

ORDINANCE OF THE RENO CITY COUNCIL PROVIDING FOR THE LEVY AND MANNER OF COLLECTION OF ASSESSMENTS FOR THE CITY OF RENO, NEVADA NEIGHBORHOOD IMPROVEMENT PROJECT, OTHERWISE KNOWN AS THE DOWNTOWN RENO BUSINESS IMPROVEMENT DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL OTHER ACTIONS PREVIOUSLY TAKEN BY THE CITY COUNCIL OF THE CITY OF RENO AND THE OFFICERS OF SAID CITY DIRECTED TOWARD THE ACQUISITION AND IMPROVEMENTS OF SAID PROJECT IN THE DISTRICT; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

A. WHEREAS, the City Council of the City of Reno, in the State of Nevada (the “Council”, “City” and “State”, respectively), determined that a public convenience and necessity required it to create the City of Reno, Nevada Neighborhood Improvement Project (“Project”), otherwise known as the Downtown Reno Business Improvement District (“BID”) by adopting Ordinance No. 6455; and,

B. WHEREAS, the Downtown Reno Business Improvement District Engineer’s Report and Management Plan, both modified on May 8, 2019 and effective as of such date, describe the activities, objectives and service area of the BID; and,

C. WHEREAS, per NRS 271.472, the Downtown Reno Partnership (“DRP”), contracted pursuant to NRS 271.332, provided a financial report providing the improvements and operating budget for the BID for fiscal year 2023/2024 and filed the report with the Reno City Clerk on or before March 22, 2023; and,

D. WHEREAS, pursuant to NRS 271.377, on or before June 30 of each year after the governing body acquires or improves a neighborhood improvement project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed assessment roll assessing an amount not greater than the estimated cost against the benefited property; and,

E. WHEREAS, the basis of the estimate of the expenditures required in the ensuing fiscal year was based upon the improvements and operating budget provided by the DRP report; and,

F. WHEREAS, an assessment roll, completed by a competent engineer and, which contains, among other things, the names of the last known owners of the property to be assessed, or if not known, that the same is “unknown”, a description of each tract or parcel of land to be assessed, and the amount of the proposed assessment thereon was filed in the office of the City Clerk on March 30, 2023; and,

G. WHEREAS, Council tentatively approved said assessment roll by Resolution 9115 duly adopted on the 12th day of April 2023 (“Resolution 9115”) and is satisfied with the said assessment roll; and,

H. WHEREAS, Council has determined, and does hereby determine, that the total cost of the Project, including all incidental costs, is in the sum of \$3,687,302.61 for the BID; and,

I. WHEREAS, Council has determined, and does hereby determine, that the \$3,687,302.61 shall be paid for by the property specially benefited by said Project; and,

J. WHEREAS, Council has determined, and does hereby determine, that there shall be assessed to each lot or parcel of land specially benefited its proportionate share of said cost on the basis set forth in the Management Plan and Engineer's Report; and

K. WHEREAS, said assessments in no event exceed the estimated benefits to the property assessed nor that the portion of the total cost of the improvements payable in assessments as heretofore determined; and

L. WHEREAS, pursuant to Resolution 9115, Council gave notice to any owner or tenant who resides or owns a business within the BID may object to the modifications to the management plan and to the regularity, validity and correctness of the proceedings, of said assessment roll, of each assessment contained therein, and of the amount thereof levied on each tract or parcel of land; and,

M. WHEREAS, pursuant to Resolution 9115, Council gave notice of the contemplated improvements, preliminary estimate of cost, estimate of maximum benefits and of the time and place of hearing thereon, when specific objections, by the owners of such property, by any party interested in the regularity of the proceedings in making such assessments, and by all parties aggrieved by such assessments, to said assessment roll, including, without limiting the generality of the foregoing, the regularity of the proceedings in making any assessment thereon, and the correctness of such assessment or of the amount levied on any particular tract or parcel of land to be assessed, would be heard by said Council; and,

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

O. WHEREAS, at the time and place so designated for hearing such objections, said Council met to hear and determine all objections so filed by any interested party; and,

P. WHEREAS, all written complaints, protests and objections were heard and considered, along with any other relevant material, by the City Council and were found to be without sufficient merit and overruled; and

Q. WHEREAS, it is incumbent upon the Council to provide herein when said assessments shall become due and delinquent, the rate of interest payable thereon and the penalties payable after delinquency.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RENO, NEVADA;

SECTION 1: That the Council hereby finds that the foregoing recitals are true and correct and are incorporated by reference.

SECTION 2: That all action heretofore taken (not inconsistent with the provisions of this Ordinance) by the City of Reno and the officers of said City directed toward performing all prerequisites to levying special assessments and fixing the assessment liens against the properties in the BID, be, and the same hereby is ratified, approved and confirmed.

SECTION 3: That the Council has heretofore determined and does hereby determine, that each and every written and spoken protest and objection made in connection with the assessment role, and the same hereby is, overruled, and finally passed on by said Council.

SECTION 4: That the accurate estimate of costs, as more particularly shown in the assessment roll, have been filed in the City Clerk's Office on the 30th day of March 2023.

SECTION 5: That it is estimated that the total cost of the BID shall be \$3,687,302.61 and is distributed on a cost allocation basis to a database that contains assessed valuations and linear street frontages for all *assessable properties* within standard, premium and premium-plus service zones. Standard zone services will be apportioned based upon the assessable property's assessed valuation and premium and premium-plus zone services will be apportioned based upon the assessable property's linear street frontage and these allocations are in proportion to the special benefits derived by each assessable property. Regardless of the basis used for apportioning assessments, in cases of a wedge or V or any other irregular shaped tracts, any amount apportioned thereto shall be in proportion to the special benefits thereby derived

SECTION 6: That for the purpose of paying the costs and expenses of said improvements, there be, and there hereby are, levied and assessed against the lots and parcels of land in the BID, being all those specially benefited by said improvements, in the City of Reno, County of Washoe, State of Nevada, and in the assessment roll for the BID, as filed in the office of the City Clerk on the 30st day of March 2023, and as confirmed by resolution adopted by said Council on the 12th day of April 2023, the amounts and assessments shown in said roll.

SECTION 7: Said Assessments shall be included with the property tax bill generated by the Washoe County Treasurer and due and payable in accordance with the terms and provisions set forth for property tax collections and delinquencies.

SECTION 8: That the amounts assessed as aforesaid shall be a lien upon said lots and parcels of land from the effective date of this Ordinance until paid, co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles, other than the liens of assessments and general taxes. The sale of any such lot or parcel of land for general or other taxes shall not relieve such lot or parcel of land from such assessment or lien therefore. Such amounts shall continue to be a lien upon the tracts assessed until paid in full, including all principal and interest THEREON, AND ANY PENALTIES AND COLLECTION COSTS.

SECTION 9: That the City Clerk shall give notice by first-class mail of the levy of the assessment, of the fact that it is payable and of the terms for payment.

SECTION 10: That said notice shall be in substantially the following form:

(BEGIN FORM OF NOTICE)

NOTICE TO PROPERTY OWNERS OF ASSESSMENTS FOR IMPROVEMENTS IN THE CITY OF RENO, NEVADA NEIGHBORHOOD IMPROVEMENT PROJECT, OTHERWISE KNOWN AS THE DOWNTOWN RENO BUSINESS IMPROVEMENT DISTRICT

NOTICE IS HEREBY GIVEN to property owners and other interested persons that, by Ordinance No. _____, duly passed, adopted, signed and approved on the ____ day of _____ 2023, there were levied and assessed against the lots and parcels of land specially benefited by the local improvements in what is commonly designated as the Downtown Reno Business Improvement District (“BID”), said lots and parcels being more specifically described in the assessment roll designated in said Ordinance, the total cost and expense of said improvements.

Said assessments shall be collected and enforced, both before and after delinquency, by the Washoe County Treasurer and other county officers with the other taxes in the general assessment roll of the county, as provided by law and in the same manner.

The amounts assessed as aforesaid constitute a lien upon said lots and parcels of land within the BID starting in tax year 2023/2024, which lien shall be co-equal with the latest lien of general taxes and prior and superior to all other liens, claims and titles other than the liens of assessments and general taxes. The sale of any such lot or parcel of land for general or other taxes shall not relieve such lot or parcel of land from such assessment or lien therefore.

Dated this ____ day of _____ 2023

MIKKI HUNTSMAN
CITY CLERK, CITY OF RENO NEVADA

(END FORM OF NOTICE)

SECTION 11: That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

SECTION 12: That if any section, paragraph, clause or provision of this

Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect any remaining provisions of this Ordinance.

SECTION 13: The Reno City Council hereby finds that this ordinance is not subject to the requirements of Chapter 237 of NRS, Business Impact Statement process.

SECTION 14: This Ordinance shall be in effect from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno, and that the City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno Gazette-Journal, a newspaper printed and published in the City of Reno.

SECTION 15: This Ordinance shall be in effect on _____, 2023, from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this 10th day of May, 2023, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____ ABSENT: _____

APPROVED this _____ day of May, 2023.

HILLARY L. SCHIEVE
MAYOR

ATTEST:

MIKKI HUNTSMAN
CITY CLERK