
ASSEMBLY BILL NO. 74—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

FEBRUARY 17, 2005

Referred to Committee on Government Affairs

SUMMARY—Authorizes governing body of local government to create maintenance districts to pay cost of maintaining and improving certain local improvement projects. (BDR 21-330)

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 improvements; authorizing the governing body of a local government to create maintenance districts to pay the cost of maintaining and improving certain local improvement projects; providing for the levying of assessments in connection with such maintenance districts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law authorizes the governing body of a county, city or town to acquire,
2 improve, equip, operate and maintain improvement projects. (NRS 271.265)
3 This bill authorizes the governing body of a local government to create a
4 maintenance district to pay the cost of maintaining and improving certain
5 improvement projects, namely commercial area vitalization projects, pedestrian
6 overpass projects, pedestrian underpass projects, street beautification projects and
7 transportation projects. This bill also allows the governing body to periodically levy
8 assessments to be used for this purpose. The amount of the assessment must be
9 determined at least once every 3 years. A public hearing must be held on any
10 proposed assessment.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 271 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Maintenance district” means a district created*
4 *pursuant to section 3 of this act.*

5 **Sec. 3. 1.** *A governing body may, by ordinance, create a*
6 *district to pay the cost of maintaining and improving a commercial*
7 *area vitalization project, pedestrian overpass project, pedestrian*
8 *underpass project, street beautification project or transportation*
9 *project, regardless of whether such project was originally acquired*
10 *or constructed with proceeds from assessments. Insofar as*
11 *practicable, such a maintenance district must be created in the*
12 *manner specified in NRS 271.275 or 271.710. A maintenance*
13 *district created pursuant to this subsection remains in existence*
14 *until the governing body, by ordinance, dissolves the maintenance*
15 *district.*

16 **2.** *After the governing body creates a maintenance district*
17 *pursuant to subsection 1, the governing body may periodically levy*
18 *assessments during the existence of the district to pay the cost of*
19 *maintaining and improving the commercial area vitalization*
20 *project, pedestrian overpass project, pedestrian underpass project,*
21 *street beautification project or transportation project. The amount*
22 *of such assessments must be determined periodically by the*
23 *governing body during the existence of the district but at least*
24 *once every 3 years. To determine the amount of the assessments*
25 *for such a period not exceeding 3 years, the governing body shall*
26 *prepare or cause to be prepared:*

27 **(a)** *An estimate of the costs expected to be incurred to*
28 *maintain and improve the applicable project during the period;*
29 *and*

30 **(b)** *A proposed assessment roll in the form required by*
31 *paragraph (b) of subsection 1 of NRS 271.360, setting forth the*
32 *amounts to be assessed against the tracts specially benefited by the*
33 *applicable project during the period. The total of those amounts*
34 *must not exceed the costs estimated pursuant to paragraph (a).*
35 *The amount to be assessed for the period against each tract*
36 *specially benefited by the applicable project must not exceed the*
37 *reasonable market value of the tract, as provided in subsection 5*
38 *of NRS 271.365.*

39 **↳** *The basis for the computation of the assessments must be the*
40 *frontage or another uniform and quantifiable basis.*

41 **3.** *The governing body shall hold a public hearing upon the*
42 *estimate of costs and proposed assessment roll prepared pursuant*



1 *to subsection 2. Notice of the hearing must be given, and the*
2 *hearing conducted, in the manner described in NRS 271.380 and*
3 *271.385. The proposed assessments for the period may not exceed*
4 *the estimate of maximum special benefits to the tracts assessed*
5 *which was determined, as provided in subsection 2 of NRS*
6 *271.300, when the maintenance district was created unless the*
7 *maximum special benefits are redetermined at a new hearing*
8 *which is held after notice is mailed and published in the manner*
9 *provided in NRS 271.305, 271.306 and 271.310 and the proposed*
10 *assessments do not exceed the redetermined amount of the*
11 *estimated maximum special benefits.*

12 *4. After the public hearing, the governing body shall, by*
13 *resolution or ordinance, confirm the assessments, as specified in*
14 *the proposed assessment roll or as modified, and levy the*
15 *assessments for the period by ordinance as provided in NRS*
16 *271.390. The ordinance pursuant to which the assessments are*
17 *levied must specify the period not exceeding 3 years over which*
18 *the assessments are due.*

19 *5. The assessments levied pursuant to subsection 4 must be*
20 *due over the period that:*

21 *(a) Begins on the effective date of the resolution or ordinance*
22 *confirming the assessments; and*

23 *(b) Ends on the last day of the period set forth in the ordinance*
24 *pursuant to which the assessments are levied.*

25 *6. The assessments may be made payable at one time or in*
26 *monthly, quarterly, semiannual or annual installments over the*
27 *period described in subsection 5.*

28 *7. Interest may not be charged on an assessment or*
29 *installment paid when due.*

30 *8. Except as otherwise provided in this section, an assessment*
31 *imposed pursuant to this section must be levied, collected and*
32 *enforced at the same time, in the same manner, by the same*
33 *officers and with the same interest and penalties as other special*
34 *assessments levied pursuant to this chapter. The proceeds of an*
35 *assessment imposed pursuant to this section must be placed in a*
36 *separate fund of the municipality and expended only for the*
37 *maintenance and improvement of the project for which the*
38 *assessment was imposed.*

39 *9. As used in this section:*

40 *(a) "Pedestrian overpass project" means any bridge, viaduct or*
41 *other structure or facilities for the use of pedestrians over any*
42 *street, stream or railroad tracks, and any other way or place,*
43 *approaches, ramps, structures, crosswalks, sidewalks, driveways,*
44 *culverts, drains, sewers, manholes, inlets, outlets, retaining walls,*
45 *artificial lights, pumping equipment, ventilating equipment, and*



1 *all appurtenances and incidentals necessary, useful or desirable*
2 *for any such overpass, or any combination thereof, including real*
3 *and other property therefor.*

4 (b) *“Pedestrian underpass project” means any tunnel, tube or*
5 *other structure or facilities for the use of pedestrians under any*
6 *street, stream, railroad tracks, and any other way or place,*
7 *approaches, ramps, structures, crosswalks, sidewalks, driveways,*
8 *culverts, drains, sewers, manholes, inlets, outlets, retaining walls,*
9 *artificial lights, pumping equipment, ventilating equipment, and*
10 *all appurtenances and incidentals necessary, useful or desirable*
11 *for any such underpass, or any combination thereof, including*
12 *real and other property therefor.*

13 **Sec. 4.** NRS 271.030 is hereby amended to read as follows:

14 271.030 As used in this chapter, unless the context otherwise
15 requires, the words and terms defined in NRS 271.035 to 271.250,
16 inclusive, *and section 2 of this act* have the meanings ascribed to
17 them in those sections.

18 **Sec. 5.** NRS 271.265 is hereby amended to read as follows:

19 271.265 1. The governing body of a county, city or town,
20 upon behalf of the municipality and in its name, without any
21 election, may from time to time acquire, improve, equip, operate
22 and maintain, within or without the municipality, or both within and
23 without the municipality:

- 24 (a) A commercial area vitalization project;
- 25 (b) A curb and gutter project;
- 26 (c) A drainage project;
- 27 (d) An off-street parking project;
- 28 (e) An overpass project;
- 29 (f) A park project;
- 30 (g) A sanitary sewer project;
- 31 (h) A security wall;
- 32 (i) A sidewalk project;
- 33 (j) A storm sewer project;
- 34 (k) A street project;
- 35 (l) A street beautification project;
- 36 (m) A transportation project;
- 37 (n) An underpass project;
- 38 (o) A water project; and
- 39 (p) Any combination of such projects.

40 2. In addition to the power specified in subsection 1, the
41 governing body of a city having a commission form of government
42 as defined in NRS 267.010, upon behalf of the municipality and in
43 its name, without any election, may from time to time acquire,
44 improve, equip, operate and maintain, within or without the
45 municipality, or both within and without the municipality:



- 1 (a) An electrical project;
- 2 (b) A telephone project;
- 3 (c) A combination of an electrical project and a telephone
- 4 project;
- 5 (d) A combination of an electrical project or a telephone project
- 6 with any of the projects, or any combination thereof, specified in
- 7 subsection 1; and
- 8 (e) A combination of an electrical project and a telephone
- 9 project with any of the projects, or any combination thereof,
- 10 specified in subsection 1.

11 3. In addition to the power specified in subsections 1 and 2, the

12 governing body of a municipality, on behalf of the municipality and

13 in its name, without an election, may finance an underground

14 conversion project with the approval of each service provider that

15 owns the overhead service facilities to be converted.

16 4. In addition to the power specified in subsections 1, 2 and 3,

17 if the governing body of a municipality in a county whose

18 population is less than 400,000 complies with the provisions of NRS

19 271.650, the governing body of the municipality, on behalf of the

20 municipality and in its name, without any election, may from time to

21 time acquire, improve, equip, operate and maintain, within or

22 without the municipality, or both within and without the

23 municipality:

- 24 (a) An art project; and
- 25 (b) A tourism and entertainment project.

26 ***5. In addition to the power specified in subsections 1 to 4,***

27 ***inclusive, the governing body of a municipality, on behalf of the***

28 ***municipality and in its name, without an election, may create a***

29 ***maintenance district.***

30 **Sec. 6.** NRS 271.280 is hereby amended to read as follows:

31 271.280 1. Whenever the governing body is of the opinion

32 that the interest of the municipality requires any project, the

33 governing body, by resolution, shall direct the engineer to prepare,

34 or may, after he has prepared, ratify:

- 35 (a) Preliminary plans showing:
 - 36 (1) A typical section of the contemplated improvement.
 - 37 (2) The type or types of material, approximate thickness and
 - 38 wideness.
 - 39 (3) A preliminary estimate of the cost of the project,
 - 40 including incidental costs.
- 41 (b) An assessment plat showing:
 - 42 (1) The area to be assessed.
 - 43 (2) ~~Except as otherwise provided in NRS 271.378, the~~ **The**
 - 44 amount of maximum benefits estimated to be assessed against each
 - 45 tract in the assessment area.



- 1 ↳ The governing body is not required to employ the services of an
2 appraiser to estimate or to assist the engineer in estimating the
3 benefits to be derived from the project.
- 4 2. The resolution or ratification may provide for one or more
5 types of construction, and the engineer shall separately estimate the
6 cost of each type of construction. The estimate may be made in a
7 lump sum or by unit prices, as the engineer determines is most
8 desirable for the improvement complete in place.
- 9 3. The resolution or document ratified must describe the
10 project in general terms.
- 11 4. The resolution or document ratified must state:
- 12 (a) What part or portion of the expense of the project is of
13 special benefit and therefore is to be paid by assessments.
- 14 (b) What part, if any, has been or is proposed to be defrayed
15 with money derived from other than the levy of assessments.
- 16 (c) The basis by which the cost will be apportioned and
17 assessments levied.
- 18 5. If the assessment is not to be made according to front feet,
19 the resolution or document ratified must:
- 20 (a) By apt description designate the improvement district,
21 including the tracts to be assessed.
- 22 (b) Describe definitely the location of the project.
- 23 (c) State that the assessment is to be made upon all the tracts
24 benefited by the project proportionately to the benefits received.
- 25 6. If the assessment is to be upon the abutting property upon a
26 frontage basis, it is sufficient for the resolution or document ratified
27 so to state and to define the location of the project to be made.
- 28 7. It is not necessary in any case to describe minutely in the
29 resolution or document ratified each particular tract to be assessed,
30 but simply to designate the property, improvement district or the
31 location, so that the various parts to be assessed can be ascertained
32 and determined to be within or without the proposed improvement
33 district.
- 34 8. If the preliminary plans include a commercial area
35 vitalization project, then in addition to the other requirements in this
36 section, before the plans are ratified by the governing body, the
37 plans must include a plan for the management of the proposed
38 improvement district which must include, without limitation:
- 39 (a) The improvements proposed for each year of the first 5 fiscal
40 years of the proposed improvement district;
- 41 (b) An estimate of the total amount to be expended on
42 improvements in the first year of operation;
- 43 (c) A list of any other special assessments that are currently
44 being levied within the proposed improvement district;
- 45 (d) The name of any proposed association; and



1 (e) Any other matter that the governing body requires to be set
2 forth in the plan.

3 9. The engineer shall forthwith prepare and file with the clerk:

4 (a) The preliminary plans; and

5 (b) The assessment plat.

6 10. Upon the filing of the plans and plat, they must be
7 examined by the governing body. If the plans and plat are found to
8 be satisfactory, the governing body shall make a provisional order
9 by resolution to the effect that the project will be acquired or
10 improved, or both acquired and improved.

11 **Sec. 7.** NRS 271.296 is hereby amended to read as follows:

12 271.296 1. The governing body may, by resolution, dissolve
13 an improvement district that is created for the purposes of a
14 commercial area vitalization project if property owners whose
15 property is assessed for a combined total of more than 50 percent of
16 the total amount of the assessments of all the property in the
17 improvement district submit a written petition to the governing body
18 that requests the dissolution of the district within the period
19 prescribed in subsection 2.

20 2. The dissolution of an improvement district pursuant to this
21 section may be requested within 30 days after:

22 (a) The first anniversary of the date the improvement district
23 was created; and

24 (b) Each subsequent anniversary thereafter.

25 3. As soon as practicable after the receipt of the written petition
26 of the property owners submitted pursuant to subsection 1, the
27 governing body shall pass a resolution of intention to dissolve the
28 improvement district. The governing body shall give notice of a
29 hearing on the dissolution. The notice must be provided and the
30 hearing must be held ~~[pursuant to the requirements set forth in NRS~~
31 ~~271.377.]~~ *in the manner described in NRS 271.380 and 271.385*
32 *for hearings for assessments.* If the governing body determines that
33 dissolution of the improvement district is appropriate, it shall
34 dissolve the improvement district by resolution, effective not earlier
35 than the 30th day after the hearing.

36 4. If there is indebtedness, outstanding and unpaid, incurred to
37 accomplish any of the purposes of the improvement district, the
38 portion of the assessment necessary to pay the indebtedness remains
39 effective and must be continued in the following years until the debt
40 is paid.

41 **Sec. 8.** NRS 271.297 is hereby amended to read as follows:

42 271.297 An association with which a governing body contracts
43 pursuant to NRS 271.332 may, at any time, request that the
44 governing body modify a plan or plat with regard to the commercial
45 area vitalization project. Upon the written request of the association,



1 the governing body may modify the plan or plat by ordinance after
2 holding a hearing on the proposed modification ~~[pursuant to NRS~~
3 ~~271.377.]~~ *in the manner described in NRS 271.380 and 271.385*
4 *for hearing for assessments.* If the proposed modification of a plat
5 expands the territory for assessment, a person who owns or resides
6 within a tract which is located within the territory proposed to be
7 added to the improvement district and which is used exclusively for
8 residential purposes may file a protest pursuant to NRS 271.392 at
9 any time before the governing body modifies the plat by ordinance.
10 A petition is not required for a modification made pursuant to this
11 section.

12 **Sec. 9.** NRS 271.315 is hereby amended to read as follows:

13 271.315 1. Any person filing a written complaint, protest or
14 objection as provided in NRS 271.305 may, within 30 days after the
15 governing body has finally passed on the complaint, protest or
16 objection by resolution or ordinance as provided in subsection 2 of
17 NRS 271.310, commence an action or suit in any court of competent
18 jurisdiction to correct or set aside the determination, but thereafter
19 all actions or suits attacking the validity of the proceedings and the
20 amount of benefits are perpetually barred.

21 2. Any person who brings an action pursuant to this section
22 must plead with particularity and prove the facts upon which he
23 relies to establish:

24 (a) That the estimate of the benefits to be derived from the
25 project or the method used to apportion the cost of the project is
26 fraudulent, arbitrary or unsupported by substantial evidence; or

27 (b) That any provision of NRS 271.265 to 271.310, inclusive, or
28 271.800 *or section 3 of this act* has been violated.

29 ➤ Conclusory allegations of fact or law are insufficient to comply
30 with the requirements of this subsection.

31 3. In any action brought pursuant to this section, judicial
32 review of the proceedings is confined to the record before the
33 governing body. Evidence that has not been presented to the
34 governing body must not be considered by the court.

35 **Sec. 10.** NRS 271.332 is hereby amended to read as follows:

36 271.332 1. A governing body that forms an improvement
37 district for a commercial area vitalization project may contract with
38 a nonprofit association to provide the improvements that are
39 specified in the plans for the commercial area vitalization project. If
40 creation of the commercial improvement district was initiated by
41 petition, the governing body shall contract for that purpose with the
42 association named in the plan for management of the improvement
43 district.

44 2. An association with which a governing body contracts
45 pursuant to subsection 1 must be a private nonprofit corporation and



1 must be identified in the plan for management of the improvement
2 district. The association shall maintain liability insurance covering
3 its activities.

4 3. The contract between the governing body and the
5 association is a contract for professional services and is not subject
6 to the limitations of subsection 1 of NRS 354.626. The terms of the
7 contract may extend:

8 (a) Beyond the terms of office of members of the governing
9 body; and

10 (b) For the time necessary to cover the life of improvements and
11 to fulfill financial commitments for equipment, services and related
12 undertakings.

13 4. The association does not become a political subdivision,
14 local government, public body, governmental agency or entity,
15 establishment of the government, public corporation or quasi-public
16 corporation for any purpose solely on the basis of a contract entered
17 into with a governing body pursuant to subsection 1.

18 5. A contract executed pursuant to this section must ensure that
19 the type and level of services provided by the municipality at the
20 time of the creation of the improvement district continue after the
21 improvement district is formed.

22 *6. An improvement district created for a commercial area*
23 *vitalization project is not entitled to any distribution from the local*
24 *government tax distribution account.*

25 **Sec. 11.** Section 6.5 of the Washoe County Taxes on Transient
26 Lodging Act of 1999, being chapter 334, Statutes of Nevada 2001,
27 at page 1572, is hereby amended to read as follows:

28 Sec. 6.5. 1. The City Council of the City of Reno may
29 by ordinance create a local improvement district and levy
30 special assessments within that district to provide money to
31 acquire, establish, construct, expand, equip, improve, operate
32 and maintain capital improvement projects which have been
33 approved by the Truckee Meadows Tourism Facility and
34 Revitalization Steering Committee pursuant to subsection 2
35 of section 6 of this act. If the City Council creates a local
36 improvement district pursuant to this subsection:

37 (a) Except as otherwise provided in this section, the
38 creation of the local improvement district and the levying of
39 the special assessments within that district must be carried out
40 in the manner provided for a street beautification project in
41 chapter 271 of NRS; and

42 (b) The boundaries of the local improvement district must
43 be as prescribed by the City Council in the ordinance creating
44 the district, except that the boundaries must include only
45 property that is located in or within 4 city blocks, as



1 determined by the City Council, of a district described in
2 NRS 268.780 to 268.785, inclusive, in which a 1 percent tax
3 is imposed on the gross receipts from the rental of transient
4 lodging for railroad grade separation projects.

5 2. Any special assessments levied pursuant to this
6 section must be apportioned based on the special benefit
7 derived by the property being assessed from the capital
8 improvement project for which the assessment is being
9 levied. The City Council may use one or any combination of
10 the following methods that, in the determination of the City
11 Council, reflects most accurately the special benefits derived
12 by the property so assessed:

13 (a) A method by which the assessment or a portion
14 thereof is proportionate to the assessed value of the property
15 for purposes of ad valorem taxation, as that value may change
16 from year to year;

17 (b) A method by which the assessment or a portion
18 thereof is proportionate to the number of rooms for which the
19 owner of the property pays the tax on the rental of transient
20 lodging, as that number of rooms may change from year to
21 year;

22 (c) A method by which the assessment or a portion
23 thereof is proportionate to, or otherwise related to, the
24 distance of the property from the project for which the
25 assessment is being levied; or

26 (d) A method by which the assessment or a portion
27 thereof is proportionate to the gross or net square footage of
28 the property that is used for retail sales, gaming, transient
29 lodging or for any other purpose determined by the City
30 Council to be specially benefited by the project for which the
31 assessment is being levied, as that square footage may change
32 from year to year.

33 3. The City Council may determine that certain uses of
34 property will not be specially benefited by a capital
35 improvement project for which the local improvement district
36 is being created. If the City Council makes such a
37 determination, the City Council shall set forth in the
38 ordinance creating the local improvement district:

39 (a) The uses of property that the City Council has
40 determined will not be specially benefited by a capital
41 improvement project for which the local improvement district
42 is being created;

43 (b) A date in each year after the creation of the local
44 improvement district on which the City Council will
45 determine whether each property within the local



1 improvement district is being used, in whole or in part, for
2 such a specified nonbenefited use;

3 (c) Whether a property that is used in part for such a
4 specified nonbenefited use will be assessed and, if so,
5 whether and in what manner the assessment will be reduced
6 to reflect the specified nonbenefited use; and

7 (d) Any other matter that the City Council determines is
8 necessary or desirable in connection with the assessment of
9 properties based in whole or in part on the use of the
10 properties on the date in each year established pursuant to
11 paragraph (b).

12 4. The assessments set forth in the assessment roll with
13 regard to which a hearing is held pursuant to NRS 271.380
14 must reflect the adjustments, if any, made to assessments
15 based on the use of a property, in whole or in part, for one or
16 more of the nonbenefited uses specified in the ordinance
17 creating the local improvement district pursuant to subsection
18 3. In addition to the requirements of subsection 2 of NRS
19 271.380, the notice of hearing must state that:

20 (a) Any adjustment to the assessments based on the uses
21 made of certain properties as of the date specified pursuant to
22 paragraph (b) of subsection 3 are shown on the assessment
23 roll; and

24 (b) A person who objects to the assessment roll, an
25 adjustment to the assessment roll or any determination made
26 by the City Council in connection with the assessment roll or
27 an adjustment thereto must file an objection in writing in the
28 manner and within the period prescribed by paragraph (e) of
29 subsection 2 of NRS 271.380 and if he fails to do so, his
30 objection shall be deemed waived.

31 5. Notwithstanding the method or methods of
32 apportionment selected pursuant to subsection 2, the City
33 Council shall, if it determines that an equitable adjustment is
34 appropriate, make an equitable adjustment to an assessment
35 against an irregularly shaped property for which the selected
36 method or methods of apportionment do not result in an
37 assessment that is in proportion to the special benefit that the
38 property derives from the project for which the assessment is
39 being levied.

40 6. An assessment apportioned pursuant to the method
41 described in paragraph (a) of subsection 2 must not be
42 considered a property tax for the purpose of any limitation on
43 the rate of property taxation.



1 7. The following determinations made by the City
2 Council are conclusive in the absence of fraud or a gross
3 abuse of discretion:

4 (a) The boundaries of the local improvement district, the
5 specification of uses of properties that are not specially
6 benefited by a capital improvement project for which the
7 assessments are being levied, the method or methods of
8 apportioning the assessments and the special benefits to be
9 derived from the project by the properties being assessed, as
10 made after a hearing on the provisional order for the local
11 improvement district as provided in chapter 271 of NRS; and

12 (b) The apportionment of the assessments against
13 properties in the local improvement district in each year after
14 the creation of the local improvement district, whether or not
15 a property is being used, in whole or in part, for a use that is
16 specified in the ordinance creating the local improvement
17 district as a use which is not specially benefited by the capital
18 improvement project for which the assessments are being
19 levied and any other matter concerning the amounts of the
20 assessments against properties, as made after the hearing held
21 on the assessments in the manner ~~provided~~ *described* in
22 NRS ~~271.378.~~ *271.380 and 271.385.*

23 **Sec. 12.** NRS 271.369, 271.377 and 271.378 are hereby
24 repealed.

TEXT OF REPEALED SECTIONS

271.369 Transportation project: Estimate of expenditures to maintain, operate, improve and repair project; assessment; use of proceeds.

1. In each year after a governing body acquires a transportation project, the governing body shall prepare an estimate of expenditures required in the ensuing fiscal year to maintain, operate, improve and repair the project, and deduct from that amount the estimated revenue from the project which will be available to pay such costs.

2. The governing body may levy an assessment against the property which was assessed to acquire the project to provide the money necessary to maintain, operate, improve and repair the project, in the amount estimated pursuant to subsection 1. The assessment must be apportioned in the same manner as the initial assessment. The proceeds of the assessment must be placed in a



special fund and used only to maintain, operate, improve and repair the project.

271.377 Estimate of expenditures and proposed assessment roll for commercial area vitalization projects; public hearing required; levy of assessments; limit on distribution from local government tax distribution account.

1. On or before June 30 of each year after the governing body acquires or improves a commercial area vitalization project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed assessment roll assessing an amount not greater than the estimated cost against the benefited property. The assessment must be computed according to frontage or another uniform and quantifiable basis.

2. The governing body shall hold a public hearing upon the estimate of expenditures and the proposed assessment roll. Notice must be given and the hearing conducted in the manner provided in NRS 271.380 and 271.385. The assessment may not exceed the amount stated in the proposed assessment roll unless a new hearing is held after notice is mailed and published in the manner provided in NRS 271.305 and 271.310.

3. After the public hearing, the governing body shall confirm the assessments, as specified in the proposed assessment roll or as modified, and levy the assessment as provided in NRS 271.390.

4. An improvement district created for a commercial area vitalization project is not entitled to any distribution from the local government tax distribution account.

271.378 Estimate of expenditures and proposed assessment roll for street beautification projects; public hearing required; confirmation of assessments; installment payments authorized.

1. On or before June 30 of each year after the creation of a district for a street beautification project, the governing body shall prepare and approve an estimate of the costs required during the next fiscal year and a proposed assessment roll assessing an amount not in excess of those estimated costs against the benefited property. The basis for the computation of the assessments must be the frontage or another uniform and quantifiable basis.

2. A public hearing must be conducted on the estimate of costs for the next year and the assessment roll. Notice of the hearing must be given, and the hearing conducted, in the manner described in NRS 271.380 and 271.385. The proposed assessments must not exceed the estimated amount specified in the original assessment plat unless a new hearing, after published and mailed notice, is held in the manner described in NRS 271.305, 271.306 and 271.310.



3. After the public hearing on the assessment roll, the governing body shall, by resolution or ordinance, confirm the assessments as specified in the roll or as modified.

4. The assessments must be due over a period of 1 year after the effective date of the resolution or ordinance confirming the assessments. The assessments may be made payable at one time or in two or more installments over that period. Interest may not be charged on an assessment or installment paid when due.



