

SENATE BILL NO. 471—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
FOR THE REVIEW AND OVERSIGHT OF THE
TAHOE REGIONAL PLANNING AGENCY AND
THE MARLETTE LAKE WATER SYSTEM)

MARCH 27, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions related to improvement districts.
(BDR 25-495)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to improvement districts; revising provisions governing the merger, consolidation or dissolution of certain general improvement districts; repealing the Nevada Improvement District Act; creating the Douglas County Lake Tahoe Sewer Authority and its governing Board of Trustees; setting forth the powers and duties of and procedures governing the Authority and the Board; abolishing Douglas County Sewer Improvement District No. 1; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Chapter 309 of NRS, the Nevada Improvement District Act, authorizes the creation and governs the management of a local improvement district for the construction of a power plant and the distribution of energy therefrom or the construction of a sewer system or the construction or acquisition of a water system. (Chapter 309 of NRS) In 1967, the Nevada Legislature eliminated the authority to create such a district. (NRS 309.025) The only local improvement district currently in existence which is organized pursuant to the Nevada Improvement District Act is Douglas County Sewer Improvement District No. 1. **Section 36** of this bill repeals the Nevada Improvement District Act. **Sections 1-5 and 7-11** of this bill make conforming changes. **Section 35** of this bill abolishes Douglas County Sewer Improvement District No. 1. **Section 6** of this bill makes a conforming change.



* S B 4 7 1 *

Sections 12-34 of this bill establish the Douglas County Lake Tahoe Sewer Authority Act, which creates the Douglas County Lake Tahoe Sewer Authority for the purpose of furnishing certain residents of this State with an adequate system of sewage collection and treatment and disposal of wastewater. **Section 23** of this bill exempts certain property of the Authority from state, county and municipal taxation. **Section 24** of this bill authorizes the Authority to enter into certain interlocal cooperative agreements with general improvement districts, and authorizes a general improvement district which is party to such an agreement to authorize the Authority to exercise powers, privileges and authority belonging to the general improvement district. **Section 25** of this bill provides that the Authority is a public employer, subject to certain provisions governing retirement for public employees.

Section 26 of this bill creates and provides for the appointment of a Board of Trustees which is charged with directing and governing the Authority. **Section 27** of this bill requires each trustee on the Board to file an oath of office and a bond. **Sections 28 and 29** of this bill set forth provisions governing the procedures and duties of the Board.

Sections 30 and 31 of this bill set forth the powers of the Authority and the Board. **Section 32** of this bill requires the Board to adopt an ordinance governing the financing of the Authority. **Section 33** of this bill exempts the Authority from regulation by the Public Utilities Commission of Nevada.

Section 34 of this bill directs the Douglas County Lake Tahoe Sewer Authority to assume the debts, obligations, liabilities and assets of Douglas County Sewer Improvement District No. 1.

Under existing law, if a majority of the members of the board of county commissioners of a county deems it to be in the best interest of the county and of a general improvement district that was exercising three specified powers on October 1, 2005, related to sanitary sewer improvements, the collection and disposal of garbage or refuse and the supply, storage and distribution of water that the district be merged, consolidated or dissolved, the board of county commissioners is required to submit the question of the merger, consolidation or dissolution to the board of trustees of the district. If the board of trustees of the district does not agree to the merger, consolidation or dissolution within 90 days after the submission of the question to the board of trustees, existing law prohibits the merger, consolidation or dissolution of the district. (NRS 318.490) **Section 3** of this bill requires the submission of the question of merger, consolidation or dissolution to the board of trustees of a district that was exercising any of those three specified powers on October 1, 2005.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 308.020 is hereby amended to read as follows:

308.020 1. The Special District Control Law applies to:

(a) Any special district whose formation is initiated by a board of county commissioners; and

(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter "special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district,



1 swimming pool district, television maintenance district, weed
2 control district, general improvement district, or any other quasi-
3 municipal corporation organized under the local improvement and
4 service district laws of this state as enumerated in title 25 of NRS,
5 but excludes ~~†~~:

6 ~~—(a) All local improvement districts created pursuant to chapter~~
7 ~~309 of NRS; and~~

8 ~~—(b) All~~ *all* housing authorities.

9 **Sec. 2.** NRS 318.0954 is hereby amended to read as follows:

10 318.0954 1. The governing body of any district organized or
11 reorganized under and operating as provided in any chapter in title
12 25 of NRS, excluding chapters ~~309,†~~ 315 and 318 of NRS, must be
13 designated a board of trustees and shall reorganize as provided in
14 this section so that after the transitional period the board consists of
15 five qualified electors from time to time chosen as provided in NRS
16 318.095 and other provisions of this chapter supplemental thereto.

17 2. No existing member of any such governing body may be
18 required to resign from the board before the termination of his or her
19 current term of office in the absence of any disqualification as a
20 member of the governing body under such chapter in title 25 of
21 NRS, excluding chapters ~~309,†~~ 315 and 318 of NRS. If a regular
22 term of office of any member of any such governing body would
23 terminate on other than the first Monday of January next following a
24 biennial election in the absence of the adoption of this law, the term
25 must be extended to and terminate on the first Monday in January
26 next following a biennial election and following the date on which
27 the term would have ended.

28 3. If the members of any such governing body at any time
29 number less than five, the number of trustees must be increased to
30 five by appointment, or by both appointment and election, as
31 provided in NRS 318.090, 318.095 and 318.0951.

32 4. In no event may any successor trustee be elected or
33 appointed to fill any purported vacancy in any unexpired term or in
34 any regular term which successor will increase the trustees on a
35 board to a number exceeding five nor which will result in less than
36 two regular terms of office or more than three regular terms of
37 office ending on the first Monday in January next following any
38 biennial election.

39 5. Nothing in this section:

40 (a) Prevents the reorganization of a board by division of the
41 district into district trustee election districts pursuant to
42 NRS 318.0952.

43 (b) Supersedes the provisions of NRS 318.0953 or 318.09533.



Sec. 3. NRS 318.490 is hereby amended to read as follows:

318.490 1. Except as otherwise provided in NRS 318.492, whenever a majority of the members of the board of county commissioners of any county deem it to be in the best interests of the county and of the district that the district be merged, consolidated or dissolved, or if the board of trustees of a district, by resolution pursuant to subsection 3, agrees to such a merger, consolidation or dissolution, the board of county commissioners shall so determine by ordinance, after there is first found, determined and recited in the ordinance that:

(a) All outstanding indebtedness and bonds of all kinds of the district have been paid or will be assumed by the resulting merged or consolidated unit of government.

(b) The services of the district are no longer needed or can be more effectively performed by an existing unit of government.

2. The county clerk shall thereupon certify a copy of the ordinance to the board of trustees of the district and shall mail written notice to all property owners within the district in the county, containing the following:

(a) The adoption of the ordinance;

(b) The determination of the board of county commissioners that the district should be dissolved, merged or consolidated; and

(c) The time and place for hearing on the dissolution, merger or consolidation.

3. If a majority of the members of the board of county commissioners of a county deems it to be in the best interests of the county and of a district that was, on October 1, 2005, exercising powers pursuant to NRS 318.140, 318.142 ~~and~~ or 318.144, that the district be merged, consolidated or dissolved, the board of county commissioners shall submit the question of the merger, consolidation or dissolution to the board of trustees of the district. If the board of trustees of the district, by resolution, does not agree to the merger, consolidation or dissolution within 90 days after the question was submitted to it, the district may not be merged, consolidated or dissolved.

Sec. 4. NRS 318.525 is hereby amended to read as follows:

318.525 1. Chapter 542, Statutes of Nevada 1967, does not affect the corporate existence nor the area included within the boundaries of any district organized or reorganized before May 1, 1967, under any chapter in title 25 of NRS, but the governing body of any such district (excluding any ~~local improvement district organized or reorganized under the provisions of chapter 309 of NRS, any~~) housing authority or other municipal corporation subject to the provisions of chapter 315 of NRS, and excluding any district organized or reorganized before May 1, 1967, under and already



1 subject to the provisions of this chapter 318 of NRS) shall
2 reorganize as provided in this chapter as amended by chapter 542,
3 Statutes of Nevada 1967.

4 2. Any district organized or reorganized before May 1, 1967,
5 under and exercising powers as provided in any chapter in title 25 of
6 NRS (excluding chapters ~~309,~~ 315 and 318 of NRS) shall operate
7 under and exercise powers pertaining to each basic power for which
8 the district is organized or reorganized as provided in chapter 318 of
9 NRS, including without limitation the provisions of the Special
10 District Control Law to the extent it is applicable by the terms
11 thereof.

12 **Sec. 5.** NRS 226.110 is hereby amended to read as follows:

13 226.110 The State Treasurer:

14 1. Shall receive and keep all money of the State which is not
15 expressly required by law to be received and kept by some other
16 person.

17 2. Shall receipt to the State Controller for all money received,
18 from whatever source, at the time of receiving it.

19 3. Shall establish the policies to be followed in the investment
20 of money of the State, subject to the periodic review and approval or
21 disapproval of those policies by the State Board of Finance.

22 4. May employ any necessary investment and financial
23 advisers to render advice and other services in connection with the
24 investment of money of the State.

25 5. Shall disburse the public money upon warrants drawn upon
26 the Treasury by the State Controller, and not otherwise. The
27 warrants must be registered and paid in the order of their registry.
28 The State Treasurer may use any sampling or postaudit technique, or
29 both, which he or she considers reasonable to verify the proper
30 distribution of warrants.

31 6. Shall keep a just, true and comprehensive account of all
32 money received and disbursed.

33 7. Shall deliver in good order to his or her successor in office
34 all money, records, books, papers and other things belonging to his
35 or her office.

36 8. Shall fix, charge and collect reasonable fees for:

37 (a) Investing the money in any fund or account which is credited
38 for interest earned on money deposited in it; and

39 (b) Special services rendered to other state agencies or to
40 members of the public which increase the cost of operating his or
41 her office.

42 9. Serves as the primary representative of the State in matters
43 concerning any nationally recognized bond credit rating agency for
44 the purposes of the issuance of any obligation authorized on the
45 behalf and in the name of the State, except as otherwise provided in



1 NRS 538.206 and except for those obligations issued pursuant to
2 chapter 319 of NRS and NRS 349.400 to 349.987, inclusive.

3 10. Is directly responsible for the issuance of any obligation
4 authorized on the behalf and in the name of the State, except as
5 otherwise provided in NRS 538.206 and except for those obligations
6 issued pursuant to chapter 319 of NRS and NRS 349.400 to
7 349.987, inclusive. The State Treasurer:

8 (a) Shall issue such an obligation as soon as practicable after
9 receiving a request from a state agency for the issuance of the
10 obligation.

11 (b) May, except as otherwise provided in NRS 538.206, employ
12 necessary legal, financial or other professional services in
13 connection with the authorization, sale or issuance of such an
14 obligation.

15 11. May organize and facilitate statewide pooled financing
16 programs, including lease purchases, for the benefit of the State and
17 any political subdivision, including districts organized pursuant to
18 NRS 450.550 to 450.750, inclusive, and chapters 244A, ~~309~~, 318,
19 379, 474, 541, 543 and 555 of NRS.

20 12. Shall serve as the Administrator of Unclaimed Property.

21 **Sec. 6.** NRS 277.200 is hereby amended to read as follows:

22 277.200 The Tahoe Regional Planning Compact is as follows:
23

24 **Tahoe Regional Planning Compact**

25 **ARTICLE I. Findings and Declarations of Policy**

26 (a) It is found and declared that:
27

28 (1) The waters of Lake Tahoe and other resources of the
29 region are threatened with deterioration or degeneration, which
30 endangers the natural beauty and economic productivity of the
31 region.
32

33 (2) The public and private interests and investments in the
34 region are substantial.

35 (3) The region exhibits unique environmental and ecological
36 values which are irreplaceable.

37 (4) By virtue of the special conditions and circumstances of
38 the region's natural ecology, developmental pattern, population
39 distribution and human needs, the region is experiencing problems
40 of resource use and deficiencies of environmental control.

41 (5) Increasing urbanization is threatening the ecological
42 values of the region and threatening the public opportunities for use
43 of the public lands.

44 (6) Maintenance of the social and economic health of the
45 region depends on maintaining the significant scenic, recreational,



1 educational, scientific, natural and public health values provided by
2 the Lake Tahoe Basin.

3 (7) There is a public interest in protecting, preserving and
4 enhancing these values for the residents of the region and for
5 visitors to the region.

6 (8) Responsibilities for providing recreational and scientific
7 opportunities, preserving scenic and natural areas, and safeguarding
8 the public who live, work and play in or visit the region are divided
9 among local governments, regional agencies, the states of California
10 and Nevada, and the Federal Government.

11 (9) In recognition of the public investment and multistate and
12 national significance of the recreational values, the Federal
13 Government has an interest in the acquisition of recreational
14 property and the management of resources in the region to preserve
15 environmental and recreational values, and the Federal Government
16 should assist the states in fulfilling their responsibilities.

17 (10) In order to preserve the scenic beauty and outdoor
18 recreational opportunities of the region, there is a need to insure an
19 equilibrium between the region's natural endowment and its man-
20 made environment.

21 (b) In order to enhance the efficiency and governmental
22 effectiveness of the region, it is imperative that there be established
23 a Tahoe Regional Planning Agency with the powers conferred by
24 this compact including the power to establish environmental
25 threshold carrying capacities and to adopt and enforce a regional
26 plan and implementing ordinances which will achieve and maintain
27 such capacities while providing opportunities for orderly growth and
28 development consistent with such capacities.

29 (c) The Tahoe Regional Planning Agency shall interpret and
30 administer its plans, ordinances, rules and regulations in accordance
31 with the provisions of this compact.

32 **ARTICLE II. Definitions**

33
34
35 As used in this compact:

36 (a) "Region," includes Lake Tahoe, the adjacent parts of
37 Douglas and Washoe counties and Carson City, which for the
38 purposes of this compact shall be deemed a county, lying within
39 the Tahoe Basin in the State of Nevada, and the adjacent parts of the
40 Counties of Placer and El Dorado lying within the Tahoe Basin in
41 the State of California, and that additional and adjacent part of the
42 County of Placer outside of the Tahoe Basin in the State of
43 California which lies southward and eastward of a line starting at the
44 intersection of the basin crestline and the north boundary of Section
45 1, thence west to the northwest corner of Section 3, thence south to



1 the intersection of the basin crestline and the west boundary of
2 Section 10; all sections referring to Township 15 North, Range 16
3 East, M.D.B. & M. The region defined and described herein shall be
4 as precisely delineated on official maps of the agency.

5 (b) "Agency" means the Tahoe Regional Planning Agency.

6 (c) "Governing body" means the governing board of the Tahoe
7 Regional Planning Agency.

8 (d) "Regional plan" means the long-term general plan for the
9 development of the region.

10 (e) "Planning commission" means the advisory planning
11 commission appointed pursuant to subdivision (h) of Article III.

12 (f) "Gaming" means to deal, operate, carry on, conduct,
13 maintain or expose for play any banking or percentage game played
14 with cards, dice or any mechanical device or machine for money,
15 property, checks, credit or any representative of value, including,
16 without limiting the generality of the foregoing, faro, monte,
17 roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-
18 half, big injun, klondike, craps, stud poker, draw poker or slot
19 machine, but does not include social games played solely for drinks,
20 or cigars or cigarettes served individually, games played in private
21 homes or residences for prizes or games operated by charitable or
22 educational organizations, to the extent excluded by applicable state
23 law.

24 (g) "Restricted gaming license" means a license to operate not
25 more than 15 slot machines on which a quarterly fee is charged
26 pursuant to NRS 463.373 and no other games.

27 (h) "Project" means an activity undertaken by any person,
28 including any public agency, if the activity may substantially affect
29 the land, water, air, space or any other natural resources of the
30 region.

31 (i) "Environmental threshold carrying capacity" means an
32 environmental standard necessary to maintain a significant scenic,
33 recreational, educational, scientific or natural value of the region or
34 to maintain public health and safety within the region. Such
35 standards shall include but not be limited to standards for air quality,
36 water quality, soil conservation, vegetation preservation and noise.

37 (j) "Feasible" means capable of being accomplished in a
38 successful manner within a reasonable period of time, taking into
39 account economic, environmental, social and technological factors.

40 (k) "Areas open to public use" means all of the areas within a
41 structure housing gaming under a nonrestricted license except areas
42 devoted to the private use of guests.

43 (l) "Areas devoted to private use of guests" means hotel rooms
44 and hallways to serve hotel room areas, and any parking areas. A



1 hallway serves hotel room areas if more than 50 percent of the areas
2 on each side of the hallway are hotel rooms.

3 (m) "Nonrestricted license" means a gaming license which is not
4 a restricted gaming license.

6 **ARTICLE III. Organization**

7
8 (a) There is created the Tahoe Regional Planning Agency as a
9 separate legal entity.

10 The governing body of the agency shall be constituted as
11 follows:

12 (1) California delegation:

13 (A) One member appointed by each of the County Boards of
14 Supervisors of the Counties of El Dorado and Placer and one
15 member appointed by the City Council of the City of South Lake
16 Tahoe. Any such member may be a member of the county board of
17 supervisors or city council, respectively, and shall reside in the
18 territorial jurisdiction of the governmental body making the
19 appointment.

20 (B) Two members appointed by the Governor of California, one
21 member appointed by the Speaker of the Assembly of California
22 and one member appointed by the Senate Rules Committee of the
23 State of California. The members appointed pursuant to this
24 subparagraph shall not be residents of the region and shall represent
25 the public at large within the State of California.

26 (2) Nevada delegation:

27 (A) One member appointed by each of the boards of county
28 commissioners of Douglas and Washoe counties and one member
29 appointed by the board of supervisors of Carson City. Any such
30 member may be a member of the board of county commissioners or
31 board of supervisors, respectively, and shall reside in the territorial
32 jurisdiction of the governmental body making the appointment.

33 (B) One member appointed by the governor of Nevada, the
34 secretary of state of Nevada or his designee, and the director of the
35 state department of conservation and natural resources of Nevada or
36 his designee. Except for the secretary of state and the director of the
37 state department of conservation and natural resources, the members
38 or designees appointed pursuant to this subparagraph shall not be
39 residents of the region. All members appointed pursuant to this
40 subparagraph shall represent the public at large within the State of
41 Nevada.

42 (C) One member appointed for a 1-year term by the six other
43 members of the Nevada delegation. If at least four members of the
44 Nevada delegation are unable to agree upon the selection of a
45 seventh member within 60 days after the effective date of the



1 amendments to this compact or the occurrence of a vacancy on the
2 governing body for that state the governor of the State of Nevada
3 shall make such an appointment. The member appointed pursuant to
4 this subparagraph may, but is not required to, be a resident of the
5 region within the State of Nevada.

6 (3) If any appointing authority under paragraph (1)(A), (1)(B),
7 (2)(A) or (2)(B) fails to make such an appointment within 60 days
8 after the effective date of the amendments to this compact or the
9 occurrence of a vacancy on the governing body, the governor of
10 the state in which the appointing authority is located shall make the
11 appointment. The term of any member so appointed shall be 1 year.

12 (4) The position of any member of the governing body shall be
13 deemed vacant if such a member is absent from three consecutive
14 meetings of the governing body in any calendar year.

15 (5) Each member and employee of the agency shall disclose his
16 economic interests in the region within 10 days after taking his seat
17 on the governing board or being employed by the agency and shall
18 thereafter disclose any further economic interest which he acquires,
19 as soon as feasible after he acquires it. As used in this paragraph,
20 "economic interests" means:

21 (A) Any business entity operating in the region in which the
22 member or employee has a direct or indirect investment worth more
23 than \$1,000;

24 (B) Any real property located in the region in which the member
25 or employee has a direct or indirect interest worth more than \$1,000;

26 (C) Any source of income attributable to activities in the region,
27 other than loans by or deposits with a commercial lending institution
28 in the regular course of business, aggregating \$250 or more in value
29 received by or promised to the member within the preceding 12
30 months; or

31 (D) Any business entity operating in the region in which the
32 member or employee is a director, officer, partner, trustee, employee
33 or holds any position of management.

34 ➔ No member or employee of the agency shall make, or attempt to
35 influence, an agency decision in which he knows or has reason to
36 know he has an economic interest. Members and employees of the
37 agency must disqualify themselves from making or participating in
38 the making of any decision of the agency when it is reasonably
39 foreseeable that the decision will have a material financial effect,
40 distinguishable from its effect on the public generally, on the
41 economic interests of the member or employee.

42 (b) The members of the agency shall serve without
43 compensation, but the expenses of each member shall be met by the
44 body which he represents in accordance with the law of that body.
45 All other expenses incurred by the governing body in the course of



1 exercising the powers conferred upon it by this compact unless met
2 in some other manner specifically provided, shall be paid by the
3 agency out of its own funds.

4 (c) Except for the secretary of state and director of the state
5 department of conservation and natural resources of Nevada and the
6 member appointed pursuant to subdivision (a)(2)(C), the members
7 of the governing body serve at the pleasure of the appointing
8 authority in each case, but each appointment shall be reviewed no
9 less often than every 4 years. Members may be reappointed.

10 (d) The governing body of the agency shall meet at least
11 monthly. All meetings shall be open to the public to the extent
12 required by the law of the State of California or the State of Nevada,
13 whichever imposes the greater requirement, applicable to local
14 governments at the time such meeting is held. The governing body
15 shall fix a date for its regular monthly meeting in such terms as "the
16 first Monday of each month," and shall not change such date more
17 often than once in any calendar year. Notice of the date so fixed
18 shall be given by publication at least once in a newspaper or
19 combination of newspapers whose circulation is general throughout
20 the region and in each county a portion of whose territory lies within
21 the region. Notice of any special meeting, except an emergency
22 meeting, shall be given by so publishing the date and place and
23 posting an agenda at least 5 days prior to the meeting.

24 (e) The position of a member of the governing body shall be
25 considered vacated upon his loss of any of the qualifications
26 required for his appointment and in such event the appointing
27 authority shall appoint a successor.

28 (f) The governing body shall elect from its own members a
29 chairman and vice chairman, whose terms of office shall be 2 years,
30 and who may be reelected. If a vacancy occurs in either office, the
31 governing body may fill such vacancy for the unexpired term.

32 (g) Four of the members of the governing body from each state
33 constitute a quorum for the transaction of the business of the
34 agency. The voting procedures shall be as follows:

35 (1) For adopting, amending or repealing environmental
36 threshold carrying capacities, the regional plan, and ordinances,
37 rules and regulations, and for granting variances from the
38 ordinances, rules and regulations, the vote of at least four of the
39 members of each state agreeing with the vote of at least four
40 members of the other state shall be required to take action. If there is
41 no vote of at least four of the members from one state agreeing with
42 the vote of at least four of the members of the other state on the
43 actions specified in this paragraph, an action of rejection shall be
44 deemed to have been taken.



(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➤ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal



1 number from each state, at least half of whom shall be residents of
2 the region. Any official member may designate an alternate.

3 The term of office of each lay member of the advisory planning
4 commission shall be 2 years. Members may be reappointed.

5 The position of each member of the advisory planning
6 commission shall be considered vacated upon loss of any of the
7 qualifications required for appointment, and in such an event the
8 appointing authority shall appoint a successor.

9 The advisory planning commission shall elect from its own
10 members a chairman and a vice chairman, whose terms of office
11 shall be 2 years and who may be reelected. If a vacancy occurs in
12 either office, the advisory planning commission shall fill such
13 vacancy for the unexpired term.

14 A majority of the members of the advisory planning commission
15 constitutes a quorum for the transaction of the business of the
16 commission. A majority vote of the quorum present shall be
17 required to take action with respect to any matter.

18 (i) The agency shall establish and maintain an office within the
19 region, and for this purpose the agency may rent or own property
20 and equipment. Every plan, ordinance and other record of the
21 agency which is of such nature as to constitute a public record under
22 the law of either the State of California or the State of Nevada shall
23 be open to inspection and copying during regular office hours.

24 (j) Each authority charged under this compact or by the law of
25 either state with the duty of appointing a member of the governing
26 body of the agency shall by certified copy of its resolution or other
27 action notify the Secretary of State of its own state of the action
28 taken.

30 **ARTICLE IV. Personnel**

31
32 (a) The governing body shall determine the qualification of, and
33 it shall appoint and fix the salary of, the executive officer of the
34 agency, and shall employ such other staff and legal counsel as may
35 be necessary to execute the powers and functions provided for under
36 this compact or in accordance with any intergovernmental contracts
37 or agreements the agency may be responsible for administering.

38 (b) Agency personnel standards and regulations shall conform
39 insofar as possible to the regulations and procedures of the civil
40 service of the State of California or the State of Nevada, as may be
41 determined by the governing body of the agency; and shall be
42 regional and bistate in application and effect; provided that the
43 governing body may, for administrative convenience and at its
44 discretion, assign the administration of designated personnel
45 arrangements to an agency of either state, and provided that



1 administratively convenient adjustments be made in the standards
2 and regulations governing personnel assigned under
3 intergovernmental agreements.

4 (c) The agency may establish and maintain or participate in such
5 additional programs of employee benefits as may be appropriate to
6 afford employees of the agency terms and conditions of employment
7 similar to those enjoyed by employees of California and Nevada
8 generally.

10 **ARTICLE V. Planning**

11
12 (a) In preparing each of the plans required by this article and
13 each amendment thereto, if any, subsequent to its adoption, the
14 planning commission after due notice shall hold at least one public
15 hearing which may be continued from time to time, and shall review
16 the testimony and any written recommendations presented at such
17 hearing before recommending the plan or amendment. The notice
18 required by this subdivision shall be given at least 20 days prior to
19 the public hearing by publication at least once in a newspaper or
20 combination of newspapers whose circulation is general throughout
21 the region and in each county a portion of whose territory lies within
22 the region.

23 The planning commission shall then recommend such plan or
24 amendment to the governing body for adoption by ordinance. The
25 governing body may adopt, modify or reject the proposed plan or
26 amendment, or may initiate and adopt a plan or amendment without
27 referring it to the planning commission. If the governing body
28 initiates or substantially modifies a plan or amendment, it shall hold
29 at least one public hearing thereon after due notice as required in
30 this subdivision.

31 If a request is made for the amendment of the regional plan by:

32 (1) A political subdivision a part of whose territory would be
33 affected by such amendment; or

34 (2) The owner or lessee of real property which would be
35 affected by such amendment,

36 ➔ the governing body shall complete its action on such amendment
37 within 180 days after such request is accepted as complete
38 according to standards which must be prescribed by ordinance of the
39 agency.

40 (b) The agency shall develop, in cooperation with the states of
41 California and Nevada, environmental threshold carrying capacities
42 for the region. The agency should request the President's Council on
43 Environmental Quality, the United States Forest Service and other
44 appropriate agencies to assist in developing such environmental
45 threshold carrying capacities. Within 18 months after the effective



1 date of the amendments to this compact, the agency shall adopt
2 environmental threshold carrying capacities for the region.

3 (c) Within 1 year after the adoption of the environmental
4 threshold carrying capacities for the region, the agency shall amend
5 the regional plan so that, at a minimum, the plan and all of its
6 elements, as implemented through agency ordinances, rules and
7 regulations, achieves and maintains the adopted environmental
8 threshold carrying capacities. Each element of the plan shall contain
9 implementation provisions and time schedules for such
10 implementation by ordinance. The planning commission and
11 governing body shall continuously review and maintain the regional
12 plan. The regional plan shall consist of a diagram, or diagrams, and
13 text, or texts setting forth the projects and proposals for
14 implementation of the regional plan, a description of the needs and
15 goals of the region and a statement of the policies, standards and
16 elements of the regional plan.

17 The regional plan shall be a single enforceable plan and includes
18 all of the following correlated elements:

19 (1) A land-use plan for the integrated arrangement and general
20 location and extent of, and the criteria and standards for, the uses of
21 land, water, air, space and other natural resources within the region,
22 including but not limited to an indication or allocation of maximum
23 population densities and permitted uses.

24 (2) A transportation plan for the integrated development of a
25 regional system of transportation, including but not limited to
26 parkways, highways, transportation facilities, transit routes,
27 waterways, navigation facilities, public transportation facilities,
28 bicycle facilities, and appurtenant terminals and facilities for the
29 movement of people and goods within the region. The goal of
30 transportation planning shall be:

31 (A) To reduce dependency on the automobile by making more
32 effective use of existing transportation modes and of public transit
33 to move people and goods within the region; and

34 (B) To reduce to the extent feasible air pollution which is caused
35 by motor vehicles.

36 ➤ Where increases in capacity are required, the agency shall give
37 preference to providing such capacity through public transportation
38 and public programs and projects related to transportation. The
39 agency shall review and consider all existing transportation plans in
40 preparing its regional transportation plan pursuant to this paragraph.

41 The plan shall provide for an appropriate transit system for the
42 region.

43 The plan shall give consideration to:

44 (A) Completion of the Loop Road in the states of Nevada and
45 California;



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(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area. ➔ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the



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1 State of California. Such plan, ordinance, rule or regulation may be
2 amended or repealed by the governing body of the agency. The
3 plans, ordinances, rules and regulations of the Tahoe Regional
4 Planning Agency that do not conflict with, or are not addressed by,
5 the California Tahoe Regional Planning Agency's plans, ordinances,
6 rules and regulations referred to in this subdivision shall continue to
7 be applicable unless amended or repealed by the governing body of
8 the agency. No provision of the regional plan, ordinances, rules and
9 regulations of the California Tahoe Regional Planning Agency
10 referred to in this subdivision shall apply to that portion of the
11 region within the State of Nevada, unless such provision is adopted
12 for the Nevada portion of the region by the governing body of the
13 agency.

14 (f) The regional plan, ordinances, rules and regulations of the
15 Tahoe Regional Planning Agency apply to that portion of the region
16 within the State of Nevada.

17 (g) The agency shall adopt ordinances prescribing specific
18 written findings that the agency must make prior to approving any
19 project in the region. These findings shall relate to environmental
20 protection and shall insure that the project under review will not
21 adversely affect implementation of the regional plan and will not
22 cause the adopted environmental threshold carrying capacities of the
23 region to be exceeded.

24 (h) The agency shall maintain the data, maps and other
25 information developed in the course of formulating and
26 administering the regional plan, in a form suitable to assure a
27 consistent view of developmental trends and other relevant
28 information for the availability of and use by other agencies of
29 government and by private organizations and individuals concerned.

30 (i) Where necessary for the realization of the regional plan, the
31 agency may engage in collaborative planning with local
32 governmental jurisdictions located outside the region, but
33 contiguous to its boundaries. In formulating and implementing the
34 regional plan, the agency shall seek the cooperation and consider the
35 recommendations of counties and cities and other agencies of local
36 government, of state and federal agencies, of educational institutions
37 and research organizations, whether public or private, and of civic
38 groups and private persons.

40 **ARTICLE VI. Agency's Powers**

41
42 (a) The governing body shall adopt all necessary ordinances,
43 rules, and regulations to effectuate the adopted regional plan. Except
44 as otherwise provided in this compact, every such ordinance, rule or
45 regulation shall establish a minimum standard applicable throughout



1 the region. Any political subdivision or public agency may adopt
2 and enforce an equal or higher requirement applicable to the same
3 subject of regulation in its territory. The regulations of the agency
4 shall contain standards including but not limited to the following:
5 water purity and clarity; subdivision; zoning; tree removal; solid
6 waste disposal; sewage disposal; land fills, excavations, cuts and
7 grading; piers, harbors, breakwaters or channels and other shoreline
8 developments; waste disposal in shoreline areas; waste disposal
9 from boats; mobile-home parks; house relocation; outdoor
10 advertising; floodplain protection; soil and sedimentation control;
11 air pollution; and watershed protection. Whenever possible without
12 diminishing the effectiveness of the regional plan, the ordinances,
13 rules, regulations and policies shall be confined to matters which are
14 general and regional in application, leaving to the jurisdiction of the
15 respective states, counties and cities the enactment of specific and
16 local ordinances, rules, regulations and policies which conform to
17 the regional plan.

18 The agency shall prescribe by ordinance those activities which it
19 has determined will not have substantial effect on the land, water,
20 air, space or any other natural resources in the region and therefore
21 will be exempt from its review and approval.

22 Every ordinance adopted by the agency shall be published at
23 least once by title in a newspaper or combination of newspapers
24 whose circulation is general throughout the region. Except an
25 ordinance adopting or amending the regional plan, no ordinance
26 shall become effective until 60 days after its adoption. Immediately
27 after its adoption, a copy of each ordinance shall be transmitted to
28 the governing body of each political subdivision having territory
29 within the region.

30 (b) No project other than those to be reviewed and approved
31 under the special provisions of subdivisions (d), (e), (f) and (g) may
32 be developed in the region without obtaining the review and
33 approval of the agency and no project may be approved unless it is
34 found to comply with the regional plan and with the ordinances,
35 rules and regulations enacted pursuant to subdivision (a) to
36 effectuate that plan.

37 The agency may approve a project in the region only after
38 making the written findings required by this subdivision or
39 subdivision (g) of Article V. Such findings shall be based on
40 substantial evidence in the record.

41 Before adoption by the agency of the ordinances required in
42 subdivision (g) of Article V, the agency may approve a project in
43 the region only after making written findings on the basis of
44 substantial evidence in the record that the project is consistent with
45 the regional plan then in effect and with applicable plans,



ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado	
County (combined)	252
2. Placer County	278
3. Carson City	-0-
4. Douglas County	339
5. Washoe County	739



(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)	64,324
2. Placer County	23,000
3. Carson City	-0-
4. Douglas County	57,354
5. Washoe County	50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County *Lake Tahoe Sewer ~~District~~ #1, Authority*, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the ~~district~~ *Authority* shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the ~~district~~ *Authority* proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may



1 be built or existing highway widened to accommodate additional
2 continuous lanes for automobiles until the regional transportation
3 plan is revised and adopted.

4 The moratorium imposed by this subdivision does not apply to
5 the construction of any parking garage which has been approved by
6 the agency prior to May 4, 1979, whether that approval was
7 affirmative or by default. The provisions of this paragraph are not an
8 expression of legislative intent that any such parking garage, the
9 approval of which is the subject of litigation which was pending on
10 the effective date of the amendments to this compact, should or
11 should not be constructed. The provisions of this paragraph are
12 intended solely to permit construction of such a parking garage if a
13 judgment sustaining the agency's approval to construct that parking
14 garage has become final and no appeal is pending or may lawfully
15 be taken to a higher court.

16 (d) Subject to the final order of any court of competent
17 jurisdiction entered in litigation contesting the validity of an
18 approval by the Tahoe Regional Planning Agency, whether that
19 approval was affirmative or by default, if that litigation was pending
20 on May 4, 1979, the agency and the states of California and Nevada
21 shall recognize as a permitted and conforming use:

22 (1) Every structure housing gaming under a nonrestricted license
23 which existed as a licensed gaming establishment on May 4, 1979,
24 or whose construction was approved by the Tahoe Regional
25 Planning Agency affirmatively or deemed approved before that date.
26 The construction or use of any structure to house gaming under a
27 nonrestricted license not so existing or approved, or the enlargement
28 in cubic volume of any such existing or approved structure is
29 prohibited.

30 (2) Every other nonrestricted gaming establishment whose use
31 was seasonal and whose license was issued before May 4, 1979, for
32 the same season and for the number and type of games and slot
33 machines on which taxes or fees were paid in the calendar year
34 1978.

35 (3) Gaming conducted pursuant to a restricted gaming license
36 issued before May 4, 1979, to the extent permitted by that license on
37 that date.

38 ➡ The area within any structure housing gaming under a
39 nonrestricted license which may be open to public use (as distinct
40 from that devoted to the private use of guests and exclusive of any
41 parking area) is limited to the area existing or approved for public
42 use on May 4, 1979. Within these limits, any external modification
43 of the structure which requires a permit from a local government
44 also requires approval from the agency. The agency shall not permit
45 restaurants, convention facilities, showrooms or other public areas



1 to be constructed elsewhere in the region outside the structure in
2 order to replace areas existing or approved for public use on May 4,
3 1979.

4 (e) Any structure housing licensed gaming may be rebuilt or
5 replaced to a size not to exceed the cubic volume, height and land
6 coverage existing or approved on May 4, 1979, without the review
7 or approval of the agency or any planning or regulatory authority of
8 the State of Nevada whose review or approval would be required for
9 a new structure.

10 (f) The following provisions apply to any internal or external
11 modification, remodeling, change in use, or repair of a structure
12 housing gaming under a nonrestricted license which is not
13 prohibited by Article VI (d):

14 (1) The agency's review of an external modification of the
15 structure which requires a permit from a local government is limited
16 to determining whether the external modification will do any of the
17 following:

18 (A) Enlarge the cubic volume of the structure;

19 (B) Increase the total square footage of area open to or approved
20 for public use on May 4, 1979;

21 (C) Convert an area devoted to the private use of guests to an
22 area open to public use;

23 (D) Increase the public area open to public use which is used for
24 gaming beyond the limits contained in paragraph (3); and

25 (E) Conflict with or be subject to the provisions of any of the
26 agency's ordinances that are generally applicable throughout the
27 region.

28 ➤ The agency shall make this determination within 60 days after the
29 proposal is delivered to the agency in compliance with the agency's
30 rules or regulations governing such delivery unless the applicant has
31 agreed to an extension of this time limit. If an external modification
32 is determined to have any of the effects enumerated in
33 subparagraphs (A) through (C), it is prohibited. If an external
34 modification is determined to have any of the effects enumerated in
35 subparagraph (D) or (E), it is subject to the applicable provisions of
36 this compact. If an external modification is determined to have no
37 such effect, it is not subject to the provisions of this compact.

38 (2) Except as provided in paragraph (3), internal modification,
39 remodeling, change in use or repair of a structure housing gaming
40 under a nonrestricted license is not a project and does not require the
41 review or approval of the agency.

42 (3) Internal modification, remodeling, change in use or repair of
43 areas open to public use within a structure housing gaming under a
44 nonrestricted license which alone or in combination with any other
45 such modification, remodeling, change in use or repair will increase



1 the total portion of those areas which is actually used for gaming by
2 more than the product of the total base area, as defined below, in
3 square feet existing on or approved before August 4, 1980,
4 multiplied by 15 percent constitutes a project and is subject to all of
5 the provisions of this compact relating to projects. For purposes of
6 this paragraph and the determination required by Article VI (g), base
7 area means all of the area within a structure housing gaming under a
8 nonrestricted license which may be open to public use, whether or
9 not gaming is actually conducted or carried on in that area, except
10 retail stores, convention centers and meeting rooms, administrative
11 offices, kitchens, maintenance and storage areas, rest rooms,
12 engineering and mechanical rooms, accounting rooms and counting
13 rooms.

14 (g) In order to administer and enforce the provisions of
15 paragraphs (d), (e) and (f) the State of Nevada, through its
16 appropriate planning or regulatory agency, shall require the owner
17 or licensee of a structure housing gaming under a nonrestricted
18 license to provide:

19 (1) Documents containing sufficient information for the Nevada
20 agency to establish the following relative to the structure:

21 (A) The location of its external walls;

22 (B) Its total cubic volume;

23 (C) Within its external walls, the area in square feet open or
24 approved for public use and the area in square feet devoted to or
25 approved for the private use of guests on May 4, 1979;

26 (D) The amount of surface area of land under the structure; and

27 (E) The base area as defined in paragraph (f)(3) in square feet
28 existing on or approved before August 4, 1980.

29 (2) An informational report whenever any internal modification,
30 remodeling, change in use, or repair will increase the total portion of
31 the areas open to public use which is used for gaming.

32 The Nevada agency shall transmit this information to the Tahoe
33 Regional Planning Agency.

34 (h) Gaming conducted pursuant to a restricted gaming license is
35 exempt from review by the agency if it is incidental to the primary
36 use of the premises.

37 (i) The provisions of subdivisions (d) and (e) are intended only
38 to limit gaming and related activities as conducted within a gaming
39 establishment, or construction designed to permit the enlargement of
40 such activities, and not to limit any other use of property zoned for
41 commercial use or the accommodation of tourists, as approved by
42 the agency.

43 (j) Legal actions arising out of or alleging a violation of the
44 provisions of this compact, of the regional plan or of an ordinance or



1 regulation of the agency or of a permit or a condition of a permit
2 issued by the agency are governed by the following provisions:

3 (1) This subdivision applies to:

4 (A) Actions arising out of activities directly undertaken by the
5 agency.

6 (B) Actions arising out of the issuance to a person of a lease,
7 permit, license or other entitlement for use by the agency.

8 (C) Actions arising out of any other act or failure to act by any
9 person or public agency.

10 ➤ Such legal actions may be filed and the provisions of this
11 subdivision apply equally in the appropriate courts of California and
12 Nevada and of the United States.

13 (2) Venue lies:

14 (A) If a civil or criminal action challenges an activity by the
15 agency or any person which is undertaken or to be undertaken upon
16 a parcel of real property, in the state or federal judicial district where
17 the real property is situated.

18 (B) If an action challenges an activity which does not involve a
19 specific parcel of land (such as an action challenging an ordinance
20 of the agency), in any state or federal court having jurisdiction
21 within the region.

22 (3) Any aggrieved person may file an action in an appropriate
23 court of the State of California or Nevada or of the United States
24 alleging noncompliance with the provisions of this compact or with
25 an ordinance or regulation of the agency. In the case of
26 governmental agencies, "aggrieved person" means the Tahoe
27 Regional Planning Agency or any state, federal or local agency. In
28 the case of any person other than a governmental agency who
29 challenges an action of the Tahoe Regional Planning Agency,
30 "aggrieved person" means any person who has appeared, either in
31 person, through an authorized representative, or in writing, before
32 the agency at an appropriate administrative hearing to register
33 objection to the action which is being challenged, or who had good
34 cause for not making such an appearance.

35 (4) A legal action arising out of the adoption or amendment of
36 the regional plan or of any ordinance or regulation of the agency, or
37 out of the granting or denial of any permit, shall be commenced
38 within 60 days after final action by the agency. All other legal
39 actions shall be commenced within 65 days after discovery of the
40 cause of action.

41 (5) In any legal action filed pursuant to this subdivision which
42 challenges an adjudicatory act or decision of the agency to approve
43 or disapprove a project, the scope of judicial inquiry shall extend
44 only to whether there was prejudicial abuse of discretion. Prejudicial
45 abuse of discretion is established if the agency has not proceeded in



1 a manner required by law or if the act or decision of the agency was
2 not supported by substantial evidence in light of the whole record.
3 In making such a determination the court shall not exercise its
4 independent judgment on evidence but shall only determine whether
5 the act or decision was supported by substantial evidence in light of
6 the whole record. In any legal action filed pursuant to this
7 subdivision which challenges a legislative act or decision of the
8 agency (such as the adoption of the regional plan and the enactment
9 of implementing ordinances), the scope of the judicial inquiry shall
10 extend only to the questions of whether the act or decision has been
11 arbitrary, capricious or lacking substantial evidentiary support or
12 whether the agency has failed to proceed in a manner required by
13 law.

14 (6) In addition to the provisions of paragraph (5) relating to
15 judicial inquiry:

16 (A) When adopting or amending a regional plan, the agency
17 shall act in accordance with the requirements of the compact and the
18 implementing ordinances, rules and regulations, and a party
19 challenging the regional plan has the burden of showing that the
20 regional plan is not in conformance with those requirements.

21 (B) When taking an action or making a decision, the agency
22 shall act in accordance with the requirements of the compact and the
23 regional plan, including the implementing ordinances, rules and
24 regulations, and a party challenging the action or decision has the
25 burden of showing that the act or decision is not in conformance
26 with those requirements.

27 (7) The provisions of this subdivision do not apply to any legal
28 proceeding pending on the date when this subdivision becomes
29 effective. Any such legal proceeding shall be conducted and
30 concluded under the provisions of law which were applicable prior
31 to the effective date of this subdivision.

32 (8) The security required for the issuance of a temporary
33 restraining order or preliminary injunction based upon an alleged
34 violation of this compact or any ordinance, plan, rule or regulation
35 adopted pursuant thereto is governed by the rule or statute
36 applicable to the court in which the action is brought, unless the
37 action is brought by a public agency or political subdivision to
38 enforce its own rules, regulations and ordinances in which case no
39 security shall be required.

40 (k) The agency shall monitor activities in the region and may
41 bring enforcement actions in the region to ensure compliance with
42 the regional plan and adopted ordinances, rules, regulations and
43 policies. If it is found that the regional plan, or ordinances, rules,
44 regulations and policies are not being enforced by a local



1 jurisdiction, the agency may bring action in a court of competent
2 jurisdiction to ensure compliance.

3 (l) Any person who violates any provision of this compact or of
4 any ordinance or regulation of the agency or of any condition of
5 approval imposed by the agency is subject to a civil penalty not to
6 exceed \$5,000. Any such person is subject to an additional civil
7 penalty not to exceed \$5,000 per day, for each day on which such a
8 violation persists. In imposing the penalties authorized by this
9 subdivision, the court shall consider the nature of the violation and
10 shall impose a greater penalty if it was willful or resulted from gross
11 negligence than if it resulted from inadvertence or simple
12 negligence.

13 (m) The agency is hereby empowered to initiate, negotiate and
14 participate in contracts and agreements among the local
15 governmental authorities of the region, or any other
16 intergovernmental contracts or agreements authorized by state or
17 federal law.

18 (n) Each intergovernmental contract or agreement shall provide
19 for its own funding and staffing, but this shall not preclude financial
20 contributions from the local authorities concerned or from
21 supplementary sources.

22 (o) Every record of the agency, whether public or not, shall be
23 open for examination to the Legislature and Controller of the State
24 of California and the legislative auditor of the State of Nevada.

25 (p) Approval by the agency of any project expires 3 years after
26 the date of final action by the agency or the effective date of the
27 amendments to this compact, whichever is later, unless construction
28 is begun within that time and diligently pursued thereafter, or the
29 use or activity has commenced. In computing the 3-year period any
30 period of time during which the project is the subject of a legal
31 action which delays or renders impossible the diligent pursuit of that
32 project shall not be counted. Any license, permit or certificate issued
33 by the agency which has an expiration date shall be extended by that
34 period of time during which the project is the subject of such legal
35 action as provided in this subdivision.

36 (q) The governing body shall maintain a current list of real
37 property known to be available for exchange with the United States
38 or with other owners of real property in order to facilitate exchanges
39 of real property by owners of real property in the region.

40 41 **ARTICLE VII. Environmental Impact Statements**

42
43 (a) The Tahoe Regional Planning Agency when acting upon
44 matters that have a significant effect on the environment shall:



(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record



1 or is generally available to the public, such as information contained
2 in an environmental impact report prepared pursuant to the
3 California Environmental Quality Act or a federal environmental
4 impact statement prepared pursuant to the National Environmental
5 Policy Act of 1969. However, such information or data shall be
6 briefly described in the environmental impact statement and its
7 relationship to the environmental impact statement shall be
8 indicated.

9 In addition, any person may submit information relative to a
10 proposed project which may be included, in whole or in part, in any
11 environmental impact statement required by this article.

12 (d) In addition to the written findings specified by agency
13 ordinance to implement the regional plan, the agency shall make
14 either of the following written findings before approving a project
15 for which an environmental impact statement was prepared:

16 (1) Changes or alterations have been required in or incorporated
17 into such project which avoid or reduce the significant adverse
18 environmental effects to a less than significant level; or

19 (2) Specific considerations, such as economic, social or
20 technical, make infeasible the mitigation measures or project
21 alternatives discussed in the environmental impact statement on the
22 project.

23 A separate written finding shall be made for each significant
24 effect identified in the environmental impact statement on the
25 project. All written findings must be supported by substantial
26 evidence in the record.

27 (e) The agency may charge and collect a reasonable fee from
28 any person proposing a project subject to the provisions of this
29 compact in order to recover the estimated costs incurred by the
30 agency in preparing an environmental impact statement under this
31 article.

32 (f) The agency shall adopt by ordinance a list of classes of
33 projects which the agency has determined will not have a significant
34 effect on the environment and therefore will be exempt from the
35 requirement for the preparation of an environmental impact
36 statement under this article. Prior to adopting the list, the agency
37 shall make a written finding supported by substantial evidence in the
38 record that each class of projects will not have a significant effect on
39 the environment.

40 41 **ARTICLE VIII. Finances**

42
43 (a) On or before September 30 of each calendar year the agency
44 shall establish the amount of money necessary to support its
45 activities for the next succeeding fiscal year commencing July 1 of



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1 the following year. The agency shall apportion \$75,000 of this
2 amount among the counties within the region on the same ratio to
3 the total sum required as the full cash valuation of taxable property
4 within the region in each county bears to the total full cash valuation
5 of taxable property within the region. In addition, each county
6 within the region in California shall pay \$18,750 to the agency and
7 each county within the region in Nevada, including Carson City,
8 shall pay \$12,500 to the agency, from any funds available therefor.
9 The State of California and the State of Nevada may pay to the
10 agency by July 1 of each year any additional sums necessary to
11 support the operations of the agency pursuant to this compact. If
12 additional funds are required, the agency shall make a request for
13 the funds to the states of California and Nevada. Requests for state
14 funds must be apportioned two-thirds from California and one-third
15 from Nevada. Money appropriated shall be paid within 30 days.

16 (b) The agency may fix and collect reasonable fees for any
17 services rendered by it.

18 (c) The agency shall submit an itemized budget to the states for
19 review with any request for state funds, shall be strictly accountable
20 to any county in the region and the states for all funds paid by them
21 to the agency and shall be strictly accountable to all participating
22 bodies for all receipts and disbursement.

23 (d) The agency is authorized to receive gifts, donations,
24 subventions, grants, and other financial aids and funds; but the
25 agency may not own land except as provided in subdivision (i) of
26 Article III.

27 (e) The agency shall not obligate itself beyond the moneys due
28 under this article for its support from the several counties and the
29 states for the current fiscal year, plus any moneys on hand or
30 irrevocably pledged to its support from other sources. No obligation
31 contracted by the agency shall bind either of the party states or any
32 political subdivision thereof.

33 **ARTICLE IX. Transportation District**

34
35 (a) The Tahoe transportation district is hereby established as a
36 special purpose district. The boundaries of the district are
37 coterminous with those of the region.

38 (b) The business of the district shall be managed by a board of
39 directors consisting of:

40 (1) One member of the county board of supervisors of each of
41 the counties of El Dorado and Placer who must be appointed by his
42 respective board of supervisors;

43 (2) One member of the city council of the City of South Lake
44 Tahoe who must be appointed by the city council;
45



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(3) One member each of the board of county commissioners of Douglas County and of Washoe County who must be appointed by his respective board of county commissioners;

(4) One member of the board of supervisors of Carson City who must be appointed by the board of supervisors;

(5) One member of the South Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(6) One member of the North Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(7) One member of each local transportation district in the region that is authorized by the State of Nevada or the State of California who must be appointed by his respective transportation district;

(8) One member appointed by a majority of the other voting directors who represents a public or private transportation system operating in the region;

(9) The director of the California Department of Transportation; and

(10) The director of the department of transportation of the State of Nevada.

Any entity that appoints a member to the board of directors, the director of the California Department of Transportation or the director of the department of transportation of the State of Nevada may designate an alternate.

(c) Before a local transportation district appoints a member to the board of directors pursuant to paragraph (7) of subdivision (b), the local transportation district must enter into a written agreement with the Tahoe transportation district that sets forth the responsibilities of the districts for the establishment of policies and the management of financial matters, including, but not limited to, the distribution of revenue among the districts.

(d) The directors of the California Department of Transportation and the department of transportation of the State of Nevada, or their designated alternates, serve as nonvoting directors, but shall provide technical and professional advice to the district as necessary and appropriate.

(e) The vote of a majority of the directors must agree to take action. If a majority of votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(f) The Tahoe transportation district may by resolution establish procedures for the adoption of its budgets, the appropriation of its money and the carrying on of its other financial activities. These procedures must conform insofar as is practicable to the procedures



1 for financial administration of the State of California or the State of
2 Nevada or one or more of the local governments in the region.

3 (g) The Tahoe transportation district may in accordance with the
4 adopted transportation plan:

5 (1) Own and operate a public transportation system to the
6 exclusion of all other publicly owned transportation systems in the
7 region.

8 (2) Own and operate support facilities for public and private
9 systems of transportation, including, but not limited to, parking lots,
10 terminals, facilities for maintenance, devices for the collection of
11 revenue and other related equipment.

12 (3) Acquire or agree to operate upon mutually agreeable terms
13 any publicly or privately owned transportation system or facility
14 within the region.

15 (4) Hire the employees of existing public transportation systems
16 that are acquired by the district without loss of benefits to the
17 employees, bargain collectively with employee organizations, and
18 extend pension and other collateral benefits to employees.

19 (5) Contract with private companies to provide supplementary
20 transportation or provide any of the services needed in operating a
21 system of transportation for the region.

22 (6) Contract with local governments in the region to operate
23 transportation facilities or provide any of the services necessary to
24 operate a system of transportation for the region.

25 (7) Fix the rates and charges for transportation services provided
26 pursuant to this subdivision.

27 (8) Issue revenue bonds and other evidence of indebtedness and
28 make other financial arrangements appropriate for developing and
29 operating a public transportation system.

30 (9) By resolution, determine and propose for adoption a tax for
31 the purpose of obtaining services of the district. The tax proposed
32 must be general and of uniform operation throughout the region, and
33 may not be graduated in any way, except for a sales and use tax. If a
34 sales and use tax is approved by the voters as provided in this
35 paragraph, it may be administered by the states of California and
36 Nevada respectively in accordance with the laws that apply within
37 their respective jurisdictions and must not exceed a rate of 1 percent
38 of the gross receipts from the sale of tangible personal property sold
39 in the district. The district is prohibited from imposing any other tax
40 measured by gross or net receipts on business, an ad valorem tax, a
41 tax or charge that is assessed against people or vehicles as they enter
42 or leave the region, and any tax, direct or indirect, on gaming tables
43 and devices. Any such proposition must be submitted to the voters
44 of the district and shall become effective upon approval of the voters
45 voting on the proposition who reside in the State of California in



1 accordance with the laws that apply within that state and approval of
2 the voters voting on the proposition who reside in the State of
3 Nevada in accordance with the laws that apply within that state. The
4 revenues from any such tax must be used for the service for which it
5 was imposed, and for no other purpose.

6 (10) Provide service from inside the region to convenient
7 airport, railroad and interstate bus terminals without regard to the
8 boundaries of the region.

9 (h) The legislatures of the states of California and Nevada may,
10 by substantively identical enactments, amend this article.

11 12 **ARTICLE X. Miscellaneous**

13
14 (a) It is intended that the provisions of this compact shall be
15 reasonably and liberally construed to effectuate the purposes
16 thereof. Except as provided in subdivision (c), the provisions of this
17 compact shall be severable and if any phrase, clause, sentence or
18 provision of this compact is declared to be contrary to the
19 constitution of any participating state or of the United States or the
20 applicability thereof to any government, agency, person or
21 circumstance is held invalid, the validity of the remainder of this
22 compact and the applicability thereof to any government, agency,
23 person or circumstance shall not be affected thereby. If this compact
24 shall be held contrary to the constitution of any state participating
25 therein, the compact shall remain in full force and effect as to the
26 remaining state and in full force and effect as to the state affected as
27 to all severable matters.

28 (b) The agency shall have such additional powers and duties as
29 may hereafter be delegated or imposed upon it from time to time by
30 the action of the Legislature of either state concurred in by the
31 Legislature of the other.

32 (c) A state party to this compact may withdraw therefrom by
33 enacting a statute repealing the compact. Notice of withdrawal shall
34 be communicated officially and in writing to the Governor of the
35 other state and to the agency administrators. This provision is not
36 severable, and if it is held to be unconstitutional or invalid, no other
37 provision of this compact shall be binding upon the State of Nevada
38 or the State of California.

39 (d) No provision of this compact shall have any effect upon the
40 allocation, distribution or storage of interstate waters or upon any
41 appropriative water right.

42 **Sec. 7.** NRS 332.015 is hereby amended to read as follows:

43 332.015 1. For the purpose of this chapter, unless the context
44 otherwise requires, "local government" means:



(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, ~~309~~, 318, 379, 450, 474, 539, 541, 543 and 555 of NRS.

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

2. The term does not include the Nevada Rural Housing Authority.

Sec. 8. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant



1 to chapter 623A of NRS or who is licensed as a professional
2 engineer pursuant to chapter 625 of NRS.

3 7. “Design professional” means:

4 (a) A person who is licensed as a professional engineer pursuant
5 to chapter 625 of NRS;

6 (b) A person who is licensed as a professional land surveyor
7 pursuant to chapter 625 of NRS;

8 (c) A person who holds a certificate of registration to engage in
9 the practice of architecture, interior design or residential design
10 pursuant to chapter 623 of NRS;

11 (d) A person who holds a certificate of registration to engage in
12 the practice of landscape architecture pursuant to chapter 623A of
13 NRS; or

14 (e) A business entity that engages in the practice of professional
15 engineering, land surveying, architecture or landscape architecture.

16 8. “Division” means the State Public Works Division of the
17 Department of Administration.

18 9. “Eligible bidder” means a person who is:

19 (a) Found to be a responsible and responsive contractor by a
20 local government or its authorized representative which requests
21 bids for a public work in accordance with paragraph (b) of
22 subsection 1 of NRS 338.1373; or

23 (b) Determined by a public body or its authorized representative
24 which awarded a contract for a public work pursuant to NRS
25 338.1375 to 338.139, inclusive, to be qualified to bid on that
26 contract pursuant to NRS 338.1379 or 338.1382.

27 10. “General contractor” means a person who is licensed to
28 conduct business in one, or both, of the following branches of the
29 contracting business:

30 (a) General engineering contracting, as described in subsection 2
31 of NRS 624.215.

32 (b) General building contracting, as described in subsection 3 of
33 NRS 624.215.

34 11. “Governing body” means the board, council, commission
35 or other body in which the general legislative and fiscal powers of a
36 local government are vested.

37 12. “Local government” means every political subdivision or
38 other entity which has the right to levy or receive money from ad
39 valorem or other taxes or any mandatory assessments, and includes,
40 without limitation, counties, cities, towns, boards, school districts
41 and other districts organized pursuant to chapters 244A, ~~309,~~ 318,
42 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,
43 inclusive, and any agency or department of a county or city which
44 prepares a budget separate from that of the parent political
45 subdivision. The term includes a person who has been designated by



1 the governing body of a local government to serve as its authorized
2 representative.

3 13. “Offense” means failing to:

4 (a) Pay the prevailing wage required pursuant to this chapter;

5 (b) Pay the contributions for unemployment compensation
6 required pursuant to chapter 612 of NRS;

7 (c) Provide and secure compensation for employees required
8 pursuant to chapters 616A to 617, inclusive, of NRS; or

9 (d) Comply with subsection 5 or 6 of NRS 338.070.

10 14. “Prime contractor” means a contractor who:

11 (a) Contracts to construct an entire project;

12 (b) Coordinates all work performed on the entire project;

13 (c) Uses his or her own workforce to perform all or a part of the
14 public work; and

15 (d) Contracts for the services of any subcontractor or
16 independent contractor or is responsible for payment to any
17 contracted subcontractors or independent contractors.

18 ➤ The term includes, without limitation, a general contractor or a
19 specialty contractor who is authorized to bid on a project pursuant to
20 NRS 338.139 or 338.148.

21 15. “Public body” means the State, county, city, town, school
22 district or any public agency of this State or its political subdivisions
23 sponsoring or financing a public work.

24 16. “Public work” means any project for the new construction,
25 repair or reconstruction of a project financed in whole or in part
26 from public money for:

27 (a) Public buildings;

28 (b) Jails and prisons;

29 (c) Public roads;

30 (d) Public highways;

31 (e) Public streets and alleys;

32 (f) Public utilities;

33 (g) Publicly owned water mains and sewers;

34 (h) Public parks and playgrounds;

35 (i) Public convention facilities which are financed at least in part
36 with public money; and

37 (j) All other publicly owned works and property.

38 17. “Specialty contractor” means a person who is licensed to
39 conduct business as described in subsection 4 of NRS 624.215.

40 18. “Stand-alone underground utility project” means an
41 underground utility project that is not integrated into a larger
42 project, including, without limitation:

43 (a) An underground sewer line or an underground pipeline for
44 the conveyance of water, including facilities appurtenant thereto;
45 and



(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,
➔ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

19. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,
➔ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 9. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, ~~309~~ 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a



1 county or city which prepares a budget separate from that of the
2 parent political subdivision.

3 (b) "Local government" includes the Nevada Rural Housing
4 Authority for the purpose of loans of money from a local
5 government in a county whose population is less than 100,000 to the
6 Nevada Rural Housing Authority in accordance with NRS
7 354.6118. The term does not include the Nevada Rural Housing
8 Authority for any other purpose.

9 2. An irrigation district organized pursuant to chapter 539 of
10 NRS shall fix rates and levy assessments as provided in NRS
11 539.667 to 539.683, inclusive. The levy of such assessments and the
12 posting and publication of claims and annual financial statements as
13 required by chapter 539 of NRS shall be deemed compliance with
14 the budgeting, filing and publication requirements of NRS 354.470
15 to 354.626, inclusive, but any such irrigation district which levies an
16 ad valorem tax shall comply with the filing and publication
17 requirements of NRS 354.470 to 354.626, inclusive, in addition to
18 the requirements of chapter 539 of NRS.

19 3. An electric light and power district created pursuant to
20 chapter 318 of NRS shall be deemed to have fulfilled the
21 requirements of NRS 354.470 to 354.626, inclusive, for a year in
22 which the district does not issue bonds or levy an assessment if the
23 district files with the Department of Taxation a copy of all
24 documents relating to its budget for that year which the district
25 submitted to the Rural Utilities Service of the United States
26 Department of Agriculture.

27 **Sec. 10.** NRS 354.760 is hereby amended to read as follows:

28 354.760 1. All invoices or other notices issued by a local
29 government to collect an account receivable must state that if the
30 debtor wishes to pay by check or other negotiable instrument, such
31 negotiable instrument must name as payee:

32 (a) The local government; or

33 (b) The title of the governmental official charged by law with
34 the collection of such accounts.

35 ➤ In no event may the invoice or other notice state that a check or
36 other negotiable instrument may name a natural person as payee.

37 2. Notwithstanding the provisions of subsection 1, a local
38 government may deposit into the appropriate account a check or
39 other negotiable instrument which it determines is intended as
40 payment for an account receivable.

41 3. As used in this section, "local government" means every
42 political subdivision or other entity which has the right to levy or
43 receive money from ad valorem taxes or other taxes or from any
44 mandatory assessments, including, without limitation, counties,
45 cities, towns, boards, authorities, school districts and other districts



1 organized pursuant to chapters 244, 244A, ~~309,~~ 318, 379, 439,
2 450, 474, 539, 541, 543 and 555 of NRS.

3 **Sec. 11.** NRS 378.160 is hereby amended to read as follows:

4 378.160 As used in NRS 378.150 to 378.210, inclusive:

5 1. "Center" means the State Publications Distribution Center
6 created by NRS 378.170.

7 2. "Depository library" means a library with which the Center
8 has entered into an agreement pursuant to NRS 378.190.

9 3. "Local government" means every political subdivision or
10 other entity which has the right to levy or receive money from ad
11 valorem or other taxes or any mandatory assessments, and includes,
12 without limitation, counties, cities, towns, boards, school districts
13 and other districts organized pursuant to chapters 244A, ~~309,~~ 318,
14 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,
15 inclusive, and any agency or department of a county or city which
16 prepares a budget separate from that of the parent political
17 subdivision. The term includes the Nevada Rural Housing
18 Authority.

19 4. "Publication" includes any information in any format or
20 medium that is produced pursuant to the authority of or at the total
21 or partial expense of a state agency or local government, is required
22 by law to be distributed by a state agency or local government, or is
23 distributed publicly by a state agency or local government outside
24 that state agency or local government. The term does not include:

25 (a) Nevada Revised Statutes with annotations;

26 (b) Nevada Reports;

27 (c) Bound volumes of the Statutes of Nevada;

28 (d) Items published by the University of Nevada Press and other
29 information disseminated by the Nevada System of Higher
30 Education which is not designed for public distribution;

31 (e) Official state records scheduled for retention and disposition
32 pursuant to NRS 239.080; or

33 (f) Records of a local government which have been scheduled
34 for disposition pursuant to NRS 239.124 or retention pursuant to
35 NRS 239.125.

36 5. "State agency" includes the Legislature, constitutional
37 officers or any department, division, bureau, board, commission or
38 agency of the State of Nevada.

39 **Sec. 12.** This act may be cited as the Douglas County Lake
40 Tahoe Sewer Authority Act.

41 **Sec. 13.** The Legislature hereby finds and declares that:

42 1. The provisions of section 22 of this act describe a region
43 which is distinguished by the governance of the only local
44 improvement district currently in existence which is organized
45 under chapter 309 of NRS and the presence of Lake Tahoe, a water



1 system which is governed by a unique combination of state and
2 federal laws.

3 2. The unique conditions of the area described by section 22 of
4 this act are special circumstances and conditions to which a general
5 law cannot be made applicable and necessitate this special act to
6 enact changes to the management of sewage in that area.

7 3. Adequate and efficient sewage service is vital to the
8 economic development and well-being of residents in the area
9 described by section 22 of this act.

10 4. There are currently several different general improvement
11 districts organized under chapter 318 of NRS that administer sewage
12 collection services in the area described by section 22 of this act,
13 which has caused problems in administering sewage services.

14 5. The well-being of the residents of the area described by
15 section 22 of this act and the long-term economic development of
16 the area described by section 22 of this act are best served by the
17 creation of a single governmental entity, the purpose of which is to
18 secure and develop sustainable sewage services.

19 **Sec. 14.** As used in this act, unless the context otherwise
20 requires, the words and terms defined in sections 15 to 21, inclusive,
21 of this act have the meanings ascribed to them in those sections.

22 **Sec. 15.** "Authority" means the Douglas County Lake Tahoe
23 Sewer Authority created by section 23 of this act.

24 **Sec. 16.** "Board" means the Board of Trustees of the Douglas
25 County Lake Tahoe Sewer Authority.

26 **Sec. 17.** "Douglas County" means the county created by and
27 described in NRS 243.045.

28 **Sec. 18.** "Lake Tahoe Basin" has the meaning ascribed to it in
29 NRS 538.600.

30 **Sec. 19.** "Project" means any structure, facility, undertaking or
31 system which the Authority is authorized to acquire, construct,
32 improve, equip, maintain or operate under the provisions of this act,
33 including, without limitation, sewers, sewage disposal plants,
34 sewage treatment plants and septic tanks and any other materials or
35 construction connected therewith or with the handling or disposal of
36 sewage. A project may consist of all kinds of personal and real
37 property, including, without limitation, land, elements and fixtures
38 thereon, property of any nature appurtenant thereto or used in
39 connection therewith, and every estate, interest and right therein,
40 legal or equitable, including terms for years, or any combination
41 thereof.

42 **Sec. 20.** "Service area" means the area described by section 22
43 of this act.



1 **Sec. 21.** "Wastewater Reclamation Facility" means the
2 treatment facility located in Zephyr Cove, Nevada, that treats and
3 disposes of sewage from the service area.

4 **Sec. 22.** 1. The service area in which plans for the
5 management of sewage are to be made, pursuant to this act, is the
6 entire area of the Lake Tahoe Basin within the boundaries of
7 Douglas County, except that the Board may:

8 (a) Exclude from the service area any land which the Board
9 determines is unsuitable for inclusion because of its inability to
10 connect with the Wastewater Reclamation Facility; and

11 (b) Include in the service area any land otherwise excluded if the
12 owners of the land agree to be governed by this act.

13 2. The Authority and the Board shall have jurisdiction over the
14 treatment and disposal of sewage and wastewater in the service area.

15 **Sec. 23.** 1. The Douglas County Lake Tahoe Sewer
16 Authority is hereby created. The Authority is a public body
17 corporate and politic and a municipal corporation. The purpose of
18 the Authority is to furnish the service area and its inhabitants with
19 an adequate system of sewage collection and treatment and disposal
20 of wastewater by acquiring, holding, constructing, improving,
21 maintaining and operating, owning, leasing, either in the capacity of
22 lessor or lessee, sewers, sewer systems, sewage treatment works,
23 waste mains, tunnels, drains and every form of sewer and sewage
24 treatment or disposal facility, to be devoted wholly or partially for
25 public uses or for revenue producing purposes.

26 2. The property and revenues of the Authority, any interest of
27 any creditor therein and any possessory interest in or right to use
28 that property which the Authority may grant are exempt from all
29 state, county and municipal taxation.

30 **Sec. 24.** By entering into a cooperative agreement pursuant to
31 NRS 277.080 to 277.180, inclusive, public entities, including,
32 without limitation, a general improvement district organized
33 pursuant to chapter 318 of NRS, may jointly authorize the Authority
34 to exercise such powers, privileges or authority that each of those
35 entities may individually exercise pursuant to the laws of this State
36 which are not inconsistent with the provisions of this act.

37 **Sec. 25.** The Authority is a public employer within the
38 meaning of NRS 286.070 and the provisions of chapter 286 of NRS
39 apply to the Authority and its employees.

40 **Sec. 26.** 1. The Authority must be directed and governed by
41 a Board of Trustees consisting of the following five trustees
42 appointed pursuant to this section:

43 (a) One member of the Board of Trustees of the Kingsbury
44 General Improvement District;



(b) One member of the Board of Trustees of the Round Hill Improvement District;

(c) One member of the Board of Trustees of the Tahoe-Douglas District;

(d) One member of the Board of County Commissioners of Douglas County; and

(e) One person representing the business community within Stateline, Nevada, appointed by the other four trustees.

2. The Board of County Commissioners of Douglas County shall appoint a trustee from its membership for an initial term of 3 years.

3. The Boards of Trustees of the Kingsbury General Improvement District, the Round Hill Improvement District and the Tahoe-Douglas District shall each appoint a trustee from their respective memberships for an initial term of 2 years.

4. The representative of the business community within Stateline, Nevada, appointed by the other trustees pursuant to paragraph (e) of subsection 1 shall serve for an initial term of 1 year.

5. After the initial terms, each trustee who is appointed to the Board serves for a term of 3 years. A trustee may be reappointed.

6. If any position on the Board becomes vacant, including, without limitation, upon the trustee's loss of any of the qualifications required for his or her appointment, the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

Sec. 27. Each trustee on the Board shall file with the County Clerk of Douglas County:

1. His or her oath of office; and

2. A corporate surety bond furnished at the Authority's expense, in an amount not to exceed \$5,000, and conditioned for the faithful performance of his or her duties as a member of the Board.

Sec. 28. 1. The Board shall elect one of its members as Chair, one of its members as Secretary, and one of its members as Treasurer. The Secretary and Treasurer may be the same person. The terms of the officers expire on December 31 of each year. Trustees may serve consecutive terms in any of the three officer positions.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.



3. The Treasurer shall keep, in permanent records, strict and accurate accounts of all money received by and disbursed for and on behalf of the Board and the Authority.

Sec. 29. 1. The Board shall meet regularly at a time and in a place to be designated by the Board. The Board shall provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. Except as otherwise provided in this section, a majority of the members of the Board constitutes a quorum at any meeting. Each motion and resolution of the Board must be adopted by at least a majority of the members present at the meeting.

Sec. 30. The Authority has perpetual succession. The Authority, acting pursuant to the Board's direction, may do all things necessary to accomplish the purposes of this act, including, without limitation:

1. Administer all activity and business related to the collection and treatment of sewage and wastewater in the service area and the transportation and disposal of sewage and wastewater both within and outside of the service area.

2. Fix, alter, charge and collect rates, rentals and other charges for the use of facilities controlled by the Authority, including, without limitation, the Wastewater Reclamation Facility, or for the services rendered by the Authority or projects thereof, at reasonable rates, to be determined by the Authority, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, and to make such rates, rentals and other charges a lien upon the property using such facilities, and provide for a method of enforcing collection of such rates, rentals and other charges.

3. Assess, levy and collect taxes and special assessments for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, and to make such taxes and special assessments a lien upon the property using such facilities, and provide for a method of enforcing the collection of such taxes and special assessments.

4. Borrow money, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the Authority, and to secure the payment of such bonds, or any part thereof, by pledge



1 or deed of trust of all or any of its revenues and receipts, and to
2 make such agreements with the purchasers or holders of such bonds
3 or with others in connection with any such bonds, whether issued or
4 to be issued, as the Authority shall deem advisable, and in general to
5 provide for the security of said bonds and the rights of the holders
6 thereof.

7 5. To acquire, purchase, hold, lease as lessee and use any
8 franchise, property, real, personal or mixed, tangible or intangible,
9 or any interest therein, within or without the boundaries of the
10 service area, necessary or desirable for carrying out the purposes of
11 the Authority, and to sell, lease as lessor, transfer and dispose of any
12 property or interest therein, at any time acquired by it.

13 6. Acquire by purchase, lease or otherwise, and to construct,
14 improve, maintain, repair and operate projects within or without the
15 service area.

16 7. Pledge, hypothecate or otherwise encumber all or any of the
17 revenues or receipts of the Authority as security for all or any of its
18 obligations.

19 8. Contract with public entities, including, without limitation, a
20 general improvement district organized under chapter 318 of NRS,
21 for the provision of services by the Authority and, in the
22 performance of its functions, use the officers, agents, employees,
23 services, facilities, records and equipment of Douglas County or any
24 public governing body therein, with the consent of the respective
25 public entity and subject to such terms and conditions as may be
26 agreed upon.

27 9. Install and maintain sewer and effluent pipelines, together
28 with all related or necessary improvements along, under or upon
29 public highways, roads, streets and alleys, and to build and erect
30 sewage treatment or disposal facilities and improvements, either
31 within or without the service area, and to compel all property
32 owners within the service area to connect their sewer systems with
33 such system or sewers of the Authority.

34 10. Acquire by eminent domain proceedings, either the fee or
35 such right, title, interest or easement in such lands and premises,
36 both within and without the service area, as the Authority may deem
37 necessary for any of the purposes mentioned in this act. The right of
38 eminent domain must be exercised by the Authority in the manner
39 provided by law for the exercise of such right, except insofar as such
40 law may be inconsistent with the provisions of this act.

41 11. Make bylaws for the management and regulation of its
42 affairs.

43 12. Employ or contract with such persons as it deems
44 necessary and hire and retain officers, agents and employees,



1 including, without limitation, fiscal advisors, engineers, attorneys or
2 other professional or specialized personnel.

3 13. Seek, apply for and otherwise solicit and receive from any
4 source, public or private, such contributions, gifts, grants, devises
5 and bequests of money and personnel property, or any combination
6 thereof, as the Authority determines is necessary or convenient for
7 the exercise of any of its powers.

8 14. Participate with relevant agencies of the United States, the
9 State of Nevada and other entities on issues concerning the disposal
10 of wastewater and sewage.

11 15. Make and enforce all necessary and proper regulations for
12 the collection of sewage, and to make all other sanitary regulations
13 in connection therewith.

14 16. Sue and be sued, implead and be impleaded, complain and
15 defend in all courts.

16 17. Adopt, use and alter at will a corporate seal.

17 18. Perform such other functions conferred on the Authority by
18 the provisions of this act.

19 **Sec. 31.** The Board has and may exercise all rights and powers
20 necessary or incidental to or implied from the specific powers
21 granted in this act. Such specific powers are not a limitation upon
22 any power necessary or appropriate to carry out the purposes and
23 intent of this act.

24 **Sec. 32.** The Board shall adopt an ordinance relative to the
25 financing of the Authority, which ordinance shall in itself use the
26 method of financing best suited to the financial condition and
27 welfare of the service area. In this connection, such ordinance may
28 use any of the following methods of financing, or any combination
29 thereof:

30 1. Current revenue, reserves, state funds or federal funds which
31 may be available and which may by law be used for furthering the
32 purposes of this act.

33 2. Issuing bonds as provided in NRS 318.320.

34 3. Borrowing funds from the State or Federal Government,
35 when such funds are available, for carrying out the purposes of this
36 act.

37 **Sec. 33.** The Authority is exempt from regulation by the
38 Public Utilities Commission of Nevada.

39 **Sec. 34.** The Authority shall assume the debts, obligations,
40 liabilities and assets of Douglas County Sewer Improvement District
41 No. 1, which was organized pursuant to chapter 309 of NRS in 1953
42 and was abolished on July 1, 2017.

43 **Sec. 35.** Douglas County Sewer Improvement District No. 1,
44 which was established under chapter 309 of NRS in 1953, is hereby
45 abolished.



1 **Sec. 36.** NRS 309.010, 309.020, 309.025, 309.030, 309.040,
2 309.050, 309.060, 309.065, 309.070, 309.080, 309.090, 309.100,
3 309.110, 309.120, 309.130, 309.135, 309.140, 309.145, 309.160,
4 309.170, 309.180, 309.190, 309.200, 309.210, 309.220, 309.230,
5 309.240, 309.250, 309.260, 309.270, 309.280, 309.290, 309.300,
6 309.310, 309.320, 309.330, 309.331, 309.332, 309.333, 309.334,
7 309.335, 309.336, 309.337, 309.338, 309.339, 309.3395, 309.340,
8 309.350, 309.360, 309.370, 309.380, 309.383, 309.385, 309.390,
9 309.400, 309.410, 309.415, 309.425, 309.435, 309.445, 309.455,
10 309.465, 309.475, 309.490, 309.500, 309.510, 309.520, 309.530 and
11 309.540 are hereby repealed.

12 **Sec. 37.** This act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

309.010 Short title.

309.020 “Publication” defined.

309.025 Districts not to be organized after May 1, 1967.

309.030 Requirements for proposal to organize district;
number of divisions and directors.

309.040 Petition for organization of district: Contents;
bond; notice.

309.050 Hearing on petition; contiguous lands may be
included; order denying or granting petition; submission of
question to qualified electors.

309.060 County commissioners to canvass votes; order
declaring organization of district and election of directors.

309.065 Extension of additional purposes to districts
created pursuant to prior law; procedure; change of name of
district.

309.070 Regular elections: Office of director; notice.

309.080 Election unnecessary when no nominations made.

309.090 Voters’ affidavit.

309.100 Oaths and bonds of elected directors.

309.110 Persons entitled to vote at elections.

309.120 Officers; regular and special meetings; quorum;
public records; organization of board; vacancies.

309.130 General powers of board of directors.

309.135 Determination by board that emergency exists to
hold special election; action to challenge determination.

309.140 Compensation and expenses of directors and
officers.



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309.145 Directors and other officers not to be interested in contracts or profits; penalties.

309.160 Power to incur debts and liabilities: Limitations and exceptions.

309.170 Formulation of general plan of operations; election to authorize expense.

309.180 Form, style and contents of bonds; completion of plan when money from bonds insufficient; prior liens.

309.190 Apportionment of costs and assessments according to benefits.

309.200 Meeting to review apportionment of benefits: Notice and hearing; proceedings after objection to apportionment.

309.210 Confirmation of proceedings by district court: Petition; publication of notice; pleadings.

309.220 Examination of proceedings by district court; allowance and apportionment of costs; motions for new trial; appeal.

309.230 Sale of bonds: Notice and sale; bonds may be used in payment of construction costs; assessments in lieu of bonds.

309.240 Payment of bonds and interest.

309.250 Creation of funds; transfers; duties of district treasurer.

309.260 Payment of interest from debt service fund; redemption of bonds not due from debt service fund.

309.270 County commissioners to have access to books, records and vouchers of district.

309.280 Secretary to be district assessor; duties.

309.290 Board meeting to correct assessments; notice.

309.300 Annual levy; tax for replacement of deficits; county commissioners to act when board fails to levy assessment; duties of certain officers.

309.310 When assessments become liens; preferred liens.

309.320 Assessment books; entry of assessments on tax rolls; collection of assessments; duties of county officers.

309.330 Election to authorize special assessment: Notice; duties of board if assessment authorized; proposition for yearly tax levy.

309.331 District's power to borrow money as general or special obligation of district.

309.332 Types of securities authorized: Form and terms of general obligation bonds; limitation on redemption premium.

309.333 Submission of proposition of issuing general obligation bonds to electors; contents of resolution.

309.334 Notice of election: Form; publication.



- 309.335 Canvass of election returns; declaration of results.
- 309.336 Authorization for issuance and sale of general obligation bonds after election.
- 309.337 Applicability of Local Government Securities Law.
- 309.338 General obligation bonds payable from ad valorem taxes; additional security.
- 309.339 Contracts with United States and all private and public entities.
- 309.3395 Alternative authority for issuing general obligation bonds or securities payable from general ad valorem taxes.
- 309.340 Bids: Publication of notice; acceptance; exceptions in emergencies; performance and payment bonds of successful bidder.
- 309.350 When work may be performed without bid.
- 309.360 Payment of costs of acquisition from construction fund or proceeds of general obligation bonds; rates, tolls and charges for operation and maintenance; levy and collection of ad valorem taxes.
- 309.370 Power of board to construct works across watercourses, railways and highways.
- 309.380 Right-of-way granted over state lands.
- 309.383 Powers of district concerning location and construction of improvements subordinate to powers of Nevada Tahoe Regional Planning Agency.
- 309.385 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.
- 309.390 Board may sell or lease improvements; ratification by electors.
- 309.400 Eminent domain powers of districts; power to purchase; payment of judgment awards within 6 months.
- 309.410 Vested interests used in connection with mining and power development not affected.
- 309.415 Exercise of powers primarily relating to fulfillment of water purposes or sewer purposes not subject to regulation or supervision of Public Utilities Commission of Nevada.
- 309.425 Territory which may be annexed to district.
- 309.435 Procedure.
- 309.445 Petition for annexation: Contents; signatures.
- 309.455 Publication of petition for annexation and notice of hearing.
- 309.465 Hearing; modification of boundaries.
- 309.475 Resolution: Adoption; copies to be filed with county clerk and county recorder.



- 309.490 Authority.**
- 309.500 County ordinance; notice.**
- 309.510 Protests; adoption of final ordinance.**
- 309.520 Hearing.**
- 309.530 Filing of copies of ordinance.**
- 309.540 Surrender and transfer of property and money;
collection and disposition of taxes and special assessments.**

