

ASSEMBLY BILL NO. 400—ASSEMBLYMEN
HARDY; AND HAMBRICK

MARCH 21, 2011

JOINT SPONSOR: SENATOR HARDY

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to town advisory boards.
(BDR 21-818)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to unincorporated towns; requiring the election of the members of certain town advisory boards in a county whose population is 700,000 or more; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the board of county commissioners of a county whose
2 population is 700,000 or more (currently Clark County), when enacting an
3 ordinance to establish an unincorporated town, may choose to either appoint the
4 members of the town advisory board or to allow the registered voters of the
5 unincorporated town to elect the members of the town advisory board. (NRS
6 269.576) This bill requires the members of a town advisory board for an
7 unincorporated town that is in a county whose population is 700,000 or more
8 (currently Clark County) and that is located 25 miles or more from an incorporated
9 city whose population is 500,000 or more (currently Las Vegas) to be elected by the
10 registered voters of the unincorporated town.

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

1 **Section 1.** NRS 269.563 is hereby amended to read as follows:
2 269.563 1. The board of county commissioners of a county
3 whose population is ~~400,000~~ *700,000* or more may provide by
4 ordinance for the formation of an unincorporated town in an area



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1 that contains no residents if all of the owners of land within the
2 boundaries of the proposed unincorporated town so request in
3 writing. The written request of the owners must include the
4 statement that the owners consent to be taxed for the services to be
5 listed in the ordinance. If any owner withdraws his or her consent
6 before adoption of the ordinance creating the unincorporated town,
7 the owner's property must be excluded in fixing the boundaries of
8 the town.

9 2. The ordinance must contain clear designation of the
10 boundaries of the unincorporated town and the boundaries of any
11 area which may be annexed into the unincorporated town, a listing
12 of services to be provided, the number of members to serve on the
13 town advisory board and the conditions that must be satisfied before
14 appointment *or election* of the first town advisory board. These
15 conditions may include, without limitation, the number of residents,
16 the level of services being provided and the extent of improvements
17 in place.

18 **Sec. 2.** NRS 269.576 is hereby amended to read as follows:

19 269.576 1. Except as appointment *or election* may be
20 deferred pursuant to NRS 269.563 ~~§~~ *and except as otherwise*
21 *provided in subsection 6*, the board of county commissioners of any
22 county whose population is ~~400,000~~ *700,000* or more shall, in
23 each ordinance which establishes an unincorporated town pursuant
24 to NRS 269.500 to 269.625, inclusive, provide for:

25 (a) Appointment by the board of county commissioners or the
26 election by the registered voters of the unincorporated town of three
27 or five qualified electors who are residents of the unincorporated
28 town to serve as the town advisory board. If the ordinance provides
29 for appointment by the board of county commissioners, in making
30 such appointments, the board of county commissioners shall consider:
31 consider:

32 (1) The results of any poll conducted by the town advisory
33 board; and

34 (2) Any application submitted to the board of county
35 commissioners by persons who desire to be appointed to the town
36 advisory board in response to an announcement made by the town
37 advisory board.

38 (b) A term of 2 years for members of the town advisory board.

39 (c) Election of a chair from among the members of the town
40 advisory board for a term of 2 years, and, if a vacancy occurs in the
41 office of chair, for the election of a chair from among the members
42 for the remainder of the unexpired term. The ordinance must also
43 provide that a chair is not eligible to succeed himself or herself for a
44 term of office as chair.



1 2. ~~[The]~~ *Except as otherwise provided in subsection 6, the*
2 members of a town advisory board serve at the pleasure of the board
3 of county commissioners. If a ~~[member is removed,]~~ *vacancy*
4 *occurs on the town advisory board,* the board of county
5 commissioners shall appoint a new member to serve out the
6 remainder of the unexpired term . ~~[of the member who was~~
7 ~~removed.]~~

8 3. The board of county commissioners shall provide notice of
9 the expiration of the term of a member of and any vacancy on a
10 town advisory board to the residents of the unincorporated town by
11 mail, newsletter or newspaper at least 30 days before the expiration
12 of the term or filling the vacancy.

13 4. The duties of the town advisory board are to:

14 (a) Assist the board of county commissioners in governing the
15 unincorporated town by acting as liaison between the residents of
16 the town and the board of county commissioners; and

17 (b) Advise the board of county commissioners on matters of
18 importance to the unincorporated town and its residents.

19 5. The board of county commissioners may provide by
20 ordinance for compensation for the members of the town advisory
21 board.

22 6. *If an unincorporated town is established in a county whose*
23 *population is 700,000 or more and is located 25 miles or more*
24 *from an incorporated city whose population is 500,000 or more:*

25 (a) *The board of county commissioners shall by ordinance*
26 *provide for the election by the registered voters of the*
27 *unincorporated town of three or five qualified electors who are*
28 *residents of the unincorporated town to serve as the town advisory*
29 *board. If there are fewer qualified electors who are residents of the*
30 *unincorporated town who file for election to the town advisory*
31 *board than there are seats on the town advisory board, the board*
32 *of county commissioners shall appoint as many new members as*
33 *are necessary to fill the seats left vacant after the election.*

34 (b) *The members of the town advisory board of the*
35 *unincorporated town do not serve at the pleasure of and may not*
36 *be removed by the board of county commissioners.*

37 (c) *If a vacancy occurs on the town advisory board, the board*
38 *of county commissioners shall appoint a new member to serve out*
39 *the remainder of the unexpired term.*

40 **Sec. 3.** The amendatory provisions of this act do not affect the
41 current term of appointment or election for any person who, on
42 October 1, 2011, is a member of a town advisory board in a county
43 whose population is 700,000 or more.



