

SUMMARY: Amends Washoe County Ordinance No. 519 by repealing certain sections establishing the board of county commissioners as the "ex officio" board of trustees and by adding new sections appointing and establishing a separate board of trustees for the South Truckee Meadows General Improvement District.

BILL NO. 11083

ORDINANCE NO. 1502

AN ORDINANCE AMENDING WASHOE COUNTY ORDINANCE NO. 519 BY REPEALING CERTAIN SECTIONS RELATING TO THE BOARD OF COUNTY COMMISSIONERS AS THE "EX OFFICIO" BOARD OF TRUSTEES OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT (DISTRICT), BY REPEALING CERTAIN SECTIONS RELATING TO THE COUNTY CLERK AND COUNTY TREASURER AS THE "EX OFFICIO" CLERK AND TREASURER OF THE DISTRICT, AND BY ADDING CERTAIN SECTIONS PROVIDING FOR THE APPOINTMENT OF THE DISTRICT'S LOCAL MANAGING BOARD AS THE BOARD OF TRUSTEES, PROVIDING FOR THE ESTABLISHMENT OF AN ELECTION AND REPLACEMENT PROCESS FOR MEMBERS OF THE BOARD OF TRUSTEES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, effective November 25, 1981, Ordinance No. 519 established the South Truckee Meadows General Improvement District ("District") for, among others, the basic purpose of furnishing municipal water facilities and services under NRS 318.144 to property owners within the boundary of the District; and

WHEREAS, Pursuant to subsection 4 of Ordinance No. 519, the Board of County Commissioners was established as the "Ex Officio" Board of Trustees for the District, vested with all of the authority, duties and obligations granted under Chapter 318 of the Nevada Revised Statutes for general improvement districts;

WHEREAS, the Board of County Commissioners now desires to replace itself as the "Ex Officio" Board of Trustees, and to appoint the District's Local Managing Board for an initial term of office to serve until their respective terms expire, at which time their successors in office shall be elected by qualified electors of the District.

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

SECTION 1.

Washoe County Ordinance No. 519 is hereby amended by repealing and adding thereto these certain provisions set forth as sections 1 to 10, inclusive, of this ordinance, which shall read as follows:

Creation of District. The South Truckee Meadows General Improvement District is hereby created and established.

SECTION 2.

District Boundaries. The general description of the boundaries of the District is the conterminous exterior boundaries of the composite and consolidated area consisting of the several parcels of land described in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3.

Purpose of the District. The basic purposes for which the District is created are:

- (a) Furnishing storm drainage facilities, as provided in NRS 318.135;
- (b) Furnishing sanitary sewer facilities, as provided in NRS 318.140; and
- (c) Furnishing water facilities and service, as provided in NRS 318.144.

SECTION 4.

Duties of the Board of Trustees.

The Board of County Commissioners, acting as the "Ex Officio" Board of Trustees of the District, has established, pursuant to NRS 318.080(2), a budget, accounting, auditing and management practices for the District. The appointed or elected Board of Trustees for the District should:

- (a) Maintain and modify as necessary accounting practices and procedures to be used by the District;
- (b) Maintain and modify as necessary auditing practices and procedures to be used by the District;
- (c) Maintain and modify as necessary a budget for the District;

(d) Maintain and modify as necessary management standards to be used by the District.

#### SECTION 5.

##### Basic Powers of the Board of Trustees.

Pursuant to Chapter 318 of the NRS, the Board of Trustees is authorized to:

(a) Acquire, construct, operate, maintain, repair and replace improvements and facilities related to the furnishing of potable water service for the District;

(b) Upon certification to the Board of County Commissioners, and in accordance with the provisions of NRS 318.225 through 318.250, levy and collect taxes on real properties within the District in order to raise revenue for obligations relating to potable water service for the District;

(c) Bond, finance, levy special assessments on the real properties within the District to finance the cost of constructing, acquiring and improving the facilities and improvements relating to the furnishing of potable water service for the District;

(d) Establish by resolution fees, rates, tolls and charges for the furnishing of potable water service for the District.

(e) Hire a general manager to administer and manage the business transactions of the District, and to hire such other professionals to provide professional and other services as needed or required by the District; and

(f) Sue and be sued, and be a party to suits, actions and proceedings.

#### SECTION 6.

##### Appointment of Trustees; Terms of Office; Election of Successor Trustees.

1. The Board of Trustees shall consist of five trustees who are qualified electors of the district. The Board of County Commissioners of Washoe County hereby appoints to serve an initial term as the Board of Trustees the five (5) elected members of the Local Managing Board of the District, whose terms of office are effective on the first Monday of January 2013. The dates for which the appointed trustees' terms of office and elected successor trustees' terms of office will become effective shall be determined

according to the current assigned Local Managing Board numeric seat assignments and designations, which are as follows:

<u>Seat #</u>	<u>Effective Date for Terms of Appointed Trustees</u>
Seat 1	January 7, 2013
Seat 2	January 7, 2013
Seat 3	January 7, 2013
Seat 4	January 7, 2013
Seat 5	January 7, 2013

<u>Seat #</u>	<u>Effective Date for Terms of Elected Successor Trustees</u>
Seat 1	January 2, 2017
Seat 2	January 2, 2017
Seat 3	January 5, 2015
Seat 4	January 5, 2015
Seat 5	January 2, 2017

2. The Local Managing Board members whose Seat assignments are designated as Seat 1, Seat 2 and Seat 5 shall serve as members of the Board of Trustees for an initial four (4) year term of office commencing on the 1st Monday in January, 2013 until those terms expire on the 1st Monday in January 2017. The Local Managing Board members whose Seat assignments are designated as Seat 3 and Seat 4 shall serve as members of the Board of Trustees for an initial two (2) year term of office commencing on the 1st Monday in January, 2013 until those terms expire on the 1st Monday in January 2015. Any successor trustees shall be elected by the property owners within the District in accordance with NRS 318.095.

3. If one or more of the Local Managing Board members who is appointed desires not to serve or is otherwise unable to serve his or her term of office as a member of the Trustees, effective the first Monday in January next following the biennial election, any such vacancies on the board of trustees shall be filled pursuant to NRS 318.090(5). If the Board of Trustees, pursuant to NRS 318.090(5), fails to establish a quorum necessary to appoint qualified electors of the District to fill any vacancies on the Board of Trustees, then the Board of County Commissioners shall appoint qualified electors from the District to fill those vacancies.

4. The Board of County Commissioners, pursuant to NRS 318.050, may remove any Trustee serving on an appointed or elected Board of Trustees for cause shown, on petition, hearing and notice thereof by publication and by mail addressed to the trustee.

#### SECTION 7.

##### Oaths and Surety Bonds.

The members of the Board of Trustees shall, for the faithful performance of their duties, qualify to serve their terms of office by filing with the county clerk their oaths of office and corporate surety bonds, the cost for which shall be at the expense of the District. The form and amount of such surety bonds shall be determined in accordance with NRS 318.080.

#### SECTION 8.

##### Chairman, Vice-Chairman and Officers.

1. After taking oaths and filing the required bonds, the Board of Trustees shall choose a chairman or president and vice-chairman or vice-president from among its member Trustees. Officers of the Board of Trustees shall serve at its pleasure. Among other duties, the Secretary and Treasurer, who may or may not be a Trustee, shall perform the functions and duties of the District's Secretary and Treasurer, respectively.

2. The Secretary shall keep audio recordings or transcripts of all District Board meetings in compliance with Chapter 241 of the Nevada Revised Statutes ("Nevada Open Meeting Law") and, in a well-bound book, a record of all of the Board of Trustees' proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the book, audio recordings, transcripts and records must be open to inspection of all owners of real property in the District, as well as to all other interested persons.

3. The Treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the District in permanent records. The Treasurer shall file with the county clerk, at the expense of the District, a corporate surety bond pursuant to NRS 318.085 in a form and amount to be approved and determined by the Board of County Commissioners. Any other officer or trustee who actually receives or disburses money of the District shall furnish a bond as provided in NRS 318.085. The Board of County Commissioners may, upon good cause shown, increase or decrease the amount of that bond.

SECTION 9.

Board of Trustees' Meetings; Quorum; Compensation.

1. Three members of the Board of Trustees constitutes a quorum at any meeting for the transaction of business, and a concurring vote of a majority of the five (5) member Board is required for any decision.

2. The Board of Trustees shall meet regularly at least once each year, or more frequently as the needs of the District require, at the office or principal place of the District as provided in the District bylaws.

3. Upon a majority vote of the five (5) member Board, each of the Trustees may receive as compensation for his or her service an amount not to exceed \$6,000 per year in accordance with NRS 318.085. If a majority of the five (5) member Board votes in favor of an amount of compensation, no member of the Board may receive any additional amount of compensation for his or her service to the District for any purpose. Each member of the Board must receive the same amount of compensation.

SECTION 10.

Establishment of Local District Managing Board; Dissolution.

1. The Board of County Commissioners, by ordinance, may establish a local district managing board consisting of five members who are qualified electors of the District.

2. The Local Managing Board may be dissolved by the Board of County Commissioners, if, after notice and hearing, the Board of County Commissioners:

- (a) Determines that the local managing board is no longer necessary;
- (b) Determines that the services of the District can be more effectively performed by another district; or
- (c) Appoints the Local Managing Board to serve as the Board of Trustees of the District.

SECTION 11.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance, including without limitation the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the providing of financial assistance. The County Clerk is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, 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, resolution, bylaw or order, or part thereof, heretofore repealed.

4. This ordinance shall be in effect from and after its publication as hereinafter provided, and after this ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this ordinance shall be published by title only, together with the names of the Commissioners voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.

5. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Passage and Effective Date

This ordinance was proposed on 11-13-12 by Commissioner Humke.

This ordinance was passed on 12-11-12.

Those voting "aye" were Larkin, Weber, Humke, Jung.  
Those voting "nay" were Commissioner Breternitz.  
Those absent were none.  
Those abstaining were none.

This ordinance shall be in force and effect immediately upon the date of the second publication of such ordinance as required by NRS 244.100.



Robert M. Larkin, Chairman  
Board of County Commissioners  
Washoe County, Nevada

ATTEST:

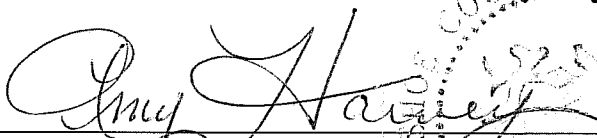
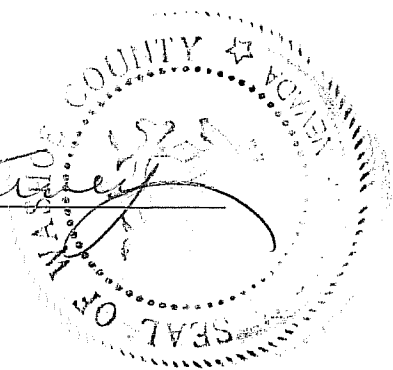
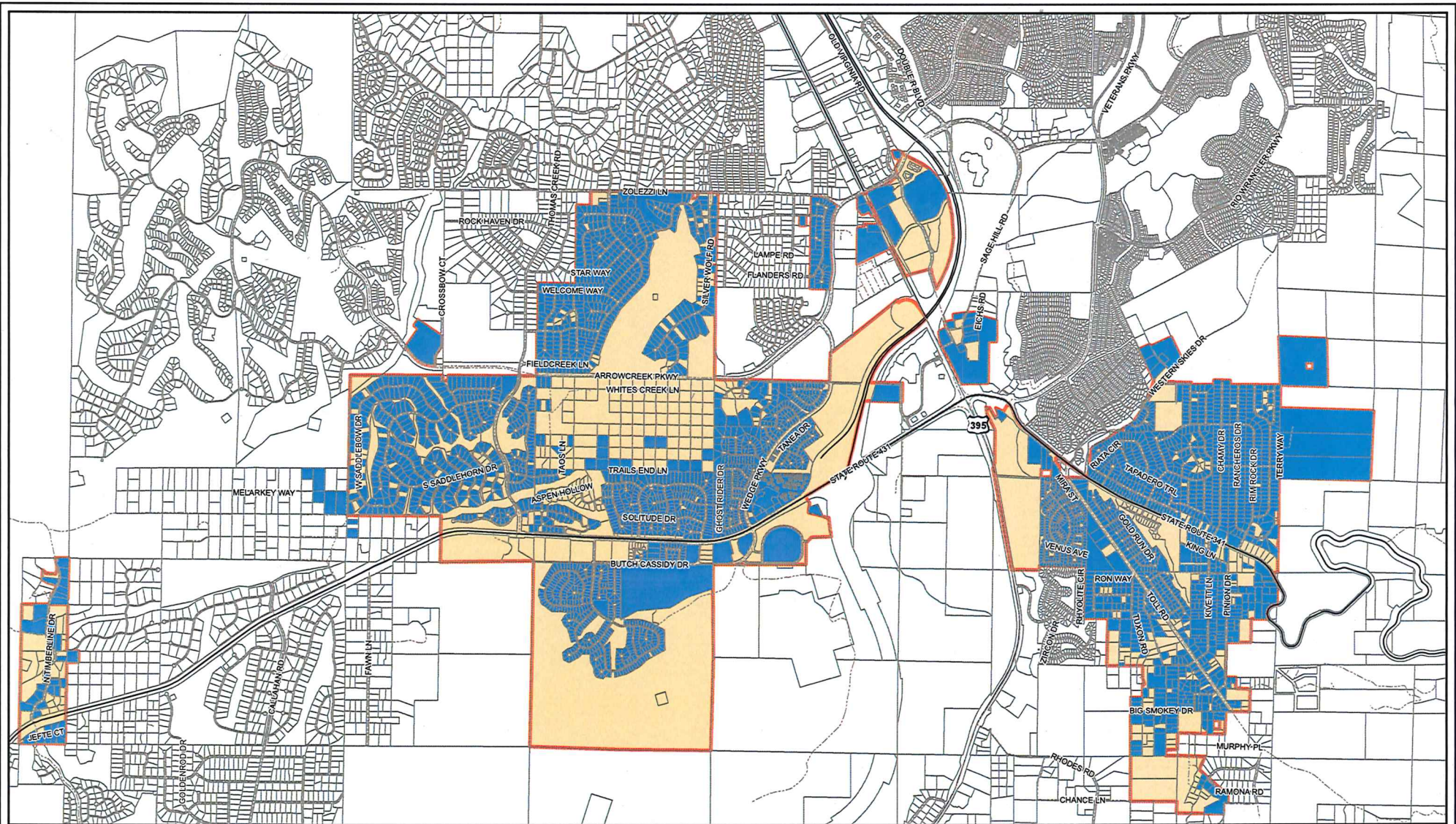
  
Amy Harvey  
County Clerk



Exhibit "A"





**Legend**

- STMGID WATER CUSTOMERS
- STMGID SERVICE TERRITORY

**STMGID WATER CUSTOMERS**




 Notes: The text and configuration of all information shown herein are representative only and are not intended as a guide for design or survey work. Reproduction is not permitted without prior written permission from the Washoe County Department of Water Resources.  
 October, 2012


 Department of Water Resources  
 Resource Planning & Management Division  
 Washoe County  
 Nevada  
 220 South Street  
 Reno, Nevada 89502  
 (775) 784-6600

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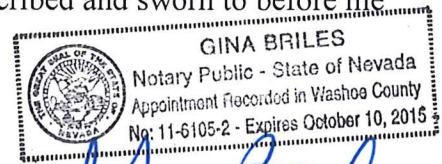
Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **12/14/2012 - 12/21/2012**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: \_\_\_\_\_

*Laurie Macaulay*

DEC 21 2012



*[Signature]*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1502 BILL NO. 1683 An Ordinance amending Washoe County Ordinance No. 519 by repealing certain sections relating to the Board of County Commissioners as the "Ex Officio" Board of trustees of the South Truckee Meadows General Improvement District (District), by repealing certain sections relating to the County Clerk and County Treasurer as the "Ex Officio" Clerk and Treasurer of the District, and by adding certain sections providing for the appointment of the District's Local Managing Board as the Board of Trustees, providing for the establishment of an election and replacement process for members of the Board of Trustees; and providing for other matters properly relating thereto. (Bill No. 1683) NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on November 13, 2012 by Commissioner Humke and was passed and adopted without amendment at a regular meeting held on December 11, 2012 by the following vote of the Board of County Commissioners: Those Voting Aye: Bonnie Weber Robert Larkin David Humke Kitty Jung Those Voting Nay: John Breternitz Those Absent: None This ordinance shall be in

full force and effect after the date of the second publication of such ordinance by its title only on December 21, 2012. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. DATED: December 12, 2012. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 792242 Dec 14, 21, 2012

**NOTICE OF ADOPTION  
WASHOE COUNTY ORDINANCE NO. 1502  
BILL NO. 1683**

An Ordinance amending Washoe County Ordinance No. 519 by repealing certain sections relating to the Board of County Commissioners as the "Ex Officio" Board of trustees of the South Truckee Meadows General Improvement District (District), by repealing certain sections relating to the County Clerk and County Treasurer as the "Ex Officio" Clerk and Treasurer of the District, and by adding certain sections providing for the appointment of the District's Local Managing Board as the Board of Trustees, providing for the establishment of an election and replacement process for members of the Board of Trustees; and providing for other matters properly relating thereto. (Bill No. 1683)

NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on November 13, 2012 by Commissioner Humke and was passed and adopted without amendment at a regular meeting held on December 11, 2012 by the following vote of the Board of County Commissioners:

Those Voting Aye: Bonnie Weber  
Robert Larkin  
David Humke  
Kitty Jung  
Those Voting Nay: John Breternitz  
Those Absent: None

This ordinance shall be in full force and effect after the date of the second publication of such ordinance by its title only on December 21, 2012.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only.

DATED: December 12, 2012.

AMY HARVEY, Washoe County Clerk and  
Clerk of the Board of County Commissioners

No. 792242 Dec 14, 21, 2012