

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

MARCH 11, 2013

JOINT SPONSORS: SENATORS GOICOECHEA;
AND SETTELMAYER

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 boards of directors of local
3 improvement districts. (NRS 269.018, 269.576, 269.577, 309.120) This bill
4 provides that a vacancy in the membership of such a governing body must be filled
5 by appointment by the applicable board of county 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,
4 except the offices of district judge and county commissioner:
5 ~~1-1~~ *(a)* Thirty days or more before the date of the close of filing
6 of declarations of candidacy specified in NRS 293.177, and the



1 office is not otherwise scheduled for election at the next ensuing
2 biennial election:

3 ~~1(a)~~ (1) The board of county commissioners shall appoint a
4 suitable person who is an elector of the county to fill the vacancy
5 until the first Monday of January after the next ensuing biennial
6 election;

7 ~~1(b)~~ (2) The office must be placed on the ballot at that election;
8 and

9 ~~1(c)~~ (3) The person elected shall serve the remainder of the
10 unexpired term.

11 ~~1(d)~~ (b) At any other time, the board of county commissioners
12 shall appoint a suitable person who is an elector of the county to
13 serve the remainder of the unexpired term.

14 **2. If a vacancy is declared in the position of a member of a**
15 ***town board appointed or elected pursuant to the provisions of NRS***
16 ***269.016 to 269.022, inclusive:***

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

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

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

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

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

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

33 269.018 1. Except as otherwise provided in subsection 2, the
34 term of office of a member of the town board is 4 years and begins
35 on the first Monday in January following the general election at
36 which the member is chosen.

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

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



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

2 269.576 1. Except as appointment may be deferred pursuant
3 to NRS 269.563, the board of county commissioners of any county
4 whose population is 700,000 or more shall, in each ordinance which
5 establishes an unincorporated town pursuant to NRS 269.500 to
6 269.625, inclusive, provide for:

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

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

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

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

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

27 2. The members of a town advisory board serve at the pleasure
28 of the board of county commissioners. If a member is removed, *or if*
29 *the position of a member otherwise becomes vacant*, the board of
30 county commissioners shall appoint a new member to serve out the
31 remainder of the unexpired term of the member who was removed.

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

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

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

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

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



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

2 269.577 1. The board of county commissioners of any county
3 whose population is less than 700,000 shall, in each ordinance
4 which establishes an unincorporated town pursuant to NRS 269.500
5 to 269.625, inclusive, provide for:

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

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

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

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

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

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

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

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

28 309.120 1. The officers of such district shall consist of three,
29 five or seven directors as aforesaid, a president and a vice president
30 elected from their number, a secretary and a treasurer. The board
31 may also appoint an assistant secretary who shall exercise such
32 powers and perform such duties of the secretary as may be
33 designated by the board of directors, except that such assistant
34 secretary shall not be invested with authority to sign on behalf of the
35 secretary any bonds of the district. The secretary and treasurer shall
36 be appointed by the board of directors and may or may not be
37 members of the board. Such officers shall serve at the will of the
38 board. One person may be appointed to serve as secretary and
39 treasurer.

40 2. The directors immediately upon their election and
41 qualification shall meet and organize. The board of directors shall
42 designate some place within the county where the organization of
43 the district was effected as the office of the board, and the board
44 shall hold a regular monthly meeting in its office on such day of the
45 month as that fixed upon by resolution duly entered upon the



1 minutes, and when the time for such a monthly meeting has been
2 fixed, it cannot again be changed for 12 months, and it can only be
3 changed by resolution passed at least 2 months prior to the time
4 such change will take effect and upon publication in a newspaper of
5 general circulation in the district for at least 2 weeks prior to such
6 change. Should the regular meeting day fall upon a nonjudicial day,
7 such meeting must be held on the first judicial day thereafter.

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

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

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

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

30 7. Any vacancies in the offices of directors must be filled from
31 the division in which the vacancy occurs by the remaining members
32 of the board. *If the board fails, neglects or refuses to fill any*
33 *vacancy within 30 days after the vacancy occurs, the board of*
34 *county commissioners shall fill that vacancy.* A director appointed
35 to fill a vacancy, as above provided, shall hold office until the next
36 biennial election and until his or her successor is elected and
37 qualified.

38 **Sec. 6.** (Deleted by amendment.)

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

