

SENATE BILL NO. 20—SENATOR HARDY

PREFILED FEBRUARY 1, 2005

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to governing bodies of certain local governments. (BDR 20-682)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 government; increasing the membership of certain county fair and recreation boards; revising the procedure for appointing certain members of such county fair and recreation boards; requiring that City Councilmen for the City of North Las Vegas be voted for and elected only by the registered voters of the ward that the Councilman will represent; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law establishes the number and qualifications of members of county fair and recreation boards, which are commonly known as convention and visitors authorities in some counties. (NRS 244A.599, 244A.601, 244A.603) In counties with a population of 400,000 or more (currently Clark County), such a board consists of 13 members, including two members of the board of county commissioners, four members designated for certain incorporated cities in the county, one member designated for all the remaining incorporated cities in the county and six members from the private business sector. (NRS 244A.603)

This bill increases the membership of a county fair and recreation board in a county with a population of 400,000 or more to 14 members by adding an additional member who is selected by the governing body of the incorporated city with the smallest population in the county (currently the City of Mesquite) and who is a member of that governing body. This bill also clarifies that membership on the board is based on the population of an incorporated city as determined by the last national decennial census.

Existing law provides a procedure for rotating representation on the county fair and recreation board in a county with a population of 400,000 or more (currently Clark County) among the remaining incorporated cities in the county that do not have a specifically designated member. (NRS 244A.603)



This bill acknowledges that this rotation is not required when there is only one such remaining incorporated city in the county.

Under existing law, the City of North Las Vegas is divided into four wards. (North Las Vegas City Charter, Section 1.045) Existing law requires that a candidate for City Councilman designate the ward that he seeks to represent and further requires that he be a resident of that ward. (North Las Vegas City Charter, Sections 2.010, 5.020) Although a candidate for City Councilman designates a ward that he seeks to represent, he is elected by the registered voters of the entire City. (North Las Vegas City Charter, Section 2.010)

This bill requires that each City Councilman be voted for and elected only by the registered voters of the ward that he represents, commencing with the election to be held on June 5, 2007.

Existing law provides that the term of office of City Councilmen is 4 years. Those terms are staggered so that two Councilmen are elected at the general city election every 2 years. (North Las Vegas City Charter, Sections 2.010, 5.010)

This bill provides that the two City Councilmen who are mid-term on July 1, 2007, are deemed to represent only their respective wards on July 1, 2007, to avoid infringement of the legal principle of "one person, one vote." *Avery v. Midland County*, 390 U.S. 474 (1968) (applying "one person, one vote" principle to apportionment of local governments, such as counties and cities).

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

**Section 1.** NRS 244A.603 is hereby amended to read as follows:

244A.603 1. In any county whose population is 400,000 or more, the county fair and recreation board consists of ~~{13}~~ 14 members selected as follows:

(a) Two members by the board of county commissioners from their own number.

(b) Two members by the governing body of the ~~{largest}~~ incorporated city *with the largest population* in the county from their own number.

(c) One member by the governing body of the ~~{second-largest}~~ incorporated city *with the second largest population* in the county from their own number.

(d) One member by the governing body of the ~~{third-largest}~~ incorporated city *with the third largest population* in the county from their own number.

(e) *One member by the governing body of the incorporated city with the smallest population in the county from their own number.*

(f) One member by the governing body of one of the other incorporated cities in the county from their own number.

~~{(f)}~~ (g) Six members to be appointed by the members selected pursuant to paragraphs (a) to ~~{(e)}~~ (f), inclusive, of which:

(1) Three members must be selected from a list of nominees submitted by the chamber of commerce of the ~~{largest}~~ incorporated



1 city *with the largest population* in the county. If the nominees so  
2 listed are unsatisfactory to the members making the selection, they  
3 may, until satisfied, request additional lists of nominees. The  
4 members appointed pursuant to this subparagraph must be selected  
5 as follows:

6 (I) Two members who are representatives of tourism, at  
7 least one of whom must be a representative of the resort hotel  
8 business; and

9 (II) One member who is a representative of other  
10 commercial interests or interests related to tourism.

11 (2) Three members must be selected from a list of nominees  
12 submitted by the association of gaming establishments whose  
13 membership in the county collectively paid the most gross revenue  
14 fees to the State pursuant to NRS 463.370 in the preceding year. If  
15 the nominees so listed are unsatisfactory to the members making the  
16 selection, they may, until satisfied, request additional lists of  
17 nominees. The members selected pursuant to this subparagraph must  
18 be representatives of the resort hotel business, at least one of whom  
19 is engaged in that business in the central business district of the  
20 ~~largest~~ incorporated city *with the largest population* in the county.

21 2. ~~[In order to determine which of the incorporated cities in the~~  
22 ~~county is entitled to the representative]~~ *If there is more than one*  
23 *incorporated city in the county that is eligible to appoint the*  
24 *member* provided in paragraph ~~[(e)]~~ (f) of subsection 1, the board of  
25 county commissioners shall ~~[at its first meeting after May 1, 1967,~~  
26 ~~draw lots to determine which city will be first represented, which~~  
27 ~~next, and so on. The city first drawn is entitled to representation~~  
28 ~~until July 1, 1968, and each city is entitled thereafter to~~  
29 ~~representation for 1 year, in its proper turn as determined by the~~  
30 ~~original drawing, until July 1, 1975. Commencing July 1, 1975, the~~  
31 ~~city then entitled to representation on the board is entitled to~~  
32 ~~representation for 2 years, and thereafter each city is entitled to~~  
33 ~~representation for 2 years in its proper turn as determined by the~~  
34 ~~original drawing.]~~ *facilitate a biennial rotation of the authority to*  
35 *appoint that member among those cities.*

36 3. Any vacancy occurring on a county fair and recreation board  
37 must be filled by the authority entitled to appoint the member whose  
38 position is vacant.

39 4. After the initial appointments of members appointed  
40 pursuant to paragraph ~~[(f)]~~ (g) of subsection 1, all members must be  
41 appointed for 2-year terms. If any such member ceases to be  
42 engaged in the business sector which he was appointed to represent,  
43 he ceases to be a member, and another person engaged in that



1 business must be appointed to fill the unexpired term. Any such  
2 member may succeed himself.

3 5. *The term of the member appointed pursuant to paragraph*  
4 *(f) of subsection 1 is 2 years, commencing on July 1 of each odd-*  
5 *numbered year.*

6 6. The terms of members appointed pursuant to paragraphs (a)  
7 to ~~[(d)]~~ (e), inclusive, of subsection 1 are coterminous with their  
8 terms of office. Any such member may succeed himself.

9 **Sec. 2.** Section 1.050 of the Charter of the City of North Las  
10 Vegas, being chapter 573, Statutes of Nevada 1971, as amended by  
11 chapter 215, Statutes of Nevada 1997, at page 747, is hereby  
12 amended to read as follows:

13 Sec. 1.050 Elective offices.

14 1. The elective officers of the City consist of:

15 (a) A Mayor.

16 (b) ~~Four Councilmen.~~ *One Councilman from each*  
17 *ward.*

18 (c) One or more Municipal Judges, as determined  
19 pursuant to section 4.005 of this Charter.

20 2. Such officers must be elected as provided by this  
21 Charter.

22 **Sec. 3.** Section 2.010 of the Charter of the City of North Las  
23 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended  
24 by chapter 344, Statutes of Nevada 1999, at page 1413, is hereby  
25 amended to read as follows:

26 Sec. 2.010 City Council: Qualifications; election; term  
27 of office; salary.

28 1. The legislative power of the City is vested in a City  
29 Council consisting of four Councilmen and a Mayor.

30 2. The Mayor must be:

31 (a) A bona fide resident of the City for at least 6 months  
32 immediately preceding his election.

33 (b) A qualified elector within the City.

34 3. Each Councilman:

35 (a) Must be a qualified elector who has resided in the  
36 ward which he represents for at least 30 days immediately  
37 preceding the last day for filing a declaration of candidacy for  
38 his office.

39 (b) Must continue to live in the ward he represents, except  
40 that changes in ward boundaries made pursuant to section  
41 1.045 of this Charter will not affect the right of any elected  
42 Councilman to continue in office for the term for which he  
43 was elected.

44 4. At the time of filing, if so required by an ordinance  
45 duly enacted, candidates for the office of Mayor and



Councilman shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. ~~[All Councilmen, including the Mayor,]~~ *Each Councilman* must be voted upon *only* by the registered voters of the ~~[City at large, and their terms]~~ *ward that he seeks to represent, and his term* of office ~~[are]~~ *is* 4 years.

6. *The Mayor must be voted upon by the registered voters of the City at large, and his term of office is 4 years.*

7. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

**Sec. 4.** Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 73, Statutes of Nevada 2003, at page 485, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. On the Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there ~~[shall]~~ *must* be elected, ~~[by the qualified voters of the City,]~~ at a general election to be held for that purpose, a Mayor and two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. On the Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there ~~[shall]~~ *must* be elected, ~~[by the qualified voters of the City,]~~ at a general election to be held for that purpose, two Councilmen, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. *In such a general election:*

(a) *A candidate for the office of City Councilman must be elected only by the registered voters of the ward that he seeks to represent.*

(b) *Candidates for all other elective offices must be elected by the registered voters of the City at large.*

**Sec. 5.** Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3566, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Councilmen must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for



1 City Councilmen will seek to represent. A candidate for the  
2 office of City Councilman shall include in his declaration of  
3 candidacy the number of the ward which he seeks to  
4 represent. Each candidate for City Council must be  
5 designated as a candidate for the City Council seat that  
6 corresponds with the ward that he seeks to represent.

7 2. If for any general municipal election there are three or  
8 more candidates for the offices of Mayor or Municipal Judge,  
9 or for a particular City Council seat, a primary election for  
10 any such office must be held on the Tuesday following the  
11 first Monday in April preceding the general election. *In the*  
12 *primary election:*

13 *(a) A candidate for the office of City Councilman must*  
14 *be voted upon only by the registered voters of the ward that*  
15 *he seeks to represent.*

16 *(b) Candidates for all other elective offices must be*  
17 *voted upon by the registered voters of the City at large.*

18 3. Except as otherwise provided in subsection 4, after  
19 the primary election, the names of the two candidates for  
20 Mayor, Municipal Judge and each City Council seat who  
21 receive the highest number of votes must be placed on the  
22 ballot for the general election.

23 4. If one of the candidates for Mayor, Municipal Judge  
24 or a City Council seat receives a majority of the total votes  
25 cast for that office in the primary election, he shall be  
26 declared elected to office and his name must not appear on  
27 the ballot for the general election.

28 **Sec. 6.** The two City Councilmen for the City of North Las  
29 Vegas elected from Wards 1 and 3 whose terms of office  
30 commenced on July 1, 2005, shall be deemed to represent only  
31 Wards 1 and 3, respectively, commencing on July 1, 2007.

32 **Sec. 7.** 1. This section becomes effective upon passage and  
33 approval.

34 2. Section 1 of this act becomes effective upon passage and  
35 approval for the purpose of appointing the member of the county  
36 fair and recreation board pursuant to paragraph (e) of subsection 1  
37 of NRS 244A.603, as amended by this act, and on July 1, 2005, for  
38 all other purposes.

39 3. Sections 2 to 6, inclusive, of this act become effective on  
40 January 27, 2007, for the purposes related to the filing of a  
41 declaration of candidacy for the Office of City Councilman for the  
42 City of North Las Vegas and on July 1, 2007, for all other purposes.





