

Summary - An Ordinance Amending County Ordinance 97 by Adding to the Incline Village General Improvement District Powers Relating to Public Recreation, and Repealing Ordinance 97 Adopted by Bill No. 117.

BILL NO. 132

ORDINANCE NO. 97  
(of Washoe County, Nevada)

AN ORDINANCE AMENDING COUNTY ORDINANCE 97 BY  
ADDING TO THE INCLINE VILLAGE GENERAL IMPROVE-  
MENT DISTRICT POWERS RELATING TO PUBLIC  
RECREATION, AND REPEALING ORDINANCE NO. 97  
ADOPTED BY BILL NO. 117

WHEREAS, on the 5th day of October, 1965, this Board adopted an Ordinance numbered 141 entitled "An Ordinance Initiating Proceedings for Adding to the Incline Village General Improvement District Powers Relating to Public Recreation; and Providing for the Publication and Notice of Hearing Thereon," wherein it did provide for the publication of notice of hearing on the adding of powers to the District;

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk, a copy of said Ordinance was published by title, together with a separate statement to the effect that typewritten copies of the Ordinance were available for inspection at the office of the County Clerk by all interested persons, together with the names of the County Commissioners voting for or against its passage, in the Nevada State Journal, a newspaper of general circulation printed and published in the County of Washoe, and being the newspaper which was most likely to give notice to persons interested therein, at least once a week for a period of two weeks before said Ordinance became effective;

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk, said Clerk gave notice

by publication of the ordinance of intention of this Board to add such powers to the District, which notice set forth the powers to be added and the time and place of hearing, in the Nevada State Journal, a newspaper of general circulation in the District, and being the newspaper most likely to give notice to interested persons in said matter, once a week for three consecutive weeks, the first of which was at least fifteen days prior to the day of hearing;

WHEREAS, at or before the time fixed in the Ordinance of intention, written protests were filed with the County Clerk, signed by taxpaying electors within the District and proof was presented that said protests were signed by not more than 1/3% of the taxpaying electors within the District, and this Board finds that protests were not filed with the County Clerk, signed by 51% or more of the taxpaying electors within the District;

WHEREAS, said matter came on regularly for hearing before this Board at the hour of 10:30 o'clock A.M., on the 25<sup>th</sup> day of October, 1965, in the Chambers of this Board in the County Sheriff's Office Building, Room 103, Reno, Nevada, being the time and place fixed for said hearing;

WHEREAS, proof, oral and documentary, was presented to the Board from which this Board finds, upon which this Ordinance is based, that the public convenience and necessity require the vesting of powers as to recreation in such District, and the vesting of such powers therein is economically sound and feasible; and

WHEREAS, all persons interested who appeared were given an opportunity to and were fully heard, and all written communications were fully considered;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA, DOES ORDAIN:

1. County Ordinance 97, Section 3, is hereby amended by adding thereto a subsection (k) to read as follows:



"(k) To acquire, construct, reconstruct, improve, extend and better lands, works, systems and facilities for public recreation. If the proposed recreational facilities are situated within 7 miles from the boundary of an incorporated city or unincorporated town, and if the county in which the proposed recreational facilities are situated has adopted a recreation plan pursuant to Chapter 278 of NRS, the authority conferred herein by this subsection (k) may be exercised only in conformity with such plan."

2. Ordinance No. 97, adopted by Bill No. 117, entitled "An Ordinance Amending County Ordinance 97 by Adding to the Incline Village General Improvement District Powers Relating to Public Recreation," adopted on June 15, 1965, is repealed.

3. This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

\* \* \* \* \*

Proposed on the 26<sup>th</sup> day of October, 1965

Proposed by Commissioner Streeter

Passed on the 15<sup>th</sup> day of NOVEMBER, 1965.

Vote:

Ayes: Commissioners: STREETER, CUNNINGHAM AND  
McKENZIE.

Nays: Commissioners: SAUER AND McKISSICK

Absent: Commissioners: NONE

J. McKenzie  
Chairman of the Board

ATTEST: H.K. Brown, Clerk  
by [Signature] Chief Clerk  
County Clerk

This Ordinance shall be in force and effect from and  
after the 26<sup>th</sup> day of November, 1965.

**EXHIBIT "H"**

Summary - An Ordinance Amending Ordinance No. 97, as Amended, by Adding to the Incline Village General Improvement District Powers Relating to Electric Light and Power.

## BILL NO. 227

ORDINANCE NO. 97  
(of Washoe County, Nevada)

AN ORDINANCE AMENDING ORDINANCE NO. 97, AS AMENDED, BY ADDING TO THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT POWERS RELATING TO ELECTRIC LIGHT AND POWER AND PROVIDING FOR MATTERS PROPERLY RELATING THERETO

WHEREAS, on the 20th day of May, 1961, this Board adopted its Ordinance No. 97, entitled "An Ordinance Creating the Incline Village General Improvement District Proposed for Paving, Curbs and Gutters, Sidewalks, Storm Drainage, Sewer Disposal and Water Supply, and Declaring an Emergency" and this Board has from time to time thereafter amended Ordinance No. 97 to add further powers to said District;

WHEREAS, on the 5th day of April, 1969, at the request of the Board of Trustees of the District, this Board, pursuant to NRS 318.077 and pursuant to the exclusion contained in NRS 308.020 2(c), initiated proceedings for the addition to Incline Village General Improvement District of powers relating to electric light and power by adopting its Ordinance numbered 165 entitled "An Ordinance Initiating Proceedings for Adding to the Incline Village General Improvement District Powers Relating to Electric Light and Power, Providing for the Publication and Notice of Hearing and Hearing Thereon," wherein it did provide for the publication of notice of hearing and hearing on the adding of said powers to the District;

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk, a copy of said Ordinance

was published by title, together with a separate statement to the effect that typewritten copies of the Ordinance were available for inspection at the office of the County Clerk by all interested persons, together with the names of the County Commissioners voting for or against its passage, in The Nevada State Journal, a newspaper of general circulation printed and published in the County of Washoe, and being the newspaper which was most likely to give notice to persons interested therein, at least once a week for a period of two weeks before said Ordinance became effective;

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk, said Clerk gave notice by publication of the intention of this Board to add such powers to the District, which notice set forth the powers to be added and the time and place of hearing, in The Nevada State Journal, a newspaper of general circulation in the District, and being the newspaper most likely to give notice to interested persons in said matter, once a week for three consecutive weeks, the first of which was at least fifteen days prior to the day of hearing;

WHEREAS, at or before the time fixed in the initiating ordinance, no written protests were filed with the County Clerk, signed by taxpaying electors within the District, and, therefore, said protests were filed by 0% of the taxpaying electors within the District, and this Board finds that protests were not filed with the County Clerk, signed by 51% or more of the taxpaying electors within the District;

WHEREAS, said matter came on regularly for hearing before this Board at the hour of 9:30 o'clock A.M., on the 25th day of April, 1969, in the Chambers of this Board, County Court

House, Reno, Nevada, being the time and place fixed for said hearing;

WHEREAS, all persons interested who appeared were given an opportunity to and were fully heard, and all written communications were fully considered;


WHEREAS, proof, oral and documentary, was presented to the Board upon which this Ordinance is based and from which this Board finds that the public convenience and necessity require the vesting of powers relating to electric light and power in such District, and the vesting of such powers therein is economically sound and feasible; and

WHEREAS, NRS 318.070 authorizes this Board to make changes in the Ordinance adding such powers and this Board, after due consideration of the proof, oral and documentary so presented, has determined to diminish the breadth of the powers as initially proposed;

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

1. County Ordinance No. 97, Section 3, is hereby amended by adding thereto a subsection (1) to read as follows:

1. To acquire, either by purchase, condemnation or other legal means, all lands, rights and other property necessary for the construction, use and supply, operation, maintenance, repair and improvement of the works of the district, including without limitation, works, system, facilities or properties, together with all parts thereof, the appurtenances thereto, including contract rights, used and useful primarily for the distribution of electric energy to or for the public for any purpose, works constructed and being constructed by private owners, and all other works and appurtenances, either within or without the State of Nevada; provided that all such tangible works of the district shall, upon acquisition and for adequate consideration, be transferred to and be thereafter owned and maintained by a public utility which is regulated by the Public Service Commission of Nevada.





2. Based on the proof heretofore presented, the Board hereby determines that the change in the Ordinance adding powers of electric light and power to diminish the scope of such powers (as more particularly described in paragraph 1 of this Ordinance) is equitable and necessary.

3. The public convenience and necessity require the addition of the described powers relating to electric light and power to the District and the addition of such powers is economically sound and feasible.

4. The Board of Trustees of the Incline Village General Improvement District are not requested to obtain a modified service plan because of the exclusion contained in NRS 308.020 2(c) and, further, said District has no service plan which can be modified.

5. This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

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Proposed on the 25th day of April, 1969.

Proposed by Commissioner McKenzie

Passed on the 5th day of May, 1969

**Vote:**

Ayes: Commissioners: Cunningham, McKenzie,  
Sauer and Coppa

Nays: Commissioners: None

Absent: Commissioners: McKissick

J. B. Cunningham  
Chairman of the Board  
J. B. Cunningham



This Ordinance shall be in force and effect from and after  
the 14th day of May, 1969.