

Assembly Bill No. 406—Assemblymen Carpenter and Marvel

Joint Sponsor: Senator Rhoads

CHAPTER.....

AN ACT relating to the Elko Convention and Visitors Authority; repealing the requirement that the board of governors of the authority reimburse the county clerk of Elko County for all costs of a general authority election; redefining the boundaries of the authority; repealing the procedure for adding land to or excluding land from those boundaries; and providing other matters properly relating thereto.

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

**Section 1.** Section 4 of chapter 227, Statutes of Nevada 1975, as last amended by chapter 351, Statutes of Nevada 1997, at page 1276, is hereby amended to read as follows:

Sec. 4. The general obligation bonds authorized to be issued by this act are general obligation bonds of the Authority payable from general (ad valorem) property taxes to be levied by the County Commissioners of Elko County, Nevada, on behalf of the Board of the Authority, such taxes to be levied upon all taxable properties within the boundaries of the Authority as such boundaries are hereafter established and defined and from time to time redefined by reason of the inclusion of additional lands ~~+~~ *within, or the exclusion of lands from, the boundaries of the Authority.*

**Sec. 2.** Section 8 of chapter 227, Statutes of Nevada 1975, as last amended by chapter 686, Statutes of Nevada 1997, at page 3479, is hereby amended to read as follows:

Sec. 8. 1. The Authority must be governed by a Board of Governors consisting of five members appointed or elected as follows:

- (a) One member appointed by the board of supervisors of the City of Elko, who must be a current member of the board of supervisors;
- (b) One member appointed by the board of county commissioners of Elko County, who must be a current member of the board of county commissioners;
- (c) Two members elected at large, who must reside within the City of Elko and within the boundaries of the Authority; and
- (d) One member elected at large, who must reside outside the City of Elko but within the boundaries of the Authority.

2. Subject to the provisions of subsection 3, the terms of those members appointed pursuant to paragraphs (a) and (b) of subsection 1 are coterminous with their respective terms in their specified elective offices.

3. Those members appointed pursuant to paragraph (a) or (b) of subsection 1 may be removed by the appointing board with or without cause.

4. Any vacancy occurring among the members of the Board appointed pursuant to paragraph (a) or (b) of subsection 1 must be filled promptly by the board which appointed the member whose position has become vacant. Any vacancy occurring among the

members of the board elected pursuant to paragraph (c) or (d) of subsection 1 must be filled promptly by appointment by the board of county commissioners of Elko County. The member appointed by the board of county commissioners to fill a vacancy in a position created pursuant to paragraph (c) or (d) must not be a member of the board of county commissioners but must meet the residency requirements for the vacant position.

5. If a member elected pursuant to paragraph (c) or (d) of subsection 1 or appointed to fill a vacancy in a position created pursuant to one of those paragraphs ceases to reside in the area specified in the paragraph under which he was elected or appointed, he is automatically disqualified from serving on the Board. A disqualified member's position must be filled by the prompt appointment of a successor in the manner specified in subsection 4.

6. The term of a person appointed to fill a vacancy is the unexpired term of the member he replaces.

7. A general authority election must be held in conjunction with the general election in 1992 and with such elections every 2 years thereafter. The three members of the Board described in paragraphs (c) and (d) of subsection 1 must be elected at the general authority election in 1992. The offices created pursuant to those paragraphs are nonpartisan. Each candidate for one of these offices must file a declaration of candidacy with the county clerk not earlier than January 1 preceding the election and not later than 5 p.m. on the third Friday in August of the year of the election. The terms of office of the members described in paragraphs (c) and (d) of subsection 1 are 4 years, except that, the initial term of office of one of the members described in paragraph (c) of subsection 1 is 2 years. The county clerk shall designate the seat which will have an initial term of 2 years before any candidate files a declaration of candidacy for the election. The period for registering to vote in the general authority election must be closed on the 30th calendar day preceding the date of the election. All persons who are qualified to vote at general elections in this state and reside within the boundaries of the authority upon the date of the close of registration are entitled to vote at the general authority election. ~~{The Board shall reimburse the county clerk for all costs of each general authority election.}~~ Except as otherwise provided in this subsection, a general authority election must be carried out in the same manner as provided for other general elections in Title 24 of NRS.

**Sec. 3.** Section 13 of chapter 227, Statutes of Nevada 1975, as amended by chapter 345, Statutes of Nevada 1993, at page 1100, is hereby amended to read as follows:

Sec. 13. The Authority may provide for the publication by title of any resolution which it may adopt for the issuance of bonds or for the inclusion *or exclusion* of lands under this Act, in one issue of a newspaper having circulation within the County of Elko. For a period of 30 days after the date of publication, any person in interest may contest the legality of the resolution or any bonds which may be issued pursuant thereto or any of the provisions made for the security

and payment of the bonds, including the boundaries of the Authority, or with respect to any special, primary or general election at which the bonds or any portion thereof are authorized, or for the inclusion *or exclusion* of the lands, but after that time no person may bring a cause of action to contest the regularity, formality or legality thereof for any cause.

**Sec. 4.** Section 18 of chapter 227, Statutes of Nevada 1975, at page 274, is hereby amended to read as follows:

Sec. 18. The boundaries of the Authority ~~shall include all lands now and hereinafter within the City of Elko, together with all lands within 3 miles of the present boundaries of the City of Elko and together with those lands generally designated in the Official Records of Elko County, Nevada, as follows:~~

~~— Humboldt River Ranchos Inc., Unit No. 1.  
— Town of Lamoille as shown on the "Map of the Town of Lamoille," including Tract A, File No. 37018 and on "Map of the First Addition, Town of Lamoille," File No. 107888.  
— Last Chance Ranch Inc., Units No. 1, 2 and 3.  
— L.C.R. 11 Subdivision.  
— Lucky Nugget Ranches Inc., Unit No. 1 and the unvacated portions of Unit No. 2.  
— Meadow Valley Ranchos Units No. 1 through 5, inclusive, and 7 through 12, inclusive.  
— Pleasant Valley Estates.  
— River Valley Ranches, Unit No. 1.  
— Twin River Ranchos, Inc., Units No. 2, 3 and 4.  
— Valley Vista Acres.  
— Spring Creek Tracts No. 101, 102, 103, 201, 301, 101 A, 104, 105, 107, 106 A, the unabandoned portion of 401, 106 B, the unabandoned portion of 106 C, 202, 303, 402, 304, 109, 403 and 106 D, inclusive.]~~  
*include all lands, except the incorporated City of Carlin and those lands that have a current agricultural use assessment from the county assessor of Elko County pursuant to chapter 361A of NRS, located within the boundaries described as follows: Beginning at the southwest corner of Elko County, and running thence northerly and westerly along the boundary common to Elko and Eureka Counties to its intersection with a line perpendicular to the northern boundary of the City of Carlin; thence easterly along the northern boundary of the City of Carlin to its extended intersection with the Cadastral Survey Range Line common to Range 52 and Range 53, M.D.B. & M.; thence north along the Cadastral Survey Range Line common to Range 52 and Range 53, M.D.B. & M., to its intersection with Fish Creek; thence easterly to the summit of Swales Mountain of the Independence Mountain Range; thence northerly along the crest of the Independence Mountain Range to its intersection with the Cadastral Survey Township Line common to Township 43 and Township 44, M.D.B. & M.; thence east along the Cadastral Survey Township Line common to Township 43 and Township 44, M.D.B. & M., to its intersection with the Cadastral Survey Range Line common to Range 61 and Range 62, M.D.B. & M.; thence south*

*along the Cadastral Survey Range Line common to Range 61 and Range 62, M.D.B. & M., to its intersection with the centerline of State Route 231, also known as the Angel Lake access road; thence southerly and westerly along the centerline of State Route 231 to Angel Lake; thence west to the crest of the East Humboldt Mountain Range; thence southerly and westerly along the crest of the East Humboldt Mountain Range and the Ruby Mountain Range to its intersection with the southern boundary of Elko County; thence west along the southern boundary of Elko County to the point of beginning.*

**Sec. 5.** If a member of the board of governors of the Elko Convention and Visitors Authority elected pursuant to paragraph (c) or (d) of subsection 1 of section 8 of chapter 227, Statutes of Nevada 1975, as last amended by chapter 686, Statutes of Nevada 1997, at page 3479, ceases to reside within the boundaries of the authority on the effective date of this act, he is automatically disqualified from serving on the board. A disqualified member's position must be filled by the prompt appointment of a successor in the manner specified in subsection 4 of that section.

**Sec. 6.** Section 26 of chapter 227, Statutes of Nevada 1975, as amended by chapter 275, Statutes of Nevada 1979, at page 383, is hereby repealed.

**Sec. 7.** This act becomes effective upon passage and approval.