

Assembly Bill No. 131—Assemblymen Hardy, Ellison; Paul Anderson, Fiore, Grady, Hambrick, Hickey, Kirkpatrick, Kirner, Livermore, Oscarson, Stewart and Wheeler

Joint Sponsors: Senators Hardy; Cegavske, Goicoechea, Hammond and Settlemeyer

CHAPTER.....

AN ACT relating to the Virgin Valley Water District; requiring each member of the Board of the District to be elected; setting forth the terms of service of the members of the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, the Board of the Virgin Valley Water District consists of five members. Of the five members, one member is appointed by the Mayor of the City of Mesquite, one member is appointed by the governing body of the town of Bunkerville and three members are elected from the service area of the District. Of the three elected members, one of the members must reside in the geographical area of the District located south of the Virgin River. (Section 5 of chapter 100, Statutes of Nevada 1993, p. 163, as amended by chapter 266, Statutes of Nevada 1995, p. 444) **Section 1** of this bill requires that the five members of the Board be selected as follows: (1) two members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River; and (2) three members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River. **Section 1** also provides that, after the initial terms, all five members of the Board serve 4-year terms. **Section 3** of this bill: (1) provides that the term of each existing member of the Board expires on December 31, 2014; and (2) requires that those members elected to the Board at the 2014 general election select by lot three members of the Board to serve for an initial term of 4 years and two members of the Board to serve for an initial term of 2 years.

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

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

Section 1. Section 5 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 266, Statutes of Nevada 1995, at page 444, is hereby amended to read as follows:

Sec. 5. 1. ~~Except as otherwise provided in section 4 of this act, the~~ *The* governing Board of the District consists of five members selected as follows:

~~(a) One member appointed by the mayor of the City of Mesquite with the approval of the City Council of that city.~~



~~—(b) One member appointed by the governing body of the town of Bunkerville, who must reside in the geographical area of the District located south of the Virgin River. If the town of Bunkerville is annexed into the City of Mesquite, this member must be appointed pursuant to paragraph (a), subject to the residency requirement set forth in this paragraph.~~

~~—(c) Three members elected from the service area of the District, one of whom]~~

(a) Two members who must reside in *and be elected by a plurality of the qualified electors of* the geographical area of the District located south of the Virgin River.

(b) Three members who must reside in and be elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River.

2. Except for members of the first Board , ~~[and appointed members,]~~ members of the Board must be elected at a general district election held in conjunction with the general election of Clark County in 1994 and with subsequent general elections of Clark County. ~~[The elected member who is required to reside in the geographical area of the District located south of the Virgin River and one other elected member, who must be chosen by lot,]~~ *The members* serve terms of 4 years . ~~[and the remaining elected member serves a term of 2 years. The appointed members serve terms of 2 years.]~~

Sec. 2. Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. 1. ~~[Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:~~

~~—(a) Reside in the District for at least 6 months before his or her appointment or the election at which the member is elected;~~

~~—(b) Be a qualified elector of the District;~~

~~—(c) If the member is elected to office, be elected by a plurality of the qualified electors of the District; and~~

~~—(d) Take office upon qualification therefor as provided in subsection 3, or on the first Monday in January next following the member's election or appointment, whichever is later, and leave office upon the first Monday in January next following the election or appointment of the member's successor in office.~~



~~— 2. — If the Board establishes various election areas within the District, each~~ *Each* member ~~{who is elected to}~~ of the Board must:

(a) Reside in the *geographical area represented, or if the Board has established various election areas, the* election area represented, for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the *geographical area represented or the* election area represented; *and*

(c) ~~{Be elected by a plurality of the qualified electors of the election area represented; and~~

~~—(d)— Take office {in the manner prescribed in paragraph (d) of subsection 1.~~

~~— 3. —~~ *upon qualification therefor as provided in subsection 2, or on the first Monday in January next following the member's election, whichever is later, and leave office upon the first Monday in January next following the election of the member's successor in office.*

2. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.

~~{4.}~~ 3. A vacancy in the office of a member ~~{who is elected to}~~ of the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the ~~{District,}~~ *geographical area represented*, or if the Board has established various election areas, the election area represented, and, before taking office, qualify in the manner prescribed in subsection ~~{3.}~~ 2. The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

~~{5. — A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner~~



~~prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment.]~~

Sec. 2.5. Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 485, Statutes of Nevada 2011, at page 3076, is hereby amended to read as follows:

Sec. 8. 1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March. Timely filing of such declaration is a prerequisite to election.

3. If the Board establishes various election areas within the District and there are two or more seats upon the Board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection ~~4~~ 3 of section 7 of this act for filling a vacancy.

Sec. 3. 1. Notwithstanding the provisions of the Virgin Valley Water District Act, the term of each member of the Board of the Virgin Valley Water District expires on December 31, 2014.

2. As soon as practicable after all the members of the Board of the Virgin Valley Water District are elected and qualified pursuant to section 5 of the Virgin Valley Water District Act, as amended by section 1 of this act, the members of the Board shall, by lot, select:



(a) Three members of the Board to serve for terms of 4 years, including:

(1) Two members who reside in and are elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River; and

(2) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River; and

(b) Two members of the Board to serve for terms of 2 years, including:

(1) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located north of the Virgin River; and

(2) One member who resides in and is elected by a plurality of the qualified electors of the geographical area of the District located south of the Virgin River.

Sec. 4. This act becomes effective on January 1, 2014, for the purpose of filing a declaration of candidacy to serve as a member of the Board of the Virgin Valley Water District and on January 1, 2015, for all other purposes.



