

SENATE BILL NO. 127—SENATOR GOICOECHEA

PREFILED FEBRUARY 13, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the election of members of certain local governing bodies. (BDR 20-786)

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 local governing bodies; authorizing, under certain circumstances, a board of county commissioners in certain counties to appoint members of certain local governing bodies; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides for the creation of certain local districts, boards, councils  
2 and commissions and provides that the members of the governing bodies of such  
3 are elected. (Chapters 244, 309, 318, 474 and 539 of NRS, NRS 269.024-269.0248,  
4 450.550-450.760) This bill provides, under certain circumstances, that a board of  
5 county commissioners in a county whose population is less than 100,000 (currently  
6 all counties other than Clark and Washoe Counties) may appoint the members of a  
7 local governing body, if each member of the local governing body is entitled to  
8 receive annual compensation of less than \$6,000 for his or her service on the body,  
9 rather than hold elections for the positions. Before a board of county commissioners  
10 in such a county may provide by ordinance that the members of a local governing  
11 body may be appointed rather than elected, the board must determine the number of  
12 current members serving on the local governing body. If the local governing body  
13 does not have enough current members to obtain a quorum, the board of county  
14 commissioners may provide that the members of the local governing body may be  
15 appointed instead of elected without obtaining approval from the current members  
16 of the local governing body. If the local governing body has enough current  
17 members to obtain a quorum, the board of county commissioners may not provide  
18 that the members of the local government body may be appointed instead of elected  
19 unless a majority of current members of the local governing body so approve.

20 This bill defines “local governing body” to mean any district, board, council or  
21 commission that is charged with executing limited duties or functions within the  
22 county and includes a town board, citizen’s advisory council, local improvement



\* S B 1 2 7 R 1 \*

23 district, general improvement district, county hospital district, fire protection  
24 district and irrigation district.

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

1       **Section 1.** Chapter 244 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Notwithstanding any other provision of law and subject to*  
4 *the provisions of subsection 2, if each member of a local*  
5 *governing body within a county whose population is less than*  
6 *100,000 is entitled to receive annual compensation of less than*  
7 *\$6,000 for serving on the local governing body, the board of*  
8 *county commissioners may, by ordinance, provide that the*  
9 *members may be appointed by the board of county commissioners*  
10 *instead of elected to that local governing body.*

11       2. *Before a board of county commissioners of a county whose*  
12 *population is less than 100,000 may provide by ordinance*  
13 *pursuant to subsection 1 that the members of a local governing*  
14 *body may be appointed instead of elected, the board of county*  
15 *commissioners must determine the number of current members*  
16 *servng on the local governing body. If the local governing body:*

17       (a) *Does not have enough current members serving on the*  
18 *local governing body to obtain a quorum for the transaction of the*  
19 *business of the local governing body, the board of county*  
20 *commissioners may provide that the members of the local*  
21 *governing body may be appointed instead of elected without*  
22 *obtaining approval from the current members of the local*  
23 *governing body.*

24       (b) *Has enough current members serving on the local*  
25 *governing body to obtain a quorum for the transaction of the*  
26 *business of the local governing body, the board of county*  
27 *commissioners may not provide that the members of the local*  
28 *governing body may be appointed instead of elected unless a*  
29 *majority of the current members of the local governing body so*  
30 *approve.*

31       3. *If, pursuant to this section, a board of county*  
32 *commissioners of a county whose population is less than 100,000*  
33 *provides for the appointment of members to a local governing*  
34 *body:*

35       (a) *Each existing member of the governing body is entitled to*  
36 *serve out the remainder of the term for which he or she was*  
37 *elected before a replacement member may be appointed;*

38       (b) *If the terms of the existing members of the governing body*  
39 *are staggered, the board of county commissioners shall appoint*



1 *members to the governing body as the term of each existing*  
2 *member expires; and*

3 *(c) A vacancy in the unexpired term of an existing member*  
4 *must be filled by appointment.*

5 *4. Except as otherwise provided in this section, all other*  
6 *provisions of law relating to the local governing body, including,*  
7 *without limitation, the composition of the local governing body,*  
8 *the qualifications for membership and any residency requirements*  
9 *remain applicable.*

10 *5. For the purposes of this section, "local governing body"*  
11 *means any district, board, council or commission that is charged*  
12 *with the execution of limited functions or duties within a county,*  
13 *including, without limitation, any district, board, council or*  
14 *commission organized pursuant to chapters 244, 309, 318, 474 and*  
15 *539 of NRS, NRS 269.024 to 269.0248, inclusive, and 450.550 to*  
16 *450.750, inclusive. The term does not include the governing body*  
17 *of a county, city or town.*

18 **Sec. 2.** This act becomes effective on July 1, 2017.



