

SENATE BILL NO. 238—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 10, 2015

Referred to Committee on Government Affairs

SUMMARY—Disincorporates the City of Ely. (BDR S-709)

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 the City of Ely; disincorporating the City and forming the Town of Ely; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill disincorporates the City of Ely and forms the Town of Ely, effective
2 on January 1, 2016, if the voters of the City approve a ballot question on the issue
3 at the June 2, 2015, general city election. If the voters approve the disincorporation
4 of the City: (1) the Board of County Commissioners of White Pine County becomes
5 the governing body of the newly formed Town; and (2) all money, property, assets,
6 liabilities and indebtedness of the City of Ely become the money, property, assets,
7 liabilities and indebtedness of the Town of Ely, on January 1, 2016. This bill makes
8 various other changes to facilitate the transition of the City to the Town.

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

1 **Section 1.** 1. The City of Ely is hereby disincorporated.

2 2. The Town of Ely is hereby created. The boundaries of the
3 Town of Ely are coterminous with the boundaries of the City of Ely,
4 as they existed on December 31, 2015.

5 3. Notwithstanding any provision of law to the contrary,
6 the term of office of any elected officer of the City ends on
7 December 31, 2015.

8 **Sec. 2.** At the general city election held in the City of Ely on
9 June 2, 2015, a question must be placed on the ballot in substantially
10 the following form:



Shall the City of Ely be disincorporated?

Yes ☐ No ☐

The voter shall mark the ballot by placing a cross (x) next to the word "yes" or "no."

Sec. 3. If the question set forth in section 2 of this act is approved by the voters of the City of Ely:

1. All money, property, assets, liabilities and indebtedness of the City of Ely become the money, property, assets, liabilities and indebtedness of the Town of Ely on January 1, 2016.

2. On January 1, 2016:

(a) Except as otherwise provided in this paragraph, the Board of County Commissioners of White Pine County is the governing body of the Town of Ely. At any time on or after January 1, 2016:

(1) A town board may be established pursuant to NRS 269.016 to 269.022, inclusive;

(2) A citizens' advisory council may be established pursuant to NRS 269.024 to 269.0248, inclusive; or

(3) A town advisory board may be established pursuant to NRS 269.576 or 269.577, as applicable, if the provisions of NRS 269.500 to 269.625, inclusive, become applicable to the Town pursuant to NRS 269.530;

(b) Any justice of the peace within the Town of Ely shall have jurisdiction to execute and complete all unfinished business standing on the court records of the City of Ely; and

(c) The provisions of chapter 269 of NRS apply to the Town of Ely.

3. Any property located within the City of Ely which was assessed and taxed by the City before disincorporation must continue to be assessed and taxed to pay for any indebtedness incurred by the City before disincorporation.

4. Before January 1, 2016, the Board of County Commissioners of White Pine County and the City Council of the City of Ely must perform all actions and preparatory administrative tasks necessary to facilitate the transition of the City of Ely to the Town of Ely.

Sec. 4. NRS 243.385 is hereby amended to read as follows:

243.385 After August 1, 1887, the county seat of White Pine County shall be located at the ~~City~~ **Town** of Ely in White Pine County.

Sec. 5. NRS 328.350 is hereby amended to read as follows:

328.350 1. The consent of the State of Nevada is hereby given, in accordance with Clause 17 of Section 8 of Article I of the Constitution of the United States, to the acquisition by the United States of the following-described land in this state as a site for a federal building at Ely: Lying and being in the ~~City~~ **Town** of Ely,



County of White Pine, State of Nevada; beginning at a point being the intersection of the westerly line of Fifth Street with the southerly line of Clark Street; running thence south 79°6' west 125 feet to a point in the south line of Clark Street; thence south 10°54' east 100 feet to a point in the north line of a 15-foot public alley; thence north 79°6' east 125 feet to a point in the west line of Fifth Street; thence north 10°54' west 100 feet to the point or place of beginning, being all of Lots 7, 8, 9, 10 and 11 of Block "Y," as shown and delineated upon the map or plat of the Townsite of Ely, filed and recorded in the Office of the County Recorder of White Pine County, Nevada.

2. The exclusive jurisdiction in and over the land described is hereby ceded to the United States for all purposes, except the service thereon of all civil and criminal process of the courts of this state, but the jurisdiction so ceded shall continue no longer than the United States shall own such lands; and so long as the lands shall remain the property of the United States, and no longer, the same shall be and continue exempt and exonerated from all state, county and municipal assessment, taxation or other charges which may be levied or imposed under the authority of this state.

Sec. 6. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 3 of this act becomes effective on June 3, 2015, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.

3. Sections 1, 4 and 5 of this act become effective on January 1, 2016, only if a majority of the voters voting on the question placed on the ballot pursuant to section 2 of this act vote affirmatively on the question.

