



# WASHOE COUNTY

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CM/ACM \_\_\_\_\_  
Finance \_\_\_\_\_  
DA \_\_\_\_\_  
Risk Mgt. \_\_\_\_\_  
HR nlg  
Other n/a

## STAFF REPORT

BOARD MEETING DATE: November 15, 2016

**DATE:** October 26, 2016  
**TO:** Board of County Commissioners  
**FROM:** Linda Jacobs, Deputy Treasurer  
328-2515, ljacobs@washoecounty.us  
**THROUGH:** Tammi Davis, Washoe County Treasurer  
**SUBJECT:** Approve and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following districts: WCAD 23 – Arrowcreek Water, WCAD 32 – Spanish Springs Valley Ranch Rd Improvements, and WCAD 37 – Spanish Springs Sewer Phase 1A (additional description of affected parcels contained in exhibit A of attached Resolution). (No Fiscal Impact) Commission Districts 2 and 4

### SUMMARY

Approval of the attached Resolution will direct the Treasurer to move forward in the collections process for delinquent special assessment payments, as prescribed in the bond ordinances and in statute. Anticipated sale date is January 24, 2017 at 11:30 a.m. There are currently 5 parcels delinquent, split among the districts as follows: WCAD 23 – 3 parcels, WCAD 32 – 1 parcel, and WCAD 37 – 1 parcel.

**Washoe County Strategic Objective supported by this item** Stewardship of our community.

Timely collection of special assessments ensures the necessary funds to make bond payments for these districts.

### PREVIOUS ACTION

On June 28, 2016, the Board approved a similar resolution, with the sale scheduled for July 14, 2016. No parcels were sold due to all parcels curing the delinquency prior to the sale.

### BACKGROUND

The Board of Commissioners has created various County improvement districts, and by their respective ordinances has levied assessments against parcels in those districts.

AGENDA ITEM # 10.0.2.

Those ordinances provide that delinquent assessments may be collected pursuant to NRS 271.545 to NRS 271.630, by authorizing the sale of the affected properties after proper notice, and subject to a redemption period following the sale.

Nevada Law and the individual bond covenants require collection proceedings against delinquent assessments. This Resolution authorizes the notice of the sale of properties in compliance with these requirements.

### **FISCAL IMPACT**

Delinquent assessment amounts will be collected in a timely manner, assuring the necessary funds to make bond payments for these districts. The revenue and expenditures for the sale are posted through each assessment district's trust and agency fund (WCAD 23) or debt service fund (all other WCAD's). All costs for the sale are recovered through a foreclosure fee that is added to each delinquent parcel. There is no impact to the General Fund.

### **RECOMMENDATION**

It is recommended that pursuant to NRS 271.545, the Board of County Commissioners Approve and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following districts: WCAD 23 – Arrowcreek Water, WCAD 32 – Spanish Springs Valley Ranch Rd Improvements, and WCAD 37 – Spanish Springs Sewer Phase 1A. (No Fiscal Impact)

### **POSSIBLE MOTION**

Should the Board agree with the staff's recommendation, a possible motion would be: Approve and execute Resolution directing County Treasurer to give notice of the sale of properties subject to the lien of a delinquent special assessment in the following districts: WCAD 23 – Arrowcreek Water, WCAD 32 – Spanish Springs Valley Ranch Rd Improvements, and WCAD 37 – Spanish Springs Sewer Phase 1A. (No Fiscal Impact)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION DIRECTING THE COUNTY TREASURER TO GIVE NOTICE OF THE SALE OF PROPERTIES SUBJECT TO THE LIEN OF A DELINQUENT ASSESSMENT; RATIFYING ALL ACTIONS PREVIOUSLY TAKEN; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Board of Commissioners (the "Board") of the County of Washoe (the "County"), State of Nevada, pursuant to different ordinances heretofore duly passed and adopted, created County improvement districts as more particularly described at Exhibit A attached hereto and incorporated herein (the "Districts"), and ordered the acquisition of improvements within said Districts, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land ("properties") in the respective Districts; and

WHEREAS, the Board has by their respective ordinances levied assessments against the properties; and

WHEREAS, the Board has directed and hereby reaffirm their direction to the County Treasurer to collect and enforce the assessments in the Districts in the manner provided by Nevada's Consolidated Local Improvements Law, NRS Chapter 271; and

WHEREAS, the assessment installments on certain properties in the Districts are delinquent, as identified in Exhibit A attached hereto ("delinquent properties"), and remain delinquent after delivery by certified mail, return receipt requested, of a ten day delinquency notice to each delinquent property owner; and

WHEREAS, the Board desires that the County Treasurer proceed with a notice of the sale of the delinquent properties as provided in NRS 271.545 and sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WASHOE, STATE OF NEVADA AS FOLLOWS:

1. The Board hereby exercises its option to cause either the delinquent installment or the whole amount of the unpaid principal of the assessments on the delinquent properties to become due and payable as provided in NRS 271.410.

2. The Board hereby ratifies all action previously taken by the County Treasurer and directs the County Treasurer to give notice of the sale of the delinquent properties and to sell the delinquent properties pursuant to NRS 271.540 to NRS 271.630. **The sale shall take place at 11:30 a.m. on January 24, 2017, in the Washoe County Central Conference Room, 1001 E 9<sup>th</sup> St Building C, Reno Nevada,** which the Board hereby finds a convenient location within the County.

3. If some irregularity or circumstance arises before the sale of any delinquent property such that in the opinion of the Washoe County Treasurer the public interest would best be served by withdrawing such a delinquent property from sale, the Washoe County Treasurer is hereby expressly authorized to make such a withdrawal. The Treasurer shall report to the Board in writing concerning his decision to make such a withdrawal and shall state the reasons for the decision.

4. The County Treasurer shall give the notice as provided in NRS 271.545, by publication in the Reno Gazette Journal, a newspaper of general circulation in the County, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the day of sale. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publisher and filed with the County Treasurer. The County Treasurer or his designee shall also give written notice of sale by mailing a copy of such notice, by first-class mail, postage prepaid, at least 20 days prior to the day of sale, to the last known owner or owners of all properties subject to sale or other designated person at his or

her last-known address or addresses; and to any person or governmental entity that appeared in the records of the County to have a lien or other interest in the delinquent property. Proof of such mailing shall be made by the affidavit of the County Treasurer or his designee and such proof shall be filed with the County Treasurer. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Treasurer until all special assessments and special assessment bonds issued (if such special assessment bonds have been or are hereafter issued) shall have been paid in full, both principal and interest, until any period of redemption has expired or property sold for an assessment, or until any claim is barred by an appropriate statute of limitations, whichever occurs last.

5. The officers of the County are hereby authorized to take all action necessary to effectuate the provisions of this Resolution.

6. The resolution is effective on passage and approval.

ADOPTED this 15th Day of November 2016, by the following vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Chair  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
County Clerk

EXHIBIT A

Delinquent Parcels – by Assessment District - as of 10/26/2016

**WCAD #23 Arrowcreek Water – District 2**  
3 parcels

152-462-23  
152-861-10  
152-862-05

**WCAD #32 Spanish Springs Valley Ranch Rd Imp -- District 4**  
1 parcel

076-690-93

**WCAD #37 Spanish Springs Sewer Phase 1A—District 4**  
1 parcel

089-351-04

Total Parcels 5