

SUMMARY—Provides for creation and administration of incorporated towns.

(BDR 21-XXXX)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to local government; providing for the creation and administration of incorporated towns; and providing other matters properly relating thereto.

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

Section 1. Title 21 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 81, inclusive, of this act.

- GENERAL PROVISIONS -

Sec. 2. *As used in this chapter, unless the context otherwise requires, “town” means a town incorporated pursuant to sections 4 to 37, inclusive, of this act.*

Sec. 3. *The municipal government of all incorporated towns under this chapter is hereby vested in a mayor and a town council.*

- INCORPORATION; ORGANIZATION -

Sec. 4. *As used in sections 4 to 37, inclusive, of this act, unless the context otherwise requires:*

1. *“Committee” means a committee formed to organize an incorporated town, as described in section 6 of this act.*

2. *“County clerk” means “registrar of voters” in those counties where such office has been created pursuant to the provisions of NRS 244.164.*

3. *“Qualified elector” means a person who is registered to vote in this state and is a resident of the area to be included in the proposed incorporated town, as shown by the last official registration lists.*

3. *A petition is “sufficient” if the county clerk:*

(a) *Verifies the signatures and addresses of the signers of the petition with the voting list maintained by the county registrar of voters;*

(b) *Certifies that the number of valid signatures represents the percentage of the total number of qualified electors in the area proposed to be incorporated that is required; and*

(c) *Determines that the petition for incorporation includes the information required pursuant to section 8 of this act.*

4. *“Urban in character” means an area that is used intensively for residential, commercial, industrial, institutional, urban recreational or governmental purposes, or as conservation park lands, and that is susceptible to services offered by an incorporated town.*

5. *A lot or parcel is “used for residential purposes” if it is 5 acres or less in area and improved with a habitable dwelling unit of a permanent nature.*

Sec. 5. *The area to be included in a town proposed to be incorporated pursuant to sections 4 to 37, inclusive, of this act must:*

1. *Be currently used or suitable for residential, commercial, industrial or governmental purposes.*

2. *Be contiguous and urban in character, and include all contiguous area used for residential purposes.*

3. *Be susceptible to the provision of uniform public services.*

4. ~~*{In a county whose population is 100,000 or more, have}*~~ *Except as otherwise provided in this subsection, have an average population density which is:*

(a) *Not less than three persons per acre if the proposed incorporated town is within 7 miles of the county seat; or*

(b) *At least equal to the density of any city or incorporated town that is within 7 miles of the proposed boundaries, if the proposed incorporated town is not within 7 miles of the county seat.*

FLUSH *If the area proposed to be included in the incorporated town is more than 7 miles away from the county seat and more than 7 miles away from any existing city or incorporated town, there is no requirement concerning density of population.*

5. *Not include any portion of a parcel of privately owned real property that has not been subdivided and is 100 acres or more in area without the written consent of the owner.*

6. *Not include any area within the boundaries of an existing incorporated city or existing incorporated town.*

7. ~~If the area of a town proposed to be incorporated includes the area of any:~~
- ~~(a) Unincorporated town, include the entire area of that unincorporated town.~~
- ~~(b) General improvement district, include the entire area of that district.~~
- ~~8.~~ If the area of a town proposed to be incorporated is composed:
- (a) Exclusively of property used for residential purposes, have a population of at least 3,000.
- (b) Of property not used exclusively for residential purposes, have a population of at least 1,000.

Sec. 5A. The area to be included in a town proposed to be incorporated pursuant to sections 4 to 37, inclusive, of this act must:

1. Be currently used or suitable for residential, commercial, industrial or governmental purposes.
2. Be contiguous and urban in character, and include all contiguous area used for residential purposes.
3. Be susceptible to the provision of uniform public services.
4. In a county whose population is ~~100,000~~ 400,000 or more, have an average population density which is:
 - (a) Not less than three persons per acre if the proposed incorporated town is within 7 miles of the county seat; or

(b) At least equal to the density of any city or incorporated town that is within 7 miles of the proposed boundaries, if the proposed incorporated town is not within 7 miles of the county seat.

FLUSH *If the area proposed to be included in the incorporated town is more than 7 miles away from the county seat and more than 7 miles away from any existing city or incorporated town, there is no requirement concerning density of population.*

5. In a county whose population is 100,000 or more but less than 400,000, have an average population density which is not less than three persons per acre.

6. Not include any portion of a parcel of privately owned real property that has not been subdivided and is 100 acres or more in area without the written consent of the owner.

~~16.1~~ *7. Not include any area within the boundaries of an existing incorporated city or existing incorporated town.*

~~17.1~~ *8. If the area of a town proposed to be incorporated includes the area of any:*

(a) Unincorporated town, include the entire area of that unincorporated town.

(b) General improvement district, include the entire area of that district.

~~18.1~~ *9. If the area of a town proposed to be incorporated is composed:*

(a) Exclusively of property used for residential purposes, have a population of at least 3,000.

(b) Of property not used exclusively for residential purposes, have a population of at least 1,000.

Sec. 5B. *The area to be included in a town proposed to be incorporated pursuant to sections 4 to 37, inclusive, of this act must:*

1. *Be currently used or suitable for residential, commercial, industrial or governmental purposes.*

2. *Be contiguous and urban in character, and include all contiguous area used for residential purposes.*

3. *Be susceptible to the provision of uniform public services.*

4. *In a county whose population is 100,000 or more, have an average population density which is:*

(a) *Not less than three persons per acre if the proposed incorporated town is within 7 miles of the county seat; or*

(b) *At least equal to the density of any city or incorporated town that is within 7 miles of the proposed boundaries, if the proposed incorporated town is not within 7 miles of the county seat.*

FLUSH ***If the area proposed to be included in the incorporated town is more than 7 miles away from the county seat and more than 7 miles away from any existing city or incorporated town, there is no requirement concerning density of population.***

5. *Not include any portion of a parcel of privately owned real property that has not been subdivided and is 100 acres or more in area without the written consent of the owner.*

6. *Not include any area within the boundaries of an existing incorporated city or existing incorporated town.*

7. *If the area of a town proposed to be incorporated includes the area of any:*

- (a) Unincorporated town, include the entire area of that unincorporated town.*
- (b) General improvement district, include the entire area of that district.*

8. *If the area of a town proposed to be incorporated is composed ~~of~~*

~~*(a) Exclusively of property used for residential purposes, of property of which:*~~

~~*(a) Less than 50 percent is commercial and industrial, have a population of at least ~~3,000~~.*~~

~~*(b) Of property not used exclusively for residential purposes, 1,500.*~~

~~*(b) At least 50 percent is commercial and industrial, have a population of at least ~~1,000~~.*~~
750.

Sec. 6. 1. *If a committee of five qualified electors wishes to organize an incorporated town, it may file a notice to incorporate with the county clerk of the county in which the town proposed to be incorporated is located.*

2. *The notice to incorporate must include:*

- (a) A copy of the petition for incorporation which will be circulated; and*
- (b) An affidavit signed by each member of the committee.*

3. *The affidavit must include:*

(a) A statement that the committee will be responsible for circulating and filing the petition with the county clerk;

(b) The names and addresses of the members of the committee; and

(c) The address to which written notices relating to the incorporation must be sent.

Sec. 7. 1. A committee organized pursuant to section 6 of this act shall identify and select no fewer than four of the following services to be provided ~~for arranged for~~ by the incorporated town:

(a) Police protection.

(b) Fire protection.

(c) Zoning and land use planning, including the enforcement of ordinances and other requirements relating thereto.

(d) Construction, maintenance and repair of roads.

(e) Water and sewer services.

(f) Garbage collection.

(g) Emergency medical services.

(h) Parks and recreation.

2. The initial selection of a certain number of services to be provided by an incorporated town does not prohibit the provision of additional services at a later time.

Sec. 7A. 1. A committee organized pursuant to section 6 of this act shall identify and select no fewer than four of the following services to be provided or arranged for by the incorporated town:

(a) Police protection.

(b) Fire protection.

(c) Zoning and land use planning, including the enforcement of ordinances and other requirements relating thereto.

(d) Construction, maintenance and repair of roads.

(e) Water and sewer services.

(f) Garbage collection.

(g) Emergency medical services.

(h) Parks and recreation.

2. The initial selection of a certain number of services to be provided by an incorporated town does not prohibit the provision of additional services at a later time.

3. With regard to any service the provision of which will be arranged for and not provided directly by the incorporated town, the committee must, before the holding of the election described in section 22 of this act, ensure that the provision of the service is secured by way of a signed agreement or interlocal agreement between the service provider and the incorporated town.

Sec. 8. 1. The petition for incorporation must include the following information concerning the area proposed to be incorporated:

(a) A description of the area prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS, which need not be made from a current survey nor contain courses and distances measured from fixed points, but may be based upon assessor's parcel maps, existing boundaries of subdivision or parcel maps, visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the state, a county, a city, an incorporated town, a township, a section or any combination thereof.

(b) The proposed name of the incorporated town.

- (c) *The total acreage of the area.*
- (d) *The total assessed valuation of the area.*
- (e) *The number of persons who reside in the area.*
- (f) *The number of owners of record of real property within the area.*
- (g) *A statement that the area meets the requirements of section 5 of this act.*
- (h) *A statement of the committee's plans for providing ~~or arranging for~~ the services selected pursuant to section 7 of this act, with an estimate of the costs and sources of revenue.*
~~[The statement must set forth in detail any plans of the committee to arrange for the provision of services to the incorporated town by another local government pursuant to interlocal agreement.]~~
- (i) *A map or plat of the area which is prepared from the description required by paragraph (a) and that shows the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.*

2. *The petition must be substantially in the following form:*

PETITION FOR INCORPORATION

To the Board of County Commissioners of County, Nevada:

We, the undersigned qualified electors of the State of Nevada respectfully petition the board of county commissioners to submit a proposal to incorporate as a town certain unincorporated contiguous area located within County namely, (describe area to be

incorporated), to the qualified electors who reside within the area to be incorporated, for their approval or disapproval at a special election to be held for that purpose.

Each signer of this petition states:

- 1. I have personally signed this petition as a qualified elector of this state; and*
- 2. I have correctly stated on this petition my residence, mailing address and the date of my signature.*

Sec. 9. 1. The petition may consist of more than one document. Each document must:

- (a) Be uniform in size and form;*
- (b) Have affixed to it when filed, an affidavit signed by the person who circulated the petition which attests that:*

- (1) He personally circulated the document;*
- (2) Each signature contained in the document was signed in his presence and is genuine to the best of his knowledge and belief; and*
- (3) Each signer had an opportunity before signing to examine the document and the information which is required to be attached to the document pursuant to subsection 1 of section 8 of this act.*

2. Each document of the petition must have affixed to it the information described in subsection 1 of section 8 of this act.

Sec. 10. 1. The county clerk shall invalidate the signature of any qualified elector if the signature is not signed in ink and dated or if the signature is executed before the notice to incorporate and the petition for incorporation are filed with the county clerk pursuant to

section 6 of this act. The county clerk shall not invalidate a signature because it does not correspond exactly to the signature on the registrar of voters' register if he is able to determine the identity of the signer from the signature on the petition.

2. A petition for incorporation must contain a number of signatures equal to at least ~~15 percent~~ one-third (Walt Kuver of Pahrump suggests maintaining 15 percent) of the qualified electors within the boundaries of the town proposed to be incorporated. In addition, the number of qualified electors signing the petition must own at least 5 percent of the assessed valuation of the property within the boundaries of the town proposed to be incorporated.

3. The petition containing the required number of signatures must be filed with the county clerk within 90 days after the notice to incorporate is filed pursuant to section 6 of this act.

Sec. 10A. 1. The county clerk shall invalidate the signature of any qualified elector if the signature is not signed in ink and dated or if the signature is executed before the notice to incorporate and the petition for incorporation are filed with the county clerk pursuant to section 6 of this act. The county clerk shall not invalidate a signature because it does not correspond exactly to the signature on the registrar of voters' register if he is able to determine the identity of the signer from the signature on the petition.

2. A petition for incorporation must contain a number of signatures equal to at least 15 percent of the qualified electors within the boundaries of the town proposed to be incorporated ~~[- In addition, the number of qualified electors signing the petition must own at least 5 percent of the assessed valuation of the property within the boundaries of the town proposed to be~~

~~incorporated.~~ who, together with any corporate petitioners own not less than 5 percent in assessed value of the taxable real property within the territory of the proposed incorporated town. For the purpose of this section, the number of qualified electors must be determined as of January 1 of the year in which the petition is circulated, and the assessed values must be determined from the assessed roll for that fiscal year. An authorized corporate officer may sign such a petition regardless of whether he is a qualified elector.

3. The petition containing the required number of signatures must be filed with the county clerk within 90 days after the notice to incorporate is filed pursuant to section 6 of this act.

Sec. 11. 1. Within 30 days after the petition is filed pursuant to section 10 of this act, the county clerk shall verify the signatures and issue a certificate as to the sufficiency of the petition and send a copy of the certificate by registered or certified mail to the committee. If the petition is insufficient, the county clerk shall include in the certificate the reasons for the insufficiency of the petition.

2. A person who signs the petition may request that his name be removed from the petition by submitting to the county clerk a written request therefor under penalty of perjury not later than 15 days after the petition for incorporation is filed pursuant to section 10 of this act.

Sec. 12. 1. A petition which lacks the required number of signatures may be amended once if the committee files a notice to amend with the county clerk within 2 days after it receives written notice from the county clerk pursuant to section 11 of this act. The committee

must file with the county clerk an amended petition containing the additional required signatures within 8 days after it files a notice to amend. An amended petition must comply with the requirements of the petition as originally filed.

2. Within 10 days after the amended petition is filed, the county clerk shall verify the signatures and send a copy of the certificate by registered or certified mail to the committee.

Sec. 13. 1. The county clerk shall promptly file with the board of county commissioners the certificate for:

(a) A petition or amended petition which he determines is sufficient; and

(b) A petition or amended petition which he determines is insufficient if a notice to amend or a notice to review is not timely filed by the committee.

The sufficiency of the petition as certified by the county clerk shall be deemed a final determination of the board.

2. The committee may, within 2 days after it receives written notice from the county clerk that the petition or amended petition is insufficient, file a notice to review with the board of county commissioners. The board shall determine the sufficiency of the petition within 30 days after it receives the notice to review. The decision of the board is a final determination for the purposes of judicial review.

Sec. 14. Upon receipt of a petition that has been certified as sufficient by the county clerk, the board of county commissioners shall:

1. Within 30 days request a report on the advisability of incorporation and the feasibility of the proposed town, including, without limitation, the factors set forth in section 21 of this

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act and a determination of whether the requirements set forth in section 5 of this act have been satisfied, from the committee on local government finance. The report must be in writing and be delivered to the board of county commissioners not later than 90 days after the report is requested, unless the committee determines the requirements set forth in section 5 of this act have not been satisfied. Upon receipt of the report, the board shall supply a copy of the report upon request to any person for the cost of reproduction.

2. Within 30 days transmit a copy of the petition to the executive director of the department of taxation.

3. Transmit a copy of the petition to any state, county or regional planning commission or agency that exercises planning authority over any part of the area proposed to be incorporated and to every other local government within the county.

Sec. 15. *A commission, agency or district that receives a petition pursuant to subsection 3 of section 14 of this act may:*

1. Review the petition for the proposed incorporation considering:

(a) The operating charter or enabling laws of the commission, agency or district;

(b) The factors set forth in section 21 of this act; and

(c) Any other information in its possession.

2. Report its recommendations regarding the proposed incorporation to the board of county commissioners in writing, not later than 60 days after it receives the petition.

Sec. 16. *1. The department of taxation shall prepare a concise statement concerning the estimated fiscal effect of the incorporation on the residents of the proposed town, including*

an estimated tax rate and an example of that tax rate applied for 1 year to a median-priced home in the area of the proposed town compared to an example of the present tax rate in the area applied for the same period to the same home.

2. Within 30 days after receipt of the petition from the board of county commissioners, the department of taxation shall file with the committee on local government finance a statement of estimated fiscal effect prepared pursuant to subsection 1, and any explanatory material and calculations.

3. The committee on local government finance shall:

(a) Approve or revise and approve the statement of estimated fiscal effect at a public meeting; and

(b) Transmit the statement to the county clerk within 30 days after receipt of the statement from the department of taxation.

4. The statement of estimated fiscal effect prepared by the department of taxation must not affect any subsequent calculations made by the department if the town is incorporated.

Sec. 17. 1. If the committee on local government finance determines that a petition for incorporation does not satisfy the requirements set forth in section 5 of this act, it shall notify the board of county commissioners in writing.

2. After a determination by the committee on local government finance that a petition does not satisfy the requirements of section 5 of this act, no further action on the petition for incorporation may be taken unless the determination is reversed by a district court pursuant to section 18 of this act.

Sec. 18. *A qualified elector or any other person who has an ownership interest in real property within the area proposed to be incorporated, and who is aggrieved by the determination of the committee on local government finance pursuant to section 17 of this act may appeal the determination to the district court within 30 days after the committee notifies the board of county commissioners of the determination. The district court shall limit its review to the issues contained within the record of the public hearing and in the determination. The district court may allow the record to be supplemented by additional evidence concerning those issues. The determination of the committee on local government finance may be reversed only upon a showing that the determination is in violation of constitutional or statutory provisions, is arbitrary or capricious or involves an abuse of discretion. If the determination of the committee on local government finance is reversed, the committee shall complete its report pursuant to section 14 of this act and the procedure for incorporation must be continued as if the committee on local government finance had not made its determination.*

Sec. 19. *1. The board of county commissioners shall, within 14 days after it receives the report requested pursuant to section 14 of this act, designate a date, time and place for a public hearing on the petition and the report.*

2. The date of the public hearing must not be earlier than 14 days nor later than 30 days after the date on which the date, time and place of the public hearing was designated.

3. The board of county commissioners shall cause notice of the public hearing, including a copy of the petition without signatures, to be published in a newspaper of general circulation

within the county at least 7 days before the hearing is held. The text of the notice must be published in display type that is at least 10-point in size. The board shall provide notice of the date, time and place set for the public hearing at least 7 days before the hearing is held to the governing body of each city or town within the county.

Sec. 20. 1. *The board of county commissioners shall keep a record of the hearing and include as part of the record the report requested pursuant to section 14 of this act and any report submitted by a commission, agency or district pursuant to section 15 of this act.*

2. *The board of county commissioners shall allow any interested person to present oral or written testimony at the hearing. The board may invite representatives from state and local governments to present testimony.*

3. *The board may hold additional hearings but all hearings on the petition must be completed within 30 days after the initial hearing is held.*

Sec. 21. 1. *To determine the advisability of incorporation and the feasibility of the proposed town, the board of county commissioners shall consider the following factors with regard to the area proposed to be incorporated:*

(a) Its population and, if the area is located in a county whose population is 100,000 or more, the density of population;

(b) The land area, land uses, topography, natural boundaries and drainage basin;

(c) The extent to which the area is devoted to agriculture, mineral production or other uses that may not require significant improvements to the property;

(d) The extent of commercial and industrial development;

- (e) The extent and age of residential development;*
- (f) The comparative size and assessed value of subdivided land and unsubdivided land;*
- (g) Current and potential issues concerning transportation;*
- (h) Past expansion of population and construction;*
- (i) The likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next 10 years;*
- (j) The present cost, method and adequacy of regulatory controls and governmental service, including, without limitation, water and sewer service, fire rating and protection, police protection, improvement and maintenance of streets and recreational facilities in the area and the future need for such services and controls;*
- (k) The present and projected revenues for the county and the proposed town;*
- (l) The probable effect of incorporation on revenues and services in the county and local governments in adjacent areas;*
- (m) The probable effect of the proposed incorporation and of any alternatives to incorporation on the social, economic and governmental structure of the affected county and adjacent areas;*
- (n) The probable effect of the proposed incorporation and of any alternatives to incorporation on the availability and requirement of water and other natural resources; and*
- (o) Any determination by a governmental agency that the area is suitable for residential, commercial or industrial development, or that the area will be opened to private acquisition.*

2. If the area proposed to be incorporated is within 5 miles of an existing city or incorporated town, in addition to the factors listed in subsection 1, the board of county commissioners shall consider:

- (a) The size and population of the existing city or incorporated town;*
- (b) Growth in population and commercial and industrial development in the existing city or incorporated town during the past 10 years;*
- (c) Any extension of the boundaries of the existing city or incorporated town during the past 10 years;*
- (d) The probability of growth of the existing city or incorporated town toward the area proposed to be incorporated in the next 10 years, considering natural barriers and other factors that might influence such growth; and*
- (e) The willingness of the existing city to annex the area proposed for incorporation and to provide services to the area.*

3. The board of county commissioners shall also consider:

- (a) The recommendations of any commission, agency, district or member of the public who submits a written report;*
- (b) Testimony from any person who testifies at a hearing; and*
- (c) Existing petitions for annexation of any part of the area.*

Sec. 22. 1. Upon conclusion of the final hearing, the board of county commissioners may take the matter under consideration and shall, within 30 days after the conclusion of the

hearing, issue an opinion, in writing, concerning the advisability of the incorporation and the feasibility of the proposed town.

2. If the board's written opinion concludes that the incorporation is advisable and the proposed town is feasible, an affirmative vote of a majority of the voters voting on the matter is required to constitute approval by the voters of the incorporation of the town. If the board's written opinion concludes that the incorporation is not advisable or the proposed town is not feasible, or both, an affirmative vote of ~~three-fourths~~ two-thirds of the voters voting on the matter is required to constitute approval by the voters of the incorporation of the town.

3. The board shall designate a date on which the election will be held. The date of the election must not be earlier than 60 days nor later than 120 days after the board issues its opinion.

4. The board shall cause notice of the election to be published in a newspaper of general circulation within the county at least once each week for 3 consecutive weeks. The text of the notice must be published in display type that is at least 10-point in size. The final publication of notice must be published before the day of the election.

5. The notice must include a copy of the petition, a description of the area proposed to be incorporated, the statement of the estimated fiscal effect of the proposed incorporation prepared pursuant to section 16 of this act, the location of the polling places and the date and time of the election.

Sec. 23. A petition for incorporation may be withdrawn at any time before the 30th day preceding the day of the election held pursuant to section 22 of this act if a notice of

withdrawal signed by at least four members of the committee is filed with the county clerk. Upon filing the notice of withdrawal, no further action may be taken on the petition for incorporation.

Sec. 24. The ballots used for the election held pursuant to section 22 of this act must:

1. Be in substantially the following form:

Shall the area described as(describe area) be incorporated as the Town of (name of town)?

Yes

No

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

2. Contain a statement of the services to be provided ~~for arranged for~~ by the incorporated town, as selected by the committee pursuant to section 7 of this act.

3. Contain the statement of the estimated fiscal effect of the proposed incorporation prepared pursuant to section 16 of this act.

4. Contain a copy of the map or plat that was submitted with the petition pursuant to section 8 of this act and depicts the existing streets, sewer interceptors and outfalls and their proposed extensions.

Sec. 25. 1. At least 10 days before an election held pursuant to section 22 of this act, the county clerk or registrar of voters shall cause to be mailed to each qualified elector a sample ballot for his precinct with a notice informing the elector of the location of his polling place.

2. The sample ballot must:

- (a) Be in the form required by section 24 of this act.*
- (b) Include the information required by section 24 of this act.*
- (c) Except as otherwise provided in subsection 3, be printed in at least 12-point type.*
- (d) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the state, a county, a city, an incorporated town, a township, a section or any combination thereof.*
- (e) Contain a copy of the map or plat that was submitted with the petition pursuant to section 8 of this act and depicts the existing dedicated streets, sewer interceptors and outfalls and their proposed extensions.*
- (f) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:*

***NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)***

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. *The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.*

5. *If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.*

Sec. 26. 1. *The board of county commissioners shall canvass the votes in the same manner as votes are canvassed in a general election. Upon the completion of the canvass, the board shall immediately notify the county clerk of the result, which must be determined in accordance with subsection 2 of section 22 of this act.*

2. *The county clerk shall immediately, upon receiving notice of the canvass from the board of county commissioners, cause to be published a notice of the results of the election in a newspaper of general circulation in the county. The county clerk shall file a copy of the notice with the secretary of state.*

Sec. 27. *Upon approval of the incorporation by the voters, the board of county commissioners shall authorize a professional land surveyor licensed pursuant to chapter 625 of NRS to prepare a legal description of the area of the incorporated town by metes and bounds and courses and distances. The cost of the survey is a charge against the incorporated town.*

Sec. 28. 1. *The costs incurred by the board of county commissioners in carrying out the provisions relating to the incorporation, including the costs incurred in certifying the petition, publishing the notices, requesting the report pursuant to section 14 of this act, conducting the*

public hearing and election, including the cost of mailing the sample ballots, and any appeal pursuant to section 18 of this act are a charge against the county if the proposed incorporation is not submitted to the voters or the incorporation is disapproved by the voters, and a charge against the incorporated town if the incorporation is approved by the voters.


2. The costs incurred by the incorporators in carrying out the provisions relating to the incorporation, including the costs incurred in preparation of the petition for incorporation, preparation of the descriptions and map of the area proposed to be incorporated and circulation of the petition are chargeable to the incorporated town if the incorporation is approved by the voters.

Sec. 29. 1. Upon approval of the incorporation by the voters, the board of county commissioners shall designate a date on which an election to elect the officers of the incorporated town will be held. The election must be held not less than 60 days nor more than 120 days after the election conducted pursuant to section 22 of this act.

2. The county clerk shall publish or cause to be published notice of the election in a newspaper of general circulation in the incorporated town. The notice must be published once each week for 3 consecutive weeks. If no newspaper of general circulation is published in the town, the county clerk shall post the notice in at least five public places in the town.

Sec. 30. A petition for incorporation must not be circulated for signatures or considered by the board of county commissioners for ~~1 year~~ 2 years after the date on which:

1. A final determination of its insufficiency is made;

2. *An election is held in which the proposed incorporation of the area is rejected by the voters;*
3. *A notice of withdrawal of a petition is filed with the county clerk pursuant to section 23 of this act; or*
4. *A final disposition is made on a petition for incorporation which was previously filed with the county clerk if that petition included any area which is also included in the petition proposed to be circulated  , whichever occurs later.*

Sec. 31. *A person who wishes to become a candidate for an elective office of a newly created incorporated town must:*

1. *Reside within the boundaries of the newly created incorporated town; and*
2. *File a declaration of candidacy with the county clerk not less than 30 days nor more than 90 days before the date of the election.*

Sec. 32. 1. *The mayor of the incorporated town shall file three copies of the articles of incorporation of the town with the secretary of state.*

2. *The articles of incorporation must be signed and verified by the mayor and include the name of the incorporated town and a description of its location.*

3. *The secretary of state shall certify the articles of incorporation upon receipt and send one copy to the county clerk of the county in which the incorporated town is located and one copy to the mayor of the incorporated town. The secretary of state shall retain a copy for his*

records and furnish a certified copy to any person who requests a copy upon payment of a reasonable fee as determined by the secretary of state.

Sec. 33. *Before the incorporation of the town becomes effective, the elected officers of the incorporated town may:*

- 1. Prepare and adopt a budget;*
- 2. Adopt ordinances, including an ordinance fixing the salaries of the officers first elected or appointed for the incorporated town, including those officers who enact and sign the ordinance;*
- 3. Levy a tax ad valorem on property within the area of the incorporated town, at the time and in the amount prescribed by law for incorporated towns, for the fiscal year beginning on the date the incorporation of the town becomes effective;*
- 4. Negotiate an equitable apportionment of the fixed assets of the county pursuant to section 36 of this act;*
- 5. Negotiate contracts for the employment of personnel;*
- 6. Negotiate contracts to provide services for the incorporated town, including those services provided for by chapter 277 of NRS; and*
- 7. Negotiate contracts for the purchase of equipment, materials and supplies.*

Sec. 34. 1. *The incorporation of a town becomes effective:*

(a) If the election held pursuant to section 29 of this act is held on or before the 1st Tuesday after the 1st Monday of November, on July 1 of the year next following the election;
or

(b) If the election held pursuant to section 29 of this act is held after the 1st Tuesday after the 1st Monday of November, 1 year after July 1 of the year next following the election.

2. A town which levies and collects a tax ad valorem on property for at least 2 years after its incorporation ~~{and whose existence as an incorporated town has not been challenged in the district court for the county in which the town is located,}~~ is conclusively presumed to be a lawfully existing incorporated town.

Sec. 35. 1. During the period from the filing of the notice of the results of the election by the county clerk pursuant to section 26 of this act until the date the incorporation of the town becomes effective, the county is entitled to receive the taxes and other revenue from the incorporated town and shall continue to provide services to the incorporated town.

2. Except as otherwise provided in NRS 318.492, all special districts located within the boundaries of an incorporated town continue to exist within that town after the incorporation becomes effective.

Sec. 36. 1. The governing body of the incorporated town and the board of county commissioners of the county in which the incorporated town is located shall, before the date the incorporation becomes effective or within 90 days thereafter, equitably apportion ~~{those fixed-assets}~~ the real property and fixtures of the county which are located within the boundaries of the incorporated town. The governing bodies shall consider the location, use and types of ~~{assets}~~ real property and fixtures in determining an equitable apportionment between the county and the incorporated town.

2. Any real property and ~~its appurtenances~~ fixtures located within the incorporated town and not required for the efficient operation of the county's duties must first be applied toward the town's share of the ~~assets~~ real property and fixtures of the county. Any real property or fixtures which ~~is~~ are required by the county for the efficient operation of its duties must not be transferred to the incorporated town.

3. If an agreement to apportion the ~~assets~~ real property and fixtures of the county is not reached within 90 days after the incorporation of the town, the matter may be submitted to arbitration upon the motion of either party.

4. Any appeal of the arbitration award must be filed with the district court within 30 days after the award is granted.

Sec. 37. Any property located within an incorporated town which was assessed and taxed by the county before incorporation must continue to be assessed and taxed to pay for the indebtedness incurred by the county before incorporation.

Sec. 38. Whenever the inhabitants of any territory become incorporated under this chapter, the officers required by section 69 of this act to give bonds shall do so in the penal sum of not less than \$500, such bonds to remain in force until the passage of ordinances or resolutions by the town council providing for the giving of bonds by such officers.

Sec. 39. 1. Towns incorporated pursuant to this chapter:

(a) Are municipal corporations.

(b) Shall be known and designated by the name and style adopted.

2. Under such name, towns may:

- (a) Sue and be sued.*
- (b) Contract and be contracted with.*
- (c) Acquire and hold real and personal property for corporate purposes.*
- (d) Have a common seal and change the same at pleasure.*
- (e) Have perpetual succession.*
- (f) Exercise all the powers conferred in this chapter.*

- WARDS -

Sec. 40. 1. *In a town incorporated pursuant to this chapter, the town may be divided into wards by ordinance as follows:*

- (a) A town whose population is less than 5,000, into three wards.*
- (b) A town whose population is 5,000 or more, into five wards.*

2. *The division of towns into wards must, during the incorporation thereof, be made by the board of county commissioners. The wards must as nearly as practicable be of equal population and in compact form.*

3. *Once established, the boundaries of wards must be changed by ordinance of the town council whenever, as determined at the close of registration before each general election, the number of registered voters in any ward exceeds the number of registered voters in any other ward by more than 5 percent.*

- ORDINANCES AND RESOLUTIONS -

Sec. 41. 1. *Except as otherwise provided in this section, the town council may make and pass all ordinances, resolutions and orders, not repugnant to the Constitutions of the United*

States or of the State of Nevada or to the provisions of this chapter, necessary for the municipal government and the management of the town affairs, for the execution of all powers vested in the town, and for making effective the provisions of this chapter.

2. *The town council may provide for fines or penalties to enforce such ordinances, not to exceed those provided for by law for misdemeanors.*

3. *Except with respect to matters related to the internal administrative functions of the incorporated town, the town council shall not adopt, repeal or amend an ordinance, resolution or order unless the ordinance, resolution or order pertains to a service provided ~~for~~ by the incorporated town.*

4. ~~*The town council shall not adopt, repeal or amend an ordinance, resolution or order concerning a criminal offense.*~~ *If an incorporated town has elected to provide the service of zoning and land use planning, any requirements imposed by the town council regarding matters of zoning and land use planning must be at least as restrictive as the zoning and land use planning requirements of the county in which the incorporated town is located. The board of county commissioners of the county in which the incorporated town is located has the final authority in determining whether a given requirement is at least as restrictive as the corresponding requirement imposed by the county. (Also recommended by Carole Vilardo/Nevada Taxpayers' Association)*

Sec. 42. 1. *No ordinance shall be passed except by bill, and when any ordinance is amended, the section or sections thereof shall be reenacted as amended.*

2. *Every ordinance, except those revising the town ordinances, shall embrace but one subject and matters necessarily connected therewith and pertaining thereto; and the subject shall be clearly indicated in the title, and in all cases where the subject of the ordinance is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.*

Sec. 43. 1. *The style of ordinances must be as follows: "The Town Council of the Town of do ordain." All proposed ordinances, when first proposed, must be read by title to the town council and may be referred to a committee of any number of the members of the council for consideration, after which an adequate number of copies of the ordinance must be deposited with the town clerk for public examination and distribution upon request. Notice of the deposit of the copies, together with an adequate summary of the ordinance, must be published once in a newspaper published in the town, if any, otherwise in some newspaper published in the county which has a general circulation in the town, at least 10 days before the adoption of the ordinance. At any meeting at which final action on the ordinance is considered, at least one copy of the ordinance must be available for public examination. The town council shall adopt or reject the ordinance, or the ordinance as amended, within 30 days after the date of publication, except that in cases of emergency, by unanimous consent of the whole council, final action may be taken immediately or at a special meeting called for that purpose.*

2. *At the next regular or adjourned meeting of the council following the proposal of an ordinance and its reference to committee, the committee shall report the ordinance back to the council, and thereafter it must be read by title and summary or in full as first introduced, or if*

amended, as amended, and thereupon the proposed ordinance must be finally voted upon or action on it postponed.

3. After final adoption the ordinance must be signed by the mayor, and, together with the votes cast on it, must be:

(a) Published by title, together with an adequate summary including any amendments, once in a newspaper published in the town, if any, otherwise in a newspaper published in the county and having a general circulation in the town; and

(b) Posted in full in the town hall.

FLUSH *The ordinance must go into effect 20 days after its publication, except emergency ordinances which may be effective immediately.*

- THE MAYOR -

Sec. 44. The chief executive of an incorporated town is the mayor.

Sec. 45. Mayors must be qualified electors within their respective incorporated towns and must have been actually bona fide residents thereof for a period of at least 1 year next preceding their election.

Sec. 46. Mayors must be chosen by the qualified electors of their respective incorporated towns.

Sec. 47. Any vacancy occurring in the office of mayor, by death, resignation, removal or otherwise, shall be filled by the town council at the first regular meeting after such vacancy, when the council shall by a majority vote elect some competent person who shall hold the

office until the election of his successor at the next general town election, and his qualification.

Sec. 48. 1. *During the absence or disability of the mayor, the town council shall, by ordinance or resolution, provide for the appointment of one of its members as mayor pro tem.*

2. *During the absence or disability of the mayor, the mayor pro tem shall:*

(a) Possess the powers and duties of mayor; and

(b) Hold the office of mayor pro tem at the pleasure of the town council.

Sec. 49. 1. *The mayor shall exercise a careful supervision over the general affairs of the town.*

2. *In exercising his duty of supervision pursuant to subsection 1, the mayor shall:*

(a) From time to time, give the town council information in writing relative to the state of the town, and recommend such measures as he may deem beneficial to the town.

(b) See that all the general laws and ordinances of the town are observed and enforced.

(c) Take all proper measures for the preservation of public peace and order, and the suppression of riots, tumults and all forms of public disturbances. If local law enforcement forces are inadequate, he shall call upon the governor for military aid in the manner provided by law.

(d) Sign all licenses and warrants and claims against the town.

(e) See that all contracts are fully kept and faithfully performed, and, to that end and in any such case where necessary or proper to protect the interests of the town, shall cause legal proceedings to be instituted or defended at the expense of the town.

(f) Perform such other duties as the town council may prescribe by ordinance.

Sec. 50. 1. The mayor:

(a) Shall preside over the town council when in session, and shall preserve order and decorum among the members and enforce the rules of the town council and determine the order of business, subject to those rules and appeal to the town council, or as provided by ordinance.

(b) Is not entitled to a vote except in case of a tie, when the mayor has a casting vote, except as otherwise provided in this chapter.

2. The mayor may exercise the right of veto upon all matters passed by the town council. To pass any matter receiving the mayor's veto requires a four-fifths vote of a town council composed of five members, and a unanimous vote of a town council composed of three members.

3. No resolution or contract requiring the payment of money nor any ordinance may go into force or have any effect until approved in writing by the mayor, unless passed over the mayor's veto. If the mayor does not approve the resolution, contract or ordinance so submitted, he shall, within 5 days after the receipt thereof, return it to the town clerk with his reasons in writing for not approving it. If the mayor does not so return it, the resolution or contract thereupon goes into effect and the ordinance becomes a law, in like manner and with the same effect as if it had been approved by the mayor.

- TOWN COUNCIL -

Sec. 51. Councilmen must be:

1. Qualified electors within their respective incorporated towns and bona fide residents thereof for a period of at least 1 year next preceding their election.

2. Except as otherwise provided in section 52 of this act, qualified electors within their respective wards.

Sec. 52. *1. If an incorporated town whose population is less than 5,000 is:*

(a) Divided into wards, the town council must be composed of three councilmen with one councilman from each ward who is elected only by the electors who reside in that ward.

(b) Not divided into wards, three councilmen must be elected by the voters of the town at large.

2. If an incorporated town whose population is 5,000 or more is:

(a) Divided into wards, the town council must be composed of five councilmen with one councilman from each ward who is elected only by the electors who reside in that ward.

(b) Not divided into wards, five councilmen must be elected by the voters of the town at large.

Sec. 53. *Any vacancy occurring in the office of councilman by death, resignation, removal or otherwise must be filled by the mayor and town council at the first regular meeting after the vacancy, when the council and the mayor, who has the same voting power thereon as a councilman, shall by a majority vote elect some person possessing the requisite qualifications, who shall hold the office until the election and qualification of his successor at the next general town election.*

Sec. 54. *A member of a town council shall not, during the term for which he was elected and for 1 year after the expiration of that term, hold or be appointed to any office which was created, or the salary or emoluments of which were increased, while he was a member of the town council.*

Sec. 55. *Except as otherwise provided in NRS 241.0355, a majority of all members of the town council constitutes a quorum to do business, but fewer members may meet and adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.*

Sec. 56. *The town council shall determine its own rules of procedure, may punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members of the town council, may expel a member for cause.*

Sec. 57. 1. *The town council shall prescribe by ordinance the time and place of holding its meetings, but at least one meeting must be held each month.*

2. *All meetings of a town council must be conducted in accordance with the provisions of chapter 241 of NRS.*

Sec. 58. 1. ~~{The}~~ *Except as otherwise authorized pursuant to chapter 241 of NRS, the deliberations, sessions and proceedings of the town council must be public.*

2. *The town council shall keep written minutes of its own proceedings as required pursuant to NRS 241.035. The yeas and nays must be taken:*

(a) Upon the passage of all ordinances;

(b) Upon the passage of any proposition to create any liability against the town; and

(c) In all other cases at the request of any member of the town council or of the mayor.

FLUSH *The yeas and nays must be entered in the minutes of the proceedings of the town council.*

3. The affirmative vote of a majority of all the members elected to the town council is necessary to pass:

(a) Any ordinance.

(b) Any proposition to create any liability against the town.

Sec. 59. At the request of any two members of the town council in incorporated towns with councils composed of five members, or at the request of one member in incorporated towns with councils composed of three members, final action on any report of a committee of the town council must be deferred to the next regular meeting of the town council after the report is made.

- SERVICES; POWERS -

Sec. 60. 1. An incorporated town must, at all times, provide ~~for~~ ~~arrange for the~~ ~~provision of~~ at least four of the following services:

(a) Police protection.

(b) Fire protection.

(c) Zoning and land use planning, including the enforcement of ordinances and other requirements relating thereto.

(d) Construction, maintenance and repair of roads.

(e) Water and sewer services.

(f) Garbage collection.

(g) *Emergency medical services.*

(h) *Parks and recreation.*

2. *Except as otherwise provided in this ~~{subsection,}~~ section, each incorporated town is limited to those services whose supply provided the basis for the incorporation of the town, as identified and selected pursuant to section 7 of this act. ~~{The town council may, by ordinance, amend the list of services to be provided or arranged for by the incorporated town, but in}~~ In no case may the services provided ~~{or arranged for}~~ by the incorporated town consist of fewer than four of the services described in subsection 1.*

3. ~~*{An incorporated town arranges for a service when it enters into an agreement pursuant to chapter 277 of NRS to have another local government provide that service to the incorporated town.}*~~ *Subject to the minimum number of services required pursuant to subsection 2, the town council may, by ordinance and in accordance with this subsection, alter the list of services provided by the incorporated town. Before altering the list of services provided by the incorporated town, the town council, in cooperation with the board of county commissioners:*

(a) Shall submit the proposed alteration to a vote of the residents of the incorporated town; and

(b) Shall not proceed with the proposed alteration unless a majority of the residents voting upon the matter vote in favor of the proposed alteration.

An election held for the purposes described in this subsection must be conducted, insofar as is practicable, in the same manner as the election held for the initial incorporation of the town.

Sec. 61. 1. *Except as otherwise provided in this section, the town council, on behalf of the incorporated town and in its name, without any election, may take such actions as it deems necessary or useful to* ~~the~~

~~—(a) Provide or arrange for; and~~

~~—(b) Administer,} provide and administer~~ *the services required pursuant to section 60 of this act.*

2. *The provisions of this section do not authorize the town council of an incorporated town to levy, impose or collect any tax or assessment that the town council is not otherwise authorized to levy, impose or collect pursuant to the laws of this state.*

Sec. 62. *When power is conferred upon the town council of an incorporated town to do and perform any act or thing, and the manner of exercising the same is not specifically pointed out, the town council may provide by ordinance the manner and details necessary for the full exercise of such power.*

Sec. 63. 1. *The town council of an incorporated town may by ordinance, in accordance with the provisions of NRS 354.470 to 354.626, inclusive, levy an ad valorem tax upon all taxable property in the incorporated town.*

2. *Any proceeds received from the levy of the tax authorized pursuant to subsection 1 must be used to pay for the:*

(a) Services required pursuant to section 60 of this act; and

(b) Organization and current expense of the incorporated town, including, without limitation, salaries and wages of officers and employees and other proper incidental expenditures.

- OFFICERS GENERALLY -

Sec. 64. *The town council of an incorporated town may:*

- 1. Create any office that may be deemed necessary for the town.*
- 2. Provide for filling all vacancies in elective and appointive offices.*
- 3. Regulate and prescribe the powers, duties and compensation of all officers of the town, except as otherwise provided by law.*
- 4. Require all officers or employees of the town responsible for the handling of town money to give bond and security, to be paid by the town from its money, for the faithful performance of their duties.*
- 5. Require from every officer of the town at any time a report in detail of all transactions in his office, or any matters connected therewith.*

Sec. 65. *The mayor of an incorporated town, with the advice and consent of the town council, shall appoint all such officers as may be provided for by law or ordinance.*

Sec. 66. *1. The town council of an incorporated town, by ordinance, may require that the person appointed reside actually, and not constructively, within:*

- (a) The limits of the town; or*
 - (b) The county in which the town is located.*
- 2. A person who is a defaulter to the town is ineligible to hold any town office.*

Sec. 67. 1. *In addition to the mayor and town council, there must be in each incorporated town a town clerk and a town treasurer, or if those offices are combined pursuant to subsection 3, a town clerk and treasurer. The offices of town clerk and town treasurer may be either elective or appointive offices, as provided by town ordinance. All elected officers shall hold their respective offices for 4 years and until their successors are elected and qualified. The terms of office of the members of the town council must be staggered.*

2. *The mayor, with the advice and consent of the town council, may appoint any officers as may be deemed expedient.*

3. *The town council may provide by ordinance for the office of town clerk and the office of town treasurer to be combined into the office of town clerk and treasurer.*

4. *The office of the mayor and the offices of all other officers of the incorporated town must be open for the transaction of business at least from 8 a.m. until 12 p.m. and from 1 p.m. until 5 p.m. every day of the year, with the exception of Saturdays, Sundays and legal holidays.*

Sec. 68. *Except as otherwise provided by specific law or ordinance, all appointed officers serve at the pleasure of the mayor and town council and may be removed by a majority vote of the town council. The mayor may exercise the right of veto as provided in section 50 of this act.*

Sec. 69. 1. *Every officer of an incorporated town, whether elected or appointed, shall, before he enters upon the duties of his office take and subscribe to the constitutional oath of office.*

2. Every officer of an incorporated town who is responsible for the handling of town funds shall execute a bond payable to the town in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of his office, and the payment of all moneys received by such officer according to law and the ordinances of the town.

Sec. 70. 1. All bonds given by the officers of an incorporated town must be filed with the town clerk.

2. The town council may at any time require further and additional bonds of all officers elected and appointed.

Sec. 71. If the mayor or any municipal officer of an incorporated town is adjudged guilty of nonfeasance, misfeasance or malfeasance by any court of competent jurisdiction, he must be fined in a sum not exceeding \$1,000. The court in which such conviction is had shall enter an order removing such officer from office and the officer is not eligible to any municipal office thereafter.

Sec. 72. Every officer of an incorporated town shall, within 5 days after notification and request, deliver to his successor in office all properties, books and effects of every description in his possession belonging to the town or appertaining to his office. If an officer fails, refuses or neglects to do so he is liable for all damages caused thereby, and to such penalty as may be by ordinance prescribed.

Sec. 73. All elected officers of an incorporated town are entitled to receive such compensation as may be fixed by ordinance, but, except as otherwise provided in section 33 of

this act, the compensation of any elected officers must not be increased or diminished to take effect during the term for which the officer was elected. All appointed officers are entitled to receive such compensation as may be fixed by ordinance.

Sec. 74. The duties, powers and privileges of all officers in any way connected with the government of an incorporated town, not defined in this chapter, shall be defined by the town council. The defining by this chapter of the duties of town officers does not preclude the town council from defining by ordinance further and additional duties to be performed by any such officer.

- TOWN CLERK -

Sec. 75. The town clerk of an incorporated town shall:

- 1. Keep his office at the place of meeting of the town council, or some other place convenient thereto, as the council may direct.*
- 2. Keep the corporate seal and all papers and records of the town.*
- 3. Keep a record of the proceedings of the town council, whose meetings he shall attend.*
- 4. Countersign all contracts made in behalf of the town, and every such contract or contracts to which the town is a party are void unless signed by the town clerk.*
- 5. Cause to be published quarterly in some newspaper published in the town a statement of the finances of the town, showing receipts and disbursements, and bills allowed and paid. The statement must be signed by the mayor and attested by the town clerk. If there is no newspaper published in the incorporated town, the financial statement must be published in a newspaper of general circulation in the county.*

- TOWN TREASURER -

Sec. 76. *The town treasurer of an incorporated town shall perform such duties as may be designated by ordinance.*

Sec. 77. *All warrants must be paid out of their respective funds in the order in which they will be issued.*

Sec. 78. *The town treasurer of an incorporated town shall:*

1. *Give to every person paying money into the town treasury a receipt therefor, specifying the date of payment and upon what account paid.*

2. *File the duplicate of such receipt with the town clerk, at the date of his monthly report.*

Sec. 79. 1. *The town treasurer of an incorporated town ~~or the county treasurer when acting as ex officio town treasurer,~~ shall keep all money belonging to the town separate from all other money held by him for any other purpose or fund and may, when one or more insured banks, credit unions or savings and loan associations are located in the town, deposit, with unanimous consent of his bondsmen, town money in such banks, credit unions or savings and loan associations in demand or time accounts. When no such banks, credit unions or savings and loan associations exist in the town, he may deposit, with the unanimous consent of his bondsmen, town money with any insured bank, credit union or savings and loan association in the State of Nevada in demand or time accounts.*

2. *The accounts must be kept in the name of the town in such manner as the governing board of the town may prescribe and under such terms and conditions for the protection of the*

money as the governing board may determine, not inconsistent with other laws of the State of Nevada regulating the deposit of public money.

3. The balances in banks, credit unions or savings and loan associations, as certified to by the proper officer thereof, and by the oath of the town treasurer, may be counted as cash.

Sec. 80. The town treasurer of an incorporated town shall report to the town council at such times as may be prescribed by ordinance, giving a full and detailed account of all receipts and expenditures since his last report, and of the state of the treasury. He shall also keep a register of all warrants redeemed and paid during the year, and describing such warrants, their date, amount, number, the fund from which paid, and the person to whom paid, specifying also the time of payment. All such warrants must be examined by the town council at the time of receiving the report.

- DISINCORPORATION -

Sec. 81. The provisions of NRS 265.110 to 265.180, inclusive, providing for disincorporation by petition of voters, govern the disincorporation of an incorporated town.

Sec. 82. NRS 265.010 is hereby amended to read as follows:

265.010 No city or town in this state may be organized into an incorporated city unless there were more than ~~1,000~~ **5,000** inhabitants residing within the limits of the city or town as determined by the last federal decennial census or the population certified by the governor pursuant to NRS 360.285, whichever is most recent, preceding the application for incorporation.

Sec. 83. NRS 277.100 is hereby amended to read as follows:

277.100 As used in NRS 277.080 to 277.180, inclusive, unless the context otherwise requires:

1. “Public agency” means:

(a) Any political subdivision of this state, including , without limitation , counties, incorporated cities and *incorporated* towns, including Carson City, unincorporated towns, school districts and other districts.

(b) Any agency of this state or of the United States.

(c) Any political subdivision of another state.

(d) Any Indian tribe, group of tribes, organized segment of a tribe, or any organization representing two or more such entities.

2. “State” includes any of the United States and the District of Columbia.

Sec. 84. NRS 277.103 is hereby amended to read as follows:

277.103 1. The governing bodies of a county, the largest city, and each other incorporated city *and incorporated town* which chooses to participate may consolidate the services provided by those governments, by interlocal agreement pursuant to the provisions of NRS 277.105.

2. The provisions of this section and NRS 277.105 supplement, and in case of conflict prevail over, the provisions of NRS 277.110 to 277.180, inclusive.

Sec. 85. NRS 277.105 is hereby amended to read as follows:

277.105 1. In a county in which governmental services are consolidated, the governing bodies may establish a permanent administrative entity to perform specific functions throughout

the participating cities *and incorporated towns* and in the unincorporated area of the county, including, but not limited to:

- (a) Prevention and suppression of fire.
- (b) Sanitation and sewerage.
- (c) Planning, regulation of use of land and buildings, inspection of buildings for safety, and the issuance of building permits.
- (d) Regulation of business and gaming and issuance of business and gaming licenses.
- (e) Provision of parks and recreation, including the maintenance of existing facilities.
- (f) Provision of informational systems and data processing for the county and participating cities ~~+~~ *and incorporated towns*.
- (g) General services and the maintenance of buildings and vehicles for the county and participating cities ~~+~~ *and incorporated towns*.

2. The county and each participating city *and incorporated town* may negotiate concerning the manner of contributing to the budget of the administrative entity in proportion to the sum of revenues derived by each from taxes, licenses for business and gaming, and fees for services performed, in each city *and incorporated town* and in the unincorporated area of the county, respectively.

Sec. 86. NRS 278.012 is hereby amended to read as follows:

278.012 “Cities and counties” means all counties and cities located in counties. Carson City is considered as a county. *If a town incorporated pursuant to sections 4 to 37, inclusive, of this act elects to provide the service of zoning and land use planning, the incorporated town is*

considered as a city ~~to~~ for the limited purpose of exercising the powers set forth in this chapter.

Sec. 87. NRS 278.015 is hereby amended to read as follows:

278.015 “Governing body” means ~~the~~ :

1. *The* city council or other legislative body of the city ~~for the~~ ;
2. *The town council of the incorporated town, if the incorporated town has elected to provide the service of zoning and land use planning;*
3. *The* board of county commissioners ~~for, in~~ *of the county; or*
4. *In* the case of Carson City, the board of supervisors.

Sec. 88. NRS 288.060 is hereby amended to read as follows:

288.060 “Local government employer” means any political subdivision of this state or any public or quasi-public corporation organized under the laws of this state and includes, without limitation, counties, cities, *incorporated towns*, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 89. NRS 318.492 is hereby amended to read as follows:

318.492 1. If all the territory within a district organized pursuant to this chapter is included within the boundaries of a ~~city incorporated under~~ :

(a) City incorporated pursuant to the provisions of chapter 266 of NRS, the board of county commissioners of the county shall, within 90 days after the filing of the notice required by NRS 266.033, adopt an ordinance providing for the merger of the district with the city and fixing a time and place for a hearing on the merger.

(b) Town incorporated pursuant to the provisions of sections 4 to 37, inclusive, of this act, the board of county commissioners of the county shall, within 90 days after the filing of the notice required by section 26 of this act, adopt an ordinance providing for the merger of the district with the town and fixing a time and place for a hearing on the merger.

2. The county clerk shall certify a copy of the ordinance and give notice of its adoption in the manner provided by subsection 2 of NRS 318.490.

3. The board of county commissioners shall thereafter proceed to hear and determine the matter as provided in NRS 318.495 and 318.500.

Sec. 90. NRS 318.508 is hereby amended to read as follows:

318.508 If a final ordinance of dissolution is adopted pursuant to NRS 318.492:

1. The merger of the district is effective on July 1 of the year next following the date the incorporation of the city *or town, as applicable*, becomes effective.

2. The city *or town, as applicable*, shall assume the obligations and functions of the district.

3. Any outstanding and unpaid tax sale or levy and any special assessment lien of the district is valid and remains a lien upon the property against which it is assessed or levied until paid, subject to the limitations of liens provided by general law. Any tax or special assessment paid after the effective date of the merger must be placed in the general fund of the city ~~+~~ *or town, as applicable*.

4. The city council of the city *or the town council of the town, as applicable*, has the same power to enforce the collection of any special assessment or outstanding tax sales of the district as the district would have had if it had not been merged.

Sec. 91. NRS 332.015 is hereby amended to read as follows:

332.015 For the purpose of this chapter, unless the context otherwise requires, “local government” means:

1. Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 473, 474, 539, 541, 543 and 555 of NRS ~~11~~, *and sections 2 to 81, inclusive, of this act.*
2. The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.
3. County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.667, inclusive.
4. District boards of health created pursuant to the provisions of NRS 439.370 to 439.410, inclusive.
5. The Nevada rural housing authority.

Sec. 92. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Day labor” means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

2. “Design-build contract” means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

3. “Design-build team” means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or is licensed as a professional engineer pursuant to chapter 625 of NRS.

4. “Design professional” means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

5. “Eligible bidder” means a person who is:

(a) Found to be a responsible and responsive contractor by a local government which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or was exempt from meeting such qualifications pursuant to NRS 338.1383.

6. “General contractor” means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

7. “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, *sections 2 to 81, inclusive, of this act*, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

8. “Offense” means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS.; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

9. “Prime contractor” means a person who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his own work force to perform all or a part of the construction, repair or reconstruction of the project; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

FLUSH The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

10. “Public body” means the state, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work.

11. “Public work” means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

- (6) Public utilities which are financed in whole or in part by public money;
- (7) Publicly owned water mains and sewers;
- (8) Public parks and playgrounds;
- (9) Public convention facilities which are financed at least in part with public funds; and
- (10) All other publicly owned works and property whose cost as a whole exceeds \$20,000.

Each separate unit that is a part of a project is included in the cost of the project to determine whether a project meets that threshold.

(b) A building for the University and Community College System of Nevada of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this state or from federal money.

12. “Specialty contractor” means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

13. “Stand-alone underground utility project” means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

FLUSH that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

14. “Wages” means:

- (a) The basic hourly rate of pay; and
- (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

15. “Workman” means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman. The term does not include a design professional.

Sec. 93. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) “Local government” does not include the Nevada rural housing authority.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter

539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the department of taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Electrification Administration of the United States Department of Agriculture.

4. *As used in this section, “town” includes a town incorporated pursuant to sections 4 to 37, inclusive, of this act.*

Sec. 94. NRS 354.59821 is hereby amended to read as follows:

354.59821 1. The committee on local government finance shall annually provide to each city clerk, ***town clerk***, county clerk and district attorney:

(a) Forms for submitting a ballot question to the registered voters of a local government for the imposition of an additional property tax pursuant to NRS 354.5982; and

(b) Examples of past ballot questions for the imposition of an additional property tax.

2. The city clerk, ***town clerk***, county clerk or district attorney may make these forms and examples available to the general public.

Sec. 95. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

“Town” includes a town incorporated pursuant to sections 4 to 37, inclusive, of this act.

Sec. 96. NRS 360.600 is hereby amended to read as follows:

360.600 As used in NRS 360.600 to 360.740, inclusive, ***and section 95 of this act***, unless the context otherwise requires, the words and terms defined in NRS 360.605 to 360.650, inclusive, ***and section 95 of this act***, have the meanings ascribed to them in those sections.

Sec. 97. 1. The Committee on Local Government Finance, created pursuant to NRS 354.105, shall conduct a study to examine prospectively the expected operation of this act and the expected feasibility of towns incorporated pursuant to this act.

2. The study required pursuant to subsection 1 must include the creation of models to forecast and simulate the creation and operation of:

(a) A town that is incorporated, in whole or in part, through the absorption of a large general improvement district; and

(b) A town that is incorporated, in whole or in part, through the absorption of a large unincorporated town which is located in a county whose population is less than 100,000.

3. The Committee on Local Government Finance shall, not later than February 1, 2005, submit a report of its findings to the:

(a) Senate Standing Committee on Government Affairs; and

(b) Assembly Standing Committee on Government Affairs.

4. For the purposes of this section, the Committee on Local Government Finance shall define the terms “large general improvement district” and “large unincorporated town.”

Sec. 98. 1. This section and section 97 of this act become effective upon passage and approval.

2. Sections 1 to 96, inclusive, of this act become effective on July 1, 2005.