

# RENO GAZETTE-JOURNAL

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PROOF OF PUBLICATION

STATE OF NEVADA  
COUNTY OF WASHOE

ss. Tana Ciccotti

being duly sworn, deposes and says:  
That as legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice:

OF COUNTY ORDINANCE - NO. 928

of which a copy is hereto attached, has been published in each regular and entire issue of said newspaper on the following dates to wit:

APR 14, 21, 1995

Signed

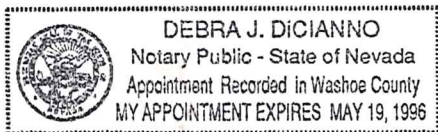
*Tana Ciccotti*

Subscribed and sworn to before me on 04/21/95

Notary Public

*Debra J. DiCianno*

NOTICE OF COUNTY ORDINANCE NO. 928  
NOTICE IS HEREBY GIVEN that Ordinance No. 928, Bill No. 1103, entitled,  
AN ORDINANCE MERGING THE CRYSTAL BAY GENERAL IMPROVEMENT DISTRICT INTO THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT; PROVIDING FOR THE TRANSFER OF PROPERTY AND FUNDS UPON THE MERGER; DESCRIBING THE PURPOSES OF INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT FOLLOWING THE MERGER; AMENDING ORDINANCE NO. 97 AND REPEALING ORDINANCE NO. 199,  
was adopted on APRIL 11, 1995, by commissioners Joanne Bond, Steve Bradhurst, Mike Mouliot, Grant Sims, and Jim Shaw and will become effective on APRIL 25, 1995.  
Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk at the County Courthouse, Virginia and Court Streets, Reno, Nevada.  
Judi Bailey, County Clerk  
No. 1536 Apr 14, 21, 1995



P.O. BOX 22000. RENO, NEVADA 89520  
(702) 788-6200



928 ✓

SUMMARY: An ordinance merging the Crystal Bay General Improvement District into the Incline Village General Improvement District

BILL NO. 1103

ORDINANCE NO. 928

AN ORDINANCE MERGING THE CRYSTAL BAY GENERAL IMPROVEMENT DISTRICT INTO THE INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT; PROVIDING FOR TRANSFER OF PROPERTY AND FUNDS UPON THE MERGER; DESCRIBING THE PURPOSES OF INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT FOLLOWING THE MERGER; AMENDING ORDINANCE NO. 97 AND REPEALING ORDINANCE NO. 199.

WHEREAS, on the 10th day of January, 1995, the Board of County Commissioners of Washoe County adopted Ordinance No. 925 entitled "An Ordinance Initiating the Merger of the Crystal Bay General Improvement District into the Incline Village General Improvement District; Providing for Written Notice of the Proposed Merger Together with the Time and Place for a Hearing on the Merger", wherein the Board of County Commissioners did provide for notice to be made to all property owners within both Districts of the time and date of a hearing to be held on the merger of Crystal Bay General Improvement District (hereinafter "CBGID") into the Incline Village General Improvement District (hereinafter "IVGID"); and

WHEREAS, as appears from the affidavit of publication on file in the office of the County Clerk (a copy of which is attached hereto), a copy of said Ordinance was published by title, together with a separate statement to the effect that 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 Reno Gazette-Journal, a newspaper having general circulation in the County of Washoe, at least once a week for a period of two weeks before the Ordinance became effective; and

WHEREAS, as appears from the affidavits of publication on file in the office of the County Clerk (copies of which are attached hereto), a copy of the Notice of Proposed Merger was published in the Reno Gazette-Journal and the North Lake Tahoe Bonanza on January 27, 1995 and February 3, 1995, said Notice indicating the intention of the Board of County Commissioners to merge CBGID into IVGID by statement that the Board had adopted Ordinance No. 925, and by stating that a public hearing would be held in the Commissioner Chambers, 1001 East 9th Street, Reno, Nevada, on February 14, 1995 at the hour of 6:00 p.m. on the proposed merger and that persons owning property located within IVGID boundaries or CBGID boundaries may protest the merger by filing a written protest and the manner in which such protests may be filed; and

WHEREAS, as appears from the affidavit of mailing on file in the office of the County Clerk, copies of the Notice of Proposed Merger were mailed by first class mail in a sealed envelope, postage prepaid, by depositing them in the United States Post Office, to each property owner within CBGID's boundaries and to each property owner within IVGID's boundaries as their names and addresses appeared in the preliminary 1995 tax roll for the County of Washoe, and which notice advised such persons desiring to file protest to the merger of the method and manner of filing such protests; and

WHEREAS, the County Clerk has caused a copy of said Ordinance No. 925 to be certified to Board of Trustees of CBGID and to the Board of Trustees of IVGID; and

WHEREAS, the proposed merger came on regularly for hearing before this Board at the hour of 6:00 p.m. on the 14th day of February, 1995, in the Commission Chambers, 1001 East 9th Street, Reno, Nevada, being the time and place fixed for said hearing; and

WHEREAS, at said time and place, the hearing was opened and those wishing to speak were provided an opportunity to do so, whereupon the Board voted to continue the public hearing to March 28, 1995, and to extend the time for filing protests to March 27, 1995 at 5:00 p.m.; and

WHEREAS, as appears from the affidavits of publication on file in the office of the County Clerk (copies of which are attached hereto), the date and time for the continuation of the public hearing on the merger was published in the Reno Gazette-Journal and the North Lake Tahoe Bonanza on March 10, 17, and 24, 1995; and

WHEREAS, on March 28, 1995, at the Chateau, located at 955 Fairway Boulevard in Incline Village, Nevada, at 6:30 p.m., the public hearing on the merger was reopened for the purpose of taking further testimony on the merger;

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

SECTION 1. In accordance with and based upon the matters contained in Washoe County Ordinance No. 925, proceedings were initiated for the merger of CBGID in IVGID. Pursuant to said Ordinance, a public hearing was held and having considered all information presented in this matter, the following findings are hereby made:

- A. At or before the time fixed for receipt of written protests, written protests were not filed with the County Clerk, signed by 51% or more of the owners of property within CBGID or 51% or more of the owners of property within IVGID, and the percentage of said property owners within CBGID who so filed written protests against the merger of CBGID into IVGID was \_\_\_\_\_%, and the percentage of said property owners within IVGID who so filed written protests against the merger of CBGID was \_\_\_\_\_%.

- B. All persons interested who appeared on February 14, 1995, and on March 28, 1995, were given an opportunity to be heard and were fully heard, and all written communications, including written protests, were given full consideration by the Board.
- C. Based upon all the information presented, including the matters contained in Ordinance No. 925 and the attachments thereto, it is hereby determined that the merger of CBGID into IVGID is in the best interests of each of said Districts and of Washoe County and all protests, written and oral, against such merger are hereby overruled.
- D. The Board further finds:
- (a) All outstanding indebtedness and bonds of all kinds of CBGID have been paid or will be assumed or paid by IVGID; and
  - (b) The services of CBGID can be more effectively performed by IVGID.

SECTION 2.

The Crystal Bay General Improvement District, created by Ordinance No. 199, has the following powers and purposes:

- (a) 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 the plant, works, system, facilities or properties, together with all parts thereof, the appurtenances thereto, including contract rights, used and useful primarily for the production, transmission or 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.
- (b) To furnish, deliver and sell to the public, and to any municipality and to the State and any public institution, heat light and power services and any other service, commodity or facility which may be produced or furnished in connection therewith.
- (c) To take all necessary or proper steps for the extermination of mosquitoes, flies, other insects, rats, or liver fluke or fasciola hepatica either in the District or in territory not in the District but so situated with respect to the District that mosquitoes, flies, other insects, rats, or liver fluke or fasciola hepatica from such territory migrate or are caused to be carried into the District.
- (d) Subject to the paramount control of the County or any city in which the District has jurisdiction, to abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, other insects, rates, or liver fluke or fasciola hepatica either in the District or in

territory not in the District but so situated with respect to the District that mosquitoes, flies, other insects, rats, or liver fluke or fasciola hepatica from such territory migrate or are caused to be carried into the District.

(e) If necessary or proper, in the furtherance of the objects of Chapter 318 of the Nevada Revised Statutes, to build, construct, repair and maintain necessary dikes, levees, cuts, channels, canals or ditches upon any land, and to acquire by purchase, condemnation or by other lawful means, in the name of the District, any lands, rights-of-way, easements, property or material necessary for any of those purposes.

(f) To make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, channels, canals or ditches.

(g) To enter upon without hindrance any lands, within or without the District, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, other insects, rats, or liver fluke or fasciola hepatica exist upon such lands.

(h) To abate public nuisances in accordance with Chapter 318 of the Nevada Revised Statutes.

(i) To ascertain if there has been a compliance with notices to abate the breeding of mosquitoes, flies, other insects, rats, or liver fluke or fasciola hepatica upon such lands.

(j) To treat with oil, other larvicidal material, or other chemicals or other material any breeding places of mosquitoes, flies, other insects, rats, or liver fluke or fasciola hepatica upon such lands.

(k) To sell or lease any land, rights-of-way, easements, property or material acquired by the District; and to sell real property pursuant to this subsection to the highest bidder at public auction after five days' notice given by publication.

(l) To levy annually a general (ad valorem) property tax and additional taxes and to exercise any other powers provided for in subsections 2., 3., 4., 5., 6., and 7, of NRS 318.118.

(m) To maintain a cemetery for the use of all inhabitants of the District, and for that purpose to hold title to property in trust for the District.

(n) To levy annually a general (ad valorem) property tax and such other taxes as authorized in NRS 318.119.

(o) To acquire real property swimming pool improvements, appurtenant shower, locker and other bathhouse facilities, and

lighting, filtration and other equipment pertaining thereto, in accordance with the powers conferred on said District in NRS 318.1191.

(p) To acquire television broadcast, transmission and relay improvements, subject to the limitations contained in NRS 318.1193.

(q) To levy special assessments and to fix tolls, rates and other service or use charges as provided for in NRS 318.1192.

(r) To construct, reconstruct or replace fences for the protection of any area within the District and to acquire improvements necessary thereto.

(s) To grade and regrade and to surface and to resurface streets, alleys and public highways and parts thereof, within the District, with suitable materials, and to acquire street and alley improvements necessary and incidental thereto, as authorized in NRS 318.120.

(t) To improve streets within the District by grading and regrading and by the construction and reconstruction of curb, gutter and combined curb and gutter, in combination with sidewalk or otherwise, and to acquire improvements necessary and incidental to the foregoing improvements, including, without limiting the generality thereof, drains, catch basins, valley gutters, driveway inlets and the removal of existing improvements.

(u) To construct, reconstruct, replace or extend sidewalks, adjacent to or in combination with curb and gutter or otherwise, within the District, and to acquire improvements necessary and incidental thereto.

(v) To construct, reconstruct, replace or extend storm sewer and other drainage facilities and improvements necessary and incidental thereto within the District, including, without limiting the generality of the foregoing, the laying of pipes and the erection of catch basins, drains, and necessary inlets and outlets.

(w) To construct, reconstruct, improve, extend or better the sanitary sewer system or any part thereof, including, without limiting the generality of the foregoing, mains, laterals, wyes, tees, meters and collection, treatment and disposal plants.

(x) To sell any product or byproduct of a sanitary sewer system or any part thereof and to acquire the appropriate outlets within or without the District and to extend the sewer lines of the District thereto, subject to the jurisdiction of the Public Service Commission of Nevada.

(y) To acquire, construct, reconstruct, improve, extend or better a works, system or facilities for lighting public streets, ways and places, together with the power to contract for providing such facilities and the electrical current necessary therefor, or such current, with any public utility serving in the District, at uniform rates and charges established for the utility operator.

(z) To acquire, by purchase or lease, sites for the disposal of garbage and refuse, and to own and operate equipment for the collection and disposal of, and collect and dispose of, garbage and refuse, or to contract, without calling for bids, for the collection and disposal of garbage and refuse from within the District.

(aa) To acquire, construct, reconstruct, improve, extend and better lands, works, systems and facilities for recreation in accordance with the requirements, limitations, and authority of NRS 318.143.

(bb) To acquire, construct, reconstruct, improve, extend or better a works, system or facilities for the supply, storage and distribution of water for private and public purposes, subject to the jurisdiction of the Public Service Commission of Nevada.

(cc) To operate, maintain and repair the improvements acquired by the District, including without limitation the maintenance and repair of dedicated streets and alleys and the removal of snow therefrom, and all facilities of the District relating to any basic power which the District is authorized to exercise, and in connection therewith to exercise from time to time any one, all or any combination of the incidental powers provided in Chapter 318, Title 25 of the Nevada Revised Statutes and any law supplemental thereto, except as may be otherwise provided in said Chapter and Title.

The Incline Village General Improvement District, created by Ordinance No. 97, as amended by Bill No. 102, Bill No. 132, and Bill No. 227, and as provided by Ordinance No. 384, (which Ordinance dissolved and merged the Washoe County Sewer Improvement District No. 1 into IVGID), has the following powers and purposes:

(a) To grade and regrade and to surface and to resurface streets, alleys and public highways, and parts thereof, within the district, with suitable material, and to acquire street and alley improvements necessary and incidental thereto.

(b) To improve streets within the district by grading and regrading and by the construction and reconstruction of curb, gutter and combined curb and gutter, in combination with sidewalk or otherwise, and to acquire improvements necessary and incidental to the foregoing improvements, including, without limiting the generality thereof, drains, catch basins,

valley gutters, driveway inlets and the removal of existing improvements.

(c) To construct, reconstruct, replace or extend sidewalks, adjacent to or in combination with curb and gutter or otherwise, within the district, and to acquire improvements necessary and incidental thereto.

(d) To construct, reconstruct, replace or extend storm sewer and other drainage facilities and improvements necessary and incidental thereto with the district, including, without limiting the generality of the foregoing, the laying of pipes and the erection of catch basins, drains, and necessary inlets and outlets.

(e) To construct, reconstruct, improve, extend or better the sanitary sewer system or any part thereof, including without limiting the generality of the foregoing, mains, laterals, wyes, tees, meters and collection, treatment and disposal plants.

(f) To sell any product or byproduct thereof and acquire the appropriate outlets within or without the district and to extend the sewer lines of the district thereto.

(g) To acquire, construct, reconstruct, improve, extend or better a works, system or facilities for the supply, storage and distribution of water for private and public purposes.

(h) To operate, maintain and repair the improvements acquired by the district.

(i) To acquire, construct, reconstruct, improve, extend or better a works, system or facilities for lighting public streets, ways and places, or contract for providing such facilities and the electrical current necessary therefor, or such current, with any public utility serving the district, at uniform rates and charges established for the utility operator.

(j) To acquire, by purchase or lease, sites for the disposal of garbage and refuse, and to own and operate equipment for the collection and disposal of, and collect and dispose of, garbage and refuse, or to contract for the collection and disposal of garbage and refuse from within the district.

(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.



(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.

SECTION 3.

CBGID is hereby merged into IVGID, with IVGID as the surviving District. The boundaries of the new District created hereby will be the boundaries of the former IVGID and the boundaries of the former CBGID as those boundaries are shown in the attached Exhibit A. The surviving District as hereby created shall have all the powers and purposes of the former CBGID as provided in Ordinance No. 199 as referenced herein and all the powers and purposes of IVGID as provided in Ordinance No. 97, as amended, and as provided in Ordinance No. 384, all as referenced herein.

SECTION 4.

Following the second reading and public hearing on this Ordinance which hearing is set for the 11th day of April, 1995, the County Clerk shall cause this Ordinance to be published by title, together with a statement to the effect that a copy of the Ordinance is 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 Reno Gazette-Journal, a newspaper of general circulation in the County of Washoe, at least once a week for a period of two weeks before this Ordinance becomes effective.

SECTION 5.

Upon the effective date of this Ordinance as set forth herein, the merger of CBGID into IVGID shall be effective. At such time, all property and all funds remaining in the treasury of CBGID must be transferred to IVGID which assumes CBGID's obligations and functions pursuant to the provisions of NRS 318.510.

SECTION 6.

Ordinance No. 199 is hereby repealed. Ordinance No. 97, as amended, is hereby amended as provided herein.

SECTION 7.

Within thirty days after the effective date of this Ordinance merging CBGID into IVGID, the County Clerk shall file a copy of the

Ordinance in her office and shall cause to be filed an additional copy of the Ordinance in the office of the Secretary of State.

Proposed on the 28TH day of MARCH, 1995.

Proposed by Commissioner STEVE BRADHURST.

Passed on the 11TH day of APRIL, 1995.

Vote:

Ayes: JOANNE BOND, STEVE BRADHURST, MIKE MOULIOT,  
JIM SHAW, and GRANT SIMS

Nays: NONE.

Absent: NONE.

James M. Shaw  
Chairman  
Washoe County Commission

ATTEST:

[Signature]  
County Clerk

This ordinance shall be in force and effect from and after the 25TH day of APRIL, 1995.