(Rev. 3-28-11)

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

RESOLUTION 2011-1

A RESOLUTION ORGANIZING THE TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY; FORMING THE INITIAL BOARD OF DIRECTORS; ELECTING OFFICERS OF THE BOARD; APPOINTING KEY OFFICERS OF THE AUTHORITY; APPROVING BY-LAWS AND RULES OF PROCEDURE; APPROVING ORGANIZATIONAL CHART OF AUTHORITY AND DESIGNATING AGENTS OF THE AUTHORITY; ESTABLISHING INTERIM FUNDS, BUDGETS, POLICIES AND PRACTICES OF THE AUTHORITY; ADOPTING THE INFRASTRUCTURE SALES TAX PLAN AND LOCALLY PREFERRED PLANS FOR THE TRUCKEE RIVER FLOOD MANAGEMENT PROJECT; AUTHORIZING THE EXECUTIVE DIRECTOR TO PURCHASE INSURANCE AND OPEN BANK ACCCOUNTS; AND PROVIDING FOR MATTERS PROPERLY RELATED THERETO.

WHEREAS:

A. Washoe County and the cities of Reno and Sparks (the "**Members**") entered into an Interlocal Cooperative Agreement (Truckee River Flood Management Project) (the "**ICA**") which, among other things, created the Truckee River Flood Management Authority (the "**Authority**") and conferred to it certain functions and delegated powers relating to the acquisition, administration, construction, operation and maintenance of the Truckee River Flood Management Project;

B. The governing bodies of each Member designated two persons to be on the initial Board of Directors of the Authority, and on this day, the persons so designated have assembled, established a quorum and now desire to organize the Truckee River Flood Management Authority in accordance with the ICA, and adopt initial policies and plans to begin the business of the Authority.

NOW THEREFORE BE IT RESOLVED:

Section 1. Formation of Initial Board of Directors

1.1 Under the §3.03 of the ICA, the following Directors have been duly appointed by the Members and hereby form and organize the initial Board of Directors of the Authority as follows. The Executive Director is directed to ask Member governing bodies who have not designated alternates and terms of Directors to do so.

Name	Position	Term
Representing City of Sparks		
Ron Smith	Director,	2 years
Geno Martini	Director	1 year
Ed Lawson	Alternate	
Representing Washoe County		
Bob Larkin	Director	
David Humke	Director	
	Alternate	
Representing City of Reno		
Jessica Sferrazza	Director	
David Aiazzi	Director	
	Alternate	

Section 2. Election of Officers of the Board

2.1 The following Directors are hereby elected as:

Chair: **Ron Smith**

Vice Chair: **Bob Larkin**

Section 3. Selection of Executive Director, Counsel, and Chief Financial Officer of the Authority, and Auditor.

3.1 In accordance with ¶3.07.A of the ICA, **Naomi Duerr** is hereby appointed as the Acting Executive Director of the Authority, subject to and pending approval of a contract of employment to be considered at the next regular meeting of the Board and which contract shall be reviewed annually. The powers and duties of the Executive Director shall be approved by resolution at a later meeting.

3.2 In accordance with ¶3.07.C of the ICA, **Greg Salter** is hereby appointed to be the Acting General Counsel to the Authority to be responsible directly to and to serve at the pleasure of this Board. Mr. Salter is to propose a contract of employment establishing his duties and relationship with this Board at its next regular meeting.

3.3 In accordance with ¶3.07.D, the Executive Director has recommended and this Board does confirm **John Sherman** as the interim Chief Financial Officer.

3.4 The Executive Director is hereby instructed to bring back an agreement for an auditing firm to the next regular meeting of this Board.

Section 4. Adoption of By-Laws and Rules of Procedure.

4.1 The By-Laws and Rules of Procedure attached hereto as **Exhibit A** are hereby ADOPTED. Consideration of provisions in the By-Laws regarding the establishment of committees of this Board was tabled to be taken up at a later meeting as amendments to these By-Laws.

Section 5. Approval of Organizational Chart of Authority and designation of agents of Authority.

5.1 The Board hereby approves the Organizational Chart attached to this Resolution as **Exhibit B** as the initial organizational chart of the Authority and hereby brings over and appoints the staff of the Flood Project Department of Washoe County to the positions as specified in the Organizational Chart, with the exception that the two vacant positions would need to be brought back to the Board for consideration prior to being filled. This action is taken under the provisions of the ICA and not to be considered as a new hire from Washoe County.

Section 6. Establishment of Funds; adoption of interim budget.

6.1 Under ¶3.08.A of the ICA, the Authority is designated as a "local government" under NRS Chapter 354 (Local Financial Administration) by its founding Members and by this resolution under NRS 354.590 the Authority, as governing body hereby:

a. Adopts, for the interim period until July 1, 2011, as the Capital Improvement Plan of the Authority the provisions now contained in the Capital Improvement Plan for Washoe County which pertain to Flood Management Facilities as that term is defined in the ICA;

b. Adopts as its interim funds and accounts until July 1, 2011, the funds and accounts currently established by Washoe County for the Truckee River Flood Management Project;

c. Adopts as its interim budget until July 1, 2011 the provisions in the Washoe County Budget which are applicable to the Truckee River Flood Management Project;

d. Adopts all appropriations and encumbrances made by the Washoe County Board of County Commissioners with respect to funds for the Truckee River Flood Management Project;

e. Requests that Washoe County first inform this Board before it augments, transfers appropriations, establishes or releases encumbrances or otherwise changes budget accounts, amends any budget established or existing for the benefit of the Truckee River Flood Management Project;

Section 7. Adoption of interim policies practices and procedures.

7.1 The Board of Directors hereby adopts all ordinances, resolutions, policies and procedures of Washoe County as the interim policies, practices and procedures of the Authority pending the adoption of specific resolutions of this Board.

7.2 During the transition of cash and assets from Washoe County to the Authority, to the extent that Washoe County retains control over cash and assets, the interim policies and practices adopted by the Board will apply as written.

7.3 To the extent that cash and assets have been transferred from Washoe County to the control of the Authority, the interim policies, practices and procedures apply except that the Board of Directors of the Authority shall replace the Board of County Commissioners, and the Executive Director of the Authority shall replace the County Manager.

Section 8. Adoption of Infrastructure Sales Tax Financing Plan.

8.1 Pursuant to NRS Chapter 377B (authorizing the imposition of an Infrastructure Sales Tax to finance certain projects) on November 17, 1998, the Board of County Commissioners of Washoe County adopted a plan to acquire and construct a Regional Dispatch and Emergency Operations Center Facility, a Public Safety Training Center, and the U.S. Army Corps of Engineers Truckee River Flood Control Project, and on December 8, 1998, the Board enacted a 1/8 percent sales tax ordinance to finance the acquisition and construction of those improvements. (Bill No. 1223, Ordinance 1048, now codified at WCC 20.914). Since then, the Infrastructure Sales Tax Plan has been amended twice.

8.2 To assist in the financing of the Flood Project, in ¶6.02.D of the ICA, Washoe County irrevocably pledged and agreed to pay to the Authority the "Infrastructure Fund Flood Project Net Revenues", and in ¶6.02.C of the ICA Washoe County delegated to the Authority certain powers regarding the Infrastructure Tax Plan as amended.

8.3 The Board hereby adopts the Second Amendment to the Infrastructure Tax Plan, a copy of which is attached hereto as **Exhibit C** as its plan for the expenditure of the Infrastructure Sales Tax with respect to the Truckee River Flood Management Project.

Section 9. Adoption of Locally Preferred Plan.

9.1 The Locally Preferred Plan previously adopted by the Flood Project Coordinating Committee, a copy of which is attached hereto as **Exhibit D** is hereby adopted by the Authority as its preferred plan for the Truckee River Flood Management Project.

Section 10. Authorization to Executive Director to purchase insurance, request proposals for risk management consultant, and open bank accounts.

10.1 The Executive Director is hereby authorized and directed to request proposals for liability and property insurance policies and may enter into insurance binders or temporary insurance policies to protect the Authority, and to negotiate insurance contracts for approval by the Board.

10.2 The Executive Director is hereby authorized and directed to request proposals for and negotiate a Risk Management Consultant contract for approval by this Board.

10.3 To the extent necessary to receive cash from Washoe County, the Executive Director is hereby authorized to open one or more bank accounts at one or more financial institutions located in Reno, Nevada which meet the requirements for a depositary under NRS Chapter 350.

APPROVED AND ADOPTED THIS 11TH DAY OF MARCH 2011 BY A UNANIMOUS VOTE OF THE BOARD OF DIRECTORS

Ron Smith, Chair
Board of Directors

Exhibit A	By-Laws and Rules of Procedure of the Authority
Exhibit B	Organizational Chart of Authority.
Exhibit C	Approved Infrastructure Sales Tax Plan
Exhibit D	Approved Locally Preferred Plan

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

RESOLUTION 2011-1

EXHIBIT A

BY-LAWS AND RULES OF PROCEDURE OF THE AUTHORITY

(Rev 3-24-11)

BY-LAWS AND

RULES AND PROCEDURES

FOR THE

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

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1. General

a. Definitions.

Authority	means the Truckee River Flood Management Authority.
Board	means the Board of Directors of the Authority.
Director	means a member of the Board of Directors
Executive Director	means the Executive Director of the Authority.
ICA	means the Interlocal Cooperative Agreement (Truckee River Flood Management Project) dated as of March 11, 2011, and as amended from time to time.
Member	means the Members of the Authority, namely Washoe County, and the Cities of Reno and Sparks.

b. Relationship to Interlocal Cooperative Agreement. The ICA is the charter for the Authority. These By-laws supplement the ICA and if there is a conflict between these By-Laws and Rules of Procedure and the ICA as it may be amended from time to time, the ICA shall control.

2. **Appointment and terms of Directors and alternates.** ¶3.03.B of the ICA provides for the appointment and terms of Directors and alternates. A letter from the City/County Manager or City/County Clerk is sufficient to indicate such appointments by the governing bodies of the Members, and shall be delivered to the Executive Director.

3. **Meetings.**

   a. **Regular meetings.** Regular meetings of the Board shall occur monthly generally on the second Friday of each month. Each year, the Board will prepare and publish a schedule of regular meetings. However, the Chair may postpone or cancel regular meetings.

   b. **Special meetings.** Special meetings may be called by the Chair or by two Directors.

   c. **Emergency meetings or agenda items.** Emergency meetings may be called by the Executive Director, or emergency items may be added to an agenda for a regular or special meeting of the Board under conditions specified in NRS 241.020. Before proceeding with any emergency meeting or considering any emergency item, the Board must, by unanimous consent of all the voting members present, find that an emergency exists and specify the reasons for the emergency meeting.

   d. **Caucus Meetings.** The Chair may from time to time or on a regular basis schedule caucus meetings to discuss matters with the Executive Director and staff prior to a regular or special meeting. Caucus meetings are subject to the Nevada Open Meeting Law.

4. **Quorum.** Four Directors shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named in the record and the meeting shall adjourn.

5. **Attendance.** If a Director cannot attend all or any part of a meeting, or must abstain from a vote, an alternate designated as provided in Rule 2 above can fill in for the absent or abstaining Director.

6. **Recording secretary; tapes and minutes of meetings.** The Executive Director shall designate a recording secretary for each meeting who shall take minutes of the meeting and cause the meeting to be recorded by audio or video method. Minutes and recordings are public records and shall be kept at the principal office of the Authority. Minutes shall be approved by a unanimous consent of all the Directors.

7. **Selection of Chair and Vice-Chair.** The Board shall annually elect a Chair and Vice Chair. Unless sooner removed from office, the Chair and Vice-Chair shall serve until a successor is elected and qualified.

8. **Duties of the Chair and Vice-Chair.** The Chair shall preside over and run the Board meetings in an orderly way according to Section 12, the Rules of Procedure. In the absence of the Chair, the Vice-Chair shall preside over and run the Board meetings in an orderly way according to the Rules of Procedure. In the absence of both the Chair and Vice-Chair, the Directors shall select a Chair for that meeting.

9. Placement and removal of agenda items; Board packets.

a. Any Director may place items on upcoming agendas. Other persons may request to place an item of special interest on an agenda by contacting the Executive Director who shall decide whether to place the item on an agenda or to present the request at the next regular meeting of the Board.

b. The Executive Director shall prepare draft agendas for each Board meeting and discuss it with the Board Chair. Together they will determine the final agenda.

c. The Executive Director shall deliver to the Directors an electronic packet containing the agenda and any supporting documentation approximately five working days before each meeting.

10. Public comments and written communications to the Board.

a. **Addressing the Board.** In order to allow the recording secretary to properly document those individuals speaking to the Board, persons desiring to address the Board shall first provide the recording secretary with a written request to speak on an agenda item so the presiding officer may recognize them. Each person addressing the Board shall step up to the microphone, give his/her name and limit the time of his/her presentation to three minutes. No person, other than Directors and the person having the floor, shall be permitted to enter into any discussion, either directly or through the Directors. Speakers shall avoid undue repetition of points previously presented to the Board.

b. **Disruptive Conduct.** As per NRS 241.030, any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical may be removed from the meeting by order of the presiding officer. Willfully disrupting a meeting includes but is not limited to: (1) use of physical violence, threatening to use physical violence, or provoking the use of physical violence, or (2) continuing to use loud, boisterous, unruly, or provocative behavior after being asked to stop, which behavior is determined by the presiding officer or all of the Directors present at the meeting to be disruptive to the orderly conduct of the meeting, or (3) failing to comply with any lawful decision or order of the presiding officer or all of the Directors present relating to the orderly conduct of the meeting. The presiding officer shall request that a person who is engaging in conduct which is disrupting, disturbing, or otherwise impeding the orderly conduct of the meeting to desist from such conduct. If, after receiving a warning from the presiding officer, such person persists in disrupting the meeting, the presiding officer may order him/her to leave the meeting.

c. **Written Communications.** Interested parties, or their authorized representatives, may address the Board by written communication in regard to any matter concerning Board business or over which the Board has supervision, control, jurisdiction or advisory power at any time by direct mail to the

Directors or by addressing it to the Executive Director. Copies will be distributed to the Directors.

11. **Voting.** Except in the case of an abstention under Paragraph 14 of these By-Laws, all Directors (including the Chair) must vote on all matters before them. Actions of the Board shall be decided upon by the unanimous consent of the Directors present at the meeting as provided in ¶3.05.B of the ICA. If a Director chooses to abstain or vote against a matter, it is the responsibility of that Director to clearly and audibly announce the abstention or vote against the matter; otherwise the Director will be deemed to have consented to the matter. Any Director may demand a vote by roll call.

12. **Rules of Procedure.**

    a. **Use of Roberts Rules of Order or other methods.** These By-laws and Rules of Procedure are adopted as provided in ¶3.04.E of the ICA, and therefore the use of Roberts Rules of Order are not mandatory in governing the conduct of meetings of the Board but may be used as guidelines for orderly conduct of the meeting. Considering the need for unanimous consent, the Chair is authorized to employ procedures and methods reasonably calculated to build consensus.

    b. **Precedence of motions.** When a motion is before the Board, no motion shall be entertained except (1) to limit comment, (2) to adjourn or fix the hour of adjournment, (3) to lay the motion on the table, (4) to call for the previous question, (5) to continue to a certain day, (6) to refer, (7) to amend, (8) to postpone indefinitely, or (9) to divide the question. Such motions have precedence in the order indicated.

        i. **Motion to lay on the table.** A motion to lay on the table is to temporarily by-pass the subject, and may be voted upon without debate. If the motion to lay on the table is unanimously approved, the item shall be listed on the agenda for each successive regular meeting until it is taken off the table.

        ii. **Call for previous question.** The purpose of this motion is to close debate on the main motion. It is undebatable and no further discussion shall be permitted until the motion for previous question is acted upon. If the motion for previous question fails, debate is reopened on the main motion. If the motion for previous question passes, the Board shall vote on the main motion.

        iii. **Continue to a certain day.** The purpose of this motion is to delay consideration of a subject until a future time. A motion to continue shall include the specific date when the subject shall again be considered.

iv. **Motion to amend.** No more than one amendment to an amendment is permitted. When an amendment is before the Board, the Board shall first vote on the amendment, and after the amendment has passed or failed, the Board shall vote on the main motion.

v. **Division of Question.** If the question contains two or more propositions which may be divided, the Chair may, or upon motion approved by the Board, divide the same.

c. **Reconsideration.** If a motion is defeated by one or more votes against it, any Director who voted against it may move to reconsider the vote on that specific motion during the same meeting or at the next regular meeting of the Board.

d. **New motions on matters defeated.** If a motion is defeated by one or more votes against it, any Director may make a new motion regarding the same subject matter of the defeated motion if the new motion proposes a variation or alternative result in order to facilitate achievement of unanimous consent.

e. **Block votes.** If a motion for a block vote or the simultaneous consideration of multiple questions is defeated by one or more votes, any Director may ask for a division of the question or make a new motion on any question within the block vote or simultaneous consideration.

f. **Procedure for public hearings.** When a public hearing is required for a matter (such as setting rates), the following procedures shall be followed:

i. The Chair shall advise the audience of general hearing procedures;

ii. The Chair may request a show of hands to canvas positions on the matter, and to determine how many people wish to provide testimony;

iii. Staff may make a presentation, including expert testimony;

iv. Board members may ask questions of staff and expert witnesses;

v. Chair opens the public hearing for public testimony; Speakers shall limit their presentations to three minutes unless they represent an organization, in which case they can speak for five minutes provided that no other testimony will be presented on behalf of the organization; The Chair or any Director may ask questions of a speaker (answering questions does not count against the time limits) and may invite a speaker to continue beyond his/her time limit;

vi. Unless otherwise directed by the Chair, speakers shall speak in the following order: (1) If the public hearing involves a development

or other project, the owner or proponent of the project shall speak first; (2) initial speakers for the agenda item; (3) subsequent speakers for the agenda item – who will be asked to provide new pertinent information not covered by previous speakers; (4) initial speakers against the agenda item; (5) subsequent speakers against the agenda item -- who will be asked to provide any new pertinent information not covered by previous speakers; Questions asked by speakers and dialogue addressed to staff members and individual members will be directed, and limited as necessary, by the Chair;

vii. The public hearing shall be closed and the Board may ask questions of staff members or others, and staff may be asked to respond to any testimony during the public hearing;

viii. The Chair shall entertain motions, debate and a vote.

g. Decorum. While the Board is in session, the Directors must preserve order and decorum. A Director shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board or its presiding officer.

13. Director correspondence. When a Director sends out correspondence stating that Director's official position regarding a constituent complaint or other issue of the Board, a copy of said correspondence will be placed on file in the Principal Office of the Authority and a copy shall be to the other Directors.

14. Code of Ethical Conduct; abstentions. NRS Chapter 281A (Ethics in Government) applies to Directors and Directors shall scrupulously comply with the ethical limitations and requirements in that Code. When a Director abstains from a vote on a matter under NRS 281A.420, the abstention shall not be deemed as a vote in favor of the matter (as provided in NRS 241.0355), and either (i) the Alternate Director representing the Member may step in and vote on the matter, or (ii) per NRS 281A.420 (5) the number of votes necessary to act upon the matter, as fixed by the ICA and these Rules is reduced as though the Director abstaining were not a member of the Board, and the unanimous consent of the remaining Directors shall be sufficient to approve the matter.

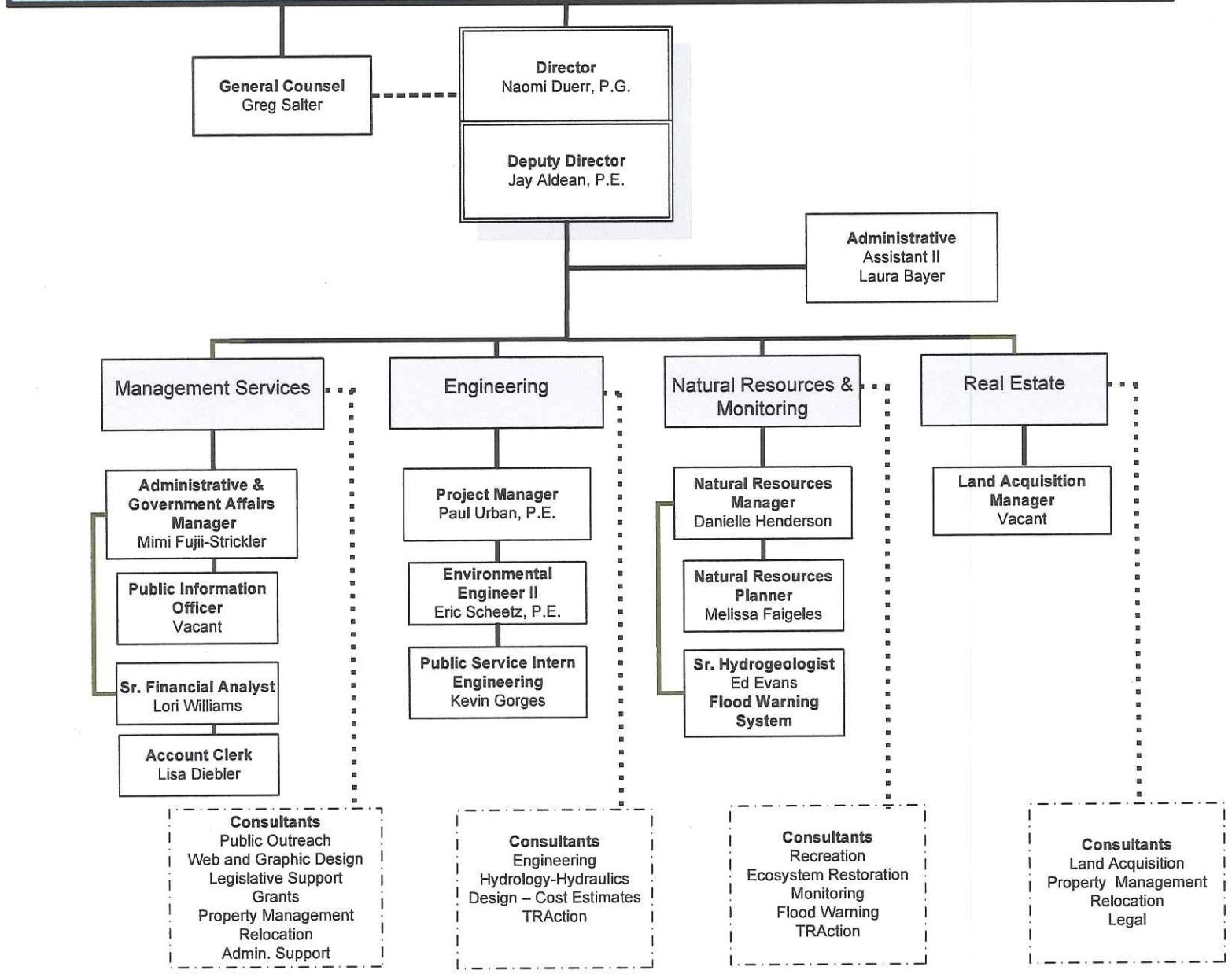
TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

RESOLUTION 2011-1

EXHIBIT B

ORGANIZATIONAL CHART OF AUTHORITY

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY
BOARD OF DIRECTORS
March 2011



TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

RESOLUTION 2011-1

EXHIBIT C

APPROVED INFRASTRUCTURE SALES TAX PLAN

(Rev. 11-19-09)

Second Amendment (2009)

to Infrastructure Tax Plan Adopted November 17, 1998 for Public Safety and Flood Control Projects

relating to the

TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

December 8, 2009

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2621-80

Recitals

WHEREAS:

A. Pursuant to NRS Chapter 377B (authorizing the imposition of an Infrastructure Sales Tax to finance certain projects) on November 17, 1998, this Board of County Commissioners adopted by motion a plan to expend new Infrastructure Sales tax money to acquire and construct: (1) a Regional Dispatch and Emergency Operations Center Facility, (2) a Public Safety Training Center, and (3) the U.S. Army Corps of Engineers Truckee River Flood Control Project. On December 8, 1998, this Board enacted an 1/8% sales tax ordinance to finance the acquisition and construction of those improvements (Bill No. 1223, Ordinance 1048, now codified at WCC 20.914). On November 14, 2000, this Board of County Commissioners amended the plan and 2000-2001 budget to allocate bond proceeds from the 1998 infrastructure sales tax bonds to the listed projects. The plan adopted in 1998 is attached hereto as Appendix A, and the amendment is attached hereto as Amendment B, and they will be referred to herein as the "**Original Plan.**"

B. Since the Original Plan was enacted, there have been several legislative and project developments that warrant updating of the Original Plan with respect to the U.S. Army Corps of Engineers Truckee River Flood Control Project (the "flood project").

C. Legislative Changes. In 2003, NRS 377B.160 was amended to authorize the use of the Infrastructure Fund (as defined below) for the operation and maintenance of projects that had been included in expenditure plans adopted before January 1, 2003. [See AB 490, Statutes of Nevada, 2003, Chapter 276, now codified as NRS 377B.160(2) (c)]. In 2009, two bills were passed by the Nevada Legislature (and approved by the Governor) that affect the financing of the flood project. One authorizes certain cities and counties to assess rates and charges which may be used to acquire, improve, equip, operate and maintain a "flood management project" and to delegate such assessment powers to a "flood management authority" which would be a joint powers authority formed under NRS Chapter 277 to build and operate a flood management project. [See Senate Bill 175, Chapter 477, Statutes of Nevada, 2009.] The other authorizes, upon certain conditions, the use of the Infrastructure Fund to provide financial assistance to owners of public and private property in areas that are likely to be flooded in order to make such properties resistant to flood damage. [See AB 54, Chapter 325, Statutes of Nevada, 2009]

D. Flood Project Changes. There have also been developments in the flood project description since the Original Plan was adopted which indicate an amendment is appropriate. In 1998, a "Community Coalition" of elected officials and civic leaders from all participating jurisdictions was assembled to work with the U.S. Army Corps of Engineers to develop a flood management project to be built through a partnership between the Corps and a local sponsor. The Community Coalition developed the beginnings of a "Living River Plan" which was approved by this Board on April 12, 2005. [See Resolution 05-354]. On that date, this Board also entered into a Cooperative Agreement with the Cities

09-1217

of Sparks, the City of Reno, and the University of Nevada to work together to get the flood project financed and built. The cooperative effort was to be managed by a "Flood Project Coordinating Committee" which includes representatives of all the participants. On March 10, 2006, the Flood Project Coordinating Committee adopted a "Community Preferred Plan" which updated and expanded upon the project descriptions in Resolution 05-354. The Community Preferred Plan continues to be improved and updated, and is intended to become a "Locally Preferred Plan" to be authorized by Congress and to become part of a Project Partnership Agreement with the U.S. Army Corps of Engineers. The flood project has increased significantly in scope, size and cost, and new statutes have been adopted which affect development and implementation of the plan, warranting an update to this Plan.

E. Proposed Amendment Upon request of the Flood Project Coordinating Committee, this Board of County Commissioners desires to amend the Original Plan but only with respect to the Flood Project:

1. To amend the Flood Project description:
   a. to change the name of the project from the U.S. Army Corps of Engineers Truckee River Flood Control Plan to the **Truckee River Flood Management Project;**
   b. to provide that expenditures may be made for the operation and maintenance of project elements that were described in the Original Plan (adopted before January 1, 2003);
   c. to add project element descriptions that were included in the 2006 Community Preferred Plan, retroactive to March 10, 2006 when that plan was approved;
   d. to add project element descriptions that were included in the 2006 Community Preferred Plan, effective October 9, 2009 when that plan was amended by the Flood Project Coordinating Committee;
   e. to authorize use of the Infrastructure Fund to provide financing as authorized by AB 54;
2. To update the flood project cost and methods of financing consistent with new sources of revenues not available at the time of the Original Plan;
3. To provide for the delegation of powers to amend this Plan to a flood management authority if one is organized under SB 175;
4. To provide for matters properly relating thereto.

F. Public hearings on this proposed amendment were held on October 13, 2009 and again on December 8, 2009 as required by NRS 377B.100 (6). For two weeks prior to each hearing, notice was published once each week in the Reno Gazette Journal and posted at the Commission Chambers and three other prominent places as required.

NOW THEREFORE, the Board of County Commissioners does hereby make the following findings and amendments to the Original Plan.

09-1282

Findings

This Board of County Commissioners finds that:

1. In 1998, this Board sent to the Regional Planning Commission a list of proposed projects to be contained in the Original Plan and received recommended rankings of the projects pursuant to NRS 377B.100 (6). This amendment does not affect that ranking, and this Board continues to honor the recommendation of the Regional Planning Commission.

2. Notice was given in the manner required by NRS 377B.100 (5) and a public hearing was held on this amendment as required by NRS 377B.100(6).

3. A retroactive application of portions of this amendment would not impair any existing right or liability under any contract, ordinance (including the Bond Ordinance enacted in 2006), statute or constitutional provision, and merely aligns mutually agreed upon project descriptions established in 2006 for cooperative financing between the Corps and the County.

4. Those project elements indicated with "◆" in the project element descriptions in Appendix C are equivalent to and part of the project elements as described in the Original Plan enacted before January 1, 2003 and therefore would be eligible for operations and maintenance expenditures from the Infrastructure Fund under NRS 377B.160 (2)(c).

04-1287

Amendment

§A1.1 Definitions and General Provision.

A. **Definitions.**

For purposes of this Amendment,

"AB 54" means Assembly Bill 54 as incorporated into Statutes of Nevada 2009, Chapter 325, page 1428

"Flood Management Authority" as established in Section 3 of SB 175, means any entity that is created by cooperative agreement pursuant to chapter 277 of NRS, the functions of which include the acquisition, construction, improvement, operation and maintenance of a flood management project.

"Governing Body" means the Washoe County Board of County Commissioners, and to the extent that any powers hereunder or under NRS Chapter 277B may be and are assigned or delegated by resolution to a Flood Management Authority, the governing body of that Flood Management Authority.

"Infrastructure Fund" means the fund described in NRS 377B.150 including the proceeds of the infrastructure tax and earnings thereon designated for use on the Flood Project.

"SB 175" means Senate Bill 175 as incorporated into Statutes of Nevada 2009, Chapter 477, page 2735

"Truckee River Flood Management Project" means the overall project described and approved by the Governing Body as amended from time to time which may include elements described in Appendix B hereto as well as those described in other documents such as agreements with the U.S. Army Corps of Engineers, and documents used in connection with generating or administering the sources of revenues identified below.

B. **Amendment.**

The Original Plan is hereby amended in all relevant and necessary places to accomplish the purposes stated herein. All other provisions in the Original Plan (including but not limited to those provisions regarding the Regional Dispatch and Emergency Operations Center Facility and the Public Safety Training Center, the Method of Financing the Projects, and the Process for Making Changes to the Plan) remain in full force and effect as stated and without interruption in priority or substance.

09-1282

§A1.2 Expiration Date.

With respect to the Truckee River Flood Management Project, the expiration date is January 1, 2040. On that date, the Board of County Commissioners shall determine whether a necessity exists for the continued imposition of the tax and follow the requirements as established in NRS 377B.100 (6).

§A1.3 Amendments to U.S. Army Corps of Engineers Truckee River Flood Control Project description.

A The portion of the Original Plan describing the U.S. Army Corps of Engineers Truckee River Flood Control Project description is hereby amended to

1. Change the name to the **Truckee River Flood Management Project**; and

2. Amend the description of the project elements to read as provided in Appendix C.

§A1.4 Adjustments and Limitations.

A. Expenditures from the Infrastructure Fund for the Truckee River Flood Management Project may be made only for projects authorized by NRS Chapter 377B

§ A1.5 Process for making further changes to Plan regarding Truckee River Flood Management Project Elements.

The Governing Body may amend this Plan as provided in NRS Chapter 377B and the Original Plan.

§A1. 6 Cost of Truckee River Flood Management Flood Project

The cost of the Truckee River Flood Management Project is estimated to be $1.6 billion of which $525 million is estimated to be the "local share" to be financed pursuant to this Plan. The Flood Project Coordinating Committee is working with all the partners in the Flood Project to define the local share in balance with the rest of our fiscal demands. The total cost and cost share estimates are expected to change over time.

§A1. 7 Financing Plan for Truckee River Flood Management Project

A. Sources and Uses of funds.

1. Bond proceeds. Bonds or other obligations may be issued which would be secured, in part, by the pledge of revenues from the sources indicated below, the proceeds of which shall be used to acquire, improve and equip a flood management project as specified in SB 175 and bond or other financing documents, which may include, but not necessarily limited to (considering other forms of financing) the elements described in this Plan.

2. Infrastructure Fund Washoe County shall continue to collect the Infrastructure Sales Tax as established in NRS Chapter 377B, and may pay a portion of the proceeds to the Flood Management Authority, consistent with the following uses. Proceeds from the Infrastructure Tax Fund may be used:

(i) first, to pay all outstanding obligations (including the 1998 Sales Tax Revenue Bonds, the Public Safety Training Facility Certificates of Participation, Series 2006, and the Flood Control Bonds, Series 2006), including funds necessary to replenish reserve accounts and maintain coverage ratios in accordance with bond documents;

(ii) second, in accordance with any pledges by the Governing Body for any new bond, note or warrant obligations, including funds necessary to replenish reserve accounts and maintain coverage ratios in accordance with the financing documents;

(iii) third, to the extent funds are available after the foregoing, to pay the costs and expenses of administering, acquiring, establishing, constructing, operating and maintaining the Truckee River Flood Management Project to the extent permitted under NRS Chapter 377B and this Plan.

3. Fees and charges. As authorized by SB 175, the Governing Body or the governing bodies of those jurisdictions that are participating in the Truckee River Flood Management Project by agreement may establish and collect in accordance with applicable law, fees, rates, and charges which may be used:

(i) first as pledged to repay the Flood Control Bonds, Series 2006, including funds necessary to replenish reserve accounts and maintain coverage ratios in accordance with bond documents;

(ii) second to be pledged to repay new bond, note or warrant obligations or note obligations including funds necessary to replenish reserve accounts and maintain coverage ratios in accordance with financing documents as approved by the Governing body; and

(iii) third, to the extent funds are available after the foregoing, to pay the costs and expenses of acquiring, improving, equipping, operating and maintaining the Truckee River Flood Management Project to the extent authorized by applicable law and as determined by the Governing Body.

4. Other sources. The Governing Body may enter into agreements regarding the collection of revenues from other sources including, but not limited to, grants or loans from governmental programs. Such funds shall be used only as authorized by applicable law and the program documents.

5. Army Corps of Engineers construction and contributions. Pursuant to a Project Partnership Agreement or other agreements or authorizations, portions of the Truckee River Flood Management Project may be constructed by the U.S. Army Corps of Engineers to be paid for in part out of its own funds (the "federal share"), and in part by the Governing Body (the "local share") from the foregoing sources.

B. Budgets and Proformas.

1. Term of Project. As funding becomes available, construction of the Truckee River Flood Management Project elements is expected to take approximately fifteen years and the project will be operated and maintained in perpetuity thereafter.

2. Annual Budgets In accordance with NRS Chapter 354, each fiscal year, the Governing Body shall adopt a budget year forecasting revenues and planning expenditures for the upcoming year for the Truckee River Flood Management Project.

3. Proformas Prior to the issuance of bonds, notes or other financing facilities, the Governing Body shall prepare appropriate proformas forecasting the sources and uses of funds for the repayment period of the bonds, notes or financing.

000995

§A1. 8 General Provisions.

A. The provisions of this plan are to be interpreted and applied to the fullest extent permitted under law. If any provision in this plan is deemed by a court of competent jurisdiction to be outside the limits of validity or against public policy, then such offending provision shall be deemed to be modified to be within the limits of validity and public policy, but if it cannot be so modified, then the offending provision shall be excised from this plan. In any event, all remaining provisions in this plan shall remain in force and effect.

B. All expenditures made or agreements entered into consistent with the Original Plan are hereby ratified and confirmed and may be carried forward into this amended plan.

Appendixes

A. Infrastructure Sales Tax Plan adopted in 1998
B. First Amendment (2000) to the 1998 Infrastructure Sales Tax Plan - Excerpt from minutes of Board of County Commission Meeting of November 14, 2000 amending the 1998 Plan;
C. 2009 Expenditure List for the Truckee River Flood Management Project.

09-1297

Clerk

WASHOE COUNTY

"To Protect and To Serve"

OFFICE OF THE COUNTY MANAGER

1001 E. 9th STREET
POST OFFICE BOX 11130
RENO, NEVADA 89520—0027
PHONE (702) 328-2000
FAX (702) 328-2037

November 13, 1998

TO: Board of County Commissioners

FROM: Katy Simon

SUBJECT: Determination and Vote on Question Regarding Imposition of ¼-Cent Sales Tax

RECOMMENDATION:

It is recommended that the Board take public testimony and make a determination on whether to impose a ¼ cent sales tax to finance infrastructure pursuant to NRS Chapter 377B (public safety and flood control projects) and Chapters 506 and 439 of the Statutes of Nevada (railroad grade separation project).

BACKGROUND:

According to state law, it is necessary "...for the commissioners to hold a public hearing regarding the imposition of the tax..." for both the public safety/flood control infrastructure authorized pursuant to NRS 377B and the railroad grade separation project authorized pursuant to Chapters 506 and 439 of the Statutes of Nevada. Prior to the adoption of any ordinance imposing the tax, it is necessary that a question concerning the imposition of the tax be approved by a two-thirds majority of the members of the board of county commissioners.

Since other items on this agenda relating to the sales tax are superfluous in the event the question is not approved, the commission should make this determination first.

FISCAL IMPACT:

If approved, the imposition of the tax will provide revenue to the county for the authorized and approved projects. No impact if not approved.

Washoe County Manager

KS/il

8A

98-1284

WASHOE COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

Description and Costs of each Proposed Project

As previously stated, the NRS 377B requirement for a plan for the expenditure of the proceeds of the tax applies only to the portion of the sales tax increase dedicated specifically to the public safety and flood control projects. The following descriptions apply to only those projects, therefore, this limitation in no way excludes the proposed railroad grade separation project from the Board's review and endorsement. The following three projects are listed in no particular order. The Regional Planning Commission's prioritization will be presented to the Board on November 17, 1998.

1. Regional Dispatch and Emergency Operations Center Facility $3.5 million

As recommended by the Regional Law Enforcement Task Force of 1995-96, an adequate regional communications facility is a critical need of our community. The existing dispatch center, which serves the City of Reno Police and Fire Departments, the Washoe County Sheriff's Office, and the Truckee Meadows Fire Protection District, is subject to flooding as it did in January, 1997; lacks egress in an emergency; and is in a state of deterioration. Additionally, the flood of January 1997 reaffirmed the serious deficiencies of the regional emergency operations center which doubles as an open, unfurnished conference room and requires one to two days to set up during an emergency, hampering emergency response efforts.

As a result of these and other concerns, the 1997 Legislature transferred ownership of the 18,000-square foot National Guard Armory Facility adjacent to the Washoe County Complex at Ninth and Wells to Washoe County to allow for its use by the region as a combined Regional Dispatch and Emergency Operations Center. Co-locating the Dispatch Center and the Emergency Operations Center is recommended due to the operational advantages of having communications and emergency response coordination in the same facility during a disaster, and due to the enhanced construction and security requirements of such essential facilities.

Section 7 of the Board's facilities plan notebook provides a report of the structural review by engineers and an analysis of the facility requirements for both the Dispatch Center at approximately 15,672-square feet and the Emergency Operations Center and support facilities at 7,692-square feet (Section 7, page 22) for a combined total of 23,364-square feet. In order to accommodate the program requirements, the conceptual feasibility study of the facility completed by Moore Walsh Collaborative anticipates the addition of up to

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5,000 feet of additional space, to be added to the existing floor plan, either via a second floor mezzanine added to the high central core, or ground floor additions and/or free-standing structures within a secured site perimeter. Both the architects and the structural engineers (Consulting Engineering Services, Inc.) have determined that the building and the site are capable of such additions with relatively minor modifications.

Further, the building's proximity to the existing telecommunications and utility infrastructure in the adjacent Washoe County Complex make the project more cost-effective. The regional dispatch and emergency communications equipment to be supported by the proposed facility are being separately funded by the City of Reno and by the voter-approved 1996 Public Safety Bonds.

The architect's estimates of the probable costs of constructing an 18,000 single-story facility (which would require the elimination of some non-essential program needs, such as a radio repair shop, lockers, sleeping quarters for the EOC, etc.) total approximately $2,325,212, excluding the separately funded communications equipment, furnishings, design, permits, and utility fees. Equivalent costs for a multi-story 24,000-square foot project are estimated at $2,657,644.

This project is proposed to be funded entirely from the proceeds of a sales tax increase.

$16.5 million

2. Public Safety Training Center

The concept of a regional public safety training center was also recommended by the Law Enforcement Task Force. Based on input from the City of Reno's Police and Fire Departments, the City of Sparks Police and Fire Departments, the Washoe County Sheriff's Office, the Truckee Meadows Fire Protection District, Truckee Meadows Community College and the State Office of Peace Officer Standards and Training, as well as other agencies, the proposed facility (outlined in Section 8 of the Board's Facility Plan Notebook) would support the 330,000 annual training hours needed by the 1,520 public safety personnel of those agencies. The planned facility would include a 4,500-square foot burn building, a 2,640-square foot high drill tower building, a 2,604 square foot shooting range facility, a 4,420-square foot vehicle storage area, and a 37,627-square foot administration and classroom building, as well as an emergency vehicle operation course and related support facilities.

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The project is estimated to cost $16.5 million, which includes $5.5 million for buildings, $4 million for site infrastructure, $1 million for design fees, $3.5 million for land acquisition and site work, $2.2 million for training equipment, and $300,000 for furnishings. Training center operating costs, which will not be paid from the proceeds of the sales tax increase, are estimated to be approximately $300,000 and are proposed to be funded jointly by the participating agencies through a proportionately shared arrangement. This project is proposed to be funded entirely from the proceeds of the sales tax increase.

3. U.S. Army Corps of Engineers Truckee River Flood Control Project
Total Project $115.2 million
Local share $57.6 million

This project has many components, and consists of:

(1) - an upgraded flood warning and flood preparedness plan to increase the community's reaction time and response to flooding;

(2) - increased flood capacity through downtown Reno via bridge replacements and floodwall terracing to reduce the height of flooding;

(3) - levees and floodwalls from US 395 to McCarran Boulevard to contain floodwaters that spread throughout the eastern Truckee Meadows flood plain damaging numerous commercial, industrial and residential properties and the Reno-Tahoe International Airport;

(4) - levees and floodwalls from McCarran Boulevard to Vista and back up the North Truckee Drain and Steamboat Creek Drain to protect commercial, industrial and residential properties from flooding; and,

(5) - a 6200 acre-foot flood detention basin on the University of Nevada's Agricultural Research Station east of McCarran Boulevard and south of the Truckee River to prevent increased flooding along the Truckee River below Vista.

The project also includes the opportunity for environmental restoration and recreational features.

98-1238

The total Truckee River Flood Control Project cost has been estimated to be approximately $115.2 million based upon a construction start in 2001. The region's responsibility is for all lands, easements, rights of way, relocations and damages pursuant to the project, which have been estimated to cost 50% of the total project costs. The U.S. Army Corps of Engineers has estimated that the region will need to dedicate 225 acres of land to the project for the levees and floodwalls and 1,232 acres of land for the flood detention facility.

Method of Financing the Projects

The projects are proposed to be funded from two bond issues, one funded in 1998, issued as special revenue bonds for $21,695,000 secured wholly by the sales tax; and, one proposed to be issued in 2001 for $40,250,000 as general obligations to be additionally secured by pledged sales tax revenues, subordinate to the proposed 1998 bonds.

Favorable coverage ratios exist for both bond issues solely from projected sales tax revenues. The financial model produced by Howarth and Associates for these projects assumes a start date of April 1, 1999 and a growth rate in sales tax receipts of 1%. The draft funding model is attached (see following 4 pages).

Process for Making Changes to the Plan

According to NRS 377B, the Board of County Commissioners may review and adopt a new facility plan before it expires, utilizing the same process of review and prioritization by the Regional Planning Commission and adoption by the County Commission.

If sales tax revenues are materially less than anticipated, the Board may decide to defer or delay projects. In the event that additional revenues are available from an authorized sales tax increase, the Board of County Commissioners may elect to provide funding for additional public safety/flood control projects, may change the term of the tax, or may reduce the debt principal and interest payments as specified by law.

In the event of additional revenues in the future, and if the Board chose to consider additional public safety/flood control projects in the adoption of a new plan, those that have been identified to date include the following:

09-1237

Public Safety

- Juvenile Detention Facility

Truckee River Tributary Flood Control Projects

- Griffith Canyon Diversion
- Eagle Canyon Channel
- Desert Springs Channel
- Disc Drive Detention
- Vista Boulevard Detention and Channel
- Hidden Valley Detention
- Virginia Foothills Detention and Channel
- Bailey Creek Channel
- Dry Creek Channel
- Block "N" Detention

Please note that none of the projects in this section are proposed for funding from the possible sales tax increase at this time.

FISCAL IMPACT:

The total fiscal impact for construction, acquisition and/or establishment of the proposed public safety and flood control projects on local resources funded from the sales tax increase, as outlined in NRS 377B, is estimated to be $73,586,513, including financing costs.

Washoe County Manager

KS/rl
Enc.

98-1228

00-1087 **BILL NO. 1283 – SECOND READING AND ADOPTION – EXTEND SUNSET PROVISION FOR COLLECTION OF 911 SURCHARGE**

Madelyn Shipman, Assistant District Attorney, advised that, due to some confusion, the business impact statement associated with the 911 surcharge ordinance was not published. Therefore, the public hearing for the second reading and adoption of Bill No. 1283 is being republished and rescheduled to November 28, 2000.

00-1088 **EXPENDITURE - PROCEEDS OF THE INFRASTRUCTURE SALES TAX – EMERGENCY OPERATION CENTER/DISPATCH FACILITY, PUBLIC SAFETY TRAINING CENTER AND TRUCKEE RIVER FLOOD CONTROL PROJECT - FINANCING**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 31 and November 7, 2000, to consider amending the plan for expenditure of the proceeds of the infrastructure sales tax imposed pursuant to NRS Chapter 377B and adjustments to the 2000-2001 fiscal year budget (financing of Emergency Operation Center/Dispatch Facility, Public Safety Training Center and Truckee River Flood Control Project). Proof was made that due and legal Notice had been given.

Chairman Short opened the public hearing and called on anyone wishing to speak concerning this matter. There being no response, the public hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioners Bond and Sferrazza absent, Chairman Short ordered that the plan for expenditure of the proceeds of the infrastructure sales tax imposed pursuant to NRS Chapter 377B be amended as outlined below and the following adjustments be made to the 2000-2001 fiscal year budget:

- $7-million of 1998 infrastructure sales tax bond proceeds be allocated to fund the Emergency Operations Center/Dispatch Facility (940401-7880).
- $1.8-million of 1998 infrastructure sales tax bond proceeds be allocated to acquire training props, equipment and furniture for the Public Safety Training Center project (940402-7825).
- The balance of the 1998 infrastructure sales tax bond proceeds and all interest income related to those bonds be allocated to the Truckee River Flood Control Project (940601-7880).

It was further ordered that staff be directed to continue working on the funding plan for the Truckee River Flood Control Project for final action by the Board at a future date, and the Comptroller be directed to make the necessary cash and account adjustments to the infrastructure fund 2000-2001 fiscal year budget to reflect the allocation of the 1998 infrastructure sales tax bond proceeds and related interest income.

00-1284

001003

[5:37 p.m. Commissioner Sferrazza arrived at the meeting.]

00-1089 **NOTICE OF INTENT – ISSUANCE OF GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS**

5:30 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 27, 2000, on the intent of the Board of County Commissioners of Washoe County, Nevada, to issue General Obligation (Limited Tax) Sewer Bonds (additionally secured by pledged revenues). Proof was made that due and legal Notice had been given.

Chairman Short opened the public hearing by calling on anyone who wished to speak concerning the intention of the County to issue General Obligation Sewer Bonds. There was no response and the public hearing was closed.

Commissioner Galloway asked whether shorter terms for bonds are ever evaluated and whether there might be a savings to the public. John Sherman, Finance Director, responded those issues are examined but bonds are usually tied to revenue streams.

00-1090 **RESOLUTION – AUTHORIZING SALE OF GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (STMWRF)**

00-1297

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Short be authorized to execute on behalf of Washoe County:

RESOLUTION NO. 00-1090

A RESOLUTION AUTHORIZING THE COUNTY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (STMWRF) (ADDITIONALLY SECURED BY PLEDGED REVENUES); DETERMINING THAT THE ORDINANCE AUTHORIZING THE ISSUANCE OF THE BONDS DOES NOT IMPOSE AN ECONOMIC BURDEN UPON BUSINESS; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, the Board of County Commissioners (the Board) of Washoe County, Nevada, (the "County," and the "State," respectively), proposes to issue up to $21,000,000 of general obligation bonds of the County in one or more series (the "Bonds") for the purpose of paying all or a portion of the cost of acquiring, constructing,

(Rev. 11/19/09)

Appendix C

NRS 377B Expenditure List (2009)
for the
TRUCKEE RIVER FLOOD MANAGEMENT PROJECT

Subject to the provisions of §A1-4, of the Second Amendment to the Infrastructure Sales Tax Plan, the proceeds in the Infrastructure Fund may be used for:

(i) The acquisition, establishment, construction or expansion of the Truckee River Flood Management Project Elements described in Part I below,
(ii) The ongoing expenses of operation and maintenance of those project elements indicated with a "◆"in Parts I and II below, and
(iii) The administrative and ongoing expenses of accomplishing the foregoing as described in Part II below, together with all expenses by implication reasonably necessary to accomplish the foregoing.

This Project Element list may be changed by the Governing Body pursuant to §A1.5 of the Second Amendment to the Plan.

09-1297

PART I
Project Elements

Original Plan adopted 11/17/1998:

1. ◆ An upgraded flood warning system and flood preparedness plan to increase the community's reaction time and response to flooding;

2. ◆ Increase flood capacity through downtown Reno via bridge replacements and floodwall terracing to reduce the height of flooding;

3. ◆ Levees and floodwalls from U.S. 395 to McCarran Boulevard to contain floodwaters that spread through the eastern Truckee Meadows floodplain damaging numerous commercial, industrial and residential properties and the Reno-Tahoe International Airport;

4. ◆ Levees and floodwalls from McCarran Boulevard to Vista and back up the North Truckee Drain and Steamboat Creek to protect commercial, industrial and residential properties from flooding;

5. ◆ A 6200 acre-foot flood detention basin on the University of Nevada's Agricultural Research Station east of McCarran Boulevard and south of the Truckee River to prevent increased flooding along the Truckee River below Vista

The project also includes the opportunity for environmental restoration and recreational features.

In the event of additional revenues in the future, and if the Board chose to consider additional public safety/flood control projects in the adoption of a new plan, those that have been identified as of November 17, 1998 include the following Flood Control Projects: (i) Griffith Canyon Diversion; (ii) Eagle Canyon Channel, (iii) Desert Springs Channel, (iv) Hidden Valley Detention, (v) Virginia Foothills Detention and Channel, (vi) Bailey Creek Channel, (vii) Dry Creek Channel, and (vii)Block "N" Detention. Please note that none of the projects listed in this section are proposed for funding from the possible sales tax at this time.

Added by Second Amendment, retroactive to March 10, 2006 (when Locally Preferred Plan project elements were approved by the Flood Project Coordination Committee)

06-1284

6. **Access:** Maintenance and enhance access to the Truckee River.

7. **Levees and floodwalls:** Levees and floodwalls as needed to contain flood flows from Lake Street to U.S. 395.

8. **Temporary Closure Structures:** Temporary closure structures at bridges to prevent floodwater from leaving the river channel and flowing down the street;

9. **Bridge Lengthening.** Lengthen bridges where necessary to reduce the flood levels, including, but not limited to Rock Street Bridge and East McCarran Blvd Bridge;

10. **Terracing:** Excavate earth and construct river terraces on one or both sides of the river to provide additional flow conveyance, increase flood storage capacity, and restore the ecosystem restoration as needed along the Truckee River channel from Booth Street to just east of Sparks;

11. **North Truckee Drain:** Relocation of the terminus of the North Truckee Drain to a point downstream, consisting mostly of an underground box culvert;

12. **Tributary Protection:** If needed, construct levees and floodwalls to extend up the tributaries to the Truckee River far enough so flooding from the Truckee River backwater does not occur behind them;

13. **Huffaker Detention Facility:** Construct a detention facility at Huffaker Narrows;

14. **Eastside Subdivision:** Elevation of the buildings in the Eastside Subdivision south of the UNR Main Station Farm.

15. **Hidden Valley Project:** Construction of a levee or floodwall along the east bank of Steamboat Creek from Pembroke lane north until it ties into natural ground

16. **Tributary Crossing Improvements:** Road improvements as may be needed at South McCarran, Peckham Lane, Longley Lane, and McCarran Boulevard to facilitate crossing tributaries.

17. **Ecosystem Restoration:** Restore the Truckee River downstream of Vista in all places where restoration is feasible to:

    (i) reconnect the river to its floodplain,

    (ii) increase channel sinuosity,

    (iii) mitigate for loss of floodplain storage due to construction of flood protection features upstream,

    (iv) remove invasive, non-native vegetation,

    (v) create habitat for fish and wildlife, and

    (vi) correct the damage done to the river from previous river channelization projects;

Restoration sites include but are not limited to Lockwood, Mustang Ranch, Granite Pit, Tracy Power Plant, 102 Ranch, Eagle Pitcher, Ferretto Ranch, Railroad Cut, I-80 Rest Stop, Upstream of I-80 Bridge, and Wadsworth;

18. **Rainbow Bend Protection:** Construct:

    (i) excavated benches along either side of the Truckee River,

    (ii) a low elevated walkway along the south side of the Truckee River channel, and

    (iii) additional levee or floodwalls or "in channel" retaining walls to provide additional capacity, protect abutments from flood scour and protect the Rainbow Bend community from increased flood flows due to construction of project elements upstream, and/or

    (iv) other features as necessary to protect the Rainbow Bend community from flooding;

08-1227

19. **Bridge Elevation:** Elevate or replace the trestle bridge at Painted Rock;

20. **Wadsworth Levee/Floodwall:** Construct a levee or floodwall at Wadsworth to protect the community from flooding;

Added by Second Amendment, retroactive to October 9, 2009, (when the Locally Preferred Plan project elements were amended by the Flood Project Coordinating Committee)

21. **Recreational Facilities:** Construct, at various locations along the Truckee River from Verdi to Pyramid Lake on property acquired and developed for floodplain management or the construction of flood prevention facilities under this plan, recreational features including but not limited to:

    (i) multi-use trails,

    (ii) pedestrian/bicycle bridges,

    (iii) recreational trailheads,

    (iv) river access sites for boating, fishing, and swimming,

    (v) picnic areas,

    (vi) grading, turf and irrigation for possible multi-use playing fields,

    (vii) shade shelters,

    (viii) irrigated turf amphitheaters, and

    (ix) infrastructure to support the foregoing recreational features needed to meet human health and safety requirements.

Added by Second Amendment, retroactive to November 13, 2009, (when the Locally Preferred Plan project elements were amended by the Flood Project Coordinating Committee)

22. **Fish Passage:** Construct, at various locations along the Truckee River, features that improve downstream or upstream passage of fish, including: (i) bypass channels, (ii) intake pumps, (iii) fish screens, and (iv) the modification, relocation, or removal of fish passage barriers such as dams and diversions;

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TRI-60

23. **Floodplain acquisition:** Acquire fee title, easements or other interests in land in order to manage, preserve, or use the floodplain or compensate owners for increased flowage due to construction of facilities upstream;

24. **Non-Structural Flood Management Measures and Financial Assistance**: Implement non-structural flood protection measures where appropriate, including but not limited to, floodproofing, structure elevation, structure relocation, structure buyouts, and development of floodplain management models, ordinances, and other tools, and provide financial assistance to owners of public and private property in areas that are likely to be flooded in order to make such property resistant to flood damage as authorized by and subject to all the conditions, requirements and limitations in Chapter 325 of Nevada Statutes 2009

25. **Bank Stabilization:** General erosion protection and bank stabilization may be necessary in areas not listed above. These areas will be identified as erosion protection and may include bank armament techniques such as rock stone protection, bio-engineering methods, some minor grading of the channel, and other appropriate techniques to reduce the impact of the flood project to areas of the Truckee River and other lateral tributaries outside of project limits described below.

26. **Bridge Elevation, Enhancement or Replacement:** Elevate, enhance or replace all bridges over the Truckee River to facilitate flows as needed downstream of Vista Narrows.

06-1287

General notes applicable to all descriptions:

- A listed project may be realigned or redefined to better meet the needs of the flood project's goals of flood protection, restoration (including fish passage), and recreation, or an alternative solution may be substituted if it provides a better benefit-to-cost ratio, or better meets the flood protection, restoration, recreational or other project goals.

- Project element descriptions include the most likely project elements to be implemented. Related actions such as acquisition of property to facilitate construction or store materials or spoil, relocation of people, structures, utilities, and other improvements, implementation of stabilization techniques as required, or implementation of other construction alternatives to facilitate design and construction of the listed project are assumed to be included as a part of each project.

- Interior drainage project elements that become necessary due to the potential impact of the flood project on the existing or modified interior drainage systems are assumed to be included. Such facilities include, but are not limited to pumping stations, drainage facilities, stream crossings, and enhancements to interior drainage facilities.

Part II
Project Management, Financing and Administration

1. ◆ **Project Implementation and Administration** Pay the salaries and expenses of administering the foregoing elements. Activities include but are not limited to planning, design, project management, contract management, hydrologic modeling, economic analysis, public outreach, stakeholder support, project monitoring, and fiscal analysis and fiscal monitoring.

2. ◆ **Operation and Maintenance** Pay all costs of operating and maintaining projects identified in infrastructure sales tax plan prior to 2003.

3. ◆ **Bond Financing** Pay all costs of issuance of bonds and associated expenses, all principal and interest payments, and all amounts required to be paid under bond covenants including any reserve funding requirements for bonds issued for the financing of the acquisition, establishment, construction or expansion of the Project.

4. ◆ **Establishment of Revenues** Pay all costs of establishing revenues as required in the financing plan described in the Second Amendment (2009) to the 1998 Infrastructure Sales Tax Plan, including but not limited to costs of determining appropriate methods of generating revenues, establishing such programs and the assessment and collection of rates, tolls charges, fees and assessments to generate revenues.

09-1894

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

RESOLUTION 2011-1

EXHIBIT D

APPROVED LOCALLY PREFERRED PLAN

Exhibit D

Locally Preferred Plan (LPP)

Approved by the Flood Project Coordinating Committee (FPCC) on March 10, 2006

Amended by the FPCC on October 9, 2009

Amended by the FPCC on November 13, 2009

Shown With Scribner Corrections as of March 11, 2011

Approved on March 10, 2006

1. **Flood Warning System**: An upgraded flood warning system and flood preparedness plan to increase the community's reaction time and response to flooding;

2. **Bridge Replacements:** Increase flood capacity through downtown Reno via bridge replacements and floodwall terracing to reduce the height of flooding;

3. **Levees and floodwalls from U.S. 395 to McCarran Boulevard** to contain floodwaters that spread through the eastern Truckee Meadows floodplain damaging numerous commercial, industrial and residential properties and the Reno-Tahoe International Airport;

4. **Levees and floodwalls from McCarran Boulevard to Vista** and back up the North Truckee Drain and Steamboat Creek to protect commercial, industrial and residential properties from flooding;

5. **Access:** Maintenance and enhance access to the Truckee River.

6. **Levees and floodwalls:** Levees and floodwalls as needed to contain flood flows from ~~Lake Street~~ **2000 feet upstream of the Booth Street Bridge through downtown Reno** to U.S.395.

7. **Temporary Closure Structures:** Temporary closure structures at bridges to prevent floodwater from leaving the river channel and flowing down the street;

8. **Bridge Lengthening.** Lengthen bridges where necessary to reduce the flood levels, including, but not limited to Rock Street Bridge and East McCarran Blvd Bridge;

9. **Terracing:** Excavate earth and construct river terraces on one or both sides of the river to provide additional flow conveyance, increase flood storage capacity, and restore the ecosystem restoration as needed along the Truckee River channel from ~~Booth St.~~ **U.S. 395** to just east of Sparks;

10. **North Truckee Drain:** Relocation of the terminus of the North Truckee Drain to a point downstream, consisting mostly of an underground box culvert;

11. **Tributary Protection:** If needed, construct levees and floodwalls to extend up the tributaries to the Truckee River far enough so flooding from the Truckee River backwater does not occur behind them;

12. **Eastside Subdivision:** Elevation of the buildings in the Eastside Subdivision south of the UNR Main Station Farm.

13. **Hidden Valley Project:** Construction of a levee or floodwall along the east bank of Steamboat Creek from Pembroke lane north until it ties into natural ground

14. **Tributary Crossing Improvements:** Road improvements as may be needed at South McCarran, Peckham Lane, Longley Lane, and McCarran Boulevard to facilitate crossing tributaries.

15. **Ecosystem Restoration:** Restore the Truckee River downstream of Vista in all places where restoration is feasible to:

    (i) reconnect the river to its floodplain,

    (ii) increase channel sinuosity,

    (iii) mitigate for loss of floodplain storage due to construction of flood protection features upstream,

    (iv) remove invasive, non-native vegetation,

    (v) create habitat for fish and wildlife, and

    (vi) correct the damage done to the river from previous river channelization projects;

Restoration sites include but are not limited to Lockwood, Mustang Ranch, Granite Pit, Tracy Power Plant, 102 Ranch, Eagle Pitcher, Ferretto Ranch, Railroad Cut, I-80 Rest Stop, Upstream of I-80 Bridge, and Wadsworth;

16. **Rainbow Bend Protection:** Construct:

    (i) excavated benches along either side of the Truckee River,

    (ii) a low elevated walkway along the south side of the Truckee River channel, and

(iii) additional levee or floodwalls or "in channel" retaining walls to provide additional capacity, protect abutments from flood scour and protect the Rainbow Bend community from increased flood flows due to construction of project elements upstream, and/or

(iv) other features as necessary to protect the Rainbow Bend community from flooding;

17. **Bridge Elevation:** Elevate or replace the trestle bridge at Painted Rock;

18. **Wadsworth Levee/Floodwall:** Construct a levee or floodwall at Wadsworth to protect the community from flooding;

19. **Recreational Facilities:** Construct, at various locations along the Truckee River from Verdi to Pyramid Lake on property acquired and developed for floodplain management or the construction of flood prevention facilities under this plan, recreational features including but not limited to:

(i) multi-use trails,

(ii) pedestrian/bicycle bridges,

(iii) recreational trailheads,

(iv) river access sites for boating, fishing, and swimming,

(v) picnic areas,

(vi) grading, turf and irrigation for possible multi-use playing fields,

(vii) shade shelters,

(viii) irrigated turf amphitheaters, and

(ix) infrastructure to support the foregoing recreational features needed to meet human health and safety requirements.

20. **Fish Passage:** Construct, at various locations along the Truckee River, features that improve downstream or upstream passage of fish, including: (i) bypass channels, (ii) intake pumps, (iii) fish screens, and (iv) the modification, relocation, or removal of fish passage barriers such as dams and diversions;

21. **Floodplain acquisition:** Acquire fee title, easements or other interests in land in order to manage, preserve, or use the floodplain or compensate owners for increased flowage due to construction of facilities upstream;

22. **Non-Structural Flood Management Measures and Financial Assistance**: Implement non-structural flood protection measures where appropriate, including but not limited to, floodproofing, structure elevation, structure relocation, structure buyouts, and development of floodplain management models, ordinances, and other tools, and provide financial assistance to owners of public and private property in areas that are likely to be flooded in order to make such

property resistant to flood damage as authorized by and subject to all the conditions, requirements and limitations in Chapter 325 of Nevada Statutes 2009

23. **Bank Stabilization:** General erosion protection and bank stabilization may be necessary in areas not listed above. These areas will be identified as erosion protection and may include bank armament techniques such as rock stone protection, bio-engineering methods, some minor grading of the channel, and other appropriate techniques to reduce the impact of the flood project to areas of the Truckee River and other lateral tributaries outside of project limits described below.

24. **Bridge Elevation, Enhancement or Replacement:** Elevate, enhance or replace all bridges over the Truckee River to facilitate flows as needed downstream of Vista Narrows.

General notes applicable to all descriptions:

- A listed project may be realigned or redefined to better meet the needs of the flood project's goals of flood protection, restoration (including fish passage), and recreation, or an alternative solution may be substituted if it provides a better benefit-to-cost ratio, or better meets the flood protection, restoration, recreational or other project goals.

- Project element descriptions include the most likely project elements to be implemented. Related actions such as acquisition of property to facilitate construction or store materials or spoil, relocation of people, structures, utilities, and other improvements, implementation of stabilization techniques as required, or implementation of other construction alternatives to facilitate design and construction of the listed project are assumed to be included as a part of each project.

- Interior drainage project elements that become necessary due to the potential impact of the flood project on the existing or modified interior drainage systems are assumed to be included. Such facilities include, but are not limited to pumping stations, drainage facilities, stream crossings, and enhancements to interior drainage facilities.