

ASSEMBLY BILL NO. 160—ASSEMBLYMEN PARNELL, BOBZIEN,
LESLIE, ANDERSON, SMITH, GANSERT AND PIERCE

FEBRUARY 23, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to annexation by cities in certain counties. (BDR 21-848)

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 cities; revising the membership of certain city annexation commissions; revoking the authority for the duties of a city annexation commission to be transferred to the regional planning commission in certain counties; providing, in certain counties, that persons who own property in the unincorporated area within a certain distance outside the boundaries of territory proposed to be annexed must be given notice of and may protest the proposed annexation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, in a county whose population is less than 400,000
2 (currently counties other than Clark County), if the governing body of a city wishes
3 to conduct a nonvoluntary annexation, the governing body must give notice of its
4 intent to annex to each owner of real property in the territory proposed to be
5 annexed. (NRS 268.654) The owners of real property in the territory proposed to be
6 annexed may protest the annexation and, with certain exceptions, the annexation is
7 required to be denied if it is protested by a majority in number of those owners or a
8 number of those owners collectively owning greater than 50 percent of the total
9 value of the real property. (NRS 268.656, 268.660) **Sections 5-7** of this bill extend
10 the right of notice and the right to protest such an annexation to owners of real
11 property in the unincorporated area that is within one-half mile outside the
12 boundaries of the territory proposed to be annexed.

13 Under existing law, in a county whose population is less than 400,000
14 (currently counties other than Clark County), the governing body of a city may



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conduct a voluntary annexation with respect to contiguous territory owned in fee by the city, or other contiguous territory if 100 percent of the owners of record of the real property within the territory petition the governing body to annex that territory. (NRS 268.670) **Section 9** of this bill provides that, before a governing body conducts such a voluntary annexation, it must give notice to the board of county commissioners and to each owner of real property in the unincorporated area that is within 1 mile outside the boundaries of the territory proposed to be annexed. Pursuant to **section 9**, such an owner of real property or the board of county commissioners may file with the governing body a written protest to the voluntary annexation, in which case the governing body, if it wishes to continue pursuing the annexation, must use the procedures for a nonvoluntary annexation set forth in NRS 268.610 to 268.668, inclusive.

Under existing law, in a county whose population is 100,000 or more but less than 400,000 (currently Washoe County), a city annexation commission is created and if the number of members of the commission representing the county and each city in the county would produce an even number of members, the Governor is required to appoint the chairman of the regional planning commission to the city annexation commission. (NRS 268.626) The governing bodies of the county and each city in the county may execute an interlocal agreement to transfer the duties of the city annexation commission to the regional planning commission. (NRS 268.626)

Sections 1-4 of this bill revoke the authority to transfer the duties of the city annexation commission to the regional planning commission and alter the membership of the city annexation commission to exclude the chairman of the regional planning commission and to instead include a member who represents the general public. (NRS 268.616, 268.620, 268.626, 268.628)

Section 11 of this bill provides that if proceedings to annex territory have been commenced but not concluded as of October 1, 2007, in a county whose population is less than 400,000 (currently counties other than Clark County), such proceedings must be terminated and, if the party who initiated such proceedings wishes to continue pursuing the annexation, that party must recommence proceedings for the annexation in accordance with the amendatory provisions of this bill.

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

Section 1. NRS 268.616 is hereby amended to read as follows:

268.616 "Commission" means a city annexation commission or, for the purposes of NRS 268.630 to 268.670, inclusive, in counties where no city annexation commission exists, the board of county commissioners, or in Carson City, the board of supervisors .
~~for, in a county which has entered an interlocal agreement pursuant to subsection 2 of NRS 268.626, the regional planning commission.]~~

Sec. 2. NRS 268.620 is hereby amended to read as follows:

268.620 "Executive officer" means:

1. With respect to a city annexation commission, the county manager or like administrative officer of the county.

2. ~~[With respect to a city annexation commission in a county that has executed an interlocal agreement pursuant to subsection 2 of NRS 268.626, the director of regional planning.~~



1 ~~—3.]~~ With respect to a board of county commissioners, the county
2 manager or like administrative officer of the county, or the clerk of
3 such board.

4 **Sec. 3.** NRS 268.626 is hereby amended to read as follows:

5 268.626 ~~[(1.)~~ There is hereby created, in each county of the
6 State whose population is 100,000 or more ~~[and]~~ **but** less than
7 400,000, a city annexation commission which consists of members
8 to be selected as follows:

9 ~~[(a)]~~ **1.** Two members representing the county, one of whom
10 must be the chairman of the board of county commissioners and the
11 other a member of the board to be chosen by the board.

12 ~~[(b)]~~ **2.** One member representing each city, who must be a
13 member of the governing body to be chosen by the governing body.

14 ~~[(c) If the provisions of paragraphs (a) and (b) result in an even~~
15 ~~number of members, the Governor shall appoint an additional~~
16 ~~member who is the chairman of the regional planning commission.~~

17 ~~—2.— The governing bodies of a county and each incorporated city~~
18 ~~in the county may execute an interlocal agreement to transfer the~~
19 ~~duties of the city annexation commission to the regional planning~~
20 ~~commission.]~~

21 **3. One member representing the general public who must be**
22 **appointed by the chairman of the regional planning commission.**

23 **Sec. 4.** NRS 268.628 is hereby amended to read as follows:

24 268.628 1. The first members must be chosen by the
25 respective bodies during the month of May 1967, and serve until the
26 selection and qualification of their successors. Thereafter, members
27 of the commission must be chosen by the respective bodies during
28 the month of January of each odd-numbered year, and serve until
29 the selection and qualification of their successors.

30 2. Any member who ceases to be a member of the body from
31 which he was chosen ceases to be a member of the commission.
32 Any vacancy must be filled by the body which made the original
33 choice, for the unexpired term.

34 3. ~~[The chairman of the regional planning commission shall~~
35 ~~serve as chairman of the commission.]~~ The members of the
36 commission shall elect a **chairman and a** vice chairman, who
37 presides in the absence of the chairman.

38 4. Commission members shall serve without compensation but
39 must be reimbursed the actual amounts of their reasonable and
40 necessary expenses incurred in attending meetings and in
41 performing the duties of their office.

42 **Sec. 5.** NRS 268.654 is hereby amended to read as follows:

43 268.654 1. Upon receipt of a notice of approval from the
44 commission, the clerk of the governing body shall cause a copy of
45 the petition or resolution of intent to annex, and of any



1 modifications or conditions imposed by the commission, to be
2 published in a newspaper of general circulation in the territory
3 proposed to be annexed, or, if there is none, in a newspaper of
4 general circulation published in the county. If no such newspapers
5 are published, a copy of the petition or resolution ~~{shall}~~ *must* be
6 posted at the front door of the city hall or county courthouse and in
7 at least two conspicuous places in the territory proposed to be
8 annexed, for not less than 20 days before the next regular meeting of
9 the governing body and before there is a vote by the governing body
10 upon the question of annexation.

11 2. Publication of the petition or resolution pursuant to this
12 section ~~{shall}~~ *must* be for at least 20 days. Three publications in a
13 newspaper published once a week or oftener are sufficient, but the
14 first and last publications ~~{shall}~~ *must* be at least 6 days apart. The
15 period of notice commences upon the first day of publication and
16 terminates either upon the day of the third publication or at the end
17 of the 20th day, including therein the first day, whichever period is
18 longer. At the time the first publication is made, the clerk of the
19 governing body shall send a copy of such petition or resolution by
20 certified mail, return receipt requested, to ~~{each}~~ :

21 (a) *Each* owner of real property in the territory proposed to be
22 annexed ~~{~~.

23 ~~—3. Included with the~~ ; and

24 (b) *Each owner of real property in the unincorporated area*
25 *that is within one-half mile outside the boundaries of the territory*
26 *proposed to be annexed.*

27 3. *The* petition or resolution in the notice as published or
28 posted and mailed ~~{shall}~~ *must* be *accompanied by* a list of ~~{all}~~ :

29 (a) *All* property owners of record in the territory proposed to be
30 annexed ~~{~~ ; and

31 (b) *All property owners of record in the unincorporated area*
32 *that is within one-half mile outside the boundaries of the territory*
33 *proposed to be annexed.*

34 **Sec. 6.** NRS 268.656 is hereby amended to read as follows:

35 268.656 1. Any owner of real property ~~{in}~~ :

36 (a) *In* the territory proposed to be annexed ; or

37 (b) *In the unincorporated area that is within one-half mile*
38 *outside the boundaries of the territory proposed to be annexed,*

39 *↪* may file a written protest to such annexation during the 20-day
40 notice period and may appear and be heard prior to any vote of the
41 governing body on the annexation.

42 2. Such protest may relate to ~~{a part only of such}~~ *the* territory
43 *proposed to be annexed or to the unincorporated area that is*
44 *within one-half mile outside the boundaries of the territory*
45 *proposed to be annexed,* and when so relating ~~{shall}~~ *must* be



1 granted for any good cause shown, including , without limitation ,
2 the inability of the annexing city to provide appropriate
3 governmental services within a reasonable time to ~~[such part.]~~ *the*
4 *territory proposed to be annexed.*

5 **Sec. 7.** NRS 268.660 is hereby amended to read as follows:

6 268.660 1. Except as *otherwise* provided in subsection 2, the
7 annexation must be denied if protests are made, either in writing as
8 provided in NRS 268.656 or at the public hearing, by:

9 (a) A majority in number of the *owners of* real property ~~[owners~~
10 ~~of:]~~ :

11 (1) *In the territory proposed to be annexed; or*

12 (2) *In the unincorporated area that is within one-half mile*
13 *outside the boundaries of the territory proposed to be annexed; or*

14 (b) The owners of real property whose combined value is greater
15 than 50 percent of the total value of real property ~~[is:]~~ :

16 (1) *In the territory proposed to be annexed, as determined by*
17 *assessment for taxation* ~~[is:]~~ ; *or*

18 (2) *In the unincorporated area that is within one-half mile*
19 *outside the boundaries of the territory proposed to be annexed, as*
20 *determined by assessment for taxation.*

21 2. Annexation of territory to a city may be approved over any
22 protest if:

23 (a) The territory proposed to be annexed is entirely surrounded
24 by such city and:

25 (1) Does not exceed 40 acres in area; or

26 (2) Is subdivided for residential, commercial or industrial
27 purposes;

28 (b) Provision of municipal services, including , without
29 limitation , water, sewerage, police protection and fire protection, to
30 the territory proposed to be annexed is necessary to the public
31 health, safety, convenience or welfare; and

32 (c) The city to which annexation is proposed is or within a
33 reasonable time will be able to supply the municipal services so
34 required.

35 3. In a county that is subject to the provisions of NRS 278.026
36 to 278.029, inclusive, if an annexation is denied because of:

37 (a) A protest made pursuant to subsection 1, the regional
38 planning commission shall review the program of annexation and
39 the comprehensive regional plan and shall:

40 (1) Place the territory removed from the program of
41 annexation in a category in the comprehensive regional plan that is
42 not scheduled to receive public facilities or public services for the
43 duration of the annexation program;

44 (2) Place the territory removed from the program of
45 annexation, with the consent of the governing body of the county



1 and the governing body of the affected city, in a category in the
2 comprehensive regional plan that is scheduled to receive public
3 facilities and public services from the county; or

4 (3) Retain the territory within the program of annexation.
5 This subparagraph does not preclude a subsequent proceeding with
6 respect to all or part of that territory if the proceeding is commenced
7 more than 1 year after the public hearing.

8 (b) A failure of the city to put into effect the program of
9 annexation, the regional planning commission may direct that the
10 territory be placed in a category in the comprehensive regional plan
11 that allows the county to provide services to the territory.

12 4. A public body may exclude its own lands from annexation if
13 they are held for purposes other than highways.

14 **Sec. 8.** NRS 268.662 is hereby amended to read as follows:

15 268.662 1. Whenever it is necessary for the purposes of NRS
16 268.610 to 268.670, inclusive, to determine the number or identity
17 of the owners of real property in a territory proposed to be annexed
18 ~~[]~~ *or in an unincorporated area that is within a certain distance*
19 *outside the boundaries of the territory proposed to be annexed*, a
20 list of such owners, certified by the county assessor on any date
21 between the initiation as provided in NRS 268.636 and the hearing
22 as provided in NRS 268.658, both dates inclusive, ~~[shall be]~~ *is*
23 prima facie evidence that only those persons named thereon are such
24 owners.

25 2. A petition or protest is sufficient for the purposes of NRS
26 268.610 to 268.670, inclusive, as to any parcel of real property:

27 (a) Which is owned by more than one natural person, if it is
28 signed by a majority of the owners.

29 (b) Which is owned by an artificial person, if it is signed by any
30 authorized agent.

31 **Sec. 9.** NRS 268.670 is hereby amended to read as follows:

32 268.670 1. ~~[As]~~ *Except as otherwise provided in subsection*
33 *4, as* an alternative to the procedures for initiation of annexation
34 proceedings set forth in NRS 268.610 to 268.668, inclusive, the
35 governing body of a city may, subject to the provisions of NRS
36 268.663 and after ~~[notifying the board of county commissioners of~~
37 ~~the county in which the city lies]~~ *providing notice* ~~[]~~
38 *as required pursuant to subsection 2*, annex:

39 (a) Contiguous territory owned in fee by the city.

40 (b) Other contiguous territory if 100 percent of the owners of
41 record of individual lots or parcels of land within such ~~[area]~~
42 *territory* sign a petition requesting the governing body to annex such
43 ~~[area]~~ *territory* to the city. ~~[H]~~ *Except as otherwise provided in*
44 *subsection 4, if* such petition is received and accepted by the
45 governing body, the governing body may proceed to adopt an



1 ordinance annexing such ~~area~~ territory and to take such other
2 action as is necessary and appropriate to accomplish such
3 annexation.

4 2. *At least 30 days before the governing body of a city*
5 *annexes territory pursuant to subsection 1, the governing body*
6 *shall provide notice of its intention to annex that territory. Such*
7 *notice must be provided in writing and sent by certified mail,*
8 *return receipt requested, to:*

9 (a) *The board of county commissioners of the county in which*
10 *the city is located; and*

11 (b) *Each owner of real property in the unincorporated area*
12 *that is within 1 mile outside the boundaries of the territory*
13 *proposed to be annexed.*

14 3. *Within 30 days after the mailing of the notice pursuant to*
15 *subsection 2, the board of county commissioners or an owner of*
16 *real property in the unincorporated area that is within 1 mile*
17 *outside the boundaries of the territory proposed to be annexed may*
18 *file with the governing body a written protest to the proposed*
19 *annexation.*

20 4. *If the governing body of a city receives a written protest*
21 *pursuant to subsection 3, the governing body shall, if it wishes to*
22 *continue pursuing the annexation, follow the procedures for*
23 *initiation of annexation proceedings set forth in NRS 268.610 to*
24 *268.668, inclusive.*

25 5. For the purposes of this section, "contiguous" means either
26 abutting directly on the boundary of the annexing municipality or
27 separated from the boundary thereof by a street, alley, public right-
28 of-way, creek, river or the right-of-way of a railroad or other public
29 service corporation, or by lands owned by the annexing
30 municipality, by some other political subdivision of the State or by
31 the State of Nevada.

32 **Sec. 10.** In a county whose population is 100,000 or more but
33 less than 400,000:

34 1. If the governing bodies of the county and each incorporated
35 city in the county have executed an interlocal agreement pursuant to
36 subsection 2 of NRS 268.626, as that subsection existed before
37 October 1, 2007:

38 (a) The interlocal agreement becomes void on October 1, 2007;
39 and

40 (b) As soon as practicable after October 1, 2007, the members of
41 the city annexation commission must be selected in the manner
42 prescribed in NRS 268.626, as amended by this act. The members
43 so selected serve until the selection and qualification of their
44 successors in January 2009 pursuant to subsection 1 of
45 NRS 268.628.



2. If the governing bodies of the county and each incorporated city in the county have not executed an interlocal agreement pursuant to subsection 2 of NRS 268.626, as that subsection existed before October 1, 2007, the chairman of the regional planning commission shall, as soon as practicable after October 1, 2007, appoint to the city annexation commission a member representing the general public as described in subsection 3 of NRS 268.626, as amended by this act. The member so selected serves until the selection and qualification of his successor in January 2009 pursuant to subsection 1 of NRS 268.628.

Sec. 11. 1. If any proceedings to annex territory to a city pursuant to NRS 268.610 to 268.670, inclusive, have been commenced but not concluded as of October 1, 2007, such proceedings must be terminated and, if the party who initiated the proceedings wishes to continue pursuing the annexation, recommenced pursuant to NRS 268.610 to 268.670, inclusive, as amended by this act.

2. If proceedings to annex territory to a city must be recommenced as described in subsection 1 and if such proceedings were being considered by a regional planning commission pursuant to an interlocal agreement entered into under subsection 2 of NRS 268.626, as that subsection existed before October 1, 2007, the proceedings must be transferred to the city annexation commission for consideration by that entity.

Sec. 12. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

