

ASSEMBLY BILL NO. 131—ASSEMBLYMEN HARDY, ELLISON; PAUL
ANDERSON, FIORE, GRADY, HAMBRICK, HICKEY,
KIRKPATRICK, KIRNER, LIVERMORE, OSCARSON, STEWART
AND WHEELER

FEBRUARY 18, 2013

JOINT SPONSORS: SENATORS HARDY; CEGAVSKE,
GOICOECHEA, HAMMOND AND SETTELMEYER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the Board of the
Virgin Valley Water District. (BDR S-634)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Virgin Valley Water District; requiring each
member of the Board of the District to be elected; setting
forth the terms of service of the members of the Board;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Board of the Virgin Valley Water District consists of
2 five members. Of the five members, one member is appointed by the Mayor of the
3 City of Mesquite, one member is appointed by the governing body of the town of
4 Bunkerville and three members are elected from the service area of the District. Of
5 the three elected members, one of the members must reside in the geographical area
6 of the District located south of the Virgin River. (Section 5 of chapter 100, Statutes
7 of Nevada 1993, p. 163, as amended by chapter 266, Statutes of Nevada 1995, p.
8 444) **Section 1** of this bill requires that all five members of the Board be elected
9 from the service area of the District. **Section 1** also requires that two of the five
10 members be elected from the geographical area of the District located south of the
11 Virgin River. **Section 1** also requires that: (1) three members, including one
12 member who resides in the geographical area of the District located south of the
13 Virgin River, serve 4-year terms; and (2) two members, including one member who
14 resides in that geographical area, serve 2-year terms.



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

Section 1. Section 5 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, as amended by chapter 266, Statutes of Nevada 1995, at page 444, is hereby amended to read as follows:

Sec. 5. 1. Except as otherwise provided in section 4 of this act, the governing Board of the District consists of five members ~~selected as follows:~~

~~—(a) One member appointed by the mayor of the City of Mesquite with the approval of the City Council of that city.~~

~~—(b) One member appointed by the governing body of the town of Bunkerville, who must reside in the geographical area of the District located south of the Virgin River. If the town of Bunkerville is annexed into the City of Mesquite, this member must be appointed pursuant to paragraph (a), subject to the residency requirement set forth in this paragraph.~~

~~—(c) Three members~~ elected from the service area of the District, ~~one~~ *two* of whom must reside in the geographical area of the District located south of the Virgin River.

2. Except for members of the first Board, ~~and appointed members,~~ members of the Board must be elected at a general district election held in conjunction with the general election of Clark County in 1994 and with subsequent general elections of Clark County. ~~The elected member~~ *Three of the members, including one member* who is required to reside in the geographical area of the District located south of the Virgin River, ~~and one other elected member, who must be chosen by lot,~~ serve terms of 4 years and the remaining ~~elected member serves a term~~ *members, including the other member who is required to reside in the geographical area of the District located south of the Virgin River, serve terms* of 2 years. ~~The appointed members serve terms of 2 years.~~

Sec. 2. Section 7 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 164, is hereby amended to read as follows:

Sec. 7. 1. Except as otherwise provided in this section and sections 4 and 5 of this act, each member of the Board must:

(a) Reside in the District for at least 6 months before ~~this or her appointment or~~ the election at which the member is elected;

(b) Be a qualified elector of the District;



(c) ~~If the member is elected to office, be~~ **Be** elected by a plurality of the qualified electors of the District; and

(d) Take office upon qualification therefor as provided in subsection 3, or on the first Monday in January next following the member's election , ~~for appointment,~~ whichever is later, and leave office upon the first Monday in January next following the election ~~for appointment~~ of the member's successor in office.

2. If the Board establishes various election areas within the District, each member ~~who is elected to~~ **of** the Board must:

(a) Reside in the election area represented for at least 6 months before the election at which the member is elected;

(b) Be a qualified elector of the election area represented;

(c) Be elected by a plurality of the qualified electors of the election area represented; and

(d) Take office in the manner prescribed in paragraph (d) of subsection 1.

3. Before taking office, each member of the Board must qualify by filing with the Clerk of Clark County:

(a) An oath of office taken and subscribed in the manner prescribed by the Clerk; and

(b) A corporate surety bond, at the expense of the District, in an amount determined by the Clerk, but no greater than \$10,000, which bond must guarantee the faithful performance of the duties of the member.

4. A vacancy in the office of a member ~~who is elected to~~ **of** the Board must be filled by appointment of the remaining members of the Board. The person so appointed must be a resident and elector of the District, or if the board has established various election areas, the election area represented, and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the remainder of the term of the member whose absence required his or her appointment. If the Board fails, neglects or refuses to fill a vacancy within 30 days after a vacancy occurs, the Board of County Commissioners of Clark County shall fill the vacancy.

~~5. A vacancy in the office of a member who is appointed to the Board must be filled by appointment of the governing body who made the previous appointment. The person so appointed must be a resident and elector of the District and, before taking office, qualify in the manner prescribed in subsection 3. The person shall serve the~~



~~remainder of the term of the member whose absence required
his or her appointment.]~~

Sec. 3. 1. Notwithstanding the provisions of the Virgin Valley Water District Act, the term of each member of the Board of the Virgin Valley Water District expires on December 31, 2014.

2. As soon as practicable after all the members of the Board of the Virgin Valley Water District are elected and qualified after January 1, 2015, the members of the Board shall, by lot, select:

(a) Three members of the Board to serve for terms of 4 years, including one member of the Board who resides in the geographical area of the Virgin Valley Water District located south of the Virgin River; and

(b) Two members of the Board to serve for terms of 2 years, including one member of the Board who resides in the geographical area described in paragraph (a).

Sec. 4. This act becomes effective on January 1, 2014, for the purpose of filing a declaration of candidacy to serve as a member of the Board of the Virgin Valley Water District and on January 1, 2015, for all other purposes.

