

Assembly Bill No. 21–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to local governing bodies; authorizing, under certain circumstances, a board of county commissioners in certain counties to appoint members of certain local governing bodies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the creation of certain local districts, boards, councils and commissions and provides that the members of the local governing bodies of such are elected. (Chapters 244, 318, 474 and 539 of NRS, NRS 269.024-269.0248, 450.550-450.750) This bill authorizes, under certain circumstances, the board of county commissioners in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) to adopt an ordinance providing that the board will appoint the members of a local governing body rather than hold elections for the positions, if each member of the local governing body is entitled to receive annual compensation of less than \$6,000 for his or her service on the body. Before the board of county commissioners may provide by ordinance for the appointment of the members of the local governing body, the board must determine the number of current members serving on the local governing body. If the local governing body does not have enough current members to obtain a quorum, the board of county commissioners may provide that the members of the local governing body may be appointed instead of elected without obtaining approval from the current members of the local governing body. If the local governing body has enough current members to obtain a quorum, the board of county commissioners may not provide that the members of the local governing body may be appointed instead of elected unless a majority of current members of the local governing body so approve.

This bill also authorizes the board of county commissioners to repeal or amend the ordinance providing for the appointment of the members of the local governing body to return to electing the members of the local governing body.

This bill defines “local governing body” to mean any district, board, council or commission that is charged with executing limited duties or functions within the county and includes a town board, citizen’s advisory council, general improvement district, county hospital district, fire protection district and irrigation district.

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

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and subject to the provisions of subsection 2, if each member of a local governing body within a county whose population is less than



100,000 is entitled to receive annual compensation of less than \$6,000 for serving on the local governing body, the board of county commissioners may, by ordinance, provide that the members may be appointed by the board of county commissioners instead of elected to that local governing body.

2. Before the board of county commissioners of a county whose population is less than 100,000 may provide by ordinance pursuant to subsection 1 that the members of a local governing body may be appointed instead of elected, the board of county commissioners must determine the number of current members serving on the local governing body. If the local governing body:

(a) Does not have enough current members serving on the local governing body to obtain a quorum for the transaction of the business of the local governing body, the board of county commissioners may provide that the members of the local governing body may be appointed instead of elected without obtaining the approval of the current members of the local governing body.

(b) Has enough current members serving on the local governing body to obtain a quorum for the transaction of the business of the local governing body, the board of county commissioners may not provide that the members of the local governing body may be appointed instead of elected unless a majority of the current members of the local governing body so approve.

3. If, pursuant to this section, the board of county commissioners of a county whose population is less than 100,000 provides for the appointment of members to a local governing body:

(a) Each existing member of the governing body is entitled to serve out the remainder of the term for which he or she was elected before a replacement member may take office;

(b) If the terms of the existing members of the governing body are staggered, the board of county commissioners shall appoint members to the governing body to take office as the term of each existing member expires;

(c) A vacancy in the unexpired term of an existing member must be filled by appointment;

(d) The term of each appointed member is the same length as if the member was elected; and

(e) Each appointed member may be reappointed by the board of county commissioners to any number of additional terms.



4. The board of county commissioners of a county whose population is less than 100,000 may amend or repeal an ordinance adopted pursuant to subsection 1 to resume the election of the members of the local governing body to which the ordinance refers. If the election of the members of the local governing body is resumed:

(a) Each existing member of the governing body is entitled to serve out the remainder of the term for which he or she was appointed before a replacement member may take office; and

(b) If the terms of the existing members of the governing body are staggered, the board of county commissioners shall provide for the election of the members to the governing body as the term of each existing member expires.

5. Except as otherwise provided in this section, all other provisions of law relating to the local governing body, including, without limitation, the composition of the local governing body, the qualifications for membership and any residency requirements remain applicable.

6. For the purposes of this section, "local governing body" means any district, board, council or commission that is charged with the execution of limited functions or duties within a county, including, without limitation, any district, board, council or commission organized pursuant to chapters 244, 318, 474 and 539 of NRS, NRS 269.024 to 269.0248, inclusive, and 450.550 to 450.750, inclusive. The term does not include the governing body of a county, city or town.

Sec. 2. This act becomes effective on July 1, 2019.

