Nevada General Obligation (Limited Tax) Water and Sewer Improvement and Refunding Bonds (Additionally Secured by Pledged Revenues) Series 1997" (the "1997 Water and Sewer Bonds") in the original aggregate principal amount of \$3,720,000; and

(12) **WHEREAS**, County has previously issued its "Washoe County, Nevada General Obligation (Limited Tax) Sewer Bond (Additionally Secured by Pledged Revenues) Series 1997" (the "1997 Sewer Bond") in the original aggregate principal amount of \$1,409,520; and

(13) **WHEREAS**, County has previously issued its "Washoe County, Nevada General Obligation (Limited Tax) Taxable Sewer Bond (Truckee River Water Quality Settlement) (Additionally Secured by Pledged Revenues) Series 1998B" (the "1998 Sewer Bond") in the maximum aggregate principal amount of \$12,000,000; and

(14) **WHEREAS**, County has previously issued its "Washoe County, Nevada General Obligation (Limited Tax) Sewer Bond (Additionally Secured by Pledged Revenues), Series 2000A" in the principal amount of \$1,675,000 and its "Washoe County, Nevada, General Obligation (Limited Tax) Sewer Bond (Horizon Hills) (Additionally Secured by Pledged Revenues), Series 2000B", in the principal amount of \$635,000 (collectively, the "2000 Bonds"); and

(15) **WHEREAS**, County has previously issued its "Washoe County, Nevada General Obligation (Limited Tax) Sewer Bond (STMWRF)(Additionally Secured by Pledged Revenues), Series 2001" in the principal amount of \$21,000,000 (the "2001 Bonds"); and

(16) **WHEREAS**, County has previously issued its "Washoe County, Nevada General Obligation (Limited Tax) Sewer Bond (Additionally Secured by Pledged Revenues), Series 2004" in the principal amount of \$3,000,000 (the "2004 Bonds"); and

(17) **WHEREAS**, County has previously issued its "Washoe County, Nevada General Obligation (Limited Tax) Water Bond (Additionally Secured by Pledged Revenues), Series 2005" in the principal amount of \$14,463,000 (the "2005 Water Bonds"); and

(18) **WHEREAS**, County has previously issued its "Washoe County, Nevada General Obligation (Limited Tax) Sewer Bond (Additionally Secured by Pledged Revenues), Series 2005A" in the principal amount of \$6,500,000 (the "2005 Sewer Bonds"); and

(19) **WHEREAS**, the County, pursuant to an ordinance adopted by the Board on November 8, 2005 (the "2005 Water and Sewer Bond Ordinance"), has previously issued its "Washoe County, Nevada, General Obligation (Limited Tax) Water and Sewer Bonds (Additionally Secured by Pledged Revenues), Series 2005" in the aggregate principal amount of \$65,000,000 (the "2005 Water and Sewer Bonds"); and

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

(21) **WHEREAS**, the Board has determined and hereby declares:

(A) It is necessary and for the best interests of the County to effect the Project and to issue the Bonds;

(B) Each of the limitations and other conditions to the issuance of the Bonds in the County Bond Law, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to NRS § 350.708, this determination of the Board that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion;

(C) This Ordinance pertains to the sale, issuance and payment of the Bonds; this declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of NRS § 350.579(2); and

(D) This Ordinance may accordingly be adopted as if an emergency exists and may become effective at any time when an emergency ordinance of the County may go into effect.

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

SECTION 1. **Short Title.** This Ordinance shall be known and may be cited as the "2006 Storm Sewer Bond Ordinance."

SECTION 2. **Definitions.** The terms in this section and in the preambles hereof defined for all purposes of this Ordinance and of any instrument amendatory hereof or supplemental hereto, and of any other instrument or any other document relating hereto, except where the context by clear implication otherwise requires, shall have the meanings in this section and in said preambles specified:

"**Bond Year**" means the 12 month period commencing on July 2 of a calendar year and ending on July 1 of the following calendar year.

"**Commercial Bank**" means a state or national bank or trust company which is a member of the Federal Deposit Insurance Corporation.

"**Cost of the Project**" means all or any part designated by the Board for the cost of the Project, or interest therein, which cost, at the option of the Board, except as limited by law, may include all or any part of the incidental costs relating to the Project, including, without limitation:

(a) Preliminary expenses advanced by the County from money available for use therefor, or advanced by the Federal Government, or from any other source, with the approval of the Board;

(b) The costs in the making of surveys, audits, preliminary plans, other plans, specifications, estimates of costs and other preliminaries;

(c) The costs of premiums on builders' risk insurance and performance bonds, or a reasonably allocable share thereof;

(d) The costs of appraising, printing, estimates, advice, services of engineers, architects, accountants, financial consultants, attorneys at law, clerical help or other agents or employees;

(e) The costs of making, publishing, posting, mailing and otherwise giving any notice in connection with the Project, the filing or recordation of instruments, the taking of options, the issuance of the Bond and any other securities relating to the Project, and bank fees and expenses;

(f) The costs of contingencies;

(g) The costs of the capitalization with the proceeds of the Bond or other securities relating to the Project of any operation and maintenance expenses appertaining to the Project and of any interest on the Bond or other securities relating to the Project for any period not exceeding the period estimated by the Board to effect the Project plus one year, of any discount on the Bond or such other securities, and of any reserves for the payment of the principal of and interest on the Bond or such other securities, of any replacement expenses, and of any other cost of the issuance of the Bond or such other securities;

(h) The costs of amending any ordinance or other instrument authorizing the issuance of or otherwise appertaining to outstanding bonds or other securities of the County;

(i) The costs of funding any medium-term obligations, construction loans and other temporary loans of not exceeding ten years appertaining to the Project and of the incidental expenses incurred in connection with such loans;

(j) The costs of any properties, rights, easements or other interests in properties, or any licenses, privileges, agreements and franchises or any hook-up fees;

(k) The costs of demolishing, removing or relocating any buildings, structures or other facilities on land acquired for the Project, and of acquiring lands to which such buildings, structures or other facilities may be moved or relocated; and

(l) All other expenses necessary or desirable and appertaining to the Project, as estimated or otherwise ascertained by the Board including rebates to the United States under Section 148 of the Tax Code.

"Federal Government" means the United States, or any agency, instrumentality or corporation thereof.

"Federal Securities" means bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States.

"Fiscal Year" means the 12 months commencing on July 1 of any calendar year and ending on June 30 of the next succeeding calendar year; but if the Nevada Legislature changes the statutory fiscal year relating to the County, the Fiscal Year shall conform to such modified statutory fiscal year from the time of each such notification, if any.

"General Taxes" means general (ad valorem) taxes levied by the County against all taxable property within the boundaries of the County (unless otherwise qualified).

"Gross Revenues" means all income and revenues derived directly or indirectly by the County from the operation and use and otherwise pertaining to the Municipal Utility System or any part thereof, whether resulting from repairs, enlargements, extensions, betterments or other improvements to the Municipal Utility System, or otherwise, and includes all revenues received by the County from the Municipal Utility System, including, without limitation, all payments received by the County, all fees, rates, and other charges for the use of the Municipal Utility System or for any service rendered by the County in the operation thereof, directly or indirectly, the availability of any such service or the sale or other disposal of any commodity derived therefrom, but excluding any moneys borrowed and used for the acquisition of capital improvements and any moneys received as grants, appropriations or gifts from the United States, the State or other sources, the use of which is limited by the grantor or donor to the construction of capital improvements for the Municipal Utility System, except to the extent any such moneys shall be received as payments for the use of the Municipal Utility System, services rendered thereby, the availability of any such service or the disposal of any such commodities. "Gross Revenues" shall also include all income or other gain from the investment of such income and revenues and of the proceeds of securities payable from Gross Revenues or Net Revenues.

"Municipal Utility System" means the water and sewer system of the County, consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by

the County through purchase, construction or otherwise, and used in connection with such system of the County, and in any way pertaining thereto, whether or not located within or without or both within and without the boundaries of the County, including, without limitation, machinery, apparatus, structures, buildings and related or appurtenant furniture, fixtures and other equipment, as such system is from time to time extended, bettered or otherwise improved, or any combination thereof.

"Net Revenues" means the Gross Revenues remaining after the deduction of Operation and Maintenance Expenses.

"Operation and Maintenance Expenses" means all reasonable and necessary current expenses of the County, paid or accrued, of operating, maintaining and repairing the Municipal Utility System, including, without limitation:

(a) engineering, auditing, reporting, legal and other overhead expenses relating to the administration, operation and maintenance of the Municipal Utility System;

(b) fidelity bond and property and liability insurance premiums pertaining to the Municipal Utility System or a reasonably allocable share of a premium of any blanket bond or policy pertaining to the Municipal Utility System;

(c) payments to pension, retirement, health and hospitalization funds, and other insurance and to any self-insurance fund as insurance premiums not in excess of such premiums which would otherwise be required for such insurance;

(d) any general taxes, assessments, excise taxes or other charges which may be lawfully imposed upon the County, the Municipal Utility System, revenues therefrom or the County's income from or operations of any properties under its control and pertaining to the Municipal Utility System, or any privilege in connection with the Municipal Utility System or its operations;

(e) the reasonable charges of any Paying Agent or Registrar and any depository bank pertaining to the Bonds or any other securities payable from Gross Revenues or otherwise pertaining to the Municipal Utility System;

(f) contractual services, professional services, salaries, other administrative expenses and costs of materials, supplies, repairs and labor pertaining to the Municipal Utility System or to the issuance of the Bonds, or any other securities relating to the Municipal Utility System, including, without limitation, the expenses and compensation of any receiver or other fiduciary under the Bond Act;

(g) the costs incurred by the County in the collection and any refunds of all or any part of Gross Revenues;

(h) any costs of utility services furnished to the Municipal Utility System;

(i) any lawful refunds of any Gross Revenues; and

(j) all other administrative, general and commercial expenses pertaining to the Municipal Utility System;

but excluding:

(i) any allowance for depreciation;

(ii) any costs of extensions, enlargements, betterments and other improvements, or any combination thereof;

(iii) any reserves for major capital replacements, other than normal repairs;

(iv) any reserves for operation, maintenance or repair of the Municipal Utility System;

(v) any allowance for the redemption of any Bonds or other security or the payment of any interest thereon or any prior redemption premium due in connection therewith;

(vi) any liabilities incurred in the acquisition or improvement of any properties comprising any project or any existing facilities, or any combination thereof, pertaining to the Municipal Utility System, or otherwise; and

(vii) any liabilities imposed on the County for any ground legal liability not based on contract, including, without limitation, negligence in the operation of the Municipal Utility System.

"Outstanding" when used with reference to the Bonds or any other designated securities payable from Net Revenues and as of any particular date means the Bonds in any manner theretofore and thereupon being executed and delivered:

(a) Except any Bonds or other security canceled by the County, the Paying Agent or otherwise on the County's behalf, at or before such date;

(b) Except any Bonds or other security for the payment or the redemption of which moneys at least equal to its Bond Requirements to the date of maturity or to any Redemption Date shall have theretofore been deposited with a trust bank in escrow or in trust for that purpose, as provided in Section 60 hereof; and

(c) Except any Bonds or other security in lieu of or in substitution for which another Bond or other security shall have been executed and delivered.

"Parity Securities" means securities of the County pertaining to the Municipal Utility System and payable from and secured by Net Revenues on a parity with the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof and, where the context requires.

"Paying Agent" means the Treasurer of the County or any successor thereto as paying agent for the Bonds appointed by the Board.

"Person" means a corporation, firm, other body corporate (including, without limitation, the Federal Government, the State or any other body corporate and politic other than the

County), partnership, association or individual, and also includes an executor, administrator, trustee, receiver or other representative appointed according to law.

"Redemption Date" means a date fixed for the redemption prior to their respective maturities of any Bond or other designated securities payable from any Net Revenues in any notice of prior redemption or otherwise fixed and designated by the County.

"Redemption Price" means, when used with respect to a Bond or other designated security payable from any Net Revenues, the principal amount thereof plus accrued interest thereon to the Redemption Date plus the applicable premium, if any, payable upon the redemption thereof prior to the stated maturity date of such Bond or other security on a Redemption Date in the manner contemplated in accordance with the security's terms.

"Registrar" means the Treasurer of the County or any successor thereto as registrar for the Bonds appointed by the Board.

"Subordinate Securities" means securities of the County pertaining to the Municipal Utility System and payable from and secured by Net Revenues subordinate and junior to the pledge thereof to the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

"Superior Securities" means securities of the County pertaining to the Municipal Utility System and payable from and secured by Net Revenues prior and superior to the pledge thereof to the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

"Tax Code" means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds.

"Trust Bank" means a "commercial bank", as defined herein, which bank is authorized to exercise and is exercising trust powers, and also means any branch of Federal Reserve Bank.

Other capitalized terms used herein shall have the meanings given to such terms in the text hereof, except where the context by clear implication otherwise requires.

SECTION 3. **Sale of Bonds; Approval of Proposal.** The sale of the Bonds to the Purchaser on the terms provided herein and in the Certificate of the Finance Director is hereby approved.

SECTION 4. **Ratification;** All action heretofore taken by the Board and the officers of the County directed toward the Project and toward the issuance, sale and delivery of the Bonds is hereby ratified, approved and confirmed.

SECTION 5. **Estimated Life of Facilities.** The Board, on behalf of the County, has determined and does hereby declare:

A. The estimated life or estimated period of usefulness of the Project to be acquired with the Bonds is not less than the 20 years from the date of delivery of the Bonds to the Purchaser; and

B. The Bonds shall mature at such time or times not exceeding such estimated life or estimated period of usefulness.

SECTION 6. **Necessity of Project and Bonds.** It is necessary and in the best interests of the Board, its officers, 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 it is hereby so determined and declared.

SECTION 7. **Authorization of Project.** The Board hereby authorizes the Project.

SECTION 8. **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 hereof 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 9. **Bonds Equally Secured.** The covenants and agreements herein set forth to be performed shall be for the equal benefit, protection and security of the owners of the Outstanding 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 except as otherwise expressly provided in or pursuant to this Ordinance.

SECTION 10. **General Obligations.** The Bonds, as to the principal thereof, the interest thereon and any prior redemption premiums due in connection therewith (the "Bond

Requirements"), shall constitute general obligations of the County, which hereby pledges its full faith and credit for their payment. So far as possible, Bond Requirements shall be paid from Net Revenues of the Municipal Utility System of which the Project is a part (the "Pledged Revenues"). However, the Bonds as to all Bond Requirements shall also be payable from the General Taxes (except to the extent that other moneys such as Net Revenues 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. **No Recourse Against Officers and Agents.** No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance or any other instrument relating thereto, against any individual member of the Board or any officer or other agent of the Board or County, past, present or future, either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Bonds and as a part of the consideration of their issuance specially waived and released.

SECTION 13. **Authorization of Bonds.** For the purpose of providing funds to pay all or a portion of the Cost of the Project, the County shall issue its "Washoe County, Nevada, General Obligation (Limited Tax) Storm Sewer Bond (Additionally Secured by Pledged Revenues), Series 2006", in the maximum principal amount designated in the Certificate of the Finance Director. The aggregate principal amount of the Bond shall not exceed \$4,600,000, and the Bond shall be issued in the form substantially set forth in Section 24 hereof.

SECTION 14. **Bond Details.** A. The Bond shall be issued in fully registered form, i.e., registered as to both principal and interest, in compliance with § 149 of the Tax Code, and the regulations of the Secretary of the Treasury thereunder. The Bond shall be dated initially as of the date of delivery thereof to the Purchaser, and shall be issued as a single bond in the principal amount

set forth in the Certificate of the Finance Director (not to exceed \$4,600,000). The installments of principal of the Bond shall bear interest (calculated on the basis of a 360 day year of twelve 30 day months) from its date until its maturity date (or, if redeemed prior to maturity as provided below, its redemption date) at the rates and in the amounts of principal installments set forth in the Certificate of the Finance Director, payable semiannually on January 1 and July 1 of each year commencing on the January 1, 2007 and ending as set forth in the Certificate of the Finance Director (no later than 20 years from the date of delivery of the Bond).

The installments of principal and interest prior to final payment shall be payable to the registered owner thereof as shown on the registration records kept by the County Treasurer or any successor thereof (the "Registrar" and the "Paying Agent"), as of the close of business on the day next preceding each payment date.

The final payment on the Bond shall be made only upon presentation and surrender of the Bond at the office of the Paying Agent, or such other office as designated by the Paying Agent. If any installment of principal of the Bond shall not be paid when due, such installment shall continue to draw interest at the interest rate borne by such installment of principal until such installment is paid in full. 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. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

SECTION 15. Prepayment Option.

A. Optional Prepayment. Installments of principal on the Bond maturing on and after the date set forth in the Certificate of the Finance Director shall be subject to prepayment prior to maturity, at the option of the County, in whole or in part, as set forth in the Certificate of the Finance Director, at a premium, if any, set forth in the Certificate of the Finance Director.

B. Notice of Prepayment. Unless waived by the owner of the Bond or installments of principal to be prepaid, official notice of any such prepayment shall be given by the Registrar by mailing a copy of an official prepayment notice by first-class mail, postage prepaid, at least 10 days prior to the date fixed for prepayment to the registered owner of the Bond or any

installment of principal to be prepaid at the address shown on the Bond register. Actual receipt of mailed notice by the owner of the Bond shall not be a condition precedent to prepayment of such Bond or any installment of principal. Failure to give such notice to the registered owner of the Bond, or any defect therein, shall not affect the validity of the proceedings for the prepayment of any other installment of principal of the Bond. A certificate by the Registrar that such notice has been given as herein provided shall be conclusive against all parties. All installments of principal on the Bond or the Bond which have been prepaid shall be noted on the prepayment panel appended to the Bond. Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditional upon the receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the registered owner of the Bond in the same manner as the original redemption notice was mailed.

SECTION 16. **Replacement of Registrar or Paying Agent.** If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Board shall determine to replace said Registrar or Paying Agent, the Board 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. It shall not be required that the same person or institution serve as both Registrar and Paying Agent hereunder, but the County shall have the right to have the same person or institution serve as both Registrar and Paying Agent. Any successor by merger with the Registrar and Paying Agent is automatically appointed as Registrar and Paying Agent hereunder without any further action of the Board, as long as the successor otherwise is qualified to act as Registrar and Paying Agent pursuant to this section. Any bank, trust company or national banking association into which the Registrar and/or Paying Agent or its successor may be converted, merged or with which it may be consolidated, or to which it may sell or otherwise transfer all or substantially all of its corporate trust business shall be the successor of the Registrar and/or Paying Agent under this Ordinance with the same rights, powers, duties and obligations and subject to the same restrictions, limitations, and

liabilities as its predecessor, all without the execution or filing of any papers or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

SECTION 17. **Negotiability.** The Bond shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 18. **Registration, Transfer and Exchange of Bond.** The Bond shall be subject to the following provisions relating to their registration, transfer and exchange:

A. Records for the registration of the Bond shall be kept by the Registrar.

The person in whose name the Bond shall be registered, on the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of payment and for all other purposes; and payment of or on account of either principal or interest on the Bond shall be made only to or upon the written order of the owner thereof or his or her legal representative. 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.

B. If the 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. If such lost, stolen, destroyed or mutilated Bond shall have matured or shall have been called for prepayment, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

C. Whenever the Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for 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 City.

D. The Registrar shall maintain at his office a registration record for the Bond showing the name and address of the registered owner and the amounts and dates of any principal prepayments on the Bond.

SECTION 19. Execution and Authentication.

A. Prior to the execution of the Bond by facsimile signature, and pursuant to NRS § 350.638, to the act known as the Uniform Facsimile Signatures of Public Officials Act, cited as Chapter 351, NRS, and to the Supplemental Bond Act, the Chairman of the Board of County Commissioners (the "Chairman"), the County Treasurer (the "Treasurer") and the County Clerk (the "Clerk") shall each file with the Secretary of State of Nevada his or her manual signature certified by him or her under oath.

B. The Bond shall be approved, signed and executed in the name of and on behalf of the County with the manual or facsimile signature of the Chairman, shall be countersigned and executed with the manual or facsimile signature of the Treasurer, and shall bear a manual impression or a facsimile of an impression of the official seal of the County attested with the manual or facsimile 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. By authenticating the Bond initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

D. The Chairman, the Treasurer and the Clerk are hereby authorized and directed to prepare and to execute the Bond as herein provided.

SECTION 20. Use of Predecessor's Signature. The Bond bearing the signatures of the officers in office at the time of the execution of the Bond shall be valid and binding obligations of the County, notwithstanding that before their delivery any or all of the persons who executed them shall have ceased to fill their respective offices. The Chairman, the Treasurer, and the Clerk at the time of the execution of a signature certificate relating to the Bond, may each adopt as and for his own facsimile signature the facsimile signature of his predecessor in office if such facsimile signature appears upon the Bond.

SECTION 21. **Incontestable Recital.** Pursuant to NRS § 350.628, the Bond shall contain a recital that they are issued pursuant to the Bond Act, which recital shall be conclusive evidence of the validity of the Bond and the regularity of their issuance.

SECTION 22. **State Tax Exemption.** Pursuant to NRS § 350.710, the Bond, its transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to the provisions of chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

SECTION 23. **Use of Single Bond.** The Bonds shall be evidenced by a single registered Bond in the principal amount set forth in the Certificate of the Finance Director, numbered R-1, which Bond shall be manually signed and executed in the name of and on behalf of the County by the Chairman, countersigned and manually subscribed by the County Treasurer, with the seal of the County affixed thereto and attested and manually signed by the County Clerk. The principal installments and interest on the Bond shall be paid by check, draft or warrant made to the order of the registered owner of the Bond and mailed to the address of the registered owner shown on the Bond registration records of the Registrar on or before such payment date, or if such payment date is not a business day, on or before the next succeeding business day. The final installment of principal on the Bond shall be made only upon surrender of the Bond at the office of the Paying Agent. The Bond shall mature in installments of principal and bear interest as provided in Sections 13 through 15 hereof. If a portion of principal of the Bond is called for prepayment, no payment of the principal or Redemption Price of or interest on the Bond, due on or after the date fixed for prepayment shall be made unless the Bond is presented to the Paying Agent and notation of the installments of principal so called for prepayment is made on such Bond. The Bond must be registered in the name of its owner and may be assigned by the registered owner in the manner and with the effect set forth in the provisions for registration contained in the form thereof hereinafter set forth.

The Treasurer shall act as Registrar and Paying Agent and shall maintain at his office registration records for the Bonds showing the name and address of the registered owner, the amounts and dates of any principal prepayments on the Bonds, and the dates of any transfers of the Bonds.

SECTION 24. **Form of Bond.** The Bond shall be in substantially the following form, said form to be completed with necessary or appropriate variations, insertions, omissions, or endorsements consistent with the provisions of this Ordinance:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

**WASHOE COUNTY, NEVADA
GENERAL OBLIGATION (LIMITED TAX) STORM SEWER BOND
(ADDITIONALLY SECURED BY PLEDGED REVENUES)
SERIES 2006**

No. R-1

Maximum Principal Amount: \$4,600,000

Washoe County in the State of Nevada (the "County" and the "State", respectively) for value received hereby acknowledges itself to be indebted and promises to pay to the registered owner of the Bond as set forth on the registration panel appended hereto, the principal sum of

Four Million Six Hundred Thousand and No/100-----Dollars (\$4,600,000)

in installments of principal in the amounts and years as provided in the ordinance duly adopted by the Board of County Commissioners (the "Board") of the County on October 10, 2006 and designated in § 1 by the short title "2006 Storm Sewer Bond Ordinance" (the "Ordinance") and the Certificate of the Finance Director (as defined in the Ordinance) (unless prepaid as provided herein and noted on the Prepayment Panel appended hereto) in lawful money of the United States of America, together with interest on the unpaid installments of principal from the date of delivery of this Bond appearing below until payment of such installments of principal shall have been discharged as provided in the Ordinance, said interest being payable on January 1 and July 1 of each year commencing on January 1, 2007, and said installments of principal bearing interest at the rate of ____% per annum, and being payable on January 1 and July 1 of the years and in the amounts designated in the Ordinance and the Certificate of the Finance Director.

The principal of and interest on this Bond (the "Bond Requirements") are payable by check, draft or warrant made to the order of the registered owner hereof and mailed by the County Treasurer or any successor thereto as paying agent for this Bond (the "Paying Agent") to the address shown for the registered owner on the registration records of the County Treasurer or any successor thereto as registrar for the Bond (the "Registrar"). If any payment date is not a business day, payment may be made on or before the next succeeding business day. If payment of any installment of principal of this Bond is not made when due, interest on such installment shall continue at the interest rate specified for such installment in the Ordinance until such principal installment is paid in full. The final installment of principal on this Bond is payable only on presentation and surrender of this Bond at the office of the Paying Agent.

This single bond is a duly authorized bond of the County (the "Bond") to defray, in part, the cost of acquiring, improving and equipping sewerage and drainage projects for the County

and all appurtenances thereto (the "Project") under the authority of and in full compliance with the constitution and laws of the State.

This Bond is issued pursuant to Nevada Revised Statutes ("NRS") §§ 350.500 through 350.720, and all laws amendatory thereof designated in § 350.500 thereof as the Local Government Securities Law (the "Bond Act"); pursuant to NRS § § 350.011 to 350.0165, inclusive; pursuant to NRS § 350.020(3); pursuant to NRS § 244A.011 through 244A.065, inclusive, and pursuant to NRS chapter 348; pursuant to NRS § 350.628, this recital is conclusive evidence of the validity of the Bond and the regularity of their issuance; and pursuant to NRS § 350.710, the Bond, its transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to the provisions of Chapter 375A of NRS and the tax on generation-skipping transfers pursuant to the provisions of chapter 375B of NRS.

Installments of principal of the Bond are subject to prepayment as provided in the Ordinance. Prepayment shall be made on not less than 10 days prior mailed notice in the manner and upon the conditions provided in the Ordinance and the Certificate of the Finance Director. If a prepayment is made on this Bond as specified in the Ordinance, interest shall cease to accrue on the amount prepaid from and after the date fixed for prepayment. If a portion of the principal of this Bond is called for prepayment, no payment of the principal of and interest due in connection with this Bond due on and after the prepayment date shall be made unless this Bond is presented to the Paying Agent and notation of the installments of principal so called for prepayment is made on the Prepayment Panel appended hereto.

It is hereby certified and recited that all of the requirements of law have been fully complied with by the proper officers of the County in the issuance of this Bond; that the total indebtedness of the County, including that of this Bond, does not exceed any limit of indebtedness prescribed by the Constitution or by the laws of the State; that provision has been made for the levy and collection of general (ad valorem) taxes ("General Taxes") against all taxable property within the County sufficient to pay the Bond Requirements of this Bond when the same become due (except to the extent that other revenues are available therefor), subject to the limitations imposed by the Constitution and statutes of the State; and that the full faith and credit of the County are hereby irrevocably pledged to the punctual payment of the Bond Requirements of this Bond according to its terms.

Payment of the principal of and interest on this Bond is additionally secured by a pledge of the net revenues (herein called the "Net Revenues") derived by the County from the operation and use of, and otherwise pertaining to, the water and sewer system of the County of which the Project is a part, consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the County, through purchase, construction or otherwise, and in any way pertaining thereto, whether or not located within or without or both within and without the boundaries of the County, including, without limitation, machinery, apparatus, structures and buildings, and related or appurtenant furniture, fixtures and other equipment, or any combination

thereof (herein called the "Municipal Utility System"), whether resulting from extension, enlargements, repairs, betterments or other improvements to the Municipal Utility System, or otherwise, but excluding (1) moneys raised for capital improvements, and (2) grants, appropriations or gifts for limited uses, and after provision is made for the payment of all necessary and reasonable operation and maintenance expenses of the Municipal Utility System, which Net Revenues are so pledged as more specifically provided in the Ordinance.

This Bond is equally and ratably secured by such pledge of the Net Revenues, and such pledge constitutes an irrevocable lien (but not an exclusive lien) upon the Net Revenues, subordinate to the lien on the Net Revenues of the County's outstanding 1997 Water and Sewer Bonds, 1997 Sewer Bond and 2005 Water and Sewer Bonds and on a parity with the lien on the Net Revenues of the County's outstanding 1998 Sewer Bond, 2000 Bonds, 2001 Bonds, 2004 Bonds, 2005 Water Bonds and 2005 Sewer Bonds (as such terms are defined in the Ordinance). Additional securities may be issued and made payable from the Net Revenues of the Municipal Utility System and having a lien thereon superior to, subordinate to or on a parity with such pledge, in each case subject to the conditions of and in accordance with the Ordinance.

Reference is made to the Ordinance and to the Bond Act for an additional description of the nature and extent of the security for this Bond, the accounts, funds, or revenues pledged, the nature and extent and manner of enforcement of the pledge, the rights and remedies of the registered owner of this Bond with respect thereto, the terms and conditions upon which this Bond is issued, and a statement of rights, duties, immunities, and obligations of the County, and other rights and remedies of the owner of this Bond.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance may be amended or otherwise modified by action of the County taken in the manner and subject to the conditions and exceptions prescribed in the Ordinance. The pledge of Net Revenues under the Ordinance may be discharged at or prior to the respective maturities or prepayment of the Bond upon the making of provision for the payment thereof on the terms and conditions set forth in the Ordinance.

This Bond shall not be entitled to any benefits under the Ordinance, or be valid or obligatory for any purpose until the registration panel hereon shall have been manually signed on behalf of the Registrar.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise in respect to the Ordinance or any other instrument pertaining thereto, against any individual member of the Board, or any officer or other agent of the County, past, present or future, either directly or indirectly through the Board or the County, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

(Form of Registration and Authentication Panel on Bond)

AUTHENTICATION AND MANDATORY REGISTRATION FOR PAYMENT
AS TO PRINCIPAL AND INTEREST

The within bond is registered in the office of the Treasurer of Washoe County, Nevada, as Registrar in the name of the last owner listed below, and the principal amount of the bond and interest thereon shall be payable only to such owner, all in accordance with the within-mentioned Ordinance.

<u>Date of Authentication and Registration</u>	<u>Name of Owner</u>	<u>Address of Owner</u>	<u>Signature of Registrar</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(End of Form of Registration and Authentication Panel)

(Form of Principal Prepayment Panel on Bond)

WASHOE COUNTY, NEVADA
GENERAL OBLIGATION (LIMITED TAX) STORM SEWER BOND
(ADDITIONALLY SECURED BY PLEDGED REVENUES)
SERIES 2006

PREPAYMENT PANEL

The following installments of principal (or portions thereof) of this Bond have been prepaid by Washoe County, Nevada, in accordance with the terms of the within-mentioned Ordinance.

<u>Date of Prepayment</u>	<u>Due Date of Installments (or portions thereof) Prepaid</u>	<u>Principal Amount Prepaid</u>	<u>Signature of Paying Agent</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(End of Form of Principal Prepayment Panel)

SECTION 25. **Delivery of the Bonds; Deposit of Proceeds.** When the Bond has been duly executed, the County Treasurer shall deliver it to the Purchaser upon receipt of the agreed purchase price, as stated in the Certificate of the Finance Director, and shall authenticate and register it in the name of the Purchaser on the registration records of the Registrar and make notation of such registration on the registration panel appended to the Bond. The County Treasurer shall cause the proceeds of the Bond received from the sale of the Bond to be deposited into a special account hereby created and designated as the "Washoe County, Nevada, General Obligation (Limited Tax) Storm Sewer Bond (Additionally Secured by Pledged Revenues), Series 2006, Acquisition Account" (the "Acquisition Account") to be held by the County. Moneys in the Acquisition Account shall be used solely to defray wholly or in part the Cost of the Project including, without limitation, as provided in NRS § 350.516, all costs of issuing the Bond and the costs of rebates to the United States under § 148 of the Tax Code, 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 (or, unless otherwise required by law, any other moneys) remaining in the Acquisition Account shall be deposited into the Bond Fund hereinafter created to be used to pay the principal of and interest on the Bond.

SECTION 26. **Completion of Project.** The County, with the proceeds derived from the sale of the Bonds, shall proceed to complete the Project with due diligence.

SECTION 27. **Use of Investment Gain.** Pursuant to NRS § 350.658, and except as may otherwise be required herein, any gain from any investment and any reinvestment of any proceeds of the Bond (except gain from any investment and any reinvestment of any proceeds of the Bond deposited into the Rebate Fund hereinafter defined) shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Acquisition Account to defray, in part, the Cost of the Project or, if adequate provision has been made for the Project, into the Bond Fund hereinafter created, for the respective payment of the principal of or interest on the Bond or any combination thereof. Pursuant to NRS § 350.658. As provided herein, the annual General Taxes for the payment of the principal of or interest on the Bonds levied after such deposits of any such

investment or reinvestment gain may be diminished to the extent of the availability of such deposit for the payment of such principal or interest.

SECTION 28. **Prevention of Bond Default.** Subject to the provisions of this Ordinance, the Treasurer shall use any Bond proceeds credited to the Acquisition Account, without further order or warrant, to pay the Bond Requirements of the Bond 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 and relating to the Project. The Treasurer shall promptly notify the Board of any such use.

SECTION 29. **Purchaser Not Responsible.** The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. Neither the Purchaser, nor any subsequent owner of any Bond shall in any 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 referred to in this Ordinance.

SECTION 30. **General Tax Levies.** So far as possible, the Bond Requirements of the Bonds shall be paid from Net Revenues of the Municipal Utility System. However, pursuant to NRS § 350.596, at any time when there are not on hand from such tax levy or levies sufficient funds on deposit in the Bond Fund to pay, when due the principal of and interest on the Bond, the Bond Requirements shall be paid out of the applicable Acquisition Account or out of a general fund of the County or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes. 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 Bond Requirements of the Bond, there are hereby created two separate accounts designated as the "Washoe County, Nevada, General Obligation (Limited Tax) Storm Sewer Bond (Additionally Secured by Pledged Revenues), Series 2006, Interest Account" (the "Interest Account") and the "Washoe County, Nevada, General Obligation (Limited Tax) Sewer Bond (Additionally Secured by Pledged Revenues), Series 2006, Principal Account" (the "Principal Account")

(collectively, the "Bond Fund"). Pursuant to NRS §§ 350.592 and 350.594, there shall be duly levied immediately after the issuance of the Bond and annually thereafter, until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the County, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installments of principal and interest, and to pay the interest on the Bond becoming due after such initial installment, and to pay and retire the Bond as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to such separate accounts 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 Section 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 31. **Priorities for the Bond**. 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 within the boundaries of the County exceeds the limitation imposed by NRS § 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions 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 32. **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 Bond shall be kept in the Bond Fund, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 33. **Use of General Fund.** Any sums becoming due on the Bond at any time when there are on hand from such General Taxes (and any other available moneys) 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 34. **Use of Other Funds.** Nothing in this Ordinance prevents the County from applying any funds (other than General Taxes but including Net Revenues) that may be available for that purpose to the payment of the Bond Requirements as the same, respectively, fall due, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to NRS § 350.598.

SECTION 35. **Legislative Duties.** In accordance with NRS § 350.592, 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 Bond as hereinbefore specified.

SECTION 36. **Appropriation of General Taxes.** In accordance with NRS § 350.602, there is hereby specially appropriated the proceeds of such General Taxes to the payment of such principal of and interest on the Bonds; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Bond Requirements of the Bonds have been wholly paid.

SECTION 37. **Pledge of Gross Revenues.** Subject only to the provisions of this Ordinance permitting the application thereof for or to the purposes and on the terms and conditions set forth herein, there are hereby additionally pledged to secure the payment of principal of and

interest on the Bonds in accordance with their terms and the provisions of this Ordinance, all of the Gross Revenues of the Municipal Utility System. This pledge shall be valid and binding from and after the date of the delivery to the Purchaser of the Bond; and the Gross Revenues, as received by the County shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing or further act; and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County (except as herein otherwise provided) irrespective of whether such parties have notice thereof. The lien of this pledge and the obligation to perform the contractual provisions hereby made shall have priority over any and all other obligations and liabilities of the County payable from the Gross Revenues, subject to and subordinate to the lien of the pledge of Gross Revenues to the 1997 Water and Sewer Bonds, the 1997 Sewer Bond and 2005 Water and Sewer Bonds and except as herein otherwise provided. The Bonds, the 1998 Sewer Bond, the 2000 Bonds, the 2001 Bonds, the 2004 Bonds, the 2005 Water Bonds, the 2005 Sewer Bonds and any Parity Securities hereafter issued shall be equitably and ratably secured by the pledge of Gross Revenues hereunder; subject to and subordinate to the lien of the pledge of Gross Revenues to the 1997 Water and Sewer Bonds, the 1997 Sewer Bond, the 2005 Water and Sewer Bonds and any Superior Securities hereafter issued. The Bonds, the 1998 Sewer Bond, the 2000 Bonds, the 2001 Bonds, the 2004 Bonds, the 2005 Water Bonds, the 2005 Sewer Bonds and any Parity Securities hereafter issued are not entitled to any priority one over the other in the application of Gross Revenues.

SECTION 38. **Municipal Utility Enterprise Fund.** So long as the Bonds hereby authorized shall be Outstanding as to any Bond Requirements, the entire Gross Pledged Revenues of the Municipal Utility System upon their receipt from time to time by the County shall be set aside and credited immediately to a special account heretofore created designated as the "Washoe County Municipal Utility Enterprise Fund" (the "Municipal Utility Enterprise Fund"). So long as the Bond hereby authorized shall be Outstanding as to any Bond Requirements each Fiscal Year, the Municipal Utility Enterprise Fund shall be administered and the moneys on deposit in each account shall be applied in the order of priority specified in Sections 39 through 45 hereof.

SECTION 39. **Operation and Maintenance Fund.** First as a first charge on the Municipal Utility Enterprise Fund so long as the Bonds hereby authorized shall be Outstanding as to

any Bond Requirements, there shall be set aside in and credited to a separate account from time to time (such account heretofore created) and known as the Washoe County Municipal Utility System Operation and Maintenance Fund (the "Municipal Utility System Operation and Maintenance Fund") money sufficient to pay operation and maintenance expenses of the Municipal Utility System, such operation and maintenance expenses of the Municipal Utility System are to be as budgeted and approved in accordance with the Budget Act and as such expenses become due and payable thereupon they shall be promptly paid; any surplus remaining at the end of the fiscal year and not needed for operation and maintenance expenses of the Municipal Utility System shall be transferred to the Municipal Utility Enterprise Fund and shall be used for the purposes thereof as herein provided.

SECTION 40. **Superior Securities.** Second, and subject to the aforesaid provisions, from any moneys remaining in the Municipal Utility Enterprise Fund, to pay, when due, the bond requirements of any Outstanding 1997 Water and Sewer Bonds, 1997 Sewer Bond, 2005 Water and Sewer Bonds, and any Superior Securities hereafter issued in accordance with this Ordinance and the requirements of any reserve fund and rebate fund therefor.

SECTION 41. **Bond Fund.** Third, from any moneys thereafter remaining in the Municipal Utility Enterprise Fund, i.e., from the Net Revenues and concurrent with transfers to the bond funds created with respect to the 1998 Sewer Bond, 2000 Bonds, 2001 Bonds, the 2004 Bonds, the 2005 Water Bonds, 2005 Sewer Bonds and any Parity Securities hereafter issued, there shall be transferred and credited to the Bond Fund, the following:

(1) Monthly, commencing on the first day of the month immediately succeeding the delivery date of the Bond, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor from whatever source, to pay the next maturing installment of interest on the Outstanding Bond, and monthly thereafter, commencing on each interest payment date, one-sixth of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Outstanding Bond.

(2) Monthly, commencing on the first day of the month immediately succeeding the delivery date of the Bond, an amount in equal monthly installments necessary, together with any

other moneys from time to time available therefor from whatever source, to pay the next maturing installment of principal on the Outstanding Bond, and monthly thereafter, commencing on each principal payment date, one twelfth of the amount necessary to pay the next maturing installments of principal of the Outstanding Bond. The money credited to the Bond Fund shall be used to pay the Bond Requirements of the Bond as such Bond Requirements become due.

SECTION 42. **Rebate Fund**. Fourth, after the aforementioned deposits, and from the Net Revenues there shall be transferred and credited to the special and separate accounts hereby created and designated as the "Washoe County, Nevada General Obligation (Limited Tax) Sewer Bond (Additionally Secured by Pledged Revenues), Series 2006, Rebate Fund" (the "Rebate Fund"), and to any other fund or account established for payment of amounts due the United States under § 148(f) of the Tax Code in connection with any Parity Securities such amounts as are required to be deposited therein to meet the County's obligations under the covenant contained in § 57 hereof, in accordance with § 148(f) of the Tax Code. Such deposits shall be made at such times as are required by § 148(f) of the Tax Code and such covenant and amounts in the Rebate Fund shall be used for the purpose of making the payments to the United States required by such covenant and § 148(f) of the Tax Code. Any amounts in the Rebate Fund in excess of those required to be on deposit therein may be withdrawn therefrom and deposited into the Municipal Utility Enterprise Fund.

SECTION 43. **Payment of Long Term Obligation Reserve Account and Rate Stabilization Account**. Fifth, from any moneys remaining in the Municipal Utility Enterprise Fund, there shall be credited monthly in accordance with the 2005 Water and Sewer Bond Ordinance the amounts required by such ordinance to be deposited in the Long Term Obligation Reserve Account and the Rate Stabilization Account (both as defined in such ordinance).

SECTION 44. **Payment of Subordinate Securities**. Sixth, any moneys thereafter remaining in the Municipal Utility Enterprise Fund may be used by the County for the payment of the principal of and interest on, and payments to the United States required by Section 148(f) of the Tax Code with respect to, Subordinate Securities; and may be used to create reasonable reserves for such securities.

SECTION 45. **Surplus Revenues**. Seventh, any moneys thereafter remaining in the Municipal Utility Enterprise Fund may be used by the County at the end of any Fiscal Year of the

County, or whenever there shall have been credited all amounts required to be deposited in the respective foregoing separate accounts for all of that fiscal year, for any lawful purposes of the County, as the Board may from time to time determine, including, without limitation, for the creation of operation and maintenance reserves and capital reserves, the payment of capital costs and major maintenance costs of the Municipal Utility System, to pay any other obligations pertaining to the System or otherwise.

SECTION 46. **Termination of Deposits**. No payment need be made into the Bond Fund if the amounts in that fund total a sum at least equal to the entire amount of the Outstanding Bond as to all Bond Requirements to their respective maturities both accrued and not accrued, in which case moneys in such fund in an amount, except for any interest or other gain to accrue from any investment of moneys in Federal Securities from the time of any such investment to the time or respective times the proceeds of any such investment or deposit shall be needed for such payment, at least equal to such Bond Requirements, shall be used, together with any such gain from such investments, solely to pay such Bond Requirements as the same become due.

SECTION 47. **Equal Security**. The Bonds and any Parity Securities from time to time Outstanding shall be equally and ratably secured by the pledge of Gross Revenues hereunder and shall not be entitled to any priority one over the other in the application of the Gross Revenues regardless of the time or times of the issuance of the Bonds and any Parity Securities.

SECTION 48. **Defraying Delinquencies**. If at any time the County shall for any reason fail to pay into the Bond Fund or the Rebate Fund the full amount above stipulated from the Net Revenues, then an amount shall be paid first into the Bond Fund and second into the Rebate Fund at such time equal to the difference between that paid from the Net Revenues and the full amount so stipulated. If any Parity Securities are Outstanding, and if the proceedings authorizing issuance of those securities require the replacement of moneys in a bond fund, reserve fund or rebate fund therefor, then the moneys replaced in such funds shall be replaced on a pro rata basis related to the principal amount of the then Outstanding Bonds and the then Outstanding Parity Securities, as moneys become available therefor, first into all of such bond and reserve funds and second into all such rebate funds.

SECTION 49. Conditions to Additional Superior or Parity Securities.

(A) Nothing herein, except as expressly hereinafter provided, shall prevent the issuance by the County of additional securities payable from Net Revenues and constituting a lien thereon superior to or on a parity with the lien thereon of the Bonds, provided, however, that the following are express conditions to the authorization and issuance of any such Superior Securities or Parity Securities:

(1) At the time of adoption of the instrument authorizing the issuance of the additional Superior Securities or Parity Securities, the County shall not be in default in the payment of principal of or interest on the Bonds.

(2) The Net Revenues (subject to adjustments as hereinafter provided) projected by the County's Finance Director, County Engineer or an Independent Accountant or consulting engineer to be derived in the later of (i) the Fiscal Year immediately following the Fiscal Year in which the facilities to be financed with the proceeds of the additional Superior Securities or Parity Securities are projected to be completed or (ii) the first Fiscal Year for which no interest has been capitalized for the payment of any Superior Securities or Parity Securities, including the Parity Securities proposed to be issued, will be sufficient to pay at least an amount equal to the principal and interest requirements (to be paid during that Fiscal Year) of the Outstanding Bonds, any other Outstanding Superior Securities or Parity Securities of the County and the Superior Securities or Parity Securities proposed to be issued (excluding any reserves therefor).

B. In any determination of whether or not additional Superior Securities or Parity Securities may be issued in accordance with the foregoing earnings test, consideration shall be given to any probable estimated increase or reduction in Operation and Maintenance expenses that will

result from the expenditure of the funds proposed to be derived from the issuance and sale of the additional Superior Securities or Parity Securities.

C. In any determination of whether or not additional Superior Securities or Parity Securities may be issued in accordance with the foregoing earnings test, the respective annual principal (or redemption price) and interest requirements shall be reduced to the extent such requirements are scheduled to be paid with moneys held in trust or in escrow for that purpose by any trust bank within or without the State, including the known minimum yield from any investment in Federal Securities.

D. A written certificate or written opinion by the County's Finance Director, the County Engineer, or an independent accountant or consulting engineer that the foregoing earnings test is met shall be conclusively presumed to be accurate in determining the right of the County to authorize, issue, sell and deliver additional Superior Securities or Parity Securities.

E. In connection with the authorization of any such additional securities the Board may on behalf of the County adopt any additional covenants or agreements with the holders of such additional securities; provided, however, that no such covenant or agreement may be in conflict with the covenants and agreements of the County herein and no such covenant or agreement may be materially adverse to the interests of the holder of the Bonds. Any finding of the Board to the effect that the foregoing requirements are met shall, if made in good faith, conclusively establish that the foregoing requirements have been met for purposes of this Ordinance.

SECTION 50. **Subordinate Securities.** Nothing herein, except as expressly hereinafter provided, shall prevent the County from issuing additional securities payable from Net Revenues and constituting a lien thereon subordinate to the lien thereon of the Bonds and any Outstanding Parity Securities.

SECTION 51. **Superior Securities.** Nothing herein, subject to the limitations stated herein, prevents the County from issuing additional securities payable from Net Revenues and constituting a lien thereon prior and superior to the lien thereon of the Bonds and any Outstanding Parity Securities.

SECTION 52. Issuance of Refunding Bonds.

A. At any time after the Bond, or any part thereof, are issued and remain Outstanding, if the County shall find it desirable to refund any Outstanding Bond or other outstanding securities, such Bond or other securities, or any part thereof, may be refunded only if the Bond or other securities at the time or times of their required surrender for payment shall then mature or shall be then callable for prior redemption for the purpose of refunding them at the County's option upon proper call, unless the owner or owners of all such Outstanding securities consent to such surrender and payment, regardless of whether the priority of the lien for the payment of the refunding securities on the Gross Revenues is changed (except as provided in Section 49 hereof).

B. The refunding bonds or other refunding securities so issued shall enjoy complete equality of lien with the portion of any securities of the same issue which is not refunded, if there is any; and the owner or owners of the refunding securities shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the unrefunded securities of the same issue partially refunded by the refunding securities.

C. Any refunding bonds or other refunding securities payable from any Gross Revenues shall be issued with such details as the Board may by ordinance provide, subject to the provisions of this section but without any impairment of any contractual obligation imposed upon the County by any proceedings authorizing the issuance of any unrefunded portion of the Outstanding securities of any one or more issues (including, without limitation, the Bond).

D. If only a part of the Outstanding Bond and other Outstanding securities of any issue or issues payable from the Gross Revenues is refunded, then such securities may not be refunded without the consent of the owner or owners of the unrefunded portion of such securities:

(1) Unless the refunding bonds or other refunding securities do not increase for any Bond Year the aggregate principal and interest requirements evidenced by the refunding securities and by the Outstanding securities not refunded on and before the last maturity date or last Redemption Date, if any, whichever is later, of the unrefunded securities, and unless the lien of any refunding bonds or other refunding securities on the Net Revenues is not raised to a

higher priority than the lien thereon of the Bond or other securities thereby refunded; or

(2) Unless the lien on any Gross Revenues for the payment of the refunding securities is subordinate to each such lien for the payment of any securities not refunded; or

(3) Unless the refunding bonds or other refunding securities are issued in compliance with Section 48 hereof.

SECTION 53. **Operation of the System.** The County shall at all times operate the Municipal Utility System properly and in a sound and economical manner and shall maintain, preserve and keep the Municipal Utility System properly, or cause the same so to be maintained, preserved and kept, in good repair, working order and condition. The County also shall from time to time make or cause to be made all necessary and proper repairs, replacements and renewals so that at all times the operation of the Municipal Utility System may be properly and advantageously conducted in conformity with standards customarily followed by municipalities operating water and sewer systems of like size and character.

Except for the use of the Municipal Utility System or services pertaining thereto in the normal course of business, neither all nor a substantial part of the Municipal Utility System shall be sold, leased, mortgaged, pledged, encumbered, alienated or otherwise disposed of until the Bond has been paid in full, or unless provision has been made therefor as hereinafter provided.

SECTION 54. **Payment of Taxes, Etc.** The County shall pay or cause to be paid all taxes, assessments and other municipal or governmental charges, if any, lawfully levied or assessed upon or in respect of the Municipal Utility System or any part thereof, or upon any portion of the Gross Revenues, when the same shall become due. The County shall duly observe and comply with all valid requirements of any municipal or governmental authority relative to the Municipal Utility System or any part thereof, except for any period during which the validity of the same is being contested in good faith by proper legal proceedings. The County shall not create or suffer to be created any lien or charge on the Municipal Utility System or any part thereof, or upon the Gross Revenues, except the pledge and lien created by this Ordinance for the payment of the Bond and any Outstanding Superior, Parity or Subordinate Securities issued in accordance herewith, and except as

herein otherwise permitted. The County shall pay or cause to be discharged or shall make adequate provision to satisfy and to discharge within 60 days after the same shall become payable, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the Municipal Utility System or any part thereof, or upon the Gross Revenues. Nothing herein contained requires the County to pay or cause to be discharged or to make provision for any such tax, assessment, lien, charge or demand before the time when payment thereon shall be due, or so long as the validity thereof shall be contested in good faith by appropriate legal proceedings.

SECTION 55. **No Competing Facilities.** The County shall neither construct nor permit to be constructed other facilities or structures to be operated by the County separate from the Municipal Utility System and competing for Gross Revenues otherwise available for the payment of the Bond or any other securities payable from Net Revenues; provided, however, that nothing herein contained shall impair the police powers of the County or otherwise cause the County to violate any applicable law.

SECTION 56. **Rate Covenant.** The County shall charge against users or against purchasers of services or commodities pertaining to the Municipal Utility System such fees, rates and other charges as shall be sufficient to produce Gross Revenues annually which, together with any other funds available therefor, will be in each Fiscal Year of the County at least equal to the sum of:

- (a) an amount equal to the annual Operation and Maintenance Expenses for such Fiscal Year;
- (b) an amount equal to the debt service due in such Fiscal Year on the then Outstanding Bonds and any Outstanding Superior Securities and Parity Securities; and
- (c) any other amounts payable from the Net Revenues and pertaining to the Municipal Utility System, including, without limitation, debt service on any Subordinate Securities and any other securities pertaining to the Municipal Utility System, operation and maintenance reserves, capital reserves and prior

deficiencies pertaining to any account relating to Gross Revenues.

The foregoing rate covenant is subject to compliance by the County with any legislation of the United States of America, the State or other governmental body, or any regulation or other action taken by the United States, the State or any agency or political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action limits or otherwise inhibits the amounts of fees, rates and other charges collectible by the County for the use of or otherwise pertaining to, and all services rendered by, the Municipal Utility System.

Subject to the foregoing, the County shall cause all fees, rates and other charges pertaining to the Municipal Utility System to be collected as soon as reasonable and shall provide methods of collection and penalties to the end that the Gross Revenues shall be adequate to meet the requirements hereof.

SECTION 57. **Covenant to Raise Fees, Rates and Other Charges**. In the event the Net Revenues are not sufficient to pay in each Fiscal Year an amount equal to the sum of the annual principal and interest requirements on the Bond and any other securities payable from the Net Revenues together with any amounts required to be accumulated during each Fiscal Year from the Net Revenues into any reserves and rebate funds, the County covenants to increase Municipal Utility System rates, fees and other charges for the payment of such principal, interest and other requirements, as provided in the 2005 Water and Sewer Bond Ordinance, prior to the levy of General Taxes by the Board for such purposes.

SECTION 58. **Books of Record and Account**. So long as the Bonds remain Outstanding, proper books of record and account shall be kept by the County, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Municipal Utility System and to all moneys pertaining thereto, including, without limitation, the Gross Revenues.

SECTION 59. **Tax Covenant**. The County covenants for the benefit of the owner of the Bonds that it will not take any action or omit to take any action with respect to the Bond, the proceeds thereof, any other funds of the County or any facilities financed with the proceeds of the

Bond 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 § 103 of the Tax Code or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in § 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 § 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or 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 60. **Defeasance.** When all Bond Requirements of any Bond have been duly paid, the pledge, the lien, and all obligations hereunder as to that Bond 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, an amount sufficient (including the known minimum yield available for such purpose from the Federal Securities in which such amount may be initially invested wholly or in part) 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 then. 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 Trust 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 holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof. When such defeasance is accomplished the Paying Agent shall mail written notice of the defeasance to the registered owner of the Bond at the addresses last shown on the registration records for the Bond maintained by the Registrar.

SECTION 61. **Amendments.** This Ordinance may be amended or supplemented by instruments adopted by the County, without receipt by the County of any additional consideration,

but with the written consent of the owners of at least 66% in aggregate principal amount of the Bonds Outstanding at the time of the adoption of the amendatory or supplemental instrument, excluding bonds which may then be held or owned for the account of the County, but including such refunding securities as may be issued for the purpose of refunding the Bond if the refunding securities are not owned by the County. No such instrument shall permit:

(a) A change in the maturity or in the terms of redemption of the principal or any installment thereof of any Outstanding Bond or any installment of interest thereon;

(b) A reduction in the principal amount of any Bond, the rate of interest thereon, without the consent of the owner of the Bond;
or

(c) A reduction of the principal amount or percentages or otherwise affecting the description of the Bond the consent of the owners of which is required for any modification or amendment; or

(d) The establishment of priorities as between the Bond issued and Outstanding under the provisions of this Ordinance.

Whenever the County proposes to amend or modify this Ordinance under the provisions hereof, it shall cause notice of the proposed amendment to be mailed within 30 days to the registered owner of the Bond. The notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory instrument is on file in the office of the County Clerk for public inspection.

Whenever at any time within one year from the date of such notice there shall be filed in the office of the County Clerk an instrument or instruments executed by the owners of at least 66% in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed amendatory instrument described in the notice and shall specifically consent to and approve the adoption of the instrument; thereupon, but not otherwise, the Board may adopt the amendatory instrument and the instrument shall become effective.

If the owners of at least 66% in aggregate principal amount of the Bonds Outstanding, at the time of the adoption of the amendatory instrument, or the predecessors in title of such owners,

shall have consented to and approved the adoption thereof as herein provided, no owner of any Bond, whether or not the owner shall have consented thereto, shall have any right or interest to object to the adoption of the amendatory instrument or to object to any of the terms or provisions therein contained or to the operation thereof or to enjoin the County from taking any action pursuant to the provisions thereof. Any consent given by the holder of a Bond pursuant to the provisions hereof shall be irrevocable.

The Bond authenticated and delivered after the effective date of any action taken as provided in this Section may bear a notation by endorsement or otherwise in form approved by the County as to the action; and if any Bond so authenticated and delivered shall bear such notation, then upon demand of the owner of any Bond Outstanding at such effective date and upon presentation of his Bond, suitable notation shall be made on the Bond as to any such action. If the County so determines, a new Bond so modified as in the opinion of the County to conform to such action shall be prepared, registered and delivered; and upon demand of the owner of the Bond then Outstanding, shall be exchanged without cost to the owner for the Bond then Outstanding upon surrender of such Bond.

SECTION 62. **Delegated Powers**. The officers of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

- A. The printing of the Bonds,
- B. The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia,
 - (1) to the signing of the Bond,
 - (2) to the tenure and identity the officials of the County,
 - (3) to the assessed valuation of the taxable property in and the indebtedness of the County,
 - (4) to the rate of taxes levied against the taxable property within the County,

(5) the exemption of interest on the Bond from federal income taxation,

(6) the delivery of the Bond and the receipt of the Bond purchase price,

(7) the completeness and accuracy of any information provided the Purchaser in connection with the Bond as of the date of delivery of the Bond, and

(8) if it is in accordance with the fact, the absence of litigation, pending or threatened, affecting the validity of the Bond;

C. The execution of the Certificate of the Finance Director, and

D. The assembly and dissemination of financial and other information concerning the County and the Bonds.

SECTION 63. **Implied Repealer**. All resolutions and ordinances, bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, ordinance, bylaw, order, or part thereof, heretofore repealed.

SECTION 64. **Emergency**. The Board has expressed in the preambles of this Ordinance that it pertains to the sale, issuance and payment of the Bonds, that this Ordinance may accordingly be adopted as if an emergency now exists, and may become effective at any time when an emergency ordinance of the County may go into effect. Consequently, pursuant to NRS § 350.579 final action shall be taken immediately, and this Ordinance shall be in effect from and after its publication by title as herein provided.

SECTION 65. **Publication and Effective Date**. After this Ordinance is signed by the Chairman and attested and sealed by the Clerk, this Ordinance shall be in effect from and after its publication twice by its title only, together with the names of the Commissioners voting for or against its passage and a statement that typewritten copies of this Ordinance are available for

inspection by all interested parties at the office of the County Clerk. Such publication to be made in a newspaper published and having a general circulation in the County at least once a week for a period of two weeks, and such publication to be in substantially the following form:

(Form of Publication)

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE BY WASHOE COUNTY, NEVADA OF ITS GENERAL OBLIGATION (LIMITED TAX) STORM SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES) SERIES 2006 IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,600,000 FOR THE PURPOSE OF FINANCING STORM SEWER PROJECTS FOR SPANISH SPRINGS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse in Reno, Nevada, and that such Ordinance was proposed by Commissioner _____ on October 10, 2006, and was passed and adopted at a regular meeting of the Washoe County Board of County Commissioners on October 10, 2006, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Jim Galloway
Dave Humke
Bob Larkin
Pete Sferrazza
Bonnie Weber

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after 5:00 p.m. on the _____ day of _____, 2006, i.e., the date of the second publication of such Ordinance by 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 October 10, 2006.

/s/ Bob Larkin
Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Amy Harvey
County Clerk

(End of Form of Publication)

SECTION 66. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

PASSED AND ADOPTED BY AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, THIS October 10, 2006.

Proposed on October 10, 2006.

Proposed by Commissioner ~~none~~ Humke.

Passed October 10, 2006.

Vote:

Ayes:

Jim Galloway
Dave Humke
Bob Larkin
Pete Sferrazza
Bonnie Weber

Nays:

none

Absent:

none

Attest:


County Clerk


Chairman of the Board

This Ordinance shall be in force and effect from and after 5:00 p.m. on the 20th day of October, 2006, i.e, the date of the second publication of such Ordinance by its title only.

5. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was delivered to each member of the Board and to each person, if any, who has requested notice of meetings of the Board in the same manner in which notice is required to be mailed to a member of the Board.

6. A copy of an affidavit evidencing publication of notice of adoption of the ordinance is attached hereto as Exhibit "B".

IN WITNESS WHEREOF, I have hereunto set my hand this October 10, 2006.

(SEAL)


County Clerk

Exhibit "A"

(Attach Copy of Notice of Meeting)

COUNTY COMMISSIONERS

Bob Larkin, Chairman
Donnie Weber, Vice-Chairman
Jim Galloway
David Humke
Pete Sferrazza

COUNTY MANAGER

Katy Singlaub

ASSISTANT
DISTRICT ATTORNEY

Melanie Foster

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

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

October 10, 2006

2:00 p.m.

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

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

Public Comment during the Commission Meeting on October 10, 2006 will be for all matters, both on and off the agenda, and be limited to two minutes per person. Additionally, public comment of two minutes per person will be heard during individual action items on the agenda. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on that item at the Commission meeting.

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

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

20. Recommendation to award bid for constructing Lemmon Valley Water System Improvements, Heppner Waterline Extensions, Phase 5a to Gerhardt & Berry Construction, Inc. [\$1,144,540.21]; and if approved, authorize the Chairman to execute the contract documents upon receipt and authorize the Engineering Manager to issue the Notice to Proceed--Water Resources.
21. Recommendation to accept Temporary Construction and Permanent Utility Access Easements on APN's 017-020-01, 017-020-18 and 017-301-28 for the Pleasant Valley Interceptor Phase 1; and if accepted, authorize the Chairman to sign the Grants of Easement; approve payment [\$111,960] to the Dorothy Towne Trust and direct the Engineering Manager to record the Grants of Easement--Water Resources.
22. Recommendation to adopt and execute an ordinance authorizing the issuance by Washoe County, Nevada of its General Obligation (limited tax) storm sewer bonds (additionally secured by pledged revenues) Series 2006 in the maximum principal amount of \$4,600,000 for the purpose of financing storm sewer projects for Spanish Springs; providing the form, terms and conditions thereof and covenants relating to the payment of said bond; and providing for its adoption as if an emergency exists; and providing other matters relating thereto--Water Resources.
23. Recommendation from the Regional Water Planning Commission that the Board of County Commissioners approve an expenditure [\$500,000] from the Regional Water Management Fund and authorize the Chairman to execute an Interlocal Agreement with the City of Reno for Conceptual Level Facility Planning for the City of Reno's Metropolitan Service Areas and Future Service Areas--Water Resources.
24. Discussion regarding potential acquisition of 224 Edison Way and 230 Edison Way for use by various Washoe County Departments and potential direction to staff to order an appraisal and perform further due diligence of the subject properties and upon completion, staff will return to the Board for further direction--Public Works.
25. Recommendation to award of bid for 2006/2007 Street Cut Pavement Repair Project for the Truckee Meadows area, PWP-WA-2006-342, [staff recommends West Coast Paving in the amount of \$127,000]; and if awarded, authorize Chairman to execute contract documents upon presentation--Public Works.
26. Recommendation to award bid for Northwest Library Parking Lot Reconstruction to the lowest responsive and responsible bidder [staff recommends Sierra Dirt Works in the amount of \$150,394]; and if awarded, authorize Chairman to execute contract documents upon presentation--Public Works.
27. Update on April 18, 2006 report on damage clusters caused by the December 31, 2005 flood event, specifically to advise of pending, active or completed mitigation measures--Water Resources/Public Works.

EXHIBIT B

(Attach Affidavit of Publication)

G:\WP\DOCS\03400\160 \$4.6 MILLION STORM SEWER\BONDORD.2.DOC