

ASSEMBLY BILL NO. 425—ASSEMBLYWOMAN VON TOBEL

MARCH 8, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing Moapa Valley Water District. (BDR S-830)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 the Moapa Valley Water District; expanding the jurisdiction and service area of the district; reducing the size of the governing board of the district; clarifying the length of the terms of the members of the governing board; revising the provisions governing the filling of a vacancy on the governing board; eliminating certain obsolete provisions; and providing other matters properly relating thereto.

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

1 **Section 1.** Section 1 of chapter 477, Statutes of Nevada 1983, at page
2 1262, is hereby amended to read as follows:
3 Section 1. There is hereby created a political subdivision of
4 this state to be known as the “Moapa Valley Water District.” The
5 jurisdiction and service area of the district are all that real property
6 located in Clark County, Nevada, described as follows:
7 Sections **8, 9**, 13, 14, 15, 16, **17, 21, 22**, 23, 24, 25, 26, **35** and
8 36, T. 14 S., R. 65 E., M.D.B. & M.; **section 1, T. 15 S., R. 65 E.,**
9 **M.D.B. & M.;** sections 15, **16**, 19, 20, 21, 22, 23, 26, 27, 28, 29,
10 30, 31, 32, 33, 34, 35 and 36, T. 14 S., R. 66 E., M.D.B. & M.;
11 sections 1, 2, 3, 4, 5, 6, 9 and 12, T. 15 S., R. 66 E., M.D.B. & M.;
12 sections 6, 7, 8, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35
13 and 36, T. 15 S., R. 67 E., M.D.B. & M.; section 31, T. 15 S., R. 68
14 E., M.D.B. & M.; sections 1, 2, 3, 10, 11, 12, 13, 14, 24 and 25, T.
15 16 S., R. 67 E., M.D.B. & M.; sections 6, 7, ~~18, 1~~ 17, 18, 19, 20, 30
16 and 31, T. 16 S., R. 68 E., M.D.B. & M.

1 **Sec. 2.** Section 4 of chapter 477, Statutes of Nevada 1983, at
2 page 1264, is hereby amended to read as follows:

3 Sec. 4. All powers, duties and privileges of the Moapa Valley
4 Water District must be exercised and performed by the governing
5 board of the district. Except as otherwise provided in ~~{this section,}~~
6 *section 5 of this chapter*, the board consists of ~~{seven}~~ *five*
7 members elected as prescribed in this act. ~~{The first board consists~~
8 ~~of the respective members of the governing boards of the Moapa~~
9 ~~Valley Water Company and Overton Water District sitting upon the~~
10 ~~effective date of this act. The members of the first board shall~~
11 ~~convene within 30 days after the effective date of this act to~~
12 ~~commence and continue operation of the district until election of~~
13 ~~their successors in conjunction with the Clark County general~~
14 ~~election in 1984.}~~ A simple majority of the members of the ~~{first}~~
15 board constitutes a quorum. The vote of a simple majority of the
16 quorum is required ~~{in order}~~ to take action.

17 **Sec. 3.** Section 5 of chapter 477, Statutes of Nevada 1983, as
18 amended by chapter 608, Statutes of Nevada 1987, at page 1457, is hereby
19 amended to read as follows:

20 Sec. 5. 1. ~~{Except for members of the first board,}~~ *The*
21 members of the board ~~{, in the manner provided in this section,}~~
22 must be elected at a general district election held in conjunction
23 with the general election of Clark County . ~~{in 1984 and with each~~
24 ~~such general election every 2 years thereafter. Each member must~~
25 ~~reside in the portion of the service area which he represents and~~
26 ~~must be elected by a plurality of the registered voters of the~~
27 ~~election area.}~~ *Except as otherwise provided in section 6 of this*
28 *chapter, each member of the board shall serve a term of 4 years.*

29 2. Except as *otherwise* provided in subsection 4, the election
30 areas for the district must be the election precincts of Moapa-
31 Glendale, Logandale and Overton.

32 3. At the general district election next preceding *the* expiration
33 of the terms of office of ~~{the}~~ members of the board, ~~{and at each~~
34 ~~such election in every 4th year thereafter,}~~ there must be elected
35 respective members of the board representing the election areas of
36 the district.

37 4. The *board shall adjust the* number of representatives ~~{and}~~
38 *or* election areas , *or both*, of the district ~~{must be adjusted by the~~
39 ~~board}~~ whenever necessary to ~~{assure,}~~ *ensure*, as nearly as
40 practicable, equal representation upon the board for all registered
41 voters residing within the service area.

1 **Sec. 4.** Section 6 of chapter 477, Statutes of Nevada 1983, at page
2 1265, is hereby amended to read as follows:

3 Sec. 6. 1. ~~{Except as otherwise provided in sections 4 and 5~~
4 ~~of this act, each}~~ **Each** member of the board must:

5 (a) Reside in the election area represented for at least 6 months
6 before the election at which the member is elected;

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

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

10 ~~—(d)}~~ Take office upon qualification therefor as provided in
11 subsection 2, or on the 1st Monday in January next following the
12 member's election, whichever is later, and leave office upon the 1st
13 Monday in January next following the election of the member's
14 successor in office.

15 2. Before taking office, each member of the board must qualify
16 by filing with the clerk of Clark County:

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

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

23 3. A vacancy on the board must be filled by **an** appointment
24 ~~{of}~~ **made by** the remaining members of the board. The person so
25 appointed must be a resident and elector of the election area
26 represented, and, before taking office, qualify in the manner
27 prescribed in subsection 2. The person shall serve ~~{the remainder}~~
28 **until the first Monday in January following the next general**
29 **district election. If that general district election precedes the**
30 **expiration** of the term of the member whose absence required ~~this~~
31 ~~appointment.~~ **the appointment, the balance of that term must be**
32 **filled at that general district election in the same manner as**
33 **prescribed for the election of other members of the board.** If the
34 board fails, neglects or refuses to fill a vacancy within 30 days after
35 a vacancy occurs, the board of county commissioners of Clark
36 County shall fill the vacancy.

37 **Sec. 5.** Section 8 of chapter 477, Statutes of Nevada 1983, at page
38 1266, is hereby amended to read as follows:

39 Sec. 8. 1. The board shall:

40 (a) Choose one of its members chairman of the board and
41 president of the district, **and** prescribe the term of office ~~{}~~ and the
42 powers and duties thereof.

1 (b) Fix the time and place at which its regular meetings must be
2 held and provide for the calling and conduct of special meetings.

3 (c) Fix the location of the principal place of business of the
4 district.

5 (d) Elect a secretary-treasurer of the board and the district, who
6 may or may not be a member of the board.

7 (e) Appoint a general manager, who must not be a member of
8 the board.

9 (f) Delegate and redelegate to officers of the agency the power
10 to employ necessary executives, clerical workers, engineering
11 assistants and laborers, and retain legal, accounting or engineering
12 services, subject to such conditions and restrictions as may be
13 imposed by the board.

14 (g) Prescribe the powers, duties, compensation and benefits of
15 all officers and employees of the district, and require all bonds
16 necessary to protect the ~~{funds}~~ money and other property of the
17 district.

18 (h) Take all actions and do all things reasonably and lawfully
19 necessary ~~{in order}~~ to conduct the business of the district and
20 achieve the purpose of this act.

21 2. ~~{Except as otherwise provided for the first board, no}~~ No
22 regular or special meeting of the board may commence or continue
23 unless a quorum of at least ~~{four}~~ three members is present. A
24 majority vote of the quorum present is required to take action with
25 respect to any matter.

26 3. Members of the board serve without compensation, except
27 that they are entitled to reasonable per diem and travel expenses,
28 set by the board, for attendance at meetings and ~~{conduct of}~~
29 ~~conducting~~ other business of the district. ~~{business.}~~

30 **Sec. 6.** Notwithstanding the amendatory provisions of section 2 of this
31 act, the members of the governing board of the Moapa Valley Water
32 District on July 1, 1999, may serve the remainder of their respective
33 current terms. The seats of two of the members of the governing board of
34 the Moapa Valley Water District whose terms expire on the first Monday
35 in January 2001, must not be filled at the general district election held in
36 2000. The governing board shall determine the two seats that will not be
37 filled.

38 **Sec. 7.** This act becomes effective on July 1, 1999.