

SENATE BILL NO. 144—SENATOR AMODEI

FEBRUARY 28, 2005

Referred to Committee on Government Affairs

SUMMARY—Provides for continued existence and authority of Douglas County Redevelopment Agency and East Fork Fire Protection District following incorporation of city within Douglas County in certain circumstances. (BDR S-819)

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 county government; providing for the continued existence and authority of the Douglas County Redevelopment Agency and the East Fork Fire Protection District following the incorporation of a city within Douglas County in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the territorial jurisdiction of a county redevelopment agency as the unincorporated territory of the county. The territorial jurisdiction of a city redevelopment agency is the city limits. (NRS 279.494) Under existing law, a fire protection district located within the boundaries of an incorporated city may not continue to exist after the date that the incorporation of a city becomes effective. (NRS 266.043)

This bill allows the Douglas County Redevelopment Agency or other authority empowered by Douglas County to designate redevelopment areas to continue to exist if a city incorporates within Douglas County and the city limits include all or part of a redevelopment area designated by the Agency or other authority. A redevelopment area designated by the Agency or another authority of Douglas County may continue to exist, and the Agency may continue to exercise territorial jurisdiction within the incorporated city and within the unincorporated territory of the county.

This bill allows the East Fork Fire Protection District to continue to exist under certain circumstances if a city incorporates within Douglas County and the city limits include all or part of the District. The District will not be allowed to provide fire protection services within the incorporated city limits if the Committee on



19 Local Government Finance determines that taxpayers would be better served by
20 having fire protection services provided by the city.

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

1 **Section 1.** 1. The Legislature hereby finds and declares that
2 a general law cannot be made applicable for the provisions of
3 subsections 2 to 6, inclusive, because of the economic and
4 geographic diversity of the local governments of this State, the
5 unusual growth patterns in certain of those local governments and
6 the special conditions experienced in certain counties related to the
7 need to provide basic services.
8 2. Notwithstanding the provisions of NRS 279.494 and any
9 other provision of law to the contrary, if a city incorporates within
10 Douglas County and the limits of the incorporated city include all or
11 part of a redevelopment area designated by the Douglas County
12 Redevelopment Agency or another authority of the county
13 empowered to make such a designation:
14 (a) The Agency may continue to exist on and after the date on
15 which the incorporation of the city becomes effective;
16 (b) The Agency may continue to exercise territorial jurisdiction
17 within the limits of the incorporated city as well as within the
18 unincorporated territory in the county on and after the date on which
19 the incorporation of the city becomes effective; and
20 (c) The redevelopment area may continue to include territory
21 within the limits of the incorporated city on and after the date on
22 which the incorporation of the city becomes effective.
23 3. Except as otherwise provided in subsection 6 and
24 notwithstanding the provisions of subsection 2 of NRS 266.043 and
25 any other provision of law to the contrary, if a city incorporates
26 within Douglas County and the limits of the incorporated city
27 include all or part of the East Fork Fire Protection District:
28 (a) The District may continue to exist on and after the date on
29 which the incorporation of the city becomes effective;
30 (b) The District may continue to be managed at the county level
31 in accordance with the provisions of chapter 474 of NRS on and
32 after the date on which the incorporation of the city becomes
33 effective;
34 (c) The boundaries of the District may continue to include
35 territory within the limits of the incorporated city on and after the
36 date on which the incorporation of the city becomes effective; and



(d) The District may continue to provide services of fire protection within the limits of the incorporated city on and after the date on which the incorporation of the city becomes effective.

4. On or before the date on which a city incorporates in Douglas County to include within the limits of the city all or part of the East Fork Fire Protection District, the Committee on Local Government Finance shall hold a hearing to determine whether the taxpayers residing in the county, including the taxpayers residing within the limits of the incorporated city, would benefit by having services of fire protection provided by the city within its incorporated limits instead of being provided by the District.

5. For the purposes of subsection 4:

(a) The Committee on Local Government Finance shall not determine that the taxpayers would benefit by having services of fire protection provided by the city within its incorporated limits instead of being provided by the East Fork Fire Protection District if the provision of those services by the city within those limits would require the tax rate imposed to provide services of fire protection in the remainder of the District, if any, to be increased.

(b) Except as otherwise provided in paragraph (a), the Committee on Local Government Finance, in determining whether the taxpayers would benefit by having services of fire protection provided by the city within its incorporated limits instead of being provided by the East Fork Fire Protection District, shall take into account, without limitation:

(1) Whether the city, within its incorporated limits, will be able to provide the same level of services of fire protection at a reduced cost to the taxpayers, when compared to the level of services provided by the District and the cost associated with the provision of those services by the District; and

(2) Whether the city, within its incorporated limits, will be able to provide an increased level of services of fire protection at the same cost to the taxpayers, when compared to the level of services provided by the District and the cost associated with the provision of those services by the District.

6. If the Committee on Local Government Finance determines pursuant to subsections 4 and 5 that the taxpayers would benefit by having services of fire protection provided by the city within its incorporated limits instead of being provided by the East Fork Fire Protection District:

(a) The District may not continue to provide services of fire protection within the limits of the incorporated city;

(b) The boundaries of the District must be revised in accordance with the provisions of chapter 474 of NRS to exclude any territory



1 within the limits of the incorporated city, if the District is not
2 located wholly inside the limits of the incorporated city;

3 (c) The District must be dissolved in accordance with the
4 provisions of chapter 474 of NRS, if the District is located wholly
5 inside the limits of the incorporated city; and

6 (d) The provisions of NRS 474.440 apply to any outstanding or
7 bonded indebtedness of the District at the time of its dissolution or
8 the exclusion of territory.

9 **Sec. 2.** This act becomes effective upon passage and approval.

