

ASSEMBLY BILL NO. 400—ASSEMBLYMEN
HARDY; AND HAMBRICK

MARCH 21, 2011

JOINT SPONSOR: SENATOR HARDY

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to town advisory boards.
(BDR 21-818)

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 unincorporated towns; requiring the election of members of a town advisory board in a county whose population is 400,000 or more; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the board of county commissioners of a county whose
2 population is 400,000 or more (currently Clark County), when enacting an
3 ordinance to establish an unincorporated town, may choose to either appoint the
4 members of the town advisory board or to allow the registered voters of the
5 unincorporated town to elect the members of the town advisory board. (NRS
6 269.576) This bill requires the members of a town advisory board for an
7 unincorporated town in a county whose population is 400,000 or more to be elected
8 by the registered voters of the unincorporated town.

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

- 1 **Section 1.** NRS 269.563 is hereby amended to read as follows:
2 269.563 1. The board of county commissioners of a county
3 whose population is 400,000 or more may provide by ordinance for
4 the formation of an unincorporated town in an area that contains no
5 residents if all of the owners of land within the boundaries of the



1 proposed unincorporated town so request in writing. The written
2 request of the owners must include the statement that the owners
3 consent to be taxed for the services to be listed in the ordinance. If
4 any owner withdraws his or her consent before adoption of the
5 ordinance creating the unincorporated town, the owner's property
6 must be excluded in fixing the boundaries of the town.

7 2. The ordinance must contain clear designation of the
8 boundaries of the unincorporated town and the boundaries of any
9 area which may be annexed into the unincorporated town, a listing
10 of services to be provided, the number of members to serve on the
11 town advisory board and the conditions that must be satisfied before
12 ~~appointment~~ election of the first town advisory board. These
13 conditions may include, without limitation, the number of residents,
14 the level of services being provided and the extent of improvements
15 in place.

16 **Sec. 2.** NRS 269.576 is hereby amended to read as follows:

17 269.576 1. Except as ~~appointment~~ election may be deferred
18 pursuant to NRS 269.563, the board of county commissioners of any
19 county whose population is 400,000 or more shall, in each
20 ordinance which establishes an unincorporated town pursuant to
21 NRS 269.500 to 269.625, inclusive, provide for:

22 (a) ~~{Appointment by the board of county commissioners or the}~~
23 **Blue** election by the registered voters of the unincorporated town of
24 three or five qualified electors who are residents of the
25 unincorporated town to serve as the town advisory board. ~~{If the~~
26 ~~ordinance provides for appointment by the board of county~~
27 ~~commissioners, in making such appointments, the board of county~~
28 ~~commissioners shall consider:~~

29 ~~—— (1) The results of any poll conducted by the town advisory~~
30 ~~board; and~~

31 ~~—— (2) Any application submitted to the board of county~~
32 ~~commissioners by persons who desire to be appointed to the town~~
33 ~~advisory board in response to an announcement made by the town~~
34 ~~advisory board.}~~

35 (b) A term of 2 years for members of the town advisory board.

36 (c) Election of a chair from among the members of the town
37 advisory board for a term of 2 years, and, if a vacancy occurs in the
38 office of chair, for the election of a chair from among the members
39 for the remainder of the unexpired term. The ordinance must also
40 provide that a chair is not eligible to succeed himself or herself for a
41 term of office as chair.

42 2. ~~{The members of a town advisory board serve at the pleasure~~
43 ~~of the board of county commissioners.}~~ If a ~~member is removed,~~
44 **vacancy occurs on the town advisory board,** the board of county
45 commissioners shall appoint a new member to serve out the



1 remainder of the unexpired term . ~~{of the member who was~~
2 ~~removed.}~~

3 3. The board of county commissioners shall provide notice of
4 the expiration of the term of a member of and any vacancy on a
5 town advisory board to the residents of the unincorporated town by
6 mail, newsletter or newspaper at least 30 days before the expiration
7 of the term or filling the vacancy.

8 4. The duties of the town advisory board are to:

9 (a) Assist the board of county commissioners in governing the
10 unincorporated town by acting as liaison between the residents of
11 the town and the board of county commissioners; and

12 (b) Advise the board of county commissioners on matters of
13 importance to the unincorporated town and its residents.

14 5. The board of county commissioners may provide by
15 ordinance for compensation for the members of the town advisory
16 board.

17 **Sec. 3.** The amendatory provisions of this act do not affect the
18 current term of appointment or election for any person who, on
19 October 1, 2011, is a member of a town advisory board in a county
20 whose population is 400,000 or more.

