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Publishers of
Reno Gazette-Journal
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Legal Advertising Office 775.788.6394

WASHOE CO
PO BOX 11130
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Customer Acct# 349008
PO# 1358
Ad# 1000536011
Legal Ad Cost \$175.02

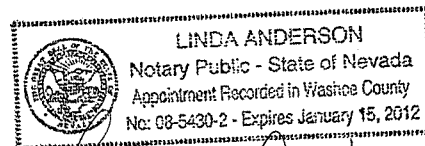
STATE OF NEVADA
COUNTY OF WASHOE

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: **03/06/2008 - 03/14/2008**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Kenneth Paulsen*

MAR 14 2008



Linda Anderson

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1358 NOTICE IS HEREBY GIVEN THAT: Bill No. 1537, Ordinance No.1358 entitled: AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATERSYSTEM SUPPLY IMPROVEMENT PROJECT) AT AN ESTIMATEDCOST OF \$1,500,000; ORDERING A WATER PROJECT WITHINWASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY ANDCOLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING 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, 75 Court Street, Reno, Washoe County, Nevada; and can be found on the County Clerk's website, www.washoecounty.us/clerks. Such Ordinance was proposed on February 12, 2008 and passed and adopted at a regular meeting of the Washoe County Board of County Commissioners on February 26, 2008, by the following vote of the Board of County Commissioners: Those voting Aye: Jim Galloway, Bonnie Weber, Robert M. Larkin, David Humke, Kitty Jung Those voting Nay: None Those Absent: None This

ordinance shall be in full force and effect from and after March 14, 2008, i.e., the date of the second publication of such ordinance by its title only. IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 536011 - Mar. 6, 14, 2008

ord. 1358

Summary- An ordinance creating Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project), ratifying action taken by County officers toward the creation of such District, and providing other matters related thereto.

BILL NO. 1537
ORDINANCE NO. 1358
(of Washoe County, Nevada)

AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT) AT AN ESTIMATED COST OF \$1,500,000; ORDERING A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board", "County", and "State", respectively) deems it necessary to create the "Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project)" (the "District"), for the purpose of acquiring and constructing, pursuant to Nevada Revised Statutes ("NRS") Chapter 271, a water project as defined in NRS 271.250 and as hereinafter more specifically described (the "Project" or "Water Project"), and to defray a portion of the cost and expense of such improvements by special assessments, according to benefits, against the benefited lots and premises in said District; and

WHEREAS, by a resolution passed and approved on January 22, 2008 (the "Provisional Order Resolution"), the Board declared its determination to create the District for the purpose of acquiring and constructing the Project, stating therein the improvements, that a portion of the cost and expense thereof shall be paid by special assessment, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, pursuant to the Provisional Order Resolution, the Board gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, typical

section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, and of the time and place of hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection or to appear before the Board on Tuesday, February 12, 2008, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof, and manner of payment therefor, and as to the amount thereof to be assessed against said property; and

WHEREAS, all written and oral objections and protests received were duly considered, and the Board has determined that it is in the best interests of said District, the County, and the inhabitants thereof to create the District as theretofore proposed; and

WHEREAS, the owners of lots, tracts or parcels of land in said District representing less than half of the area to be assessed of all lots, tracts or parcels of land in said District filed written or oral objections thereto; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the Board by a resolution passed and approved on February 12, 2008 (the "Protest Resolution") except as stated in such resolution with respect to any parcels which were deleted from the District; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within thirty (30) days after the Board has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, in accordance with NRS 271.357, the Board considered all applications for hardship filed with the County Clerk and determined that no qualifying hardships were filed except as stated in the Protest Resolution with respect to any owners of parcels which were granted hardships; and

WHEREAS, the Engineering Division of the Washoe County Department of Water Resources, as engineer for the County (the "Engineer"), presented to the Commission and filed with the County Clerk the following documents:

(A) Revised, if necessary, final plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and wideness;

(B) Revised, if necessary, the estimate of the total cost of the Project and of each type of construction, the estimate being made in a lump sum, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof; and

(C) A revised assessment plat or map (designated as a "Tabulation of Parcels" or "Preliminary Assessment Roll") describing the property to be assessed and showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, and the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District. The estimate calculated on a unit lot basis such that each lot will benefit by the Project as hereafter described (an equitable adjustment having been made for any tract or parcel not specially benefited in proportion to the percentage applicable to that tract or parcel under the assessment method otherwise so used, so that assessments according to benefits will be equal and uniform); and

WHEREAS, the Board has reviewed the documents submitted, as aforesaid, to the District;
and

WHEREAS, the Board and officers of said County have done all things necessary and preliminary to the creation of the District, and the Board desires now to authorize such Project by this ordinance.

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) Creation Ordinance" (the "Ordinance").

Section 2. The Board has heretofore determined and does hereby determine:

(A) That each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore has been by the Protest Resolution adopted and approved on February 12, 2008, overruled, and finally passed on by said Board except as otherwise provided in that resolution;

(B) That the public convenience and necessity require creation of the District; and

(C) That the creation of the District is economically sound and feasible.

Section 3. There shall be, and hereby is, created in the County an improvement district designated the "Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project)" (the "District") for the purpose of acquiring the Project as more particularly described below.

Section 4. The Project, which is hereby ordered to be constructed and acquired, shall be as shown on the final plans and specifications for the District filed with the County Clerk on February 26, 2008. The kind, character and location of the Project (without mentioning minor details) is as follows:

The Project will provide water to 121 units, comprised of 54 developed lots and 67 undeveloped lots.

The Project will consist of the construction and equipping of a new well, construction of a water transmission main, construction of a water treatment facility to treat the well water to regulatory standards, construction of an access road to the well site, and construction of electrical facilities to the well site. All construction is to be in accordance with the Standard Details and Specifications for Public Works Construction. The Project will consist of:

One, 12-inch diameter municipal well approximately 300 feet in depth and capable of producing 300 gallons per minute, with all necessary appurtenances including telemetry, SCADA, plumbing, and electrical work. The well is located 1,400 feet east of the southwest corner of Parcel 2, Division of Land Map #61;

2,288 feet of 8-inch water transmission main bearing west to east near the southern property line of Parcel 2, Division of Land Map #61;

1,132 feet of 8-inch water transmission main bearing south, near the western property line of Lightning W Ranch, Ranch Unit (Open Space) Parcel 2, Record of Survey Map #3500;

378 feet of 8-inch water transmission main bearing south, near the western property line of Lightning W Ranch, Ranch Unit Lot 24A, Block K, Record of Survey Map #3500;

707 feet of 8-inch water transmission main bearing south, near the western property line of Lightning W Ranch, Ranch Unit (Open Space) Parcel 1, Record of Survey Map #3500;

230 feet of 8-inch water transmission main bearing south, near the western property line of Lightning W Ranch, Ranch Unit Lot 42, Block M, Record of Survey Map #3500;

304 feet of 8-inch water transmission main bearing south, near the western property line of Lightning W Ranch Unit Lot 43, Block M, Subdivision Tract Map #3043;

636 feet of 8-inch water transmission main bearing south, near the western property line of Lightning W Ranch, Franktown Unit, Reversion to Acreage Tract Map #3453 and terminating at an existing waterline in Franktown Road;

800 square-foot water treatment building with all necessary treatment vessels, plumbing, telemetry, SCADA, electrical work, and appurtenances, located on a parcel dedicated to Washoe County via Document #2058216 and situated on the western property line of the former Lot 102 of Lightning W Ranch, Franktown Unit, Subdivision Tract Map #3009;

1,400 linear feet (20,000 square-feet) of all weather road and well site improvements (Type II Base) starting at the southwest corner of Parcel 2, Division of Land Map #61 and bearing easterly along the southern property line of the parcel, including a 100 foot by foot well site pad at the eastern terminus;

1,400 linear feet of electrical conduit starting at the southwest corner of Parcel 2, Division of Land Map #61 and bearing easterly along the southern property line of the parcel, including a transformer, all conductors and off-site extension of three-phase electrical power.

The Project is described in more detail in the preliminary plans and specifications prepared by the Washoe County Department of Water Resources and titled "SAD 39- Lightning Water System Supply Improvement Project". Except as shown in the preliminary plans, the character of the improvements shall be as described above.

The boundaries of the District consist of the Project to be constructed, as described above, and each of the following parcels, identified by Assessor's Parcel Number ("APN"):

055-200-84	055-371-01	055-373-01	055-375-03	055-382-12	055-384-03
055-210-05	055-371-02	055-373-02	055-375-04	055-382-13	055-384-04
055-210-07	055-371-03	055-373-03	055-375-05	055-382-14	055-385-01
055-210-08	055-371-04	055-373-04	055-376-01	055-382-15	055-391-01
055-210-09	055-371-11	055-373-05	055-376-02	055-383-01	055-391-02
055-210-10	055-371-13	055-374-01	055-376-03	055-383-02	055-391-03
055-210-11	055-371-14	055-374-02	055-382-01	055-383-03	055-391-04
055-210-12	055-371-18	055-374-03	055-382-02	055-383-04	055-391-05
055-210-15	055-371-19	055-374-04	055-382-03	055-383-05	055-391-06
055-210-16	055-371-20	055-374-05	055-382-04	055-383-06	055-391-07
055-210-20	055-372-04	055-374-06	055-382-05	055-383-07	055-391-08
055-287-16	055-372-05	055-374-07	055-382-06	055-383-12	055-391-09
055-292-07	055-372-06	055-375-01	055-382-07	055-384-01	055-392-04
055-361-06	055-372-07	055-375-02	055-382-11	055-384-02	055-392-05
055-393-01	055-395-01	055-401-07	055-412-03	055-421-02	055-421-09
055-394-01	055-395-02	055-401-08	055-412-04	055-421-03	055-421-10
055-394-02	055-395-03	055-401-11	055-412-05	055-421-04	
055-394-03	055-395-04	055-401-12	055-412-06	055-421-05	
055-394-04	055-401-04	055-401-13	055-412-07	055-421-06	
055-394-05	055-401-05	055-412-01	055-412-08	055-421-07	
055-394-06	055-401-06	055-412-02	055-421-01	055-421-08	

Section 5. The Project described above is to be constructed and acquired by the County at an estimated preliminary total cost of \$1,500,000 of which \$1,500,000 is estimated to be paid by the levy of assessments against property in the District.

Section 6. The amount to be assessed for the Project will be levied upon all tracts in the District, i.e., upon each piece, lot, tract or parcel in the District, in proportion to the special benefits derived on a unit lot basis such that each lot will benefit by the Project as hereafter described (an equitable adjustment having been made for any tract or parcel not specially benefited in proportion to the percentage applicable to that tract or parcel under the assessment method otherwise so used, so that assessments according to benefits will be equal and uniform). The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat.

Section 7. The extent of the District, i.e., a description of the land comprising the District including the parcels to be assessed is set forth in Section 4 above.

Section 8. The District shall have two construction contracts.

Section 9. The Engineer is hereby authorized on behalf of the County to advertise for the doing of the work and making the improvements on behalf of the County in accordance with NRS 271.335 to the extent the improvements are not constructed pursuant to NRS 271.340 or 271.345.

Section 10. After the award of the contract to the lowest bidder, or after the determination of the net cost to the County, the Board shall determine the total cost of such work, including incidentals, and assessments shall be levied in accordance with the laws of the State. The Board shall provide that the assessments may be payable without interest or demand during a specified cash payment period or, at the election of the owner, in forty (40) substantially equal semi-annual installments which will include both principal and interest. The Board shall also provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments. The Board shall fix or adjust, or authorize the County Manager or County Finance Director to fix or adjust, the rate of interest on unpaid installments of assessments which will not exceed by more than 1% the highest rate of interest payable on the District's assessment bonds at any maturity. Before assessment bonds are issued or if assessment bonds are not issued, the rate of interest on unpaid installments of assessments shall be 7% or otherwise established by resolution of

the Board or as fixed or adjusted by the County Manager or County Finance Director. The effective interest rate on the District's assessment bonds will not exceed the then-effective statutory limit, if any, for interest on assessment bonds. Such limit currently states that the interest rate may not exceed by more than 3% the Index of Twenty Bonds which shall have been most recently published in The Bond Buyer before bids for the bonds are received, or before a negotiated offer for the sale of such bonds is accepted. In no event will the interest rate on assessment bonds or unpaid assessments exceed 14% per annum.

Section 11. All action, proceedings, matters and things heretofore taken, had and done by the County, and the officers thereof (not inconsistent with the provisions of this Ordinance), concerning the District, including, but not limited to, the performing of all prerequisites to the creation of said District, the acquisition and construction of water improvements, the advertising and award of a construction contract therefor, and the levy of assessments against the specific benefited property therein for that purpose be, and the same hereby are, ratified, approved and confirmed.

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

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

Section 14. In accordance with NRS 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed Ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such

ordinance, by publication at least once in the Reno Gazette-Journal, i.e., a newspaper published and having general circulation in the County, at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before February 26, 2008, such publication to be in substantially in the following form:

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

Bill No. _____

Notice of Public Hearing Before

The Washoe County Board of County Commissioners

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Commissioners' Chambers, Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, at 5:30 p.m., on Tuesday, February 26, 2008, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The Ordinance is entitled:

BILL NO. _____

ORDINANCE NO. _____

(of Washoe County, Nevada)

AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W WATER SYSTEM SUPPLY IMPROVEMENT PROJECT) AT AN ESTIMATED COST OF \$ _____; ORDERING A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

An adequate summary of the Ordinance is as follows:

The preambles of the Ordinance recite that the Board of County Commissioners deems it necessary to create Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) for the purpose of acquiring and construction water improvements; recite that the Board declared its determination to create the District by a resolution; recite that the Board fixed a time and place, i.e., Tuesday, February 26, 2008, for a hearing on the creation of the District and provided for the giving of mailed, posted and published notice of such hearing; recite that the requisite Notice was given and that such Notice was reasonably calculated to inform the parties of the proceedings concerning the District; recite that the hearing was held, that all written and oral objections were duly considered and were found without sufficient merit and were overruled by resolution adopted on February 12, 2008, except as provided therein; recite that the owners of tracts representing less than one-half of the lots to be assessed filed such written or oral objections; recite that any person filing a written protest has the right within thirty (30) days to commence an action in any Court of competent jurisdiction to set aside the Board's determination;

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and recite that the Board and the Officers of the County have done all things necessary and preliminary to the creation of the District.

The ordaining clause is then set forth.

Sections 1 and 2 provide that the Ordinance shall be designated "Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) Creation Ordinance," and recite that the complaints, protests and objections made at the February 12, 2008 hearing have been overruled except as provided in a resolution adopted on February 12, 2008, and find that public convenience and necessity require creation of the District and that the creation of the District is economically sound and feasible.

Sections 3 and 4 create Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project), and describe the kind and location of the improvements.

Sections 5, 6, and 7 provide that an estimate of the total cost of the project for the District of \$1,500,000 of which \$1,500,000 is estimated to be paid by the levy of assessments against property in the District as further described therein; provide that the assessments will be levied on a unit lot basis; and describe the extent of the District, including the area to be assessed.

Section 8 provides that the District shall have two construction contracts.

Sections 9 and 10 provide that the Engineering Division of the Washoe County Department of Water Resources is authorized to advertise for the construction contracts; that the Board shall levy the assessments, which may be payable without interest or demand during a cash-payment period to then be specified, or in forty (40) substantially equal semi-annual installments of principal and interest, that interest shall be at a rate which will not exceed the lesser of 1% over the interest rate on assessment bonds issued for the District. The interest rate on assessment bonds will not exceed the lesser of 14% per annum or the then-effective statutory maximum interest rate.

Sections 11, 12 and 13 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) and the levying of special assessments against the property in the District; authorize the County officials to take any action necessary to effectuate the Ordinance; and provide a repealer clause for conflicting provisions.

Section 14, 15 and 16 provide for notice by publication of the Ordinance and that the Ordinance shall be in effect from and after its publication for two weeks following its final adoption.

Copies of the proposed ordinance are on file in the office of the Washoe County Clerk at the Washoe County Courthouse, Virginia and Court Streets, Reno, Nevada, for public examination. The Board shall adopt or reject the Ordinance (or the Ordinance as amended) within thirty-five (35) days after the date of the final public hearing.

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

DATED: February 26, 2008.

/s/ Amy Harvey
County Clerk

(SEAL)

(End of Form for Publication)

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

(Form for Publication After Final Adoption of Ordinance)

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

**AN ORDINANCE CREATING WASHOE COUNTY, NEVADA,
SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING W
WATER SYSTEM SUPPLY IMPROVEMENT PROJECT) AT
AN ESTIMATED COST OF \$1,500,000; ORDERING A
WATER PROJECT WITHIN WASHOE COUNTY, NEVADA;
PROVIDING FOR THE LEVY AND COLLECTION OF
SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING
OTHER MATTERS RELATING THERETO.**

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia and Court Streets, Reno, Nevada; and that said ordinance was proposed by Commissioner _____ on February 12, 2008, and following a public hearing, was passed and adopted without amendment at a regular meeting held not more than thirty-five (35) days after the close of the hearing, i.e., at the regular meeting on February 26, 2008, by the following vote of the Board of County Commissioners:

Those Voting Aye: Robert M. Larkin
Bonnie Weber
Jim Galloway
Dave Humke
Kitty Jung

Those Voting Nay: _____

Those Absent: _____

This ordinance shall be in full force and effect from and after the ____ day of the month of _____ of the year 2008, the date of the second publication of such ordinance by its title only.

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

DATED: _____, 2008.

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/s/ Robert M. Larkin
Chair
Board of County Commissioners
Washoe County, Nevada

(SEAL)
Attest:

/s/ Amy Harvey
County Clerk

(End of Form of Publication)

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

Proposed on February 12, 2008.

Proposed by Commissioner Humke.

Passed February 26, 2008.

Vote:

Ayes:

Robert M. Larkin
Bonnie Weber
Jim Galloway
Dave Humke
Kitty Jung

Nays:

none

Absent:

none



Robert M Larkin
Chair
Board of County Commissioners
Washoe County, Nevada

Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 14th day of the month of March of the year 2008, the date of the second publication of such ordinance by its title only.

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

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

1. The foregoing pages are a full and correct copy of an Ordinance introduced and read by title on February 12, 2008 and adopted on February 26, 2008 which relates to Special Assessment District No. 39. Except as recited in this paragraph, no actions were taken concerning such District at such meetings. Such copies of such ordinance are true, correct, compared copies of the original proposed and adopted at such meeting.

2. All members of the Board were given due and proper notice of such meetings, and the members of the Board voted on such ordinance as set forth in the ordinance.

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

- (a) By mailing a copy of the notice to each member of the Board,
- (b) By posting a copy of the notice at the principal office of the Board, or if there is no principal office, at the building in which the meeting was held, and at least three other separate, prominent places within the jurisdiction of the Board, to

wit:

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

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630 Greenbrae Drive
Sparks, Nevada

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

(d) By posting notice of the meeting on the County's website.

5. A copy of the notices so given is attached to this certificate as Exhibit "A" and "B".

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of Washoe County, Nevada, this February 26, 2008.

County Clerk

Amy Harvey



(SEAL)

EXHIBIT "A"

[Attach Copy of Notice of February 12, 2008 Meeting]

COUNTY COMMISSIONERS

Bob Larkin, Chairman
Lonnie Weber, Vice-Chairman
Jim Galloway
David Humke
Kitty Jung

COUNTY MANAGER

Katy Singlaub

**ASSISTANT
DISTRICT ATTORNEY**

Melanie Foster

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

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

February 12, 2008

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 February 12, 2008 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 listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".

28. Recommendation to approve an Agreement between the County of Washoe and the Carmen Group, Inc. for Federal Lobbying Services [not to exceed \$180,000 plus related travel expenses] for the period March 8, 2008 to March 7, 2009; authorize use of the 1/8 cent sales tax dedicated to the Truckee River Flood Project to fund such agreement; and if approved, authorize Chairman to execute Agreement--Truckee River Flood Management Project. (All Commission Districts.)

- 4:00 p.m.** 29. Sierra Fire Protection District.

See separate agenda.

- 4:15 p.m.** 30. Truckee Meadow Fire Protection District.

See separate agenda.

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

31. Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project--Water Resources. (Commission District 2.)

The Board of County Commissioners will meet to hear and consider protests or objections to the project, and act on a Resolution considering protests made at the hearing on the Provision Order, and considering hardship applications for Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project); directing that the Engineer prepare and file a revised and detailed estimate of cost, full and detailed final plans and specifications, and a revised map and assessment plat; and providing other matters related thereto.

AND

Consideration and possible adoption of a Resolution considering protests made at the hearing on the provisional order and considering hardship applications for Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) at an estimated cost of \$1,500,000; directing that the Engineer prepare and file a revised and detailed estimate of cost, full and detailed final plans and specifications, and a revised map and assessment plat; and providing other matters relating thereto.

AND

Introduction and first reading of an Ordinance creating Washoe County, Nevada, Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) at an estimated cost of \$1,500,000; ordering a water project within Washoe County, Nevada; providing for the levy and collection of special assessments therefor; and prescribing other matters relating thereto.

EXHIBIT "B"

[Attach Copy of Notice of February 26, 2008 Meeting]

COUNTY COMMISSIONERS

Bob Larkin, Chairman
Jonnie Weber, Vice-Chairman
Jim Galloway
David Humke
Kitty Jung

COUNTY MANAGER

Katy Singlaub

**ASSISTANT
DISTRICT ATTORNEY**

Melanie Foster

AGENDA

WASHOE COUNTY BOARD OF COMMISSIONERS

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

**February 26, 2008
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 February 26, 2008 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 listed or not listed on the published agenda. The Open Meeting Law does not expressly prohibit responses to public comments by the Commission. However, responses from Commissioners to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Commission will consider, Commissioners may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action or to ask that a matter be listed on a future agenda. The Commission may do this either during the public comment item or during the following item: "*Commissioners'/Manager's Announcements, Requests for Information, Topics for Future Agendas and Statements Relating to Items Not on the Agenda".

9. Appearance: Randi Thompson, Washoe County's Appointee to the
Reno-Tahoe International Airport
Brian Kulpin, Director of Marketing and Public Affairs
Reno-Tahoe International Airport

Update on Airport activities.

10. Recommendation to approve issuing Request for Proposal for the Washoe County Sheriff's Office Crime Laboratory to either lease, purchase or rent four Gas Chromatograph Mass Spectrometers [cost to rent for five years \$578,781 or cost to purchase (includes delivery, installation, maintenance, etc., but not major updates) \$591,308]; and if approved, Purchasing Department will administer Bid Solicitation Package to obtain the required equipment under the best possible financial arrangements--Sheriff. (All Commission Districts.)
11. Recommendation to approve an Interlocal Cooperative Agreement between the County of Washoe and the Regional Transportation Commission of Washoe County (RTC) for the transfer of Washoe County's portion of the Indexed Fuel Tax Revenues to RTC to fund preventive maintenance on Regional and Non-Regional Roads [estimated Fiscal Year 2009 cost \$1,042,300]; and, if approved, authorize Chairman to execute Interlocal Cooperative Agreement--Public Works. (All Commission Districts.)
12. Status report and possible direction to staff regarding Nevada Supreme Court Order (ADKT No. 411) dated January 4, 2008 in the matter of the Review of Issues Concerning Representation of Indigent Defendants in Criminal and Juvenile Delinquency Cases--Manager.

5:00 p.m. 13. South Truckee Meadows General Improvement District.

See separate agenda.

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

14. Second reading and adoption of an Ordinance creating Washoe County, Nevada Special Assessment District No. 39 (Lightning W Water System Supply Improvement Project) at an estimated cost of \$1,500,000; ordering a water project within Washoe County, Nevada; providing for the levy and collection of special assessments therefore; and prescribing other matters relating thereto (Bill No. 1537)--Water Resources.
15. Second reading and adoption of an Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Development Agreement Case No. DA08-001 for Tentative Subdivision Map Case No. TM06-002 for Autumn Wood as previously approved by the Washoe County Planning Commission (Bill No. 1538); and if adopted, authorize Chairman to execute Development Agreement concerning same--Community Development.

EXHIBIT "C"

[Attach Affidavit of Publication of Notice of Filing of Creation Ordinance]

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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: **02/16/2008 - 02/16/2008**, for exact publication dates please see last line of Proof of Publication below.

Signed: *Debra J. DiLiandro*

FEB 16 2008

Subscribed and sworn to before me
LINDA ANDERSON
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 08-5430-2 - Expires January 15, 2012

Linda Anderson

Proof of Publication

NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that the Washoe County Board of Commissioners will hold a public hearing in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, on Tuesday, February 26, 2008 at 5:30 p.m. to consider: AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 39 (LIGHTNING WATER SYSTEM SUPPLY IMPROVEMENT PROJECT) AT AN ESTIMATED COST OF \$1,500,000; ORDERING A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; AND PRESCRIBING OTHER MATTERS RELATING THERETO. Anyone wishing to protest or affirm may do so by appearing at the above-named time and place. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 530386 Feb. 16, 2008

ord. 1358 ✓

EXHIBIT "D"

[Attach Affidavit of Publication of Title of Creation Ordinance Twice]