

# RENO EVENING GAZETTE PROOF OF PUBLICATION

STATE OF NEVADA }  
COUNTY OF WASHOE } ss.

DOROTHY YOCOM  
being first duly sworn, deposes and says:

That she is the PRINCIPAL CLERK of  
THE RENO EVENING GAZETTE, a daily news-  
paper published at Reno, in Washoe County, in the  
State of Nevada.

That the notice BILL NO: 124

of which a copy is hereto attached, was first published in  
said newspaper in its issue dated the 20th day of  
August, 1965, and was published in  
each        issue of said newspaper thereafter for  
August 27

the full period of 2 days, the last publication  
thereof being in the issue dated the 27th day of  
August, 1965


Signed Dorothy Yocom

Subscribed and sworn to before me this

27th day of August, 1965

Richard J. Taylor  
Notary Public.

NOTICE OF COUNTY ORDINANCE  
NOTICE IS HEREBY GIVEN that Bill  
No. 124, Ordinance No. 135, AN ORDINANCE PROVIDING FOR THE CREATING OF A FRANCHISE FOR THE RIGHT AND PRIVILEGE OF OPERATING A GARBAGE COLLECTION AND DISPOSAL SERVICE IN ANY UNINCORPORATED AREA OR DISTRICT WITHIN WASHOE COUNTY; FIXING THE MANNER OF MAKING APPLICATION FOR SAID FRANCHISE; STATING THE PURPOSE AND CHARACTER OF SAID FRANCHISE; AND THE TERMS, CONDITIONS AND PERIOD OF SAID FRANCHISE AND OTHER MATTERS PROPERLY RELATING THERETO, was proposed on August 5, 1965, by Commissioner Cunningham and final action of adoption was taken on August 16, 1965.  
The vote on the above Ordinance was as follows:  
AYES: Commissioners McKenzie, McKissick, Cunningham, Sauer and Streeter.  
NAYES: Commissioners None  
ABSENT: Commissioners None  
This Ordinance shall be in full force and effect from and after Friday, August 27, 1965, the second date of publication. Notice is further given that typewritten copies of the above Ordinance are available for inspection by all interested parties at the office of the County Clerk, Court House, Reno, Nevada.  
(S) H. K. BROWN, COUNTY CLERK AND CLERK OF THE BOARD OF COUNTY COMMISSIONERS WASHOE COUNTY, NEVADA  
Aug. 20-27, 1965

 RICHARD J. TAYLOR  
Notary Public - State of Nevada  
Washoe County  
My Commission Expires Jan. 22, 1967

**SUMMARY:** An ordinance providing for the creating of garbage franchises in Washoe County and matters properly relating thereto.

BILL NO. 124

ORDINANCE NO. 135

AN ORDINANCE PROVIDING FOR THE CREATING OF A FRANCHISE FOR THE RIGHT AND PRIVILEGE OF OPERATING A GARBAGE COLLECTION AND DISPOSAL SERVICE IN ANY UNINCORPORATED AREA OR DISTRICT WITHIN WASHOE COUNTY; FIXING THE MANNER OF MAKING APPLICATION FOR SAID FRANCHISE; STATING THE PURPOSE AND CHARACTER, THE TERMS, CONDITIONS AND PERIOD OF SAID FRANCHISE AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

Section 1. Purpose and Authority.

Pursuant to the power granted the Board of County Commissioners of Washoe County by NRS §244.187, a franchise for the right and privilege of operating a garbage collection and disposal service in any unincorporated area or district of Washoe County as shall be designated by the Board of County Commissioners is hereby created.

Section 2. Applications.

The manner of making application for the franchise shall be as follows:

- (a) Any person desiring to apply for such franchise shall submit a bid in writing to the County Manager of Washoe County, together with a deposit in the form of a cashier's check in the amount of Five Hundred Dollars (\$500.00) to guarantee performance of the terms and conditions of the franchise. Such deposit shall be returned to the bidders upon the execution of a written agreement by the County and the successful bidder or upon rejection of the bids by the County.
- (b) The bid shall state the general background and business references of the bidder, estimates of cost for the collection service and disposal service, separately computed, basis upon which compensation for such franchise shall be paid to the County, whether on a percentage of gross customer service fees or on a fixed sum per month, the area or district in the County for which a franchise is sought, accompanied by a map or plat showing such area or district, an estimate of the number of customers in such area or district to be served and a classification of rates as to such customers.

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- (c) Upon receipt of such bid the Board of County Commissioners or the County Manager may request additional information.

Section 3. Advertising, Investigation and Grant.

- (a) Upon receipt of such a bid as hereinbefore described, the County Clerk upon authorization by the Board of County Commissioners shall publish at least once in a local newspaper an "Invitation to Bid", setting forth with some particularity the area or district in Washoe County for which there has been a bid for a franchise, the deposit required by Section 2 (a) of the Ordinance, the bid statement required by Section 2 (b), such additional required information as may be requested under the provisions of Section 2 (c) and the conditions of the franchise as set out in Section 4.
- (b) The Board of County Commissioners at the time the County Clerk is authorized to publish the above described "Invitation to Bid", shall set a date by which all bids must be received and such date shall be made a part of the "Invitation to Bid".
- (c) Upon receipt of all bids, the Board of County Commissioners shall direct the County Engineer and the City-County Sanitarian to investigate the operating premises, existing and proposed equipment and plan of operation of each of the bidders, including the initial bidder, to determine whether or not the granting of the franchise as to each such bidder would violate the health regulations of the County or would, in any way, create a hazard or menace to the public health or would, in any way, create a nuisance to the people of the County. A report of such investigation shall forthwith be submitted to the Board of County Commissioners. Each such report shall contain a recommendation, as to each such bidder, that he is considered "qualified" or "not-qualified" on the basis of the investigation conducted.
- (d) Upon the receipt of such report and in no event less than thirty (30) days after the publication of the "Invitation to Bid", the Board of County Commissioners shall grant the franchise on the terms and conditions set forth in Section 4, to the "qualified" bidder making the best and most advantageous bid, from the point of view of the County and the people to be served by the franchise.
- (e) The Board of County Commissioners is empowered to refuse any and all bids, whether made by "qualified" or "not-qualified" bidders.

Section 4. Terms and Conditions.

The franchise shall be granted on the following terms and conditions:

- (a) The franchise shall be an exclusive franchise for the operation of a garbage collection and disposal service in that unincorporated area or district of the County described in the "Invitation to Bid".
- (b) The franchise shall continue in effect for a period of ten (10) years from the effective date thereof. At the end of the ten (10) year period, the grantee shall have the right and option to renew the franchise for an additional ten (10) year period under such terms and conditions as shall be worked out by the County and the grantee at that time. The grantee shall have no right or option of renewal unless it has in all respects theretofore complied with the terms and conditions of such franchise.
- (c) The franchise granted hereunder shall not become effective until a written agreement is entered into by the successful bidder and Washoe County in conformity with the provisions of the Ordinance. Such agreement shall be executed within twenty (20) days after the granting of the franchise.
- (d) The person to whom the franchise is granted shall file a bond running to Washoe County in the penal sum of Ten Thousand Dollars (\$10,000.00) conditioned that said person shall well and truly observe, fulfill and perform each and every term and condition of the franchise, and that in case of any breach of condition of the bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties on the bond. The bond shall be approved by the Washoe County District Attorney and shall be filed with the County Clerk within ten (10) days after the date of the granting of the franchise. In case such bond shall not be so filed or shall not be so approved by the Washoe County District Attorney, such franchise shall be forfeited and any money paid to the County in connection therewith shall likewise be forfeited.
- (e) The person to whom the franchise is granted shall file with the County Clerk, at such intervals as the Board of County Commissioners may determine either monthly, quarterly or yearly, a duly verified statement showing in detail the total gross receipts of the franchise holder, if compensation paid to the County is based on a percentage of gross customer service fees received. It shall be the duty of the franchise holder to pay to the Washoe County Treasurer, within fifteen (15) days

after the time for filing such statement, the specified percentage of the gross receipts covered by such statement. Any neglect, omission or refusal by the franchise holder to file such statement or to pay such percentage at the time and in the manner provided, shall be grounds for the declaration of a forfeiture of the franchise and for all rights thereunder.

- (f) The person to whom the franchise is granted shall pay the sum so fixed to the Washoe County Treasurer each month in advance, if compensation paid to the County is based on a fixed sum per month.
- (g) The person to whom the franchise is granted shall pay to the Washoe County Treasurer a sum of money sufficient to reimburse the County for all publication expenses incurred by it in connection with the granting of the franchise. Such payment shall be made within thirty (30) days after receipt of a written statement of such expenses from the Washoe County Clerk.
- (h) The person to whom the franchise is granted shall:
  - (1) Operate its garbage collection and disposal service in accordance with and in conformity to all ordinances, rules and regulations heretofore or hereafter adopted by the Board of County Commissioners in the exercise of its police powers and in accordance with the provisions and general laws of the State of Nevada relating to or applicable to the whole or any part of such garbage collection and disposal service operation.
  - (2) Pay to Washoe County on demand the cost of all repairs to public property resulting from damages inflicted by any franchise activity or failure to act under such franchise.
  - (3) Indemnify and hold harmless Washoe County, the Board of County Commissioners and the employees of Washoe County for any and all liability for damages proximately resulting from any operation under such franchise, and shall throughout the life of such franchise maintain in full force and effect with a carrier or carriers selected by the grantee and satisfactory to Washoe County, the following insurance:
    - (i) Workmen's Compensation Insurance in compliance with the laws of the State of Nevada.
    - (ii) Bodily Injury Liability Insurance with limits of One Hundred Thousand Dollars (\$100,000) for each person and Two Hundred Thousand Dollars (\$200,000) for each occurrence.

- (iii) Property Damage Liability Insurance with limits of Fifty Thousand Dollars (\$50,000) for each accident and One Hundred Thousand Dollars (\$100,000) aggregate.

The insurance described in (ii) and (iii) above shall also provide contractual liability coverage satisfactory to Washoe County with respect to liability assumed by the grantee under the provisions of paragraph (3).

- (4) File with the Washoe County Clerk written notice of any contemplated sale, transfer, assignment, or lease of such franchise, or any part thereof, or of any of the rights or privileges granted thereby thirty (30) days before said sale, transfer, assignment or lease is to become effective. No such sale, transfer, assignment or lease of such franchise, or any part thereof, shall be effective until and unless approved by the Board of County Commissioners.

Section 5. Forfeiture.

If the person to whom such franchise is granted shall fail, neglect, or refuse to comply with any of the provisions or conditions herein, and shall not within ten (10) days after written demand for compliance, begin the work of compliance, or if, after such beginning, shall not prosecute the same with due diligence to completion, the Board of County Commissioners may declare such franchise forfeited and demand an immediate accounting and compensation satisfaction.

Section 6. Person Construed.

Wherever the word "person" is herein used, such word may be construed to mean an individual or individuals, a corporation, partnership, firm or association.

Section 7. Validity.

If any provision or part of this Ordinance shall be declared by a court of competent jurisdiction to be illegal or unconstitutional, it shall in no way affect the remainder of this Ordinance or any section thereof, it being intended that the remainder shall remain in full force and effect.

Section 8. This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS §244.100.

Proposed on the 5<sup>th</sup> day of AUGUST, 1965.  
 Proposed by Commissioner CUNNINGHAM  
 Passed on the 16<sup>th</sup> day of AUGUST, 1965.

Vote:

Ayes:

Commissioners: McKenzie, McKissick, Sauer  
Cunningham and Streeter

Nays:

Commissioners: None

Absent:

Commissioners: None

J.C. McKenzie  
Chairman of the Board

ATTEST:

J. Brown

County Clerk

This Ordinance shall be in force and effect from and after the  
27th day of August, 1965.