

ASSEMBLY BILL

No. 1356

Introduced by Assembly Member Knowles

February 23, 1995

An act to amend Section 66801 of the Government Code, relating to the Tahoe Regional Planning Compact.

LEGISLATIVE COUNSEL'S DIGEST

AB 1356, as introduced, Knowles. Tahoe Regional Planning Compact.

Existing law, contained within the Tahoe Regional Planning Compact, establishes the Tahoe Regional Planning Agency as a statewide planning agency with specified powers and duties.

This bill would make technical, clarifying, and corrective changes in the compact.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66801 of the Government Code
2 is amended to read:
3 66801. The provisions of this interstate compact
4 executed between the States of Nevada and California are
5 as follows:
6

1 TAHOE REGIONAL PLANNING COMPACT
2 ARTICLE I. FINDINGS AND DECLARATIONS OF
3 POLICY

4
5 (a) It is found and declared that:

6 (1) The waters of Lake Tahoe and other resources of
7 the region are threatened with deterioration or
8 degeneration, which endangers the natural beauty and
9 economic productivity of the region.

10 (2) The public and private interests and investments
11 in the region are substantial.

12 (3) The region exhibits unique environmental and
13 ecological values which are irreplaceable.

14 (4) By virtue of the special conditions and
15 circumstances of the region's natural ecology,
16 developmental pattern, population distribution, and
17 human needs, the region is experiencing problems of
18 resource use and deficiencies of environmental control.

19 (5) Increasing urbanization is threatening the
20 ecological values of the region and threatening the public
21 opportunities for use of the public lands.

22 (6) Maintenance of the social and economic health of
23 the region depends on maintaining the significant scenic,
24 recreational, educational, scientific, natural, and public
25 health values provided by the Lake Tahoe Basin.

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

29 (8) Responsibilities for providing recreational and
30 scientific opportunities, preserving scenic and natural
31 areas, and safeguarding the public who live, work, and
32 play in or visit the region are divided among local
33 governments, regional agencies, the States of California
34 and Nevada, and the federal government.

35 (9) In recognition of the public investment and
36 multistate and national significance of the recreational
37 values, the federal government has an interest in the
38 acquisition of recreational property and the management
39 of resources in the region to preserve environmental and



1 recreational values, and the federal government should
2 assist the states in fulfilling their responsibilities.

3 (10) In order to preserve the scenic beauty and
4 outdoor recreational opportunities of the region, there is
5 a need to ~~insure~~—*ensure* an equilibrium between the
6 region’s natural endowment and its manmade
7 environment.

8 (b) In order to enhance the efficiency and
9 governmental effectiveness of the region, it is imperative
10 that there be established a Tahoe Regional Planning
11 Agency with the powers conferred by this compact,
12 including the power to establish environmental threshold
13 carrying capacities and to adopt and enforce a regional
14 plan and implementing ordinances which will achieve
15 and maintain ~~such~~—*those* capacities while providing
16 opportunities for orderly growth and development
17 consistent with ~~such~~—*those* capacities.

18 (c) The Tahoe Regional Planning Agency shall
19 interpret and administer its plans, ordinances, rules, and
20 regulations in accordance with the provisions of this
21 compact.

22
23 ARTICLE II. DEFINITIONS
24

25 As used in this compact, the following terms have the
26 following meanings:

27 (a) “Region,” includes Lake Tahoe, the adjacent parts
28 of Douglas and Washoe Counties and Carson City, which
29 for the purposes of this compact shall be deemed a
30 county, lying within the Tahoe Basin in the State of
31 Nevada, and the adjacent parts of the Counties of Placer
32 and El Dorado lying within the Tahoe Basin in the State
33 of California, and that additional and adjacent part of the
34 County of Placer outside of the Tahoe Basin in the State
35 of California which lies southward and eastward of a line
36 starting at the intersection of the basin crestline and the
37 north boundary of Section 1, thence west to the northwest
38 corner of Section 3, thence south to the intersection of the
39 basin crestline and the west boundary of Section 10; all
40 sections referring to Township 15 North, Range 16 East,

1 M.D.B. & M. The region defined and described herein
2 shall be as precisely delineated on official maps of the
3 agency.

4 (b) “Agency” means the Tahoe Regional Planning
5 Agency.

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

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

10 (e) “Planning commission” means the advisory
11 planning commission appointed pursuant to subdivision
12 ~~(h)~~(i) of Article III.

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

27 (g) “Restricted gaming license” means a license to
28 operate not more than 15 slot machines on which a
29 quarterly fee is charged pursuant to NRS 463.373 and no
30 other games.

31 (h) “Project” means an activity undertaken by any
32 person, including any public agency, if the activity may
33 substantially affect the land, water, air, space, or any other
34 natural resources of the region.

35 (i) “Environmental threshold carrying capacity”
36 means an environmental standard necessary to maintain
37 a significant scenic, recreational, educational, scientific,
38 or natural value of the region or to maintain public health
39 and safety within the region. ~~Such~~ *Those* standards shall
40 include, but not be limited to, standards for air quality,



1 water quality, soil conservation, vegetation preservation,
2 and noise.

3 (j) “Feasible” means capable of being accomplished in
4 a successful manner within a reasonable period of time,
5 taking into account economic, environmental, social, and
6 technological factors.

7 (k) “Areas open to public use” means all of the areas
8 within a structure housing gaming under a nonrestricted
9 license except areas devoted to the private use of guests.

10 (l) “Areas devoted to private use of guests” means
11 hotel rooms and hallways to serve hotel room areas, and
12 any parking areas. A hallway serves hotel room areas if
13 more than 50 percent of the areas of each side of the
14 hallway are hotel rooms.

15 (m) “Nonrestricted license” means a gaming license
16 which is not a restricted gaming license.

17

18

ARTICLE III. ORGANIZATION

19

20 (a) There is created the Tahoe Regional Planning
21 Agency as a separate legal entity.

22 (b) The governing body of the agency shall be
23 constituted as follows:

24 (1) California delegation:

25 (A) One member appointed by each of the County
26 Boards of Supervisors of the Counties of El Dorado and
27 Placer and one member appointed by the City Council of
28 the City of South Lake Tahoe. Any such member may be
29 a member of the county board of supervisors or city
30 council, respectively, and shall reside in the territorial
31 jurisdiction of the governmental body making the
32 appointment.

33 (B) Two members appointed by the Governor of
34 California, one member appointed by the Speaker of the
35 Assembly of California and one member appointed by the
36 Senate Rules Committee of the State of California. The
37 members appointed pursuant to this subparagraph shall
38 not be residents of the region and shall represent the
39 public at large within the State of California. A member
40 appointed by the Speaker of the Assembly or the Senate



1 Rules Committee may, subject to confirmation by his or
2 her appointing power, designate an alternate to attend
3 meetings and vote in the absence of the appointed
4 member. The designation of a named alternate, which
5 shall be in writing and contain evidence of confirmation
6 by the appointing power, shall be kept on file with the
7 agency. An appointed member may change his or her
8 alternate from time to time, with the confirmation of the
9 appointing power, but shall have only one designated
10 alternate at a time. An alternate shall be subject to those
11 qualifications and requirements prescribed by this
12 compact that are applicable to the appointed member.

13 (2) Nevada delegation:

14 (A) One member appointed by each of the boards of
15 county commissioners of Douglas and Washoe Counties
16 and one member appointed by the Board of Supervisors
17 of Carson City. Any such member may be a member of
18 the board of county commissioners or board of
19 supervisors, respectively, and shall reside in the territorial
20 jurisdiction of the governmental body making the
21 appointment.

22 (B) Two members appointed by the Governor of
23 Nevada, one member appointed by the Speaker of the
24 Assembly and one member appointed by the Majority
25 Leader of the Nevada Senate. All members appointed
26 pursuant to this subparagraph shall not be residents of the
27 region and shall represent the public at large within the
28 State of Nevada. A member appointed by the Speaker of
29 the Nevada Assembly or the Majority Leader of the
30 Nevada Senate may, subject to confirmation by his or her
31 appointing power, designate an alternate to attend
32 meetings and vote in the absence of the appointed
33 member. The designation of a named alternate, which
34 shall be in writing and contain evidence of confirmation
35 by the appointing power, shall be kept on file with the
36 agency. An appointed member may change his or her
37 alternate from time to time, with the confirmation of the
38 appointing power, but shall have only one designated
39 alternate at a time. An alternate shall be subject to those



1 qualifications and requirements prescribed by this
2 compact that are applicable to the appointed member.

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

11 ~~(4)~~

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

16 ~~(5)~~

17 (4) Each member and employee of the agency shall
18 disclose his *or her* economic interests in the region within
19 10 days after taking his *or her* seat on the governing board
20 or being employed by the agency, and shall thereafter
21 disclose any further economic interest which he *or she*
22 acquires, as soon as feasible after he *or she* acquires ~~±~~ *the*
23 *interest*. As used in this paragraph, "economic interests"
24 means *any of the following*:

25 (A) Any business entity operating in the region in
26 which the member or employee has a direct or indirect
27 investment worth more than one thousand dollars
28 (\$1,000).

29 (B) Any real property located in the region in which
30 the member or employee has a direct or indirect interest
31 worth more than one thousand dollars (\$1,000).

32 (C) Any source of income attributable to activities in
33 the region, other than loans by or deposits with a
34 commercial lending institution in the regular course of
35 business, aggregating two hundred fifty dollars (\$250) or
36 more in value received by or promised to the member
37 within the preceding 12 months; ~~or~~

38 (D) Any business entity operating in the region in
39 which the member or employee is a director, officer,



1 partner, trustee, *or* employee or holds any position of
2 management.

3 (5) No member or employee of the agency shall make,
4 or attempt to influence, an agency decision in which he
5 *or she* knows, or has reason to know, *that* he *or she* has an
6 economic interest. Members and employees of the
7 agency ~~must~~ *shall* disqualify themselves from making or
8 participating in the making of any decision of the agency
9 ~~when~~ *if* it is reasonably foreseeable that the decision will
10 have a material financial effect, distinguishable from its
11 effect on the public generally, on the economic interests
12 of the member or employee.

13 ~~(b)~~

14 (c) The members of the agency shall serve without
15 compensation, but the expenses of each member shall be
16 met by the body which ~~he~~ *the member* represents in
17 accordance with the law of that body. All other expenses
18 incurred by the governing body in the course of
19 exercising the powers conferred upon it by this compact,
20 unless met in some other manner specifically provided,
21 shall be paid by the agency out of its own funds.

22 ~~(c)~~

23 (d) The *appointed* members of the governing body
24 *shall* serve at the pleasure of the appointing authority in
25 each case, but each appointment shall be reviewed ~~no~~ *not*
26 less often than every ~~4~~ *four* years. Members may be
27 reappointed.

28 ~~(d)~~

29 (e) The governing body of the agency shall meet at
30 least monthly. All meetings shall be ~~opened~~ *open* to the
31 public to the extent required by the law of the State of
32 California or the State of Nevada, whichever *state*
33 imposes the greater requirement, applicable to local
34 governments at the time such meeting is held. The
35 governing body shall fix a date for its regular monthly
36 meeting in such terms as “the first Monday of each
37 month,” and shall not change ~~such~~ *the* date more often
38 than once in any calendar year. Notice of the date so fixed
39 shall be given by publication at least once in a newspaper
40 or combination of newspapers whose circulation is



1 general throughout the region and in each county a
2 portion of whose territory lies within the region. Notice
3 of any special meeting, except an emergency meeting,
4 shall be given by so publishing the date and place and
5 posting an agenda at least ~~5~~five days prior to the meeting.

6 ~~(e)~~

7 (f) The position of a member of the governing body
8 shall be considered vacated upon his *or her* loss of any of
9 the qualifications required for his *or her* appointment and
10 in ~~such~~that event the appointing authority shall appoint
11 a successor.

12 ~~(f)~~

13 (g) The governing body shall elect from its own
14 members a chairman and vice chairman, whose terms of
15 office shall be ~~2~~ two years, and who may be reelected. If
16 a vacancy occurs in either office, the governing body may
17 fill ~~such~~the vacancy for the unexpired term.

18 ~~(g)~~

19 (h) Four of the members of the governing body from
20 each state constitute a quorum for the transaction of the
21 business of the agency. The voting procedures shall be as
22 follows:

23 (1) For adopting, amending, or repealing
24 environmental threshold carrying capacities, the
25 regional plan, and ordinances, rules, and regulations, and
26 for granting variances from the ordinances, rules, and
27 regulations, the vote of at least four of the members of
28 each state agreeing with the vote of at least four members
29 of the other state shall be required to take action. If there
30 is no vote of at least four of the members from one state
31 agreeing with the vote of at least four of the members of
32 the other state on the actions specified in this paragraph,
33 an action of rejection shall be deemed to have been taken.

34 (2) For approving a project, the affirmative vote of at
35 least five members from the state in which the project is
36 located and the affirmative vote of at least nine members
37 of the governing body are required. If at least five
38 members of the governing body from the state in which
39 the project is located and at least nine members of the
40 entire governing body do not vote in favor of the project,



1 upon a motion for approval, an action of rejection shall be
2 deemed to have been taken. A decision by the agency to
3 approve a project shall be supported by a statement of
4 findings, adopted by the agency, which indicates that the
5 project complies with the regional plan and with
6 applicable ordinances, rules, and regulations of the
7 agency.

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

14 (B) Whenever under the provisions of this compact or
15 any ordinance, rule, regulation, or policy adopted
16 pursuant ~~hereto~~*to this compact*, the agency is required
17 to review or approve any project, public or private, the
18 agency shall take final action by vote, whether to
19 approve, to require modification, or to reject ~~such~~*the*
20 project, within 180 days after the application for ~~such~~*the*
21 project is accepted as complete by the agency in
22 compliance with the agency's rules and regulations
23 governing ~~such~~*delivery*~~the application~~ unless the
24 applicant has agreed to an extension of ~~this~~*that* time
25 limit. If a final action by vote does not take place within
26 180 days, the applicant may bring an action in a court of
27 competent jurisdiction to compel a vote unless ~~he~~*the*
28 *applicant* has agreed to an extension. This provision does
29 not limit the right of any person to obtain judicial review
30 of agency action under subdivision (h) of Article VI. The
31 vote of each member of the governing body shall be
32 individually recorded. The governing body shall adopt its
33 own rules, regulations, and procedures.

34 (h)

35 (i) (1) An advisory planning commission shall be
36 appointed by the agency. The commission shall include:
37 the chief planning officers of Placer County, El Dorado
38 County, and the City of South Lake Tahoe in California
39 and of Douglas County, Washoe County, and Carson City
40 in Nevada, the executive officer of the Lahontan Regional



1 Water Quality Control Board of the State of California,
2 the executive officer of the *State* Air Resources Board of
3 the State of California, the Director of the State
4 Department of Conservation and Natural Resources of
5 the State of Nevada, the Administrator of the Division of
6 Environmental Protection in the State Department of
7 Conservation and Natural Resources of the State of
8 Nevada, the Administrator of the Lake Tahoe
9 Management Unit of the United States Forest Service,
10 and at least four lay members with an equal number from
11 each state, at least half of whom shall be residents of the
12 region. Any official member may designate an alternate.

13 (2) The term of office of each lay member of the
14 advisory planning commission shall be \geq *two* years.
15 Members may be reappointed.

16 (3) The position of each member of the advisory
17 planning commission shall be considered vacated upon
18 loss of any of the qualifications required for appointment,
19 and in such an event the appointing authority shall
20 appoint a successor.

21 (4) The advisory planning commission shall elect from
22 its own members a chairman and a vice chairman, whose
23 terms of office shall be \geq *two* years and who may be
24 reelected. If a vacancy occurs in either office, the advisory
25 planning commission shall fill such vacancy for the
26 unexpired term.

27 (5) A majority of the members of the advisory
28 planning commission constitutes a quorum for the
29 transaction of the business of the commission. A majority
30 vote of the quorum present shall be required to take
31 action with respect to any matter.

32 (i)

33 (j) The agency shall establish and maintain an office
34 within the region, and for this purpose the agency may
35 rent or own property and equipment. Every plan,
36 ordinance, and other record of the agency which is of
37 such nature as to constitute a public record under the law
38 of either the State of California or the State of Nevada
39 shall be ~~opened~~ *open* to inspection and copying during
40 regular office hours.



1 ~~(j)~~
 2 (k) Each authority charged under this compact or by
 3 the law of either state with the duty of appointing a
 4 member of the governing body of the agency shall, by
 5 certified copy of its resolution or other action, notify the
 6 Secretary of State of its own state of the action taken.

7
 8
 9

ARTICLE IV. PERSONNEL

10 (a) The governing body shall determine the
 11 qualification of, and it shall appoint and fix the salary of,
 12 the executive officer of the agency, and shall employ such
 13 other staff and legal counsel as may be necessary to
 14 execute the powers and functions provided for under this
 15 compact or in accordance with any intergovernmental
 16 contracts or agreements *that* the agency may be
 17 responsible for administering.

18 (b) Agency personnel standards and regulations shall
 19 conform insofar as possible, to the regulations and
 20 procedures of the civil service of the State of California or
 21 the State of Nevada, as may be determined by the
 22 governing body of the agency, and shall be regional and
 23 bistate in application and effect, provided that the
 24 governing body may, for administrative convenience and
 25 at its discretion, assign the administration of designated
 26 personnel arrangements to an agency of either state, and
 27 provided that administratively convenient adjustments
 28 be made in the standards and regulations governing
 29 personnel assigned under intergovernmental
 30 agreements.

31 (c) The agency may establish and maintain or
 32 participate in ~~such~~ *any* additional programs of employee
 33 benefits as *which* may be appropriate to afford employees
 34 of the agency terms and conditions of employment
 35 similar to those enjoyed by employees of California and
 36 Nevada generally.

37



ARTICLE V. PLANNING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

(a) (1) In preparing each of the plans required by this article and each amendment ~~thereto~~ *to a plan*, if any, subsequent to its adoption, the planning commission, after due notice, shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at ~~such~~ *that* hearing before recommending the plan or amendment. The notice required by this ~~subdivision~~ *paragraph* shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county, a portion of whose territory lies within the region.

(2) The planning commission shall then recommend ~~such~~ *the* plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify, or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required ~~in this subdivision~~ *by paragraph (1)*.

(3) If a request is made for the amendment of the regional plan by:

(1) ~~A~~ *a* political subdivision, a part of whose territory would be affected by ~~such~~ *the* amendment, or by

(2) ~~The~~ *the* owner or lessee of real property which would be affected by ~~such~~ *the* amendment, the governing body shall complete its action on ~~such~~ *the* amendment within 180 days after ~~such~~ *the* request is accepted as complete ~~according to~~ *in accordance with* standards which ~~must~~ *shall* be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the ~~States~~ *State* of California and *the State of* Nevada, environmental threshold carrying capacities for the region. The agency should request the President's



1 Council on Environmental Quality, the United States
2 Forest Service, and other appropriate agencies to assist in
3 developing ~~such~~ *those* environmental threshold carrying
4 capacities. Within 18 months ~~after~~ *from* the effective date
5 of the amendments to this compact, the agency shall
6 adopt environmental threshold carrying capacities for
7 the region.

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

25 (d) The regional plan shall be a single enforceable plan
26 and include all of the following correlated elements:

27 (1) A land use plan for the integrated arrangement
28 and general location and extent of, and the criteria and
29 standards for, the uses of land, water, air, space, and other
30 natural resources within the region, including, but not
31 limited to, an indication or allocation of maximum
32 population densities and permitted uses.

33 (2) (A) A transportation plan for the integrated
34 development of a regional system of transportation,
35 including, but not limited to, parkways, highways,
36 transportation facilities, transit routes, waterways,
37 navigation facilities, public transportation facilities,
38 bicycle facilities, and appurtenant terminals and facilities
39 for the movement of people and goods within the region.



1 The goal of transportation planning shall be *both of the*
2 *following*:

3 ~~(A)~~

4 (i) To reduce dependency on the automobile by
5 making more effective use of existing transportation
6 modes and of public transit to move people and goods
7 within the region~~and~~.

8 ~~(B)~~

9 (ii) To reduce to the extent feasible air pollution which
10 is caused by motor vehicles.

11 (B) Where increases in capacity are required, the
12 agency shall give preference to providing ~~such~~ *that*
13 capacity through public transportation and public
14 programs and projects related to transportation. The
15 agency shall review and consider all existing
16 transportation plans in preparing its regional
17 transportation plan pursuant to this paragraph.

18 (C) The plan shall provide for an appropriate transit
19 system for the region. ~~The~~

20 *The plan shall give consideration to all of the following:*

21 ~~(A)~~

22 (i) Completion of the Loop Road in the States of
23 Nevada and California~~;~~.

24 ~~(B)~~

25 (ii) Utilization of a light rail mass transit system in the
26 South Shore area~~;~~~~and~~.

27 ~~(C)~~

28 (iii) Utilization of a transit terminal in the Kingsbury
29 Grade area.

30 (D) Until the regional plan is revised, or a new
31 transportation plan is adopted in accordance with this
32 paragraph, the agency has no effective transportation
33 plan.

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



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

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

12 (d) In formulating and maintaining the regional plan,
13 the planning commission and governing body shall take
14 account of, and shall seek to harmonize the needs of, the
15 region as a whole, the plans of the counties and cities
16 within the region, the plans and planning activities of the
17 state, federal, and other public agencies and
18 nongovernmental agencies and organizations which
19 affect, or are concerned with, planning and development
20 within the region.

21 ~~(d)~~

22 (e) (1) The regional plan shall provide for attaining
23 and maintaining federal, state, or local air and water
24 quality standards, whichever are strictest, in the
25 respective portions of the region for which the standards
26 are applicable.

27 (2) The agency may, however, adopt air or water
28 quality standards or control measures more stringent
29 than the applicable state implementation plan or the
30 applicable federal, state, or local standards for the region,
31 if ~~it~~ *the agency* finds that ~~such~~ *the* additional standards or
32 control measures are necessary to achieve the purposes
33 of this compact. Each element of the regional plan, where
34 applicable, shall, by ordinance, identify the means and
35 time schedule by which air and water quality standards
36 will be attained.

37 ~~(e)~~

38 (f) Except for the Regional Transportation Plan of the
39 California Tahoe Regional Planning Agency, the regional
40 plan, ordinances, rules, and regulations adopted by the



1 California Tahoe Regional Planning Agency in effect on
2 July 1, 1980, shall be the regional plan, ordinances, rules,
3 and regulations of the Tahoe Regional Planning Agency
4 for that portion of the Tahoe region located in the State
5 of California. ~~Such~~ *The* plan, ordinance, rule, or
6 regulation may be amended or repealed by the governing
7 body of the agency. The plans, ordinances, rules, and
8 regulations of the Tahoe Regional Planning Agency that
9 do not conflict with, or are not addressed by, the
10 California Tahoe Regional Planning Agency's plans,
11 ordinances, rules, and regulations referred to in this
12 subdivision shall continue to be applicable unless
13 amended or repealed by the governing body of the
14 agency. No provision of the regional plan, ordinances,
15 rules, and regulations of the California Tahoe Regional
16 Planning Agency referred to in this subdivision shall
17 apply to that portion of the region within the State of
18 Nevada, unless ~~such~~ *that* provision is adopted for the
19 Nevada portion of the region by the governing body of
20 the agency.

21 ~~(f)~~

22 (g) The regional plan, ordinances, rules, and
23 regulations of the Tahoe Regional Planning Agency apply
24 to that portion of the region within the State of Nevada.

25 ~~(g)~~

26 (h) The agency shall adopt ordinances prescribing
27 specific written findings that the agency ~~must~~ *shall* make
28 prior to approving any project in the region. These
29 findings shall relate to environmental protection and
30 shall insure that the project under review will not
31 adversely affect implementation of the regional plan and
32 will not cause the adopted environmental threshold
33 carrying capacities of the region to be exceeded.

34 ~~(h)~~

35 (i) The agency shall maintain the data, maps, and
36 other information developed in the course of formulating
37 and administering the regional plan, in a form suitable to
38 ~~assure~~ *ensure* a consistent view of developmental trends
39 and other relevant information for the availability of and



1 use by other agencies of government and by private
2 organizations and individuals concerned.

3 ~~(i)~~

4 (j) Where necessary for the realization of the regional
5 plan, the agency may engage in collaborative planning
6 with local governmental jurisdictions located outside the
7 region, but contiguous to its boundaries. In formulating
8 and implementing the regional plan, the agency shall
9 seek the cooperation and consider the recommendations
10 of counties and cities and other agencies of local
11 government, ~~of~~ state and federal agencies, ~~of~~ educational
12 institutions and research organizations, whether public
13 or private, and ~~of~~ civic groups and private persons.

14

15 ARTICLE VI. AGENCY'S POWERS

16

17 (a) (1) The governing body shall adopt all necessary
18 ordinances, rules, and regulations to effectuate the
19 adopted regional plan. Except as otherwise provided in
20 this compact, every ~~such~~ ordinance, rule, or regulation
21 shall establish a minimum standard applicable
22 throughout the region. Any political subdivision or public
23 agency may adopt and enforce an equal or higher
24 requirement applicable to the same subject of regulation
25 in its territory. The regulations of the agency shall contain
26 standards, including, but not limited to, the following:
27 water purity and clarity; subdivision; zoning; tree
28 removal; solid waste disposal; sewage disposal; land fills,
29 excavations, cuts and grading; piers, harbors,
30 breakwaters, or channels and other shoreline
31 developments; waste disposal in shoreline areas; waste
32 disposal from boats; ~~mobile-home~~ *mobilehome* parks;
33 house relocation; outdoor advertising; flood plain
34 protection; soil and sedimentation control; air pollution;
35 and watershed protection. Whenever possible, without
36 diminishing the effectiveness of the regional plan, the
37 ordinances, rules, regulations, and policies shall be
38 confined to matters which are general and regional in
39 application, leaving to the jurisdiction of the respective
40 states, counties, and cities the enactment of specific and



1 local ordinances, rules, regulations, and policies which
2 conform to the regional plan.

3 (2) The agency shall prescribe by ordinance those
4 activities which it has determined will not have
5 substantial effect on the land, water, air, space, or any
6 other natural resources in the region and therefore will
7 be exempt from its review and approval.

8 (3) Every ordinance adopted by the agency shall be
9 published at least once by title in a newspaper or
10 combination of newspapers whose circulation is general
11 throughout the region. Except an ordinance adopting or
12 amending the regional plan, no ordinance shall become
13 effective until 60 days after its adoption. Immediately
14 after its adoption, a copy of each ordinance shall be
15 transmitted to the governing body of each political
16 subdivision having territory within the region.

17 (b) (1) No project other than those to be reviewed
18 and approved under the special provisions of subdivisions
19 (d), (e), (f), and (g) may be developed in the region
20 without obtaining the review and approval of the agency,
21 and no project may be approved unless it is found to
22 comply with the regional plan and with the ordinances,
23 rules, and regulations enacted pursuant to subdivision (a)
24 to effectuate that plan.

25 (2) The agency may approve a project in the region
26 only after making the written findings required by this
27 subdivision or subdivision ~~(g)~~ (h) of Article V. ~~Such~~ The
28 findings shall be based on substantial evidence in the
29 record.

30 (3) Before adoption by the agency of the ordinances
31 required in subdivision ~~(g)~~ (h) of Article V, the agency
32 may approve a project in the region only after making
33 written findings on the basis of substantial evidence in the
34 record that the project is consistent with the regional plan
35 then in effect and with applicable plans, ordinances,
36 regulations, and standards of federal and state agencies
37 relating to the protection, maintenance, and
38 enhancement of environmental quality in the region.

39 (c) The ~~Legislatures~~ Legislature of the ~~States~~ State of
40 California and *the Legislature of the State of Nevada* find



1 that, in order to make effective the regional plan as
2 revised by the agency, it is necessary to halt temporarily
3 works of development in the region which might
4 otherwise absorb the entire capability of the region for
5 further development or direct it out of harmony with the
6 ultimate plan. Subject to the limitation provided in this
7 subdivision, from the effective date of the amendments
8 to this compact until the regional plan is amended
9 pursuant to subdivision (c) of Article V, or until May 1,
10 1983, whichever is earlier:

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

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

27 (3) (A) During each of the calendar years 1980, 1981,
28 and 1982, no city or county may issue building permits
29 which authorize the construction of a greater number of
30 new residential units within the region than were
31 authorized within the region by building permits issued
32 by that city or county during calendar year 1978. For the
33 period of January through April, 1983, building permits
34 authorizing the construction of ~~no~~ *not* more than $\frac{1}{3}$
35 *one-third* of that number may be issued by each such city
36 or county. For purposes of this paragraph a "residential
37 unit" means either a single family residence or an
38 individual residential unit within a larger building, such
39 as an apartment building, a duplex, or a condominium.



1 (B) The ~~Legislatures~~ *Legislature of the State of*
2 *California and the Legislature of the State of Nevada* find
3 the respective numbers of residential units authorized
4 within the region during calendar year 1978 to be as
5 follows:

6

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

13

14 (4) (A) During each of the calendar years 1980, 1981,
15 and 1982, no city or county may issue building permits
16 which authorize construction of a greater square footage
17 of new commercial buildings within the region than were
18 authorized within the region by building permits for
19 commercial purposes issued by that city or county during
20 the calendar year 1978. For the period of January through
21 April, 1983, building permits authorizing the construction
22 of ~~no~~ *not* more than $\frac{1}{3}$ *one-third* the amount of that
23 square footage may be issued by each ~~such~~ city or county.

24 (B) The ~~Legislatures~~ *Legislature of the State of*
25 *California and the Legislature of the State of Nevada* find
26 the respective square footages of commercial buildings
27 authorized within the region during calendar year 1978
28 to be as follows:

29

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

36

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

39 (6) No facility for the treatment of sewage may be
40 constructed or enlarged, except *as follows*:



1 (A) To comply, as ordered by the appropriate state
2 agency for the control of water pollution, with existing
3 limitations of effluence under the Clean Water Act; (33
4 U.S.C. ~~§1251~~ *Sec. 1251* et seq.), and the applicable state
5 law for *the* control of water pollution; ~~or~~

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

8 (C) In the case of Douglas County Sewer District #1,
9 to modify or otherwise alter sewage treatment facilities
10 existing on the effective date of the amendments to this
11 compact so that ~~such~~ *those* facilities will be able to treat
12 the total volume of effluence for which they were
13 originally designed which is 3.0 mgd. ~~Such~~ *That*
14 modification or alteration is not a “project”; is not subject
15 to the requirements of Article VII; and does not require
16 a permit from the agency. Before commencing ~~such~~ *that*
17 modification or alternative, however, the district shall
18 submit to the agency its report identifying any significant
19 soil erosion problems which may be caused by ~~such~~ *the*
20 modifications or alterations and the measures which the
21 district proposes to take to mitigate or avoid ~~such~~ *those*
22 problems.

23 (7) The moratorium imposed by this subdivision does
24 not apply to work done pursuant to a right vested before
25 the effective date of the amendments to this compact.
26 Notwithstanding the expiration date of the moratorium
27 imposed by this subdivision, no new highway may be built
28 or existing highway widened to accommodate additional
29 continuous lanes for automobiles until the regional
30 transportation plan is revised and adopted.

31 (8) The moratorium imposed by this subdivision does
32 not apply to the construction of any parking garage which
33 has been approved by the agency prior to May 4, 1979,
34 whether that approval was affirmative or by default. The
35 provisions of this paragraph are not an expression of
36 legislative intent that ~~any~~ ~~such~~ *the* parking garage, the
37 approval of which is the subject of litigation which was
38 pending on the effective date of the amendments to this
39 compact, should, or should not, be constructed. The
40 provisions of this paragraph are intended solely to permit



1 construction of ~~such a~~ *that* parking garage if judgment
2 sustaining the agency's approval to construct that parking
3 garage has become final and no appeal is pending or may
4 lawfully be taken to a higher court.

5 (d) Subject to the final order of any court of
6 competent jurisdiction entered in litigation contesting
7 the validity of an approval by the ~~Tahoe Regional~~
8 ~~Planning Agency~~ *agency*, whether that approval was
9 affirmative or by default, if that litigation was pending on
10 May 4, 1979, the agency and the ~~States~~ *State* of California
11 and *the State of Nevada* shall recognize *the following* as
12 a permitted and conforming use:

13 (1) Every structure housing gaming under a
14 nonrestricted license which existed as a licensed gaming
15 establishment on May 4, 1979, or whose construction was
16 approved by the ~~Tahoe Regional Planning Agency~~
17 *agency* affirmatively or deemed approved before that
18 date. The construction or use of any structure to house
19 gaming under a nonrestricted license not so existing or
20 approved, or the enlargement in cubic volume of any
21 such existing or approved structure, is prohibited.

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

27 (3) Gaming conducted pursuant to a restricted
28 gaming license issued before May 4, 1979, to the extent
29 permitted by that license on that date. The area within
30 any structure housing gaming under a nonrestricted
31 license which may be open to public use (as distinct from
32 that devoted to the private use of guests and exclusive of
33 any parking area) is limited to the area existing or
34 approved for public use on May 4, 1979. Within these
35 limits, any external modification of the structure which
36 requires a permit from a local government also requires
37 approval from the agency. The agency shall not permit
38 restaurants, convention facilities, showrooms, or other
39 public areas to be constructed elsewhere in the region



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

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

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

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

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

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

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

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

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

30 (ii) The agency shall make this determination within
31 60 days after the proposal is delivered to the agency in
32 compliance with the agency's rules or regulations
33 governing ~~such~~ *that* delivery unless the applicant has
34 agreed to an extension of ~~this~~ *that* time limit. If an
35 external modification is determined to have any of the
36 effects enumerated in subparagraphs (A) ~~through~~ *to* (C),
37 *inclusive*, it is prohibited. If an external modification is
38 determined to have any of the effects enumerated in
39 subparagraphs (D) or (E), it is subject to the applicable
40 provisions of this compact. If an external modification is



1 determined to have no such effect, it is not subject to ~~the~~
2 ~~provisions of this compact.~~

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

8 (3) Internal modification, remodeling, change in use,
9 or repair of areas open to the public use within a structure
10 housing gaming under a nonrestricted license which,
11 alone or in combination with any other such modification,
12 remodeling, change in use, or repair, will increase the
13 total portion of those areas which are used for gaming by
14 more than the product of the total base area, as defined
15 below, in square feet existing on or approved before
16 August 4, 1980, multiplied by 15 percent constitutes a
17 project and is subject to all of the provisions of this
18 compact relating to projects. For purposes of this
19 paragraph and the determination required by
20 subdivision (g), base area means all of the area within a
21 structure housing gaming under a nonrestricted license
22 which may be open to public use, whether or not gaming
23 is actually conducted or carried on in that area, except
24 retail stores, convention centers and meeting rooms,
25 administrative offices, kitchens, maintenance and storage
26 areas, rest rooms, engineering and mechanical rooms,
27 accounting rooms, and counting rooms.

28 (g) In order to administer and enforce the provisions
29 of subdivisions (d), (e), and (f), the State of Nevada,
30 through its appropriate planning or regulatory agency,
31 shall require the owner or licensee of a structure housing
32 gaming under a nonrestricted license to provide:

33 (1) Documents containing sufficient information for
34 the Nevada agency to establish the following relative to
35 the structure:

- 36 (A) The location of its external walls;
- 37 (B) Its total cubic volume;
- 38 (C) Within its external walls, the area in square feet
39 open or approved for public use and the area in square



1 feet devoted to or approved for the private use of guests
2 on May 4, 1979;

3 (D) The amount of surface area of land under the
4 structure; ~~and.~~

5 (E) The base area as defined in paragraph (3) of
6 subdivision (f) in square feet existing on or approved
7 before August 4, 1980.

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

12 (B) The Nevada agency shall transmit this information
13 to the Tahoe Regional Planning Agency.

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

17 (i) ~~The provisions of subdivisions~~ *Subdivisions* (d) and
18 (e) are intended only to limit gaming and related
19 activities as conducted within a gaming establishment, or
20 construction designed to permit the enlargement of such
21 activities, and not to limit any other use of property zoned
22 for commercial use or the accommodation of tourists, as
23 approved by the agency.

24 (j) Legal actions arising out of or alleging a violation of
25 ~~the provisions~~ of this compact, ~~of the regional plan or of,~~
26 an ordinance or regulation of the agency, or ~~of~~ a permit
27 or a condition of a permit issued by the agency are
28 governed by the following provisions:

29 (1) (A) This subdivision applies to *the following*:

30 ~~(A)~~

31 (i) Actions arising out of activities directly undertaken
32 by the agency.

33 ~~(B)~~

34 (ii) Actions arising out of the issuance to a person of a
35 lease, permit, license, or other entitlement for use by the
36 agency.

37 ~~(C)~~

38 (iii) Actions arising out of any other act or failure to act
39 by any person or public agency.

40 ~~Such~~



1 (B) The legal actions may be filed and the provisions
2 of this subdivision apply equally in the appropriate courts
3 of California and Nevada and of the United States.

4 (2) Venue lies *as follows*:

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

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

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

29 (4) A legal action arising out of the adoption or
30 amendment of the regional plan or of any ordinance or
31 regulation of the agency, or out of the granting or denial
32 of any permit, shall be commenced within 60 days ~~after~~
33 *from the date of* final action by the agency. All other legal
34 actions shall be commenced within 65 days ~~after~~ *from the*
35 *date of* discovery of the cause of action.

36 (5) In any legal action filed pursuant to this subdivision
37 which challenges an adjudicatory act or decision of the
38 agency to approve or disapprove a project, the scope of
39 judicial inquiry shall extend only to whether there was
40 prejudicial abuse of discretion. Prejudicial abuse of



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

17 (6) ~~The provisions of this~~ *This* subdivision ~~do~~ *does* not
18 apply to any legal proceeding pending on the date when
19 this subdivision becomes effective. Any such legal
20 proceeding shall be conducted and concluded under the
21 provisions of law which were applicable prior to the
22 effective date of this subdivision.

23 (7) The security required for the issuance of a
24 temporary restraining order or preliminary injunction
25 based upon an alleged violation of this compact or any
26 ordinance, plan, rule, or regulation adopted pursuant
27 ~~thereto to this compact~~ is governed by the rule or statute
28 applicable to the court in which the action is brought
29 unless the action is brought by a public agency or political
30 subdivision to enforce its own rules, regulations, and
31 ordinances, in which case no security shall be required.

32 (k) The agency shall monitor activities in the region
33 and may bring enforcement actions in the region to
34 ensure compliance with the regional plan and adopted
35 ordinances, rules, regulations, and policies. If it is found
36 that the regional plan, ~~or~~ ordinances, rules, regulations,
37 and policies are not being enforced by a local jurisdiction,
38 the agency may bring action in a court of competent
39 jurisdiction to ensure compliance.



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

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

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

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

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



1 (q) The governing body shall maintain a current list of
2 real property known to be available for exchange with the
3 United States or with other owners of real property in
4 order to facilitate exchanges of real property by owners
5 of real property in the region.

6
7
8
9

ARTICLE VII. ENVIRONMENTAL IMPACT
STATEMENTS

10 (a) The ~~Tahoe Regional Planning Agency~~ agency,
11 when acting upon matters that have a significant effect
12 on the environment, shall *do all of the following*:

13 (1) Utilize a systematic, interdisciplinary approach
14 which will ~~insure~~ ensure the integrated use of the natural
15 and social sciences and the environmental design arts in
16 planning and in decisionmaking which may have an
17 impact on man's environment;

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

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

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

27 (C) Alternatives to the proposed project;

28 (D) Mitigation measures which ~~must~~ are required to
29 be implemented to ~~assure~~ ensure meeting the standards
30 of the region;

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

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

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

39 (3) Study, develop, and describe appropriate
40 alternatives to recommended courses of action for any



1 project which involves unresolved conflicts concerning
2 alternative uses of available resources;

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

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

9 (b) Prior to completing an environmental impact
10 statement, the agency shall consult with and obtain the
11 comments of any federal, state, or local agency which has
12 jurisdiction by law or special expertise with respect to any
13 environmental impact involved. Copies of ~~such~~ *that*
14 statement and the comments and views of the
15 appropriate federal, state, and local agencies which are
16 authorized to develop and enforce environmental
17 standards shall be made available to the public and shall
18 accompany the project through the review processes.
19 The public shall be consulted during the environmental
20 impact statement process and views shall be solicited
21 during a public comment period ~~not~~ to be *not* less than
22 60 days.

23 (c) (1) Any environmental impact statement
24 required pursuant to this article need not repeat in its
25 entirety any information or data which is relevant to ~~such~~
26 ~~a~~ *the* statement and is a matter of public record or is
27 generally available to the public, such as information
28 contained in an environmental impact report prepared
29 pursuant to the California Environmental Quality Act or
30 a federal environmental impact statement prepared
31 pursuant to the National Environmental Policy Act of
32 1969. However, ~~such~~ *the* information or data shall be
33 briefly described in the environmental impact statement
34 and its relationship to the environmental impact
35 statement shall be indicated.

36 (2) In addition, any person may submit information
37 relative to a proposed project which may be included, in
38 whole or in part, in any environmental impact statement
39 required by this article.



1 (d) (1) In addition to the written findings specified by
 2 agency ordinance to implement the regional plan, the
 3 agency shall make either of the following written findings
 4 before approving a project for which an environmental
 5 impact statement was prepared:

6 ~~(1)~~

7 (A) Changes or alterations have been required in or
 8 incorporated into ~~such~~ *the* project which avoid or reduce
 9 the significant adverse environmental effects to a less
 10 than significant level; ~~or~~

11 ~~(2)~~

12 (B) Specific considerations, such as economic, social or
 13 technical, make infeasible the mitigation measures or
 14 project alternatives discussed in the environmental
 15 impact statement on the project.

16 (2) A separate written finding shall be made for each
 17 significant effect identified in the environmental impact
 18 statement on the project. All written findings ~~must~~ *shall*
 19 be supported by substantial evidence in the record.

20 (e) The agency may charge and collect a reasonable
 21 fee from any person proposing a project subject to ~~the~~
 22 ~~provisions~~ of this compact in order to recover the
 23 estimated costs incurred by the agency in preparing an
 24 environmental impact statement under this article.

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

34

35 ARTICLE VIII. FINANCES

36

37 (a) On or before September 30 of each calendar year,
 38 the agency shall establish the amount of money necessary
 39 to support its activities for the next succeeding fiscal year
 40 commencing July 1 of the following year. The agency



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

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

24 (c) The agency shall submit an itemized budget to the
25 states for review with any request for state funds, shall be
26 strictly accountable to any county in the region and the
27 states for all funds paid by them to the agency, and shall
28 be strictly accountable to all participating bodies for all
29 receipts and disbursement.

30 (d) The agency is authorized to receive gifts,
31 donations, subventions, grants, and other financial aids
32 and funds; but the agency may not own land except as
33 provided in subdivision ~~(i)~~ *(j)* of Article III.

34 (e) The agency shall not obligate itself beyond the
35 moneys due under this article for its support from the
36 several counties and the states for the current fiscal year,
37 plus any moneys on hand or irrevocably pledged to its
38 support from other sources. No obligation contracted by
39 the agency shall bind either of the party states or any
40 political subdivision thereof.

ARTICLE IX. TRANSPORTATION DISTRICT

(a) The Tahoe ~~transportation—district~~ *Transportation District* is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of *the following members*:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the City of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City.

(c) The vote of at least four of the directors ~~must are~~ *required to* agree to take action. If at least four votes in favor of an action are not cast, an action of ~~rejections~~ *rejection* shall ~~be deemed to~~ have been taken.

(d) 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~~ *shall* conform insofar as is practicable to the procedures for *the* financial administration of the State of California or the State of Nevada or one or more of the local governments in the region.

(e) The Tahoe transportation district may, in accordance with the adopted transportation plan, *do all of the following*:

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

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city, or special purpose district or any privately owned transportation system or facility within the region.



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

6 (4) Contract with private companies to provide
7 supplementary transportation or provide any of the
8 services needed in operating a system of transportation
9 for the region.

10 (5) Fix the rates and charges for transit services
11 provided pursuant to this subdivision.

12 (6) Issue revenue bonds and other evidence of
13 indebtedness and make other financial arrangements
14 appropriate for developing and operating a public
15 transportation system.

16 (7) By resolution, determine and propose for adoption
17 a tax for the purpose of obtaining services of the district.
18 The tax proposed ~~must~~ *shall* be general and of uniform
19 operation throughout the region, and may not be
20 graduated in any way, except for a sales and use tax which,
21 if approved by the voters, may be administered through
22 the ~~States~~ *State* of California and *the State of Nevada*
23 respectively in accordance with the laws that apply
24 within their respective jurisdictions. The district is
25 prohibited from imposing any other tax measured by
26 gross or net receipts on business, an ad valorem tax, a tax
27 or charge that is assessed against people or vehicles as
28 they enter or leave the region, and any tax, direct or
29 indirect, on gaming tables and devices. Any such
30 proposition ~~must~~ *shall* be submitted to the voters of the
31 district and shall become effective upon approval of a
32 majority of the voters voting on the proposition. The
33 revenues from ~~any such~~ *the* tax ~~must~~ *shall* be used for the
34 services for which it was imposed, and for no other
35 purpose.

36 (8) Provide service from inside the region to
37 convenient airport, railroad, and interstate bus terminals
38 without regard to the boundaries of the region.



1 (f) The ~~Legislatures~~ *Legislature* of the ~~States~~ *State* of
2 California and *the Legislature of the State of* Nevada may,
3 by substantively identical enactments, amend this article.

4
5 ARTICLE X. MISCELLANEOUS
6

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

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

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

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

O

