

## Amendment No. 259

Assembly Amendment to Assembly Bill No. 231

(BDR 20-1039)

**Proposed by:** Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION |                          |      |                          | Initial and Date | SENATE ACTION |                          |      |                          | Initial and Date |
|-----------------|--------------------------|------|--------------------------|------------------|---------------|--------------------------|------|--------------------------|------------------|
| Adopted         | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____            | Adopted       | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____            |
| Concurred In    | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____            | Concurred In  | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____            |
| Receded         | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____            | Receded       | <input type="checkbox"/> | Not  | <input type="checkbox"/> | _____            |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SJA/MSN



Date: 4/12/2013

A.B. No. 231—Revises provisions regarding local governing bodies.  
(BDR 20-1039)



ASSEMBLY BILL NO. 231—ASSEMBLYMEN OSCARSON;  
ELLISON, HARDY AND WHEELER

MARCH 11, 2013

JOINT SPONSORS: SENATORS GOICOECHEA;  
AND SETTELMEYER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions regarding local governing bodies.  
(BDR 20-1039)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 local governing bodies; providing for the filling of vacancies in  
the membership of certain local governing bodies; and providing other  
matters properly relating thereto.**Legislative Counsel's Digest:**

1 Existing law provides for the organization and membership of town boards of  
2 unincorporated towns, town advisory boards, ~~and~~ *and* boards of directors of local improvement  
3 districts ~~and boards of trustees of general improvement districts~~ (NRS 269.018, 269.576,  
4 269.577, 309.120 ~~and 318.090~~). This bill provides that a vacancy in the membership of such a  
5 governing body must be filled by appointment by the applicable board of county  
6 commissioners.

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

1 **Section 1.** NRS 245.170 is hereby amended to read as follows:  
2 245.170 Except as otherwise provided by specific statute ~~1-11~~ :  
3 *1. If* a vacancy is declared in any county or township office, except the offices  
4 of district judge and county commissioner:  
5 ~~1-1~~ *(a)* Thirty days or more before the date of the close of filing of  
6 declarations of candidacy specified in NRS 293.177, and the office is not otherwise  
7 scheduled for election at the next ensuing biennial election:  
8 ~~1-1~~ *(1)* The board of county commissioners shall appoint a suitable person  
9 who is an elector of the county to fill the vacancy until the first Monday of January  
10 after the next ensuing biennial election;  
11 ~~1-1~~ *(2)* The office must be placed on the ballot at that election; and

~~(c)~~ (3) The person elected shall serve the remainder of the unexpired term.  
~~(2)~~ (b) At any other time, the board of county commissioners shall appoint a suitable person who is an elector of the county to serve the remainder of the unexpired term.

*2. If a vacancy is declared in the position of a member of a town board appointed or elected pursuant to the provisions of NRS 269.016 to 269.022, inclusive:*

*(a) Thirty days or more before the date of the close of filing of declarations of candidacy specified in NRS 293.177, and the position is not otherwise scheduled for election at the next ensuing biennial election:*

*(1) The board of county commissioners shall appoint a suitable person who is an elector of the unincorporated town to fill the vacancy until the first Monday of January after the next ensuing biennial election;*

*(2) The position must be placed on the ballot at that election; and*

*(3) The person elected shall serve the remainder of the unexpired term.*

*(b) At any other time, the board of county commissioners shall appoint a suitable person who is an elector of the unincorporated town to serve the remainder of the unexpired term.*

**Sec. 2.** NRS 269.018 is hereby amended to read as follows:

269.018 1. Except as otherwise provided in subsection 2, the term of office of a member of the town board is 4 years and begins on the first Monday in January following the general election at which the member is chosen.

2. The initial members of the board elected at a general election shall, at the first meeting of the board after their election and qualification, draw lots to determine which members serve terms of 2 years and which serve terms of 4 years. The drawing must result in, as nearly as possible, the election of half of the members of the board at each subsequent election.

*3. A vacancy in the position of a member of a town board must be filled pursuant to the provisions of NRS 245.170.*

**Sec. 3.** NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563, the board of county commissioners of any county whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

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

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

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

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

2. The members of a town advisory board serve at the pleasure of the board of county commissioners. If a member is removed, *or if the position of a member otherwise becomes vacant*, the board of county commissioners shall appoint a new

member to serve out the remainder of the unexpired term of the member who was removed.

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

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

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

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

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

**Sec. 4.** NRS 269.577 is hereby amended to read as follows:

269.577 1. The board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town. ~~†, and for†~~

*(c) The appointment by the board of county commissioners of a member to serve the unexpired term of ~~the†~~ a member ~~†so†~~ of the town advisory board removed ~~††~~ pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.*

2. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

3. The duties of the town advisory board are to:

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

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

**Sec. 5.** NRS 309.120 is hereby amended to read as follows:

309.120 1. The officers of such district shall consist of three, five or seven directors as aforesaid, a president and a vice president elected from their number, a secretary and a treasurer. The board may also appoint an assistant secretary who shall exercise such powers and perform such duties of the secretary as may be designated by the board of directors, except that such assistant secretary shall not be invested with authority to sign on behalf of the secretary any bonds of the district. The secretary and treasurer shall be appointed by the board of directors and may or may not be members of the board. Such officers shall serve at the will of the board. One person may be appointed to serve as secretary and treasurer.

2. The directors immediately upon their election and qualification shall meet and organize. The board of directors shall designate some place within the county where the organization of the district was effected as the office of the board, and the board shall hold a regular monthly meeting in its office on such day of the month as that fixed upon by resolution duly entered upon the minutes, and when the time for such a monthly meeting has been fixed, it cannot again be changed for 12 months, and it can only be changed by resolution passed at least 2 months prior to the time

1 such change will take effect and upon publication in a newspaper of general  
2 circulation in the district for at least 2 weeks prior to such change. Should the  
3 regular meeting day fall upon a nonjudicial day, such meeting must be held on the  
4 first judicial day thereafter.

5 3. The board of directors shall hold such special meetings as shall be required  
6 for the purpose of transaction of business, but all special meetings must be called  
7 by the president or a majority of the board. The order calling such special meeting  
8 must be entered on the record, and the secretary shall give each member not joining  
9 in the order 3 days' notice of such special meeting. The order must specify the  
10 business to be transacted at such special meeting, and none other than that specified  
11 shall be transacted.

12 4. Whenever all members of the board are present at a meeting, the same shall  
13 be deemed a legal meeting and any lawful business may be transacted. All meetings  
14 of the board must be public and a majority of the members constitutes a quorum for  
15 the transaction of business, but on all questions requiring a vote there must be an  
16 affirmative vote of at least a majority of all the members of the board.

17 5. All records of the board must be open to the inspection of any elector  
18 during business hours.

19 6. At the regular monthly meeting in January next following their elections,  
20 the board of directors shall meet and organize and elect a president and vice  
21 president and appoint a secretary and treasurer. The appointees aforesaid shall file  
22 bonds, which must be approved by the board, for the faithful performance of their  
23 duties.

24 7. Any vacancies in the offices of directors must be filled from the division in  
25 which the vacancy occurs by the remaining members of the board ~~of county~~  
26 ~~commissioners.~~ If the board fails, neglects or refuses to fill any vacancy within  
27 30 days after the vacancy occurs, the board of county commissioners shall fill  
28 that vacancy. A director appointed to fill a vacancy, as above provided, shall hold  
29 office until the next biennial election and until his or her successor is elected and  
30 qualified.

31 **Sec. 6.** ~~NRS 318.090 is hereby amended to read as follows:~~

32 ~~318.090 Except as otherwise provided in NRS 318.093 and 318.0953:~~

33 ~~1. The board shall, by resolution, designate the place where the office or~~  
34 ~~principal place of the district is to be located, which must be within the corporate~~  
35 ~~limits of the district and which may be changed by resolution of the board. Copies~~  
36 ~~of all those resolutions must be filed with the county clerk or clerks of the county or~~  
37 ~~counties wherein the district is located within 5 days after their adoption. The~~  
38 ~~official records and files of the district must be kept at that office and must be open~~  
39 ~~to public inspection as provided in NRS 239.010.~~

40 ~~2. The board of trustees shall meet regularly at least once each year, and at~~  
41 ~~such other times at the office or principal place of the district as provided in the~~  
42 ~~bylaws.~~

43 ~~3. Special meetings may be held on notice to each member of the board as~~  
44 ~~often as, and at such places within the district as, the needs of the district require.~~

45 ~~4. Except as otherwise provided in NRS 318.083, three members of the board~~  
46 ~~constitute a quorum at any meeting.~~

47 ~~5. A vacancy on the board must be filled by a qualified elector of the district~~  
48 ~~chosen by the [remaining members of the] board [.] of county commissioners, the~~  
49 ~~appointee to act until a successor in office qualifies as provided in NRS 318.080 on~~  
50 ~~or after the first Monday in January next following the next biennial election, held~~  
51 ~~in accordance with NRS 318.083 or 318.095, at which election the vacancy must be~~  
52 ~~filled by election if the term of office extends beyond that first Monday in January.~~  
53 ~~Nominations of qualified electors of the district as candidates to fill unexpired~~

1 ~~terms of 2 years may be made the same as nominations for regular terms of 4 years,~~  
2 ~~as provided in NRS 318.083 and 318.095. [If the board fails, neglects or refuses to~~  
3 ~~fill any vacancy within 30 days after the vacancy occurs, the board of county~~  
4 ~~commissioners shall fill that vacancy.]~~

5 ~~6. Each term of office of 4 years terminates on the first Monday in January~~  
6 ~~next following the general election at which a successor in office is elected, as~~  
7 ~~provided in NRS 318.082 or 318.095. The successor's term of office commences~~  
8 ~~then or as soon thereafter as the successor qualifies as provided in NRS 318.080,~~  
9 ~~subject to the provisions in this chapter for initial appointments to a board, for~~  
10 ~~appointments to fill vacancies of unexpired terms and for the reorganizations of~~  
11 ~~districts under this chapter which were organized under other chapters of NRS.]~~

12 ~~(Deleted by amendment.)~~

13 Sec. 7. This act becomes effective on July 1, 2013.