(Rev 4/2/15)

TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY

RESOLUTION 2015- 7

A RESOLUTION ACCEPTING RESPONSIBILITY FOR THE ADMINISTRATION OF THE TRUCKEE RIVER FLOOD PROTECTION FINANCIAL ASSISTANCE PROGRAM THAT WAS ESTABLISHED BY WASHOE COUNTY AS SET FORTH IN WASHOE COUNTY ORDINANCE NO. 1439.

WHEREAS:

A. Significant flooding of the Truckee River and its Key Tributaries occurs at least once every ten years and inflicts catastrophic (i) loss of life and property; (ii) disruption of commerce, transportation, communication and essential services which not only impair the ability to provide public safety and health services but also have adverse economic impacts; (iii) waste of and reduction in the quality of water; and (iv) deterioration of public health and safety.

B. Since 1986 Washoe County, the City of Reno and the City of Sparks have been working with community coalition citizen groups, working groups, local agencies, and the United States Army Corps of Engineers to develop a plan with a series of coordinated flood management facilities along the Truckee River which would reduce or mitigate flood damage.

C. Assembly Bill 291 (codified as NRS 377B.010 to 377B.210) was passed by the Nevada Legislature and became effective in July of 1997. That law granted the Washoe County Commission authority to impose a sales tax of 1/8 of 1 percent for the acquisition, establishment, construction or expansion of projects for the management of floodplains or the prevention of floods.

D. In 1998, Washoe County established the Infrastructure Tax to assist in the financing of a flood control project, among other things, and devoted the Truckee River Flood Management Infrastructure Fund Net Revenues to the financing of the Infrastructure Tax Plan for the Truckee River Flood Management Project.

E. In 2005, Washoe County, the City of Reno, the City of Sparks, and the University of Nevada, Reno entered into the 2005 Cooperative Agreement which, among other things, established a Flood Project Coordinating Committee to design and determine ways to finance a project including flood control facilities, ecosystem restoration and recreation projects for the benefit of the metropolitan area. Cooperative efforts were accomplished through a Flood Project Coordinating Committee which has approved project plans and methods of financing them; and

F. In May of 2009 the Nevada Legislature passed AB 54. Section 3 of AB 54 (codified at NRS 244.3653) granted authority to the County Commission to establish by

ordinance a program to 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. NRS 244.3563 authorizes the County Commission to use revenue and bond proceeds derived from a flood management project and funds from the infrastructure tax fund to pay the costs associated with any such program. NRS 244.3563(4) authorizes the Board of County Commissioners to delegate its authority to administer a program for financial assistants to owners of property in areas that are likely to be flooded to a flood management authority.

G. On May 25, 2010, the Washoe County Commission passed Ordinance 1439 creating the Truckee River Flood Protection Financial Assistance Program to provide financial assistance to owners of public and private property to make such property resistant to flood damage. Ordinance 1439 was passed pursuant to the authority granted by NRS 244.3653 (AB 54 section 3).

H. Ordinance 1439 specifically provides: "When (i) an interlocal cooperative agreement has been entered into by this board of county commissioners establishing the Truckee River Flood Management Authority; (ii) Directors have been appointed to represent Washoe County on such Authority; (iii) the Authority has been duly established; and (iv) the Authority has adopted a resolution accepting responsibility for the administration of this program under this ordinance and as provided by law, then the Authority is, without further action by this board, deemed to be delegated all the rights, powers, and obligation of the Administering Agency under this Ordinance."

I. Ordinance 1439 also provides that the administrating agency may, by resolution, adopt regulations regarding the administration of the program so long as they do not conflict with the provisions of Ordinance 1439.

J. The Truckee River Flood Management Authority ("**TRFMA**") was created by an Interlocal Cooperative Agreement between Washoe County, the City of Reno, the City of Sparks, and the Authority dated as of March 11, 2011 (the "**ICA**") to manage, operate and control the Truckee River Flood Management Project (the "**Flood Project**") in accordance with the conferred functions and delegated powers stated therein, and is designated as a "local government" under NRS Chapter 354; and

K. The ICA states at ¶ 3.02.A: "Subject to the provisions of ¶3.02.C, the conferred functions of the Authority are as follows . . . vii. To provide financial assistance to owners of public and private properties in areas that are likely to be flooded in order to make such property resistant to flood damage in accordance with NRS 244.3653."

L. The ICA states further at ¶ 3.02.B.1: "The Authority is hereby delegated and shall have all powers necessary and incidental to the accomplishment of the conferred functions listed in ¶3.02.A, including, but not limited to the power . . . xv. To establish and implement a program to 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 subject to the authority, limitations and requirements as provided in NRS 244.3653 as amended or any subsequent law relating to providing assistance in providing nonstructural solutions or facilities for flood control or prevention."

M. On June 1, 2012 Washoe County and the Truckee River Flood Management Authority entered into the Interlocal Agreement (TRFMA Assets and Services) that sets forth the terms and conditions for the transfer of the Truckee River Flood Project funds and property from Washoe County to the TRFMA; and

N. The TRFMA has been duly established and Directors have been appointed to the Board of Directors to represent Washoe County as well as the City of Reno and the City of Sparks; and

O. On June 28, 2012 the documents were executed that were necessary to allow the transfer of the Truckee River Flood Project Infrastructure Tax Fund monies and property previously acquired with money from that fund from Washoe County to the TRFMA; and.

P. The TRFMA Board of Directors has determined that it is in the interest of the Truckee River Flood Project and to the community to accept responsibility for the administration of the Truckee River Flood Protection Financial Assistance Program.

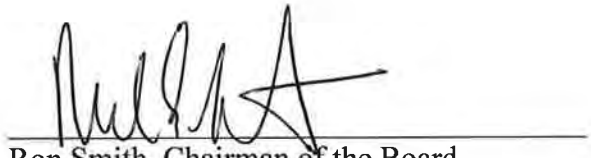
NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TRUCKEE RIVER FLOOD MANAGEMENT AUTHORITY:

The TRFMA Board of Directors hereby accepts responsibility for the administration of the Truckee River Flood Protection Financial Assistance Program that was established by Washoe County as set forth in Washoe County Ordinance No. 1439, adopted May 25, 2010.

BE IT FURTHER RESOLVED that the Truckee River Flood Protection Financial Assistance Program shall be administered pursuant to the provisions and requirements of the Washoe County Truckee River Flood Protection Financial Assistance Ordinance, Washoe County Code sections 40.450 to 40.460.

BE IT FURTHER RESOLVED That the Truckee River Flood Protection Financial Assistance Program Home Elevation Handbook, as the same may from time to time be amended by the Executive Director, shall constitute the TRFMA's procedure for the administration of the Truckee River Flood Protection Financial Assistance Program, so long as it does not conflict with the provisions of Washoe County Ordinance No. 1439.

ADOPTED this 10th day of April 2015 by a unanimous vote of all the Directors present at the meeting.



Ron Smith, Chairman of the Board