

REPORT OF COMMITTEE TO OVERSEE
FLOOD CONTROL DISTRICT IN
CLARK COUNTY



Bulletin No. 87-11

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

August 1986

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IN CLARK COUNTY

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SECTIONS 30, 31 AND 32 OF ASSEMBLY BILL 169
(CHAPTER 425, STATUTES OF NEVADA, 1985)

Sec. 30. 1. In Clark County the board of county commissioners and the governing body of each city shall appoint its representatives to the committee for nomination of a chief engineer and general manager of the Clark County Regional Flood Control District within 60 days after the effective date of this act.

2. The board of directors shall estimate the amount of money needed to support the district during the fiscal years beginning on and after July 1, 1987, by August 1, 1986. The board of county commissioners shall hold its hearings, decide upon the source of revenue for that support, and submit the chosen method of financing for the required approval at the primary election in 1986.

3. The tax or charge first imposed as the result of this selection must be made effective on July 1, 1987. For the fiscal year 1985-1986 there is hereby levied a tax ad valorem of 2 cents on each \$100 of assessed valuation on all taxable property in the county for the support of the district.

Sec. 31. There is hereby created a committee of members of the legislature to oversee the effectuation of this act in Clark County. The legislative commission shall appoint to the committee a suitable number of the legislators elected from that county. The members of the committee shall lend their good offices to promote cooperation among the local governments involved, and shall report their observations to the 64th session of the legislature. The board of directors of the (flood control) district comprising Clark County shall meet with the committee at least three times: on or before January 1, 1986, July 1, 1986, and January 1, 1987.

Sec. 32. 1. This act becomes effective upon passage and approval.

2. Section 31 of this act expires by limitation except for the required report, upon the adoption of the master plan in Clark County.

NOTE: Assembly Bill 169 of the 1985 legislative session is not reprinted in its entirety here due to its length. However, the full text of the primary chapter of state law amended by A.B. 169--chapter 543 of Nevada Revised Statutes, "Control Of Floods"--appears as Appendix A of this report.

REPORT OF THE LEGISLATIVE OVERSIGHT COMMITTEE ON
REGIONAL FLOOD CONTROL IN CLARK COUNTY
TO THE MEMBERS OF THE 64TH SESSION
OF THE NEVADA LEGISLATURE

This report is submitted in compliance with section 31 of Assembly Bill 169 of the 63rd session of the Nevada legislature (chapter 425). This section required that a legislative oversight committee appointed by the legislative commission "lend their good offices to promote cooperation among the local governments" in Clark County, Nevada, concerning regional flood control. The legislative committee also was responsible to meet at least three times, at specified intervals, with the board of directors of the Clark County Regional Flood Control District.

The legislative commission appointed the members of the legislative oversight committee in 1985. The members were:

Assemblyman James W. McGaughey, Chairman
Assemblyman Danny L. Thompson, Vice Chairman
Senator James H. Bilbray
Senator Ann O'Connell
Senator Raymond C. Shaffer
Assemblyman Robert E. Price

In this report, the committee has attempted to present its observations and recommendations in a concise form. These supporting documents, reports, minutes of meetings and other research material which were not made a part of this final report are available for public review in the research library of the legislative counsel bureau in Carson City, Nevada.

Simply stated, the effectuation of Assembly Bill 169 in Clark County has thus far been very successful. The combined efforts of many different people and organizations resulted in voter approval at the 1986 Primary Election of a one-quarter of 1 cent sales tax increase in Clark County to provide an ongoing funding source for regional flood control plans and projects. At least a few of these participating entities should be mentioned for their hard work in support of regional flood control in Clark County. These include representatives of Clark County; the cities of Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas, Nevada; numerous private, professional and citizens' organizations; and the members and staff of the Clark County Regional Flood Control District. These participants are listed individually in the "Credits" section of this report.

In conclusion, regional flood control in Clark County is off to an impressive start. The approach used in Clark County is recommended as a model for adaptation in other Nevada counties and regions. Finally, continued cooperation among all concerned is vital in the months and years to come.

This report is transmitted to the members of the 1987 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Oversight Committee
on Regional Flood Control in
Clark County, State of Nevada

Carson City, Nevada
August 1986

SUMMARY OF RECOMMENDATIONS

The legislative oversight committee on regional flood control in Clark County, Nevada, recommends that the 64th session of the Nevada legislature:

1. Amend section 30, subsection 3, of chapter 425 of the Statutes of Nevada, 1985 to advance the effective date of the .25 of 1 percent sales tax increase (as approved by the voters of Clark County on September 2, 1986) from July 1, 1987, to March 1, 1987. This recommendation constitutes a single bill draft request which shall be considered urgent. (BDR S-619)

Note: Recommendation Nos. 2 through 10 constitute a second bill draft request which also shall be considered urgent.

2. Authorize the chief engineer/general manager of the district to perform acts required by the United States Secretary of the Army and Congress of the United States for flood control districts which have a chief engineer/general manager. (BDR 48-618)
3. Require that all state and local government projects be designed and constructed in compliance with district policies and standards according to the master plan requirements. (BDR 48-618)
4. Provide that the Citizens Advisory Committee operate on a continuing basis to advise and assist the district. Membership on the Citizens Advisory Committee should also include one member of the board of directors of the Clark County Regional Flood Control District, plus one representative per entity. (BDR 48-618)
5. Provide for the periodic review, evaluation, update, and revision of the master plan for flood control. This review shall include an annual report which must outline funds received and expended, administrative costs, projects which have been completed, and projects under construction or proposed, including estimated dates of completion. The review process shall also contain a more exhaustive review of the master plan every 5 years, and a revision of the master plan every 10 years. However, the master plan may be revised earlier than the 10-year period if facts and conditions indicate this need. (BDR 48-618)

6. Provide criteria for granting variances from the uniform standards and flood plain ordinance. Variances shall not be issued within the flood plain if an increase in flood levels of more than 1 foot should occur during a 100-year flood discharge, except when such changes are consistent with the flood control master plan. The board must make the following findings before issuing a variance from the flood plain regulations and uniform standards:

- a. Good and sufficient cause has been shown.
- b. Failure to grant the variance would result in exceptional hardship to the applicant without providing equal or greater benefit to the public.
- c. The granting of the variance will not result in increased flood heights which create additional threats to public safety, extraordinary public expense, a public nuisance, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
- d. The variance is the minimum necessary, considering the flood hazard, to offer relief.
- e. Channel and wash relocations shall not be permitted unless the proposal results in an overall benefit to or maintains a flood control system of equal effectiveness in terms of flood control.

The board also may impose other conditions as deemed necessary. (BDR 48-618)

- 7. Amend chapter 543, "Control Of Floods," of Nevada Revised Statutes (NRS) to clarify that NRS 543.610, NRS 543.650 and other applicable sections of Nevada's statutes apply only to money which is raised by a property tax. (BDR 48-618)
- 8. Amend chapter 361A, "Taxes On Agricultural Real Property And Open Space," of Nevada Revised Statutes to include flood control easements within provisions for open space tax credit. Legislative staff should also examine the process of application to the United States Bureau of Land Management for property which may be acquired in the future for flood control purposes. (BDR 48-618)

9. As an alternative to the establishment of a sunset provision for the .25 of 1 percent sales tax increase for flood control purposes in Clark County, request the 1995 session of the Nevada legislature to establish a committee, consisting of legislators from Clark County, to conduct a comprehensive review of the activities of the Clark County Regional Flood Control District and to determine if the district is effectively spending its funds and satisfactorily progressing on its projects. The committee must decide whether to recommend to the next legislature that the sales tax increase be submitted to the voters for its continuation. (BDR 48-618)
10. Require that the floodway design for all flood control projects include the consideration of potential parks. (BDR 48-618)
11. Through its senate committee on finance and assembly committee on ways and means, consider:
 - a. Placing any excess money into a fund for flood control programs, with the understanding that this would not necessarily take precedence over any other program of the state; and
 - b. Providing outright grants of money instead of loans for the purpose of flood control programs.(BDR 48-618)

REPORT TO THE 64TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE OVERSIGHT COMMITTEE ON REGIONAL
FLOOD CONTROL IN CLARK COUNTY

I. BACKGROUND INFORMATION

A. FLOODING IN CLARK COUNTY

For the past 80 years, flooding in Clark County, Nevada, has resulted in losses of life and many millions of dollars. Flooding in the county occurs primarily during periods of hot weather. Intense thunderstorms cause heavy rainfall on steep mountain slopes. Rainwater rapidly runs off of impervious desert soils and concentrates in urbanized areas.

Because the major washes are dry most of the year, many people forget or never see flooding occur until it is too late. It is often mistakenly assumed that many washes are not active when, in fact, surface paving and land alterations due to urbanization have increased the potential volume of runoff which can occur. Consequently, the number of flood incidents has doubled each decade in Clark County. Tragically, the number of deaths related to flooding has also increased. In the floods of 1984 alone, seven people were drowned.

Aside from the tremendous property damage and deaths related to flooding, all residents of Clark County are affected by flooding to some degree. Several major arterial highways in the Las Vegas Valley are either impassable or suffer from greatly reduced capacity during floods. In addition to increased travel time for many people, some Clark County residents are unable to reach their homes or workplaces. More significantly, emergency vehicles such as ambulances, fire trucks and police cars sometimes are unable to reach people, their residences or hospitals. Additionally, many commercial establishments suffer a loss of business during flood events due to access problems. Floods in the area also make national news headlines and can cause tourists to cancel their plans to visit Las Vegas.

In 1983 and 1984, public property damage exceeded \$9 million. Private property damage and business losses were estimated at several times that amount. In September of 1984, after Clark County was hit repeatedly by storms, President Ronald Reagan declared Clark County a federal disaster area.

B. GOVERNMENTAL AND PRIVATE SECTOR ACTIVITIES THROUGH 1984

It has long been recognized by local government and private citizens that flooding is a major threat to public and private property in Clark County. Private developers have installed piecemeal flood control projects which begin and end along property lines. To correct these problems, public works departments in the county have adopted uniform development standards which apply within each jurisdiction.

In 1981, Clark County voters approved a \$32 million bond issue for flood control projects. In 1984, the Clark County Board of County Commissioners issued \$15 million in short-term bonds, primarily for repairing damage which resulted from the 1984 floods. The 1981 and 1984 bond issue projects included three major detention basins, several bridges on high capacity arterial highways, and several miles of channel improvements and storm drains. While all were important and significant, the projects were constructed in a patch-work fashion across Clark County and the cities located within its boundaries. Projects located in one jurisdiction did not match up to projects constructed in the contiguous entity. Projects were prioritized by reacting to past disasters rather than planning for prevention.

The flood plain ordinances and development standards for jurisdictions in Clark County often specified differing storm durations for channel design. The requirement for elevating occupied structures above the 100-year flood plain varied from city to city.

Even with the combined efforts of all of the local governments in Clark County, the support of private developments, and flood control bonds, there still was a lack of a regional comprehensive approach to flood control planning, construction and regulation.

C. LEGISLATIVE ACTION BY THE 1985 NEVADA LEGISLATURE

The 1985 Nevada legislature approved Assembly Bill 169 (chapter 425, Statutes of Nevada, 1985), which was signed into law by the governor on June 2, 1985. This bill made substantial technical and policy changes to Nevada's law concerning flood control districts. The bill grants additional powers to a regional flood control district and makes the members of the regional transportation commission the board of directors of the flood control district in those counties in which a regional transportation commission has been created. Clark County presently has the only flood control district in the state organized in this manner.

The bill also specifies the methods of taxation which may be approved in order to provide revenue necessary to operate the district. However, public hearings must be held before the methods of financing are chosen, and these methods must be approved through a vote of the people.

A legislative committee was also established to oversee the activities of the flood control district in Clark County. This committee was established specifically to promote cooperation among the local governments involved, and was directed to report its observations to the 1987 legislature.

D. ENTITIES ESTABLISHED AS A RESULT OF 1985 LEGISLATION

The 1985 legislative action resulted in Clark County's Regional Transportation Commission also being designated as the board for the Regional Flood Control District. The purpose was to emphasize the necessity of a regional approach to solving flood problems in Clark County. The board is comprised of two representatives from the Clark County Commission, two representatives from the Las Vegas City Council, and one representative each from the city councils of Boulder City, Henderson, Mesquite and North Las Vegas, Nevada. Any area incorporating as a city after 1985 also will have one representative on the board. The board is responsible for all policy and decisionmaking which pertains to flood control in Clark County.

The Regional Flood Control Board is advised by a Technical Advisory Committee and a Citizens Advisory Committee. Each is comprised of the same number of representatives from each local government as are serving on the board. Currently, the members of the Technical Advisory Committee include local public works directors, city engineers, or planning directors. The Technical Advisory Committee advises the board on engineering and administrative decisions.

The function of the Citizens Advisory Committee, as specified in state law, is to recommend to the board the names of three qualified candidates for the position of chief engineer/general manager of the Regional Flood Control District. Additionally, this committee volunteered many hours of hard work to inform the citizens of Clark County regarding the need for regional flood control.

E. FLOOD DISTRICT STAFFING

The chief engineer/general manager of the Clark County Regional Flood Control District selected by the board,

after being recommended by the Citizens Advisory Committee, is Virginia Bax-Valentine. She is a registered professional engineer in Nevada as is required by law. She currently has one staff assistant and utilizes the existing Clark County Regional Transportation Commission staff for clerical support.

The Clark County Budget Department provides financial services to the district. Legal services are provided to the Regional Flood Control District by the district attorney's office. Other services are provided to the district by Clark County's departments of comprehensive planning, personnel, public works and town services, and by all the city public works departments in the county.

F. FLOOD DISTRICT MASTER PLAN/LOCAL AND REGIONAL ORDINANCES

The Regional Flood Control District Master Plan was prepared for the district by Montgomery Engineers at a cost of \$941,000. The master plan was adopted in 1986 by the county and all the cities, as required by law.

The master plan consists of five volumes. Volume I explains the hydrologic analysis, the assumptions made in determining land use and cost estimates, and the two alternatives for providing a structural solution to flood problems in Clark County. The recommended plan involves the construction of detention basins in the higher reaches of each watershed in conjunction with levees to collect the runoff and discharge it into improved channels along the alignment of the major washes.

Volume II contains over 180 maps and figures illustrating the proposed alternatives, land use, soils, subbasin information, and an inventory of existing facilities.

Volume III is a program and financial implementation plan. This volume proposes program and financial strategies as well as staffing and district organizational requirements.

Volume IV is a uniform standard for flood control projects. This volume identifies uniform procedures for flood studies and design standards for construction.

Volume V is a technical appendix containing all the computer printouts from the hydrologic analysis and the construction cost estimates.

The master plan consultant, Montgomery Engineers, also prepared a model flood plain code for the county and all the cities. The code is written in a general fashion and is being refined and tailored for use in each jurisdiction. The county and all the cities currently have flood plain ordinances in place. After the new ordinance is adopted, the county and all the cities will be regulating flood plain land use in a uniform manner.

G. FLOOD DISTRICT FINANCING

As a result of passage of A.B. 169 by the Nevada legislature, an ad valorem tax of 2 cents was levied on each \$100 of assessed valuation on all taxable property in Clark County for fiscal year 1985-1986. This money was used to support the Regional Flood Control District, including preparation of the master plan, funding of a feasibility study by the United States Army Corps of Engineers, and operation of the district. Itemized expenses from this period are listed below:

Master Plan	\$ 941,000
United States Army Corps of Engineers (over 2 years)	380,000
Insurance	100,000
Recruitments	2,000
County Services	15,000
Regional Transportation Commission Expenses	30,000
Contingency	<u>32,000</u>
	\$1,500,000

The chief engineer/general manager position was funded by forgivable loans, depending on passage of the proposed sales tax increase, from the county and all the cities. This money has been used to hire a chief engineer/general manager and an administrative assistant, and to provide a vehicle allowance. The source of these funds are itemized below:

Clark County	\$ 58,354
City of Boulder City	2,388
City of Henderson	7,303
City of Las Vegas	39,939
City of Mesquite	240
City of North Las Vegas	<u>9,819</u>
	\$ 118,043

As required by the 1985 legislation, Clark County's Board of County Commissioners selected a proposed source of permanent funding for flood control efforts in the county. The proposal selected was to increase the sales tax in Clark County by .25 of 1 percent for the purpose of flood control. This tax increase was subsequently approved by the voters on September 2, 1986, and is scheduled to go into effect on July 1, 1987.

Sales tax revenues to the district are expected to be \$12 million in the first year and to increase by 5 percent annually. Administrative costs are currently less than 1 percent of the annual budget. The major portion of the budget will be spent on the capital improvement program and maintenance.

H. MEETINGS OF THE LEGISLATIVE OVERSIGHT COMMITTEE

The first two meetings of the legislative committee emphasized the need for intergovernmental and private sector cooperation, and positive public education efforts regarding the proposal that the sales tax in Clark County be increased for the purpose of flood control.

The second two meetings of the legislative committee were designed to obtain and develop recommendations for the 1987 session of the Nevada legislature. One recommendation adopted by the committee is to advance the effective date of the sales tax increase to March 1, 1987. Legislative approval of this proposal will expedite needed flood control projects in Clark County. The second recommendation combines several technical amendments which will strengthen and improve Nevada's flood control statutes.

II. ISSUES AND RECOMMENDATIONS

The legislative oversight committee on regional flood control in Clark County is making 11 different recommendations to the 1987 Nevada legislature. These recommendations are summarized in the following section under two primary issue areas.

A. ISSUE NO. 1 - SALES TAX INCREASE

In 1986, the voters of Clark County approved a sales tax increase of one-fourth of 1 cent on the dollar for the purpose of flood control. The 1985 enabling law specified that any tax increase approved by Clark County voters for

flood control would not become effective until July 1, 1987. However, this specification was not made a part of the question presented to the voters at the election which was held on September 2, 1986.

Projected revenue from the sales tax increase will result initially in approximately \$1 million per month for flood control in Clark County.

Because occurrences of flooding in Clark County are most common during the summer months, the legislative oversight committee is recommending that the 1987 legislature advance the effective date of the sales tax increase to March 1, 1987. This will allow a "head start" on flood control projects before the 1987 flood season. The committee also is recommending that continuation of the sales tax increase for flood control be examined by the members of the 1997 legislative session after receiving the recommendations of an interim legislative committee. Specifically, it is recommended that the 64th session of the Nevada legislature:

- Amend section 30, subsection 3, of chapter 425 of the Statutes of Nevada, 1985 to advance the effective date of the .25 of 1 percent sales tax increase (as approved by the voters of Clark County on September 2, 1986) from July 1, 1987, to March 1, 1987. This recommendation constitutes a single bill draft request which shall be considered urgent. (BDR S-619)

(This recommendation appears as No. 1 on page vii in the "Summary Of Recommendations" section of this report.)

- As an alternative to the establishment of a sunset provision for the .25 of 1 percent sales tax increase for flood control purposes in Clark County, request the 1995 session of the Nevada legislature to establish a committee, consisting of legislators from Clark County, to conduct a comprehensive review of the activities of the Clark County Regional Flood Control District and to determine if the district is effectively spending its funds and satisfactorily progressing on its projects. The committee must decide whether to recommend to the next legislature that the sales tax increase be submitted to the voters for its continuation. (BDR 48-618)

(This recommendation appears as No. 9 on page ix in the "Summary Of Recommendations" section of this report.)

B. ISSUE NO. 2 - TECHNICAL ASPECTS OF FLOOD CONTROL LAW

After receiving suggestions from local elected officials, local technical staff, citizen and interest groups and the general public, the legislative oversight committee decided to make nine additional recommendations to the 1987 legislature. These recommendations are of a technical nature pertaining to flood control and are designed to strengthen and improve Nevada's flood control statutes and facilitate more effective flood control efforts in Clark County. Specifically, it is recommended that the 64th session of the Nevada legislature:

- Authorize the chief engineer/general manager of the district to perform acts required by the United States Secretary of the Army and Congress of the United States for flood control districts which have a chief engineer/general manager. (BDR 48-618)

(This recommendation appears as No. 2 on page vii in the "Summary Of Recommendations" section of this report.)

- Require that all state and local government projects be designed and constructed in compliance with district policies and standards according to the master plan requirements. (BDR 48-618)

(This recommendation appears as No. 3 on page vii in the "Summary Of Recommendations" section of this report.)

- Provide that the Citizens Advisory Committee operate on a continuing basis to advise and assist the district. Membership on the Citizens Advisory Committee should also include one member of the board of directors of the Clark County Regional Flood Control District, plus one representative per entity. (BDR 48-618)

(This recommendation appears as No. 4 on page vii in the "Summary Of Recommendations" section of this report.)

- Provide for the periodic review, evaluation, update, and revision of the master plan for flood control. This review shall include an annual report which must outline funds received and expended, administrative costs, projects which have been completed, and projects under construction or proposed, including estimated dates of completion. The review process shall also contain a more exhaustive review of the master plan every 5 years, and a revision of the master plan every 10 years. (BDR 48-618)

However, the master plan may be revised earlier than the 10-year period if facts and conditions indicate this need. (BDR 48-618)

(This recommendation appears as No. 5 on page vii in the "Summary Of Recommendations" section of this report.)

- Provide criteria for granting variances from the uniform standards and flood plain ordinance. Variances shall not be issued within the flood plain if an increase in flood levels of more than 1 foot should occur during a 100-year flood discharge, except when such changes are consistent with the flood control master plan. The board must make the following findings before issuing a variance from the flood plain regulations and uniform standards:
 - a. Good and sufficient cause has been shown.
 - b. Failure to grant the variance would result in exceptional hardship to the applicant without providing equal or greater benefit to the public.
 - c. The granting of the variance will not result in increased flood heights which create additional threats to public safety, extraordinary public expense, a public nuisance, cause fraud on or victimization of the public or conflict with existing laws or ordinances.
 - d. The variance is the minimum necessary, considering the flood hazard, to offer relief.
 - e. Channel and wash relocations shall not be permitted unless the proposal results in an overall benefit to or maintains a flood control system of equal effectiveness in terms of flood control.

The board also may impose other conditions as deemed necessary. (BDR 48-618)

(This recommendation appears as No. 6 on page viii in the "Summary Of Recommendations" section of this report.)

- Amend Chapter 543, "Control Of Floods," of Nevada Revised Statutes to clarify that NRS 543.610, NRS 543.650 and other applicable sections of Nevada's statutes apply only to money which is raised by a property tax. (BDR 48-618)

(This recommendation appears as No. 7 on page viii in the "Summary Of Recommendations" section of this report.)

- Amend chapter 361A, "Taxes On Agricultural Real Property And Open Space," of Nevada Revised Statutes to include flood control easements within provisions for open space tax credit. Legislative staff should also examine the process of application to the United States Bureau of Land Management for property which may be acquired in the future for flood control purposes. (BDR 48-618)

(This recommendation appears as No. 8 on page viii in the "Summary Of Recommendations" section of this report.)

- Require that the floodway design for all flood control projects include the consideration of potential parks. (BDR 48-618)

(This recommendation appears as No. 10 on page ix in the "Summary Of Recommendations" section of this report.)

- Through its senate committee on finance and assembly committee on ways and means, consider:
 - a. Placing any excess money into a fund for flood control programs, with the understanding that this would not necessarily take precedence over any other program of the state; and
 - b. Providing outright grants of money instead of loans for the purpose of flood control programs.

(BDR 48-618)

(This recommendation appears as No. 11 on page ix in the "Summary Of Recommendations" section of this report.)

III. CREDITS

The legislative oversight committee on flood control in Clark County gratefully acknowledges the excellent assistance and cooperation it received during the course of its work. The committee wishes to thank the following individuals, agencies and organizations for their assistance, support, recommendations, and diligent efforts on behalf of improved flood control in Clark County.

Bruce Woodbury, Chairman
Board of Directors of the Clark County
Regional Flood Control District
Commissioner, Clark County
Las Vegas, Nevada

Al Levy, Vice Chairman
Board of Directors of the Clark County
Regional Flood Control District
Councilman, City of Las Vegas
Las Vegas, Nevada

Jay Bingham, Member
Board of Directors of the Clark County
Regional Flood Control District
Commissioner, Clark County
Las Vegas, Nevada

Douglas H. "Chris" Christensen, Member
Board of Directors of the Clark County
Regional Flood Control District
Councilman, City of Boulder City
Boulder City, Nevada

Theron H. Goynes, Member
Board of Directors of the Clark County
Regional Flood Control District
Councilman, City of North Las Vegas
North Las Vegas, Nevada

Carlton D. Lawrence, Member
Board of Directors of the Clark County
Regional Flood Control District
Councilman, City of Henderson
Henderson, Nevada

Ron Lurie, Member
Board of Directors of the Clark County
Regional Flood Control District
Councilman, City of Las Vegas
Las Vegas, Nevada

Craig Pulsipher, Member
Board of Directors of the Clark County
Regional Flood Control District
Councilman, City of Mesquite
Mesquite, Nevada

Virginia E. Bax-Valentine
Chief Engineer/General Manager
Clark County Regional Flood Control District
Las Vegas, Nevada

Ann Zorn, Chairman
Citizens Advisory Committee
Clark County Regional Flood Control District
Las Vegas, Nevada

Geoff Billingsley, Chairman
Technical Committee
Clark County Regional Flood Control District
Public Works Director, City of Henderson
Henderson, Nevada

William E. Buxton, Director
Clark County Regional Transportation Commission
Las Vegas, Nevada

Richard B. Holmes, Director
Clark County Department of Comprehensive Planning
Las Vegas, Nevada

Glade Koch, Representative
Las Vegas Wash Development Committee
Las Vegas, Nevada

Roy Nickson, Executive Director
Nevada Taxpayers Association
Carson City, Nevada

Everett Perlberg, Chairman
Nevada Taxpayers Association
Committee on Flood Control
Las Vegas, Nevada

Irene Porter, Representative
Southern Nevada Home Builders Association
Las Vegas, Nevada

Carole Vilardo, Deputy Director
Nevada Taxpayers Association
Las Vegas, Nevada

Frank Vivert, Chairman
Flood Control Committee of the
Mobile Home Owners League of the Silver State
Las Vegas, Nevada

Liz Warren, Chairperson
Joint Study Committee on Environment
Las Vegas, Nevada

Skip Holland, Project Manager, Project Team for the Clark
County Flood Control District Flood Control Master Plan,
Montgomery Engineering;
Steve Ainsworth, Assistant Project Manager and Team Leader
of Public Awareness, Project Team for the Clark County
Flood Control District Flood Control Master Plan,
Montgomery Engineering;
Judie Brailsford, Public Relations, Montgomery Engineering;
and other members of the staff of Montgomery Engineering.

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APPENDIX A

Chapter 543 Of Nevada Revised Statutes,
"Control Of Floods"

CHAPTER 543
CONTROL OF FLOODS

COOPERATION WITH UNITED STATES; FINANCIAL
ASSISTANCE

GENERAL PROVISIONS

- 543.010 "Director" defined.
543.020 Declaration of policy.

PARTICIPATION IN PROJECTS FOR CONTROL OF FLOODS WITH UNITED
STATES

- 543.030 Director of state department of conservation and natural resources to give assurances and perform acts required in connection with projects as directed by legislature.
543.040 Flood control fund: Creation; money not to revert to state general fund.
543.050 Flood control fund: Authorized expenditures; reimbursements.
543.060 Reimbursements in proportion to benefit received; time of payments; budgets.
543.070 Certification of charges by county commissioners to county assessor; entry on assessment roll; collection of special tax; liens.
543.080 Taxes and charges deposited for credit to flood control fund; claims against fund.

LOANS FROM FLOOD CONTROL FUND

- 543.090 Loans to counties, cities and public districts for planning, engineering, administration, acquisition of easements and other costs.
543.100 Loans approved by director of state department of conservation and natural resources, governor and state board of finance.
543.110 Contents of petition for loan; repayment period; budgets.
543.120 Certification of charges by county commissioners to county assessor; entry on assessment roll; collection of special tax; liens.
543.130 Receipts deposited in flood control fund; claims against fund.
543.140 Limitations on loans.

LOANS FOR EMERGENCY REPAIR OF DAMAGE FROM FLOODS

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CHAPTER 543

CONTROL OF FLOODS

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Flood control districts—

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Bond question, time for submission to county clerk, NRS 293.481

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Local Government Securities Law, NRS 350.500 et seq.

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Public works, bids, NRS 338.140, 338.145

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GENERAL PROVISIONS

543.010 "Director" defined. As used in NRS 543.010 to 543.150, inclusive, "director" means the director of the state department of conservation and natural resources.

(Added to NRS by 1960, 56)

543.020 Declaration of policy. It is hereby declared to be the policy of the State of Nevada to cooperate with the United States and its departments and agencies, and with the counties, cities and public districts of the state, in preventing loss of life and property, disruption of commerce, interruption of transportation and communication and waste of water resulting from floods, and in furthering the conservation, development, utilization and disposal of water.

(Added to NRS by 1960, 56)

PARTICIPATION IN PROJECTS FOR CONTROL OF FLOODS WITH UNITED
STATES

543.030 Director of state department of conservation and natural resources to give assurances and perform acts required in connection with projects as directed by legislature. The director is hereby authorized to give all assurances and perform any other acts required by the Secretary of the Army and the Congress of the United States in connection with flood control projects in the State of Nevada, when and as directed by acts of the legislature of the State of Nevada.

(Added to NRS by 1959, 165)

543.040 Flood control fund: Creation; money not to revert to state general fund. The flood control fund is hereby created as a special revenue fund. Money in the flood control fund shall not revert to the state general fund at the end of any fiscal year.

(Added to NRS by 1959, 165; A 1979, 116)

543.050 Flood control fund: Authorized expenditures; reimbursements. The director shall use the money in the flood control fund to pay all necessary costs in order to carry out the assurances and to perform the acts provided for in NRS 543.030. Reimbursements to the fund must be in the manner described in NRS 543.060.

(Added to NRS by 1959, 165; A 1979, 116)

543.060 Reimbursements in proportion to benefit received; time of payments; budgets.

1. The director shall determine which counties, cities and public districts benefit by the project, and whether the state is benefited by the project, and to what extent there is benefit to the subdivisions, and reimbursement to the fund must be made in proportion to the benefit received.

2. If any portion of the flood control fund is used for maintenance of any of those flood control projects, the flood control fund must be fully reimbursed for cost of the maintenance by the state, counties, cities and public districts benefited by the project.

3. The director shall determine the period for repayment of the initial nonfederal charges as provided for under subsection 1, which period may not be more than 5 years after completion of the project for which money has been authorized.

4. The director, after having determined the benefits as set forth in subsection 1, shall, between the 1st Monday of October and the 1st Monday of December of each year, prepare a budget showing the amount of money estimated to be necessary to repay the initial capital outlay, which initial capital outlay is to be assessed in equal annual installments, and any estimated maintenance cost for the then current year, and submit the budget to the board of county commissioners. When the flood control project lies in more than one county, separate budgets must be prepared for each county.

(Added to NRS by 1959, 165; A 1979, 116)

543.070 Certification of charges by county commissioners to county assessor; entry on assessment roll; collection of special tax; liens.

1. Upon receipt of such budget by the board of county commissioners, the board of county commissioners shall certify the respective charges contained therein to the county assessor. The county assessor shall enter the amount of such charge or charges on the assessment roll against the beneficiaries.

2. The proper officers of the county shall collect such special tax as other special taxes are collected, and such charge shall be a lien upon

the property so served, and shall be collected in the same manner as other taxes are collected.

(Added to NRS by 1959, 165)

543.080 Taxes and charges deposited for credit to flood control fund; claims against fund.

1. The taxes and charges provided for in NRS 543.070, when collected, must be deposited with the state treasurer for credit to the flood control fund.

2. All bills against the fund must be certified by the director and, when certified and approved by the state board of examiners, the state controller is authorized to draw his warrant against the flood control fund.

(Added to NRS by 1959, 166; A 1979, 117)

LOANS FROM FLOOD CONTROL FUND

543.090 Loans to counties, cities and public districts for planning, engineering, administration, acquisition of easements and other costs.

1. Whenever the Secretary of Agriculture or the Secretary of the Army has approved or may approve a work of improvement or a flood control project in the State of Nevada, and the Congress of the United States has appropriated or may appropriate money for such work or project, and a county, city or public district, or a combination thereof, has given or is in a position to give the assurances required by the Watershed Protection and Flood Prevention Act, Public Law 566, 83rd Congress, 68 Stat. 666, as amended, or the Flood Control Act of 1954, Public Law 780, 83rd Congress, 68 Stat. 1256, as amended, and such county, city or public district is in need of immediate financial assistance for planning, engineering, administration, acquisition of easements and rights of way or other costs, such county, city or public district may apply to the director for such assistance in the manner provided in NRS 543.090 to 543.140, inclusive.

2. A city, county or public district may apply to the director for financial assistance pursuant to NRS 543.090 to 543.140, inclusive, for the payment of the cost of surveying along a river when such surveying potentially but not necessarily will culminate in or assist a flood control project.

(Added to NRS by 1960, 56; A 1973, 772)

543.100 Loans approved by director of state department of conservation and natural resources, governor and state board of finance. Upon a petition from a county, city or public district to the director, in a form prescribed by the director, requesting financial assistance to aid in paying the costs of planning, engineering, administration,

acquisition of easements and rights of way and other proper expenses connected with a flood control project, or in paying costs for a riparian survey, the director may, following study and approval of the proposed project or survey, and subject to the approval of the governor and the state board of finance, loan money from the flood control fund in the manner provided in NRS 543.090 to 543.140, inclusive.

(Added to NRS by 1960, 56; A 1973, 773; 1979, 117)

543.110 Contents of petition for loan; repayment period; budgets.

1. Each petition to the director must describe the proposed flood control project or riparian survey, state the amount of money requested, and designate the areas to be assessed for the purpose of reimbursement of the flood control fund.

2. The director shall determine the period to be allowed for repayment of the money loaned, which period may not be longer than 5 years from the date of the loan.

3. The director shall, between the 1st Monday of October and the 1st Monday of December of each year following the date of any loan, prepare a budget based on repayment of the loan in equal annual installments showing the amount of money to be repaid in the next succeeding fiscal year, and shall submit the budget to the board of county commissioners of the county in which the project or survey is located. If the project or survey is located in more than one county, separate budgets must be prepared for each county.

(Added to NRS by 1960, 56; A 1973, 773; 1979, 117)

543.120 Certification of charges by county commissioners to county assessor; entry on assessment roll; collection of special tax; liens.

1. Upon receipt of a budget from the director, the board of county commissioners shall certify the charge or charges contained therein to the county assessor. The county assessor shall enter such charge or charges on the assessment roll against the property benefited.

2. The appropriate officers of the county shall collect such charges in the same manner as special taxes are collected. Such charge shall be a lien upon the property so assessed, which shall be enforced in the same manner as other property tax liens are enforced.

(Added to NRS by 1960, 56)

543.130 Receipts deposited in flood control fund; claims against fund.

1. The receipts of the charges provided for in NRS 543.120, when collected, must be deposited, in the same manner as receipts of special taxes are deposited, with the state treasurer for credit to the flood control fund.

2. All claims against the fund must be certified by the director, and when they have been certified and approved by the state board of examiners, the state controller shall draw his warrant against the flood control fund.

(Added to NRS by 1960, 57; A 1979, 117)

543.140 Limitations on loans. Loans may be made pursuant to NRS 543.090 to 543.140, inclusive, from time to time for each proposed flood control project at the discretion of the director and within the limits of money available in the flood control fund.

(Added to NRS by 1960, 57; A 1979, 117)

LOANS FOR EMERGENCY REPAIR OF DAMAGE FROM FLOODS

543.150 Legislative declaration; application; conditions; repayment.

1. The legislature finds and declares that the people of this state have a paramount interest in the maximum use of all the water of the state and in efficient and effective water distribution to the public by governmental subdivisions, thus ensuring the public's health and safety.

2. Whenever the system for the distribution of water of a governmental subdivision of this state has been damaged by flood or other act of God, resulting in an emergency condition of a shortage of water for public use, the governing body of the governmental subdivision may make application to the director for a loan to assist in repairing the damage. The application must be made in the manner and form prescribed by the director. The director shall transmit the application to the bureau of environmental health of the health division of the department of human resources requesting an investigation and survey of the damage, and a report thereon. If the report of the bureau of environmental health of the health division finds that the damage has resulted in a lack of service and a threat to public health because of the emergency resulting from a shortage of water, the director may loan money from an appropriate account of the department of conservation and natural resources in the state general fund to repair the damage or to reimburse the governmental subdivision for money expended by it to repair the damage. The director shall determine the period to be allowed for repayment of the money, not to exceed 20 years after the date of the loan. He shall also determine the schedule of repayment of the loans. All money received by the director as repayments of loans must be deposited in the account from which it was lent.

(Added to NRS by 1961, 447; A 1963, 573; 1973, 1406; 1985, 721)

DISTRICTS FOR CONTROL OF FLOODS

GENERAL PROVISIONS

543.160 Short title. NRS 543.160 to 543.830, inclusive, shall be known and may be cited as the Flood Control District Law.
(Added to NRS by 1961, 427)

543.170 Legislative declaration.

The legislature finds and declares that:

1. Facilities to alleviate flooding in any district, whether located in a city, an unincorporated town or another unincorporated area of the county, benefit all the residents and owners of property in the district.

2. These facilities provide protection for life and property throughout the district, and usually require planning and development throughout a drainage basin.

(Added to NRS by 1961, 427; A 1985, 1190)

543.180 Definitions. As used in NRS 543.160 to 543.830, inclusive, unless the context otherwise requires, the words and terms defined in NRS 543.181 to 543.188, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1961, 427; A 1975, 749; 1985, 1191)

543.181 "Acquisition" and "acquire" defined. "Acquisition" includes extension, alteration, reconstruction, repair or other improvement by purchase, construction, installation, reconstruction, condemnation, lease, rent, gift, grant, bequest, devise, contract or other means, or any combination thereof. "Acquire" has a correspondingly extensive meaning.

(Added to NRS by 1985, 1189)

543.182 "Board" defined. "Board" means the board of directors of a district.

(Added to NRS by 1985, 1189)

543.184 "District" defined. "District" means any district for the control of floods organized or, in the case of organizational provisions, proposed to be organized, pursuant to NRS 543.160 to 543.830, inclusive.

(Added to NRS by 1985, 1189)

543.185 "Hydrographic area" defined. "Hydrographic area" means the drainage basin of a stream and its tributaries, together with any other stream or body of water to which that stream is tributary.
(Added to NRS by 1985, 1189)

543.186 "Project" and "improvement" defined. "Project" and "improvement" each means any structure, facility, undertaking or system which a district is authorized to acquire, improve, equip, maintain or operate.
(Added to NRS by 1985, 1189)

543.188 "Taxpaying elector" defined. "Taxpaying elector" means a person who is qualified to vote at general elections in this state, whether or not registered to vote or a resident in the district, and who, or whose spouse, is obligated as an owner or as a contract purchaser at a designated time or event to pay a general tax on real property within the district.
(Added to NRS by 1985, 1189)

543.190 Computation of time. For the purpose of computing any period of time prescribed in NRS 543.160 to 543.830, inclusive, the day of the first publication, or other designated time, shall be excluded and the day of the last publication, or other designated action or time, shall be included.
(Added to NRS by 1961, 428)

543.195 Publication of notice. When notice is required to be given by publication pursuant to NRS 543.160 to 543.830, inclusive, publication must be made at least once a week for 3 consecutive weeks in at least one newspaper of general circulation in the district. It is not necessary that publication be made on the same day of the week in each of the 3 calendar weeks, but the first publication must be at least 15 days before the designated time or event.
(Added to NRS by 1985, 1189)

543.200 Correction of faulty notices. In any case where a notice is provided for in NRS 543.160 to 543.830, inclusive, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void or abated; but the court shall order due notice to be given and shall continue the hearing until such time as notice is properly given, and thereupon shall proceed as though notice had been properly given in the first instance.
(Added to NRS by 1961, 428)

543.210 Sufficiency of NRS 543.160 to 543.830, inclusive. NRS 543.160 to 543.830, inclusive, without reference to other statutes of the state, except as specifically provided in NRS 543.160 to 543.830, inclusive, shall constitute full authority for the authorization and issuance of bonds hereunder. No other law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by NRS 543.160 to 543.830, inclusive, to be done shall be construed as applying to any proceedings taken under NRS 543.160 to 543.830, inclusive, or acts done pursuant thereto, it being intended that NRS 543.160 to 543.830, inclusive, shall provide a separate method of accomplishing their objectives, and not an exclusive one; and NRS 543.160 to 543.830, inclusive, shall not be construed as repealing, amending or changing any such other law.

(Added to NRS by 1961, 428)

543.220 Liberal construction. NRS 543.160 to 543.830, inclusive, being necessary to secure the public health, safety, convenience and welfare, shall be liberally construed to effect their purposes.

(Added to NRS by 1961, 429)

ORGANIZATION OF DISTRICTS

543.240 Area included within district.

1. In any county whose population is 250,000 or more, the entire county constitutes the district.

2. In any other county a district may:

(a) Consist of one contiguous area or of two or more noncontiguous areas.

(b) Include all or part of municipal corporations and other political subdivisions.

(Added to NRS by 1961, 429; A 1985, 1192)

543.250 Creation in certain counties; interest not prohibited; inclusion of territory within another county.

1. In any county whose population is less than 250,000 the board of county commissioners may create districts.

2. No member of a board of county commissioners or board of directors is disqualified to perform any duty imposed by NRS 543.160 to 543.830, inclusive, by reason of ownership of property within any proposed district.

3. A district so created may include territory within another such

county, with the consent of the board of county commissioners of the other county.

(Added to NRS by 1961, 429; A 1969, 1545; 1975, 749; 1985, 1192)

543.260 Initiating ordinance; contents.

1. The organization of a district shall be initiated by the adoption of an ordinance by the board of county commissioners, which ordinance is in NRS 543.160 to 543.830, inclusive, sometimes designated the "initiating ordinance."

2. The initiating ordinance shall set forth:

(a) The name of the proposed district, consisting of a chosen name preceding the words "Flood Control District."

(b) A statement of the necessity for such district and the general purposes for which the district is proposed to be created.

(c) A statement that improvements of the district will not interfere with or affect vested water rights.

(d) A general description of the boundaries of the district or the territory to be included therein, with such certainty as to enable a property owner to determine whether or not his property is within the district.

(e) The place and time for the hearing on the creation of the district.

(Added to NRS by 1961, 429)

543.270 Notice of organizational hearing. After such initiating ordinance has been adopted by the board of county commissioners, the county clerk shall give notice by publication of the intention of the board of county commissioners to establish such district, which notice shall set forth the name, statement of purposes, general description and time and place of hearing.

(Added to NRS by 1961, 429)

543.280 Protests against organization of district.

1. Any taxpaying elector within the district may, on or before the date fixed, protest against the establishment of such district, in writing, which protest shall be filed with the county clerk.

2. If, at or before the time fixed in the initiating ordinance and notice, written protest is filed, signed by 51 percent or more of the taxpaying electors within such proposed district, the district shall not be established.

3. If any written protests are filed and the board of county commissioners determines that the protests so filed represent less than 51 percent of the taxpaying electors in the district, the board of county commissioners, in its discretion, may proceed with the creation of the district. If the board of county commissioners does so proceed, the ordinance of the board of county commissioners creating the district, for which provision is made in NRS 543.160 to 543.830, inclusive, shall

contain a recital as to the percentage of protest and such recital shall be binding and conclusive for all purposes.

(Added to NRS by 1961, 429)

543.290 Organizational hearing; ordinance creating or abandoning.

1. At the place, date and hour specified for the hearing in the notice or at any subsequent time to which the hearing may be adjourned, the board of county commissioners shall give full consideration to all protests which may have been filed and shall hear all persons desiring to be heard and shall thereafter adopt an ordinance either creating the district or determining that it shall not be created.

2. Any ordinance creating a district may contain such changes as may be considered by the board of county commissioners to be equitable and necessary.

(Added to NRS by 1961, 430)

543.300 Conclusiveness of ordinance creating district; filing of ordinance with secretary of state; filing of map with county recorder...

1. Except as otherwise provided in subsection 2, the adoption of the ordinance creating the district shall finally and conclusively establish the regular organization of the district against all persons, which district shall thenceforth be a governmental subdivision of the State of Nevada, a body corporate and politic and a quasi-municipal corporation.

2. Within 30 days immediately following the effective date of such ordinance any person who has filed a written protest, as provided in NRS 543.280, shall have the right to commence an action in any court of competent jurisdiction to set aside such determination. Thereafter all actions or suits attacking the regularity, validity and correctness of that ordinance and all proceedings, determinations and instruments taken, adopted or made prior to such ordinance's final passage shall be perpetually barred.

3. Within 30 days after the effective date of the ordinance creating the district, the county clerk shall:

(a) File a copy of the ordinance in his office and shall cause to be filed an additional copy of the ordinance in the office of the secretary of state, which filings shall be without fee and be otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

(b) File with the county recorder a map showing the boundaries of the district.

(Added to NRS by 1961, 430)

543.310 Payment of organizational costs. Necessary costs incurred in connection with the organization of the district may be paid

by the board of county commissioners from any available funds or may be advanced by the board of county commissioners. Reimbursement for advances shall subsequently be made by the district.

(Added to NRS by 1961, 430)

BOARD OF DIRECTORS: POWERS AND DUTIES

543.320 Board of county commissioners or regional transportation commission constitute board of directors.

1. Except as otherwise provided in subsection 2, the district is governed by a board of directors consisting of the members of the board of county commissioners of the county.

2. If the district coincides with a county in which a regional transportation commission has been created pursuant to chapter 373 of NRS, the members of that commission constitute the board of directors of the district.

(Added to NRS by 1961, 431; A 1985, 1192)

543.330 District officers: Designation and selection; duties; compensation and expenses.

1. The board shall meet in July of each year to organize and choose one of its members as chairman of the board and president of the district, and elect a secretary of the board and of the district, who may or may not be a member of the board.

2. The county treasurer is the treasurer of the board and of the district.

3. The secretary shall keep, in a well-bound book, a record of all of the board's proceedings, minutes of all meetings, certificates, contracts, bonds given by employees, and all corporate acts, which must be open to inspection by all owners of real property in the district as well as other interested persons.

4. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district, in permanent records.

5. No member of the board may receive compensation for his services, but members may be reimbursed for their necessary expenses in attending district meetings and for necessary expenses incurred in traveling within and without the state when required to carry out the affairs of the district.

(Added to NRS by 1961, 431; A 1985, 1192)

543.340 Meetings; quorum; written policies and procedures.

1. In addition to the requirements of NRS 543.330, the board may meet at such time or times and at such regular meeting place within the district as it determines by resolution.

2. Special meetings may be held on notice to each member of the

board as often as, and at such place or places within the district as, the needs of the district require.

3. A majority of the members of the board constitutes a quorum at any meeting.

4. The board shall adopt written policies and procedures for administering the district and for operating and maintaining its projects and improvements.

(Added to NRS by 1961, 431; A 1985, 1193)

543.360 Acquisition, construction and operation of projects and improvements; conservation of water. The board may:

1. By the affirmative vote of two-thirds of its members, acquire, construct, improve, extend, maintain and operate projects and improvements for the control of flood and storm waters of the district and the flood and storm waters of streams which have their sources outside of the district but flow into the district. After July 1, 1986, no project or improvement may be acquired unless it is included in the master plan. A project or improvement must not be acquired unless it is first approved by an agreement among the county and all the cities all or part of whose territory is included in the hydrographic area which specifically identifies it, contains an estimate of its cost, and shows its relation to the master plan.

2. Conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing them to percolate into the soil within or without the district.

3. Save and conserve in any manner all or any of such waters and protect from floods or storm waters the watercourses, watersheds, public highways, life and property in the district.

4. Prevent waste of water or diminution of the water supply in, or the exportation of water from, the district.

5. Obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use of the district.

(Added to NRS by 1961, 431; A 1985, 1193)

543.362 Project may consist of any interest in property. A project may consist of any kind of personal or real property or any estate, interest or right in property, singly or in any combination.

(Added to NRS by 1985, 1189)

543.365 Aesthetic enhancement of projects. The board may enhance any project of the district by providing recreational facilities, landscaping and similar amenities in order to increase the usefulness of the project to the community, provide aesthetic compatibility with the surrounding community and mitigate the adverse effect of the project on the environment.

(Added to NRS by 1985, 1190)

543.368 Location of improvement along or across public road or highway. Any improvement pursuant to NRS 543.160 to 543.830, inclusive, may be located, constructed and maintained in, along or across any public road or highway in the district in a manner that affords security for life and property. The board shall restore or cause to be restored the road or highway to its former condition as nearly as may be, in order not to impair its usefulness.

(Added to NRS by 1985, 1190)

543.370 Perpetual existence of board. Subject to the limitations of NRS 543.160 to 543.830, inclusive, the board shall have perpetual existence.

(Added to NRS by 1961, 431)

543.380 Corporate seal. The board shall have the power to have and use a corporate seal.

(Added to NRS by 1961, 432)

543.390 Suits, actions and proceedings. The board shall have the power to sue and be sued, and be a party to suits, actions and proceedings.

(Added to NRS by 1961, 432)

543.400 Acquisition, improvement and disposal of property. The board shall have the power to take by grant, purchase, gift, devise or lease, or otherwise, and hold, use, enjoy and lease, or dispose of real or personal property of every kind within or without the district necessary or proper to carry out any of the objects or purposes of NRS 543.160 to 543.830, inclusive, and to complete, extend, add to, repair or otherwise improve any works or improvements or any property acquired by the district as authorized by NRS 543.160 to 543.830, inclusive.

(Added to NRS by 1961, 432)

543.410 Storage and reclamation of floodwater; actions and proceedings concerning water. The board shall have the power:

1. To store floodwater in surface or underground reservoirs within or without the district for the common benefit of the district.

2. To conserve and reclaim floodwaters for present and future use within the district.

3. Subject to the limitations contained in NRS 543.160 to 543.830, inclusive, to appropriate and acquire water and water rights, and import water into the district and conserve the same within or without the district for any useful flood control purpose.

4. To commence, maintain, intervene in and compromise, in the

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name of the district or otherwise, and assume the costs and expenses of any action or proceeding involving or affecting ownership or use of water or water rights within the district used or useful for any district purpose.

5. To commence, maintain, intervene in, determine, compromise, and assume the costs and expenses of any action or proceeding involving the wasteful use of water in the district.

6. To prevent unlawful exportation of water from the district.

7. To prevent contamination and pollution of the surface or subsurface waters used in the district.

8. To commence, maintain and defend actions and proceedings to prevent interference with waters used in the district as may endanger and damage the inhabitants, lands or use of water in the district; but the board shall not have the power to intervene or take part in, or to pay the costs and expenses of, actions or proceedings between the owners of lands or water rights within the boundaries of the district which do not involve taking water outside or away from the district.

(Added to NRS by 1961, 432)

543.420 Eminent domain. Subject to the limitations contained in NRS 543.160 to 543.830, inclusive, the board shall have the power to exercise the right of eminent domain within and without the district, in the manner provided by law for the condemnation of property for public use, for the purpose of taking any property necessary to carry out any objects or purposes of NRS 543.160 to 543.830, inclusive.

(Added to NRS by 1961, 432; A 1975, 750)

543.430 Acquired water to be used only in replenishing water basin. Any water acquired by the district shall be used only in replenishing the water basin of the area contained in the district.

(Added to NRS by 1961, 432)

543.440 Use of property taken by eminent domain declared public use; diversion of water. It is hereby declared that the use of the property, lands, rights of way, easements or materials which may be condemned, taken or appropriated under the provisions of NRS 543.160 to 543.830, inclusive, is a public use subject to the regulation and control of the state in the manner prescribed by law; but nothing in NRS 543.160 to 543.830, inclusive, shall be deemed to authorize any district or person to divert the waters of any river, creek, stream, irrigation system, canal or ditch from its channel to the detriment of any person having any interest in such river, creek, stream, irrigation system, canal or ditch or the waters thereof or therein, unless previous compensation is first ascertained and paid therefor under the laws of this state authorizing the taking of private property for public use.

(Added to NRS by 1961, 432)

543.450 Surveys; acquisition of land and water; agreements; cooperation with governmental agencies and public and private corporations. The board may:

1. Enter upon any land to make surveys and locate the necessary improvements and the lines for channels, conduits, canals, pipelines, basins for retention or detention of water, roadways and other rights of way.

2. Acquire, by purchase, lease, contract, condemnation or other legal means, all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of those works, including works constructed or being constructed by private owners, lands for basins for retention or detention of water, and all necessary appurtenances.

3. Enter into agreements with and do any acts necessary or proper for the performance of any agreements with the United States, or any state, county, district of any kind, public or private corporation, association, firm or other person for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance or repair or operation of any rights, works or other property of any kind which might be lawfully acquired or owned by the district.

4. Acquire the right to retain or detain water in any basin, or carry water through any canal, ditch or conduit not owned or controlled by the district.

5. Grant to any owner or lessee the right to use any facility of the district.

6. Enter into and do any act necessary or proper for the performance of any agreement of the district of any kind with a person or a governmental organization, or the transfer or delivery of any water, water right or water supply stored, appropriated or otherwise acquired or stored for the use of the district, or for the purpose of exchanging it for any other water, water rights or water supply to be delivered to the district.

7. Cooperate with and act in conjunction with the State of Nevada, or any of its engineers, officers, boards, commissions, departments or agencies, or with the United States Government or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation in the construction of any work for the controlling of floodwaters of the district, or for the protection of life or property therein, or for the purpose of conserving those waters for beneficial use within the district, or for any other acts or purposes provided for in this section and to adopt and carry out any definite plan or system of work for that purpose.

(Added to NRS by 1961, 433; A 1985, 1194)

543.460 Investigations, studies and research; development of new techniques and processes. The board shall have the power:

1. To carry on technical and other investigations of all kinds.
2. To make measurements, collect data, make analyses, studies and inspections pertaining to control of floods and use of floodwater.
3. To engage in research.
4. To participate or cooperate with local, state and federal agencies or private or public corporations in the development of such new techniques or processes as may apply to the field of water management, both within and without the district.

(Added to NRS by 1961, 434)

543.470 Operation, maintenance and repair of improvements. The board shall have the power to operate, maintain and repair the improvements acquired by the district.

(Added to NRS by 1961, 434)

543.480 Contracts; improvements made by district.

1. Except as otherwise provided in NRS 543.160 to 543.830, inclusive, the board shall have the power to enter into contracts and agreements affecting the affairs of the district, including but not limited to contracts with the United States of America and any of its agencies or instrumentalities and contracts with any municipality or district for the operation of a common or jointly owned project.

2. Any improvement or improvements of any nature made in any district, except such work done by employees of the district with supplies and materials purchased by it as provided in subsection 3, or except by labor or supplies and materials, or all of such, supplied under agreement with the United States of America, the State of Nevada, or any federal or state agency, instrumentality or corporation, or other political subdivision, shall be done only under independent contract to be entered into by the district in the manner prescribed by chapter 332 of NRS. Upon default in the performance of any contract, the proper official may advertise and relet the remainder of the work without further resolution and deduct the cost from the original contract price and recover any excess cost by suit on the performance bond, or otherwise.

3. The board shall have the power to make any improvement, or portion thereof, in any district, directly by the officers, agents and employees of the district, with supplies and materials purchased or otherwise acquired therefor. All supplies and materials purchased by the board for any district (but not by a contractor) shall be purchased in the manner prescribed by chapter 332 of NRS.

(Added to NRS by 1961, 434; A 1963, 169; 1967, 1242)

543.490 Borrowing money; evidences of indebtedness. The board shall have the power to borrow money and incur indebtedness and other obligations and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of NRS 543.160 to 543.830, inclusive.

(Added to NRS by 1961, 435)

543.500 Acquisition and disposal of and encumbrances on property. The board shall have the power to acquire, dispose of and encumber real and personal property, and any interest therein, including leases, easements and revenues derived from the operation thereof.

(Added to NRS by 1961, 435)

543.510 Chief engineer and general manager; duties and compensation of other employees; technical committee; duties of county officers and employees.

1. The board may:

(a) Appoint a chief engineer and general manager who must be a civil engineer registered pursuant to the provisions of chapter 625 of NRS and must be selected from among three nominees proposed by a committee of private citizens. The county and each city all or part of whose territory is included in the district shall appoint one member to the committee.

(b) Prescribe the duties of officers, agents, employees and servants, and fix their compensation.

(c) Create a technical committee for the district. If the board of county commissioners constitutes the board of directors, the technical committee must consist of one member and one alternate appointed by the county and by each city within the district. If the regional transportation commission constitutes the board of directors, the number of members and alternates appointed respectively by the county and by each city must be equal to the number of its representatives on the commission. The committee shall annually choose one of its members as chairman. The chief engineer and general manager has no vote in the committee but shall serve as its executive secretary.

2. The chief engineer and general manager may hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of the district.

3. The district attorney, the county surveyor, the county assessor, the county auditor or comptroller, the county treasurer, their deputies, assistants, clerks and other employees are ex officio officers, deputies, assistants, clerks and employees of the district. They shall, if requested by the board, perform the same various duties for the district as for the

county. The board must reimburse the county for the cost of rendering these services.

(Added to NRS by 1961, 435; A 1985, 1195)

543.520 Bylaws. The board shall have the power to adopt and amend bylaws, not in conflict with the constitution and laws of the state, for carrying on the business, objects and affairs of the board and of the district.

(Added to NRS by 1961, 435)

543.530 Implied powers. The board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in NRS 543.160 to 543.830, inclusive. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of NRS 543.160 to 543.830, inclusive.

(Added to NRS by 1961, 435)

543.540 Agreements concerning projects for control of floods. In addition to the general powers granted in NRS 543.160 to 543.830, inclusive, to the board, the board may cooperate with the United States, the State of Nevada, or any instrumentality, department, agency or political subdivision or municipal corporation of either in the construction, maintenance and operation of flood control projects. To that end, appropriate agreements may be entered into and the district may:

1. Acquire and provide without cost to the operating entity the land, easements and rights of way necessary for the construction of flood control projects.

2. Hold and save harmless the cooperating entity free from any claim for damages arising from the construction, maintenance and operation of flood control projects.

3. Maintain and operate all works in accordance with regulations prescribed by the cooperating entity.

4. Establish and enforce flood channel limits and regulations, if any, satisfactory to the cooperating entity.

(Added to NRS by 1961, 435)

543.550 Rights of way across public lands granted to districts.

1. There is hereby granted to a district the right of way for the construction and maintenance of floodways, ditches, waterways, conduits, canals, dikes, embankments, basins for retention or detention of water and protective works in, over and across public lands of the State of Nevada not otherwise disposed of or in use, but not in any case exceeding the length or width necessary for the construction of those works and adjuncts or for the protection thereof.

2. Whenever any selection of right of way for those works or

adjuncts is made by the district, the board shall transmit to the division of state lands of the state department of conservation and natural resources and any other agency or entity of the state owning land in the area, including the University of Nevada and the Colorado River Commission, and to the county recorder of the county in which the selected lands are situated a plat of the lands so selected, giving the extent thereof and the uses for which they are claimed or desired, verified to be correct.

3. If the division of state lands of the state department of conservation and natural resources approves the selection so made, it must be endorsed upon the plat and a permit must be issued to use the rights of way and land.

(Added to NRS by 1961, 436; A 1985, 1195)

543.560 Acquisition of right to flood or interfere with property; relocation of streets, highways and other property. In case any street, road, highway, railroad, canal or other property subject or devoted to public use shall become subject to flood or other interference by reason of the construction or proposed construction of any works of the district, the board may acquire by agreement or condemnation the right so to flood or otherwise interfere with such property within or without the district, whether it be publicly or privately owned. If such right is acquired by condemnation proceedings, the judgment may, if the court finds that public necessity or convenience so requires, direct the district to relocate such street, road, highway, railroad, canal or other property in accordance with the plans prescribed by the court. If, by such judgment or agreement, the district shall be required to relocate any such street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have the power to acquire in the name of the district, by agreement or condemnation, all rights of way and other property necessary or proper for compliance with the agreement or judgment of condemnation, and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal or other property as may be proper to comply with the agreement or judgment.

(Added to NRS by 1961, 436)

543.570 Connection with storm water drain or flood control facility: Application; fee; penalty.

1. Any person desiring to make a connection to any storm water drain or flood control facility of the district or to cause storm waters to be emptied into any ditch, drain, canal, floodway or other appurtenant structure of the district shall first make application to the board to make the connection. The board may require the connection to be made in

such manner as it may direct and may impose such reasonable connection fees as it deems proper, or, if reasonably justified by the circumstances, may refuse permission.

2. Any person making a connection or causing floodwaters to be so discharged without first having obtained permission is guilty of a misdemeanor.

(Added to NRS by 1961, 436)

543.580 Chief engineer and general manager: Investigations, reports and estimates; recommendations; employment of engineers and surveyors.

1. The chief engineer and general manager may investigate carefully the best plan or plans:

(a) To control the floodwaters of the district and the floodwaters of streams that have their sources outside of the district but flow into the district;

(b) To conserve such waters for beneficial and useful purposes by spreading, storing, retaining, or causing to percolate into the soil within or without the district, or to save or conserve in any manner, any or all of such waters; and

(c) To protect the watercourses, watersheds, public highways, life and property in the district from damage from such water, and to obtain such other information in regard thereto as may be deemed necessary or useful in carrying out the purposes of NRS 543.160 to 543.830, inclusive.

2. The chief engineer and general manager shall make and file reports from time to time with the board, which must show:

(a) A general description of the work to be done on each project or work of improvement.

(b) General plans, profiles, cross sections and other general specifications of the work to be done on each project or work of improvement.

(c) A general description of the lands, rights of way, easements and property proposed to be taken, acquired or injured in the carrying out of that work.

(d) An estimate of the cost of each project or work of improvement including:

(1) An estimate of the costs of lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out the project or work of improvement.

(2) An estimate of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds, if any, necessary to be issued to pay for it.

(3) A comparison of the total cost of the proposed works with an estimate of the cost of condemnation and relocation or replacement of property within the boundaries of the flood plain.

3. The chief engineer and general manager shall, from time to time, as directed by the board, file with the board supplementary, amendatory and additional reports and recommendations as necessity and convenience may require.

4. The chief engineer and general manager may, subject to the control and direction of the board, employ other engineers, surveyors and other persons required for making all surveys and doing any work necessary for the making of the reports.

(Added to NRS by 1961, 437; A 1985, 1196)

543.590 Survey and report of problems; assistance in preliminary planning; adoption of master plan.

1. After a district has been established, the board shall cause its chief engineer or qualified private engineers or consultants to make a survey of the problems of controlling floods in the district and to prepare a report setting forth:

(a) A description of existing facilities for the control of floods in the area.

(b) Recommendations as to cooperation between the district and the owner or owners of the facilities.

(c) Recommendations for the construction or other acquisition of facilities to carry out the purpose of the district, with a preliminary plan therefor.

(d) A description of the property proposed to be acquired or damaged in the performance of work.

(e) A map showing the boundaries of the district and location of the work proposed to be done.

(f) A map showing the hydrographic areas to be used by the district for planning and acquisition of projects and improvements.

(g) Such other facts and information as the board may request.

2. In the preparation of the report, the director of the state department of conservation and natural resources and the health division may assist in preliminary planning by:

(a) The assignment of technical, professional and administrative personnel.

(b) Providing information for engineering and other planning.

(c) Acting as coordinator and liaison between the district and participating local, state and federal agencies.

Money expended in preliminary planning may, upon application to the director of the state department of conservation and natural resources and to the health division, be refunded, if money for these purposes has been appropriated by the legislature.

3. The chief engineer for the district shall then prepare for each hydrographic area a master plan for the control of floods which must

set forth the most effective structural and regulatory means for correcting existing problems of flooding within the area and dealing with the probable effects of future development, taking into consideration the recommendations submitted in the report. In preparing the master plan, he shall incorporate insofar as possible the planning completed or undertaken by the county, each city all or part of whose territory is included in the area, and any private engineer or developer for any part of the area. The master plan may include as separate elements the immediate needs, indicating their relative priority, and other future needs.

4. When a master plan satisfactory to the board, and after review by the director of the state department of conservation and natural resources, is available, it must be tentatively adopted. A public hearing on the proposed work must be scheduled and notice of the hearing given by publication. After hearing and any adjournments thereof which may be ordered, the board may either require changes to be made in the master plan as the board considers desirable or the board may approve the tentative master plan as prepared. If changes are ordered a further hearing must be held pursuant to notice given by publication.

5. The county and each city all or part of whose territory is included within each hydrographic area shall then hold a public hearing to consider adopting the tentative master plan as a component of its master plan pursuant to chapter 278 of NRS. The master plan or its parts for that hydrographic area do not become final until adopted by the county and each city.

(Added to NRS by 1961, 437; A 1963, 969; 1973, 1406; 1985, 1197)

543.595 Adoption of uniform regulations; incorporation into ordinances; compliance with uniform policies.

1. The board shall adopt uniform regulations for the control of drainage, in accordance with the master plan, from land which is developed after the regulations become effective. The regulations may include provisions for the granting of a variance by the board upon application and showing of conditions peculiar to certain land which justify the variance.

2. On and after July 1, 1987, a county or city is not eligible to receive money, from the regional fund for the control of floods, for the acquisition of a project or improvement unless it has incorporated these regulations in its ordinances governing the subdivision of land, parcel maps, and division of land into large parcels. The county or city is then responsible for their enforcement, but the county or any city may bring an action against any of the others to compel enforcement in the latter's territory.

3. The board may also require as a condition of granting money to a

county or city that the recipient comply with uniform policies established by the board for the operation and maintenance of a project or improvement.

(Added to NRS by 1985, 1190)

TAXATION

543.600 Public hearing and election required in certain counties; power to levy taxes; use of other money.

1. In a county whose population is 250,000 or more, the board of county commissioners shall hold public hearings before deciding which one or combination of the powers set forth in subsections 2 and 3 is to be used to provide revenue for the support of the district. The method selected must be approved, in an election held throughout the district, by a majority of the voters voting on the question.

2. The board of county commissioners in such a county may levy and collect taxes ad valorem upon all taxable property in the county. This levy is not subject to the limitations imposed by NRS 354.59805 to 354.5987, inclusive. A district for which a tax is levied pursuant to this subsection is not entitled to receive any distribution of supplemental city-county relief tax.

3. The board of county commissioners in such a county may impose a tax of not more than 0.25 percent on retail sales and the storage, use or other consumption of tangible personal property in the county. The ordinance imposing this tax must conform, except as to amount, to the requirements of chapter 377 of NRS and the tax must be paid as provided in that chapter.

4. In any other county, the board of county commissioners may only levy taxes ad valorem upon all taxable property in the district.

5. In any county, the board of directors may use any other money, including federal revenue sharing, that is made available to the district.

(Added to NRS by 1961, 438; A 1985, 1198)

543.610 Levy and collection of taxes.

1. To levy and collect taxes, the board shall determine, in each year, the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of assessed valuation of taxable property within the district, will raise the amount required by the district annually to supply funds for paying expenses of organization and the costs of acquiring, operating and maintaining the works and equipment of the district, and promptly to pay in full, when due, all interest on and principal of general obligation bonds and other general obligations of the district. In the event of accruing defaults or deficiencies, an additional levy may be made as provided in NRS 543.620.

2. The board shall certify to the board of county commissioners, at

the same time as fixed by law for certifying thereto tax levies of incorporated cities, the rate so fixed with directions that at the time and in the manner required by law for levying taxes for county purposes such board of county commissioners shall levy such tax upon the assessed valuation of all taxable property within the district, in addition to such other taxes as may be levied by such board of county commissioners at the rate so fixed and determined.

(Added to NRS by 1961, 438)

543.620 Levies to cover deficiencies.

1. The board, in certifying annual levies, shall take into account the maturing general obligation indebtedness for the ensuing year as provided in its contracts, maturing general obligation bonds and interest on such bonds, and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof.

2. In case the moneys produced from such levies, together with other revenues of the district, are not sufficient punctually to pay the annual installments on such obligations, and interest thereon, and to pay defaults and deficiencies, the board shall make such additional levies of taxes as may be necessary for such purposes, and, notwithstanding any limitations, such taxes shall be made and continue to be levied until the general obligation indebtedness of the district shall be fully paid.

(Added to NRS by 1961, 439)

543.630 County officers to levy and collect.

1. The body having authority to levy taxes within each county shall levy the taxes provided in NRS 543.160 to 543.830, inclusive.

2. All officials charged with the duty of collecting taxes shall collect such taxes at the time and in the same form and manner, and with like interest and penalties, as other taxes are collected and when collected shall pay the same to the district ordering its levy and collection. The payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district.

3. All taxes levied under NRS 543.160 to 543.830, inclusive, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall constitute, until paid, a perpetual lien on and against the property taxed; and such lien shall be on a parity with the tax lien of other general taxes.

(Added to NRS by 1961, 439)

543.640 Sales for delinquencies. If the taxes levied are not paid as provided in NRS 543.160 to 543.830, inclusive, the property subject to the tax lien shall be sold and the proceeds thereof shall be paid over to

the district according to the provisions of the laws applicable to tax sales and redemptions.

(Added to NRS by 1961, 439)

543.650 Deposit of money in regional fund for control of floods; use of money; reserve fund.

1. The proceeds of all taxes and charges levied or imposed for the support of the district and all other revenues received for its account from any source must be deposited in the regional fund for the control of floods. No money may be drawn from the fund except for the use of the district.

2. Whenever any indebtedness has been incurred by a district, the board may also levy taxes and collect revenue for the purpose of creating a reserve fund in such amount as the board may determine, which may be used to meet the obligations of the district, for maintenance and operating charges and depreciation, and to provide extension of and betterments to the improvements of the district.

(Added to NRS by 1961, 440; A 1985, 1199)

BOUNDARIES; INCLUSION AND EXCLUSION OF PROPERTY

543.665 Boundary changes; liability of property.

1. The boundary of any district organized under the provisions of NRS 543.160 to 543.830, inclusive, may be changed in the manner prescribed in NRS 543.675 and 543.685, but the change of boundaries of the district shall not impair nor affect its organization, nor shall it affect, impair or discharge any contract, obligation, lien or charge on which it or the property therein might be liable or chargeable had such change of boundaries not been made.

2. Property included within or annexed to a district shall be subject to the payment of taxes, assessments and charges, as provided in NRS 543.685. Real property excluded from a district shall thereafter be subject to the levy of taxes for the payment of its proportionate share of any indebtedness of the district outstanding at the time of such exclusion, and shall be subject to any outstanding special assessment lien thereon.

(Added to NRS by 1967, 1618)

543.675 Exclusion.

1. In a county whose population is less than 250,000 an owner in fee of real property situate in the district may file with the board a petition praying that those lands be excluded from the district.

2. Petitions must:

(a) Describe the property which the petitioner desires to have excluded.

(b) State that the property does not produce any runoff of floodwater

capable of being served by the facilities of the district or by any future improvement contained in the master plan.

(c) Be acknowledged in the same manner and form as required in case of a conveyance of land.

(d) Be accompanied by a deposit of money sufficient to pay all costs of the proceedings for exclusion.

3. The secretary of the board shall cause a notice of filing of such petition to be published, which must:

(a) State the filing of the petition.

(b) State the names of the petitioners.

(c) Describe the property mentioned in the petition.

(d) State the prayer of the petitioners.

(e) Notify all persons interested to appear at the office of the board at the time named in the notice, and show cause in writing why the petition should not be granted.

4. The board at the time and place mentioned in the notice, or at the times to which the hearing of the petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by any person.

5. The filing of the petition is an assent by each petitioner to the exclusion from the district of all or part of the property mentioned in the petition.

6. The board, if it considers it not to be in the best interest of the district that all or part of the property be excluded from the district, shall order that the petition be denied in whole or in part, as the case may be.

7. If the board considers it to be in the best interest of the district that the property mentioned in the petition be excluded from the district, the board shall order that the petition be granted in whole or in part, as the case may be.

8. There may be no withdrawal from a petition after consideration by the board nor may further objection be filed except in case of fraud or misrepresentation.

9. Upon granting the petition, the board shall file for record a certified copy of its ordinance making the change, in the manner provided in NRS 543.300.

(Added to NRS by 1967, 1618; A 1985, 1199)

543.685 Inclusion. In a county whose population is less than 250,000 the boundaries of a district may be enlarged by the inclusion of additional real property in the following manner:

1. The owner in fee of any real property capable of being served by the facilities of the district may file with the board a petition praying that the property be included in the district.

2. The petition must:

(a) Set forth an accurate legal description of the property.

(b) State that assent to the inclusion of the property in the district is given by all the owners in fee of the property.

(c) Be acknowledged in the same manner required for a conveyance of land.

3. There may be no withdrawal from a petition after consideration by the board nor may further objections be filed except in case of fraud or misrepresentation.

4. The board shall hear the petition at an open meeting after publishing the notice of the filing of the petition, and of the place, time and date of the meeting, and the names and addresses of the petitioners. The board shall grant or deny the petition and the action of the board is final and conclusive. If the petition is granted as to all or any of the real property described, the board shall make an order to that effect, and file it for record in the manner provided in NRS 543.300.

5. After the date of its inclusion in the district, the property is subject to all of the taxes imposed by the district, and is liable for its proportionate share of the existing general obligation bonded indebtedness of the district. It is not liable for any taxes levied or assessed before its inclusion in the district.

(Added to NRS by 1967, 1619; A 1985, 1200)

BORROWING AND BONDS

543.690 Forms of borrowing; applicability of Local Government Securities Law.

1. Upon the conditions and under the circumstances set forth in NRS 543.160 to 543.830, inclusive, a district may:

(a) Borrow money and issue the following securities to evidence such borrowing, subject to the provisions of NRS 543.720 to 543.760, inclusive:

- (1) Notes;
- (2) Warrants;
- (3) Bonds;
- (4) Temporary bonds;
- (5) Interim debentures; and
- (6) Special assessment bonds; and

(b) Make another type contract creating an indebtedness.

2. Subject to the provisions of subsection 1, the board may, on the behalf and in the name of the district, issue the securities, and in connection with any undertaking or facilities authorized in the Flood Control District Law, the board may otherwise proceed as provided in the Local Government Securities Law.

(Added to NRS by 1961, 441; A 1969, 1633; 1975, 750; 1985, 306)

543.700 Short-term notes.

1. A district, upon the affirmative vote of a majority of the board, is authorized to borrow money without an election in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed.

2. Such short-term notes:

(a) Shall be payable from the fund for which the money was borrowed.

(b) Shall mature before the close of the fiscal year in which the money is so borrowed.

(c) Shall not be extended or funded except in compliance with NRS 543.710 to 543.760, inclusive.

(Added to NRS by 1961, 442)

543.710 General obligation bonds: Interest; maturity; denominations; form.

1. To carry out the purposes of NRS 543.160 to 543.830, inclusive, the board may issue general obligation negotiable coupon bonds of the district.

2. Bonds must:

(a) Bear interest at a rate or rates which do not exceed by more than 3 percent the Index of Twenty Bonds which was most recently published before the bids are received or a negotiated offer is accepted, payable semiannually.

(b) Be due and payable serially, either annually or semiannually, commencing not later than 3 years and extending not more than 40 years from date.

(c) Be in such denominations as the board determines and the bonds and coupons thereto attached must be payable to bearer.

(d) Be executed in the name of and on behalf of the district and signed by the chairman of the board with the seal of the district affixed thereto and attested by the secretary of the board.

3. Any of such officers, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature any bond herein authorized, but at least one signature required or permitted to be placed thereon must be manually subscribed, and his facsimile signature has the same legal effect as his manual signature. Interest coupons must bear the original or facsimile signature of the chairman of the board.

4. The form and terms of the bonds, including provisions for their payment and redemption, must be determined by the board. If the board

so determines, the bonds may be redeemable before maturity upon payment of a premium, not exceeding 9 percent of the principal thereof.

(Added to NRS by 1961, 442; A 1971, 2129; 1975, 377; 1981, 1421; 1983, 588)

543.720 General obligation bonds: Election.

1. Whenever the board determines, by resolution, that the interest of the district and the public interest or necessity demand the acquisition, construction, installation or completion of any works or other improvements or facilities, or the making of any contract with the United States or other persons or corporations, to carry out the objects or purposes of the district, requiring the creation of an indebtedness of \$50,000 or more, the board shall order the submission of the proposition of issuing the obligations or bonds or creating other indebtedness to the qualified taxpaying electors of the district at an election held for that purpose.

2. The election may be held separately, or may be consolidated or held concurrently with any primary or general election.

3. The declaration of public interest or necessity required by this section and the provision for the holding of the election may be included within the same resolution, which must:

(a) Recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, the amount of principal of the indebtedness to be incurred, and the maximum rate of interest to be paid on the indebtedness.

(b) Fix the date upon which the election will be held, the manner of holding the election and the method of voting for or against the incurring of the proposed indebtedness.

(c) Fix the compensation to be paid the officers of the election, designate the polling place or places and appoint, from the taxpaying electors of the district, three officers of the election for each polling place, one of whom shall act as clerk.

(Added to NRS by 1961, 442; A 1985, 1201)

543.730 General obligation bonds: Notice of election. The board shall prescribe the form of the notice of election, and direct the publication of the same, the first publication of the notice to be not less than 15 days prior to the election. The notice must include the maximum rate of interest to be paid.

(Added to NRS by 1961, 443; A 1981, 1421)

543.740 General obligation bonds: Conduct of election; canvass of returns; declaration of results.

1. The election board or boards shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district.

2. At any regular or special meeting of the board held within 5 days

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following the date of such election, the returns thereof shall be canvassed and the results thereof declared.

(Added to NRS by 1961, 443)

543.750 General obligation bonds: Issuance approved by majority of qualified taxpaying electors; submission of proposition at subsequent election.

1. If it appears from the returns that a majority of the qualified taxpaying electors of the district who have voted on any proposition submitted under the provisions of NRS 543.710 to 543.760, inclusive, at such election voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contract or issue and sell such bonds of the district, as the case may be, all for the purpose or purposes and object or objects provided for in the proposition submitted and in the resolution therefor, and in the amount so provided and at a rate of interest not exceeding the rate of interest recited in such resolution.

2. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at subsequent election or elections called for such purpose.

(Added to NRS by 1961, 443)

543.760 Applicability of NRS 350.500 to 350.720, inclusive. The provisions of NRS 543.710 to 543.760, inclusive, are hereby declared to be implementary to the provisions of NRS 350.500 to 350.720, inclusive, concerning bonds issued by political subdivisions of the state, and those provisions are applicable to any bond issue under NRS 543.710 to 543.760, inclusive, but in the event of conflict the provisions of NRS 543.710 to 543.760, inclusive, shall be controlling.

(Added to NRS by 1961, 443; A 1969, 1634)

DISSOLUTION OF DISTRICTS

543.790 Resolution dissolving ordinance; notice. Whenever a majority of the members of the board considers it to be in the best interests of the district and the area served by the district that the district be dissolved, it shall so determine by resolution, after there is first found and determined and recited in the resolution that all outstanding indebtedness and bonds of all kinds of the district have been paid. The secretary of the board shall give notice by publication of:

1. The adoption of the resolution;

2. The determination of the board that the district should be dissolved; and

3. The time and place for hearing preliminary to the adoption of an ordinance on dissolution.

(Added to NRS by 1961, 444; A 1985, 1202)

543.800 Protests against dissolution; adoption of final ordinance.

1. Any taxpaying elector within the district may, on or before the date fixed, protest against the dissolution of such district, in writing, which protest shall be filed with the county clerk of such county.

2. If, at or before the time fixed by the ordinance and notice, written protest shall be filed signed by 51 percent or more of the taxpaying electors within the district, the district shall not be dissolved. If any written protests are filed and the board of county commissioners determines that the protests so filed represent less than 51 percent of the taxpaying electors of the district, the board may, if it so determines, complete the dissolution by the adoption of a final ordinance of dissolution, which ordinance shall contain a recital as to the percentage of protests, and such recital shall be binding and conclusive for all purposes.

(Added to NRS by 1961, 445)

543.810 Hearing on dissolution. At the place, date and hour specified for the hearing in the notice or at any subsequent time to which the hearing may be adjourned, the board of county commissioners shall give full consideration to all protests which may have been filed and shall hear all persons desiring to be heard and shall thereafter adopt either the final ordinance of dissolution or an ordinance determining that it shall not be dissolved.

(Added to NRS by 1961, 445)

543.820 Filing of ordinance dissolving district. Within 30 days after the effective date of any ordinance dissolving the district, the county clerk shall file a copy of the ordinance in his office and shall cause to be filed an additional copy of the ordinance in the office of the secretary of state, which filings shall be without fee and be otherwise in the same manner as articles of incorporation are required to be filed under chapter 78 of NRS.

(Added to NRS by 1961, 445)

543.830 Transfer of property and money to county; collection and disposition of taxes.

1. All property and all funds remaining in the treasury of any district so dissolved shall be surrendered and transferred to the county in which the district exists and shall become a part of the general fund of the county.

2. All outstanding and unpaid tax sales and levies of a dissolved district shall be valid and remain a lien against the property against which

they are assessed or levied until paid, subject, however, to the limitations of liens provided by general law. Taxes paid after dissolution shall be placed in the general fund of the county in which the property was assessed.

3. The board of county commissioners shall have the same power to enforce the collection of all outstanding tax sales of the district as the district would have had if it had not been dissolved.

(Added to NRS by 1961, 445)

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APPENDIX B

Presentation On Flooding In Clark County As Made To
The Legislative Oversight Committee By Ann Zorn,
Chairman, Citizens Advisory Committee Of The
Clark County Regional Flood Control District

In Clark County the list of destructive flash floods is long and the toll is high:

- March 1906 - Heavy storm washes out 7 miles of railroad track;
- April 1932 - Millions of dollars in flood damage hit Clark County;
- July 1955 - Clark County is declared a flood disaster area--Federal Government to assist;
- July 4, 1975 - Floods hit Las Vegas Strip--millions washed away;
- August 1981 - Clark County devastated by raging flood waters;
- July 1984 - Lives lost in swift flood currents--massive costs throughout the county.

Why does Clark County suffer so much flooding? Natural elements are the real cause--climate, topography, soil. Flash floods occur when intense rains fall over a small area of desert watershed. Thunderstorms pelting on steep slopes or on valley floors find little vegetation to slow the rushing water. Exposed rock surfaces and impermeable desert soil shed water like a duck, causing short, violent floods which dig deep gullies and carry away anything in their path. Most of the year these gullies are dry, but they become raging rivers during severe storms.

People complicate this picture. People build houses, roads and bridges, railroads, warehouses and shops, hotels, parks, schools and restaurants. And, very often, they build directly in and across those dry gullies or washes. Sometimes, months go by without floods and people forget. Or, when too late, that it's not safe to fence across the dry ditches or fill them in to make one level surface on which to build.

Flood waters show no mercy toward people or their property. They go where they choose. The lesson is expensive to learn and we all bear the cost.

Growth in Clark County has been dramatic. As more and more people move in, the problem escalates. Floods that once would have gone unnoticed now find buildings and roads in their way. More and more damage is done. More lives are lost.

Each year, the problem remains uncorrected. Millions of dollars are spent cleaning up and repairing damage to public and private property only to have it happen all over again the next time it

rains. With the importance of tourism to the Clark County economy, the damage to our image from national flash flood publicity costs untold dollars.

Why doesn't somebody do something? Avoiding flood problems by managing the vigorous growth of the cities and towns in the county requires coordination and cooperation of the numerous governments involved on when to plan, build and maintain the system needed. These necessities have been lacking in Clark County.

The county was given responsibility for flood control with no money to accomplish the job. In 1962, the voters said no to funding for flood control. Cities designed their own solution and built what they could, but upstream and downstream the impact of those projects were not coordinated. Only after massive destruction from floods in 1981 did the citizens respond with a countywide \$32 million bond issue to build structures for flood control. Still, without a comprehensive regional plan the Band-Aid approach continued and there was not enough money to adequately handle the problem.

Then came the floods of 1983 and 1984. People died in Las Vegas Valley, swept away in raging torrents and damaged property mounted into the millions of dollars. County residents clamored for relief. The U.S. Corps of Engineers was asked to help design and fund a comprehensive flood control plan. And, the Nevada state legislature was asked to get involved. The Corps conducted investigations in Moapa and Las Vegas valleys and determined that the Federal Government had a legitimate interest in funding the flood problems in Las Vegas Valley, with community cooperation. The Federal Government requires local dollars to match the federal dollars spent, and Clark County residents will have to decide, once again, if they want to bear their share of the cost or do without the federal funding.

In 1985, the Nevada state legislature created a new regional flood control district. One which now includes representatives from all the city councils, as well as the county commission. The new flood control district was given until July 1, 1986, to develop a master plan and outline the method to finance its construction and alteration. The funding proposal will be placed before the voters in September 1986.

The year of decision is at hand. We have been given the tools to correct the problem, but we also must choose whether or not we support the plan enough to pay for its development.

In September, when we go to the polls, we can effect a cure or choose the status quo. Either way, we will pay. But only the

vote for positive action will put money to constructive use to solve the chronic flooding problems. You can make the difference. Schedule a flood control program for your clubs and organizations. Listen to the plans, consider the alternatives, talk over the issues and in September vote yes for the flood control and encourage others to do the same. Together we can stop the heavy toll of destruction in Clark County.

APPENDIX C

Ballot Question And Vote Totals From The
September 2, 1986, Primary Election In
Clark County To Increase The
Sales And Use Tax For The
Purpose Of Flood Control

SAMPLE BALLOT

H₁	PRIMARY ELECTION, CLARK COUNTY, NEVADA SEPTEMBER 2, 1986 CLARK COUNTY QUESTION					
	COUNTY QUESTION					
Shall a sales and use tax of 0.25 percent (one-quarter of 1 cent) be imposed to provide revenue for the support of the Clark County Regional Flood Control District?		<input type="radio"/>				
		<input type="radio"/>				
<table border="1"> <tr> <td>YES</td> <td>141 →</td> </tr> <tr> <td>NO</td> <td>142 →</td> </tr> </table>		YES	141 →	NO	142 →	<input type="radio"/>
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EXPLANATION TO COUNTY QUESTION

A "yes" vote on this question will increase the existing sales and use tax in Clark County by one-quarter of one percent to be used exclusively by the Clark County Regional Flood Control District to implement the Master Flood Control Plan in Clark County for the construction and maintenance of flood control improvements.

A "no" vote will not increase the sales and use tax for the purpose of flood control.

Yes - 53,460 (63.5 percent of vote)

No - 30,734 (36.5 percent of vote)

APPENDIX D

Suggested Legislation

		<u>Page</u>
BDR S-619.....	Advances effective date of tax levied for support of Clark County Regional Flood Control District.....	69
BDR 48-618.....	Makes various changes concerning control of floods.....	71

SUMMARY--Advances effective date of tax levied for support of Clark County
Regional Flood Control District. (BDR S-619)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to control of floods; advancing the effective date of the tax
levied for the support of the Clark County Regional Flood Control
District; 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. Section 30 of chapter 425, Statutes of Nevada 1985, at page 1203,
is hereby amended to read as follows:

Sec. 30. 1. In Clark County the board of county commissioners and
the governing body of each city shall appoint its representatives to the
committee for nomination of a chief engineer and general manager of the

Clark County Regional Flood Control District within 60 days after the effective date of this act.

2. The board of directors shall estimate the amount of money needed to support the district during the fiscal years beginning on and after July 1, 1987, by August 1, 1986. The board of county commissioners shall hold its hearings, decide upon the source of revenue for that support, and submit the chosen method of financing for the required approval at the primary election in 1986.

3. The tax or charge first imposed as the result of this selection must be made effective on [July] *March* 1, 1987. For the fiscal year 1985-1986 there is hereby levied a tax ad valorem of 2 cents on each \$100 of assessed valuation on all taxable property in the county for the support of the district.

Sec. 2. This act becomes effective upon passage and approval.

SUMMARY--Makes various changes concerning control of floods.

(BDR 48-618)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the control of floods; establishing a committee of citizens to advise the board of directors of a district for the control of floods; providing for periodic review of the master plan for control of floods; requiring public bodies to comply with the master plan; providing standards for granting a variance; providing for the review of the sales tax imposed in certain areas; 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. Chapter 543 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *"Master plan" means the master plan for control of floods.*

Sec. 3. 1. *Each district shall establish a citizens' advisory committee to be composed of representatives of the general public. The committee must consist of one member appointed by the county and each city all or part of whose territory is included in the district, and one member appointed by each member of the board.*

2. *The members of the committee shall elect a chairman and a vice chairman. The committee may adopt rules for its own management.*

3. *The committee may meet as often as necessary to advise the board.*

4. *The committee shall represent the public interest and advise the board on matters related to the master plan.*

Sec. 4. 1. *The board shall direct its chief engineer and general manager to prepare an annual review of the master plan for consideration by the board. The review must include consideration of:*

(a) Growth and development in the district;

(b) The cost of and progress in construction of facilities for the control of floods;

(c) The development of a uniform code for management of a flood plain and standards for construction of facilities for the control of floods; and

(d) Progress in the development of facilities by the United States Army Corps of Engineers.

2. *The board shall prepare an annual report in conjunction with its review.*

The report must set forth for the previous year:

- (a) The source and amount of money received;*
- (b) The amount of money expended;*
- (c) Any project completed;*
- (d) Any project under construction; and*
- (e) Any project which is proposed and the time estimated for its completion.*

3. *A copy of the report must be filed with the district engineer. A copy must be provided to any person upon request for a fee which does not exceed the actual cost of printing the report.*

Sec. 5. *The review of the master plan conducted every 5 years, in addition to considering the information required in subsection 1 of section 4 of this act, must:*

- 1. Add to the plan any new information which is relevant to the plan; and*
- 2. Assess the progress toward fulfillment of the master plan during the 5-year period, identify any major obstacles to completion of the master plan and recommend revisions to the master plan resulting from growth and development in the district.*

Sec. 6. *The review of the master plan conducted every 10 years may incorporate, to the extent that the chief engineer and general manager deems necessary, information obtained from previous reviews, and must include:*

1. *Revision of the master plan as necessary; and*
2. *Establishment of additional long-range priorities for the control of floods.*

Sec. 7. 1. *The reviews provided for in sections 5 and 6 of this act may be performed more frequently if the board finds that circumstances warrant performing those reviews at shorter intervals.*

2. *The budget of the district must include funding for the review and revision of the master plan.*

3. *Any amendment or revision of the master plan must be approved by a two-thirds vote of the board.*

Sec. 8. 1. *A public body which proposes, through construction of a project or review of an application for zoning or subdivision of land, to alter any proposed element of the master plan, including the location of a facility, a drainage scheme or any assumption used in the master plan, must first submit the proposal to the district as a proposed amendment to the master plan.*

2. *As used in this section, "public body" means the state or any municipality, township, board, commission, authority, district or other subdivision or public body of the state.*

Sec. 9. *Before granting a variance from the uniform regulations for the control of floods or approving an amendment to the master plan, the board must find:*

1. *That a good and sufficient cause for the variance or amendment has been shown;*

2. *That failure to grant the variance or amendment would result in exceptional hardship to the applicant without providing an equal or greater benefit to the public;*

3. *That the granting of the variance or amendment will not result in an increased flood level, create an additional threat to public safety, cause an extraordinary public expense or a public nuisance, or tend to defraud or victimize the public or otherwise violate any statute or ordinance;*

4. *That the variance or amendment is the minimum necessary, considering the hazard of floods, to offer relief; and*

5. *That any proposal to relocate a channel or wash would either result in an overall benefit or maintain a system for control of floods of equal effectiveness to that which it replaces.*

Sec. 10. *The provisions of NRS 543.610 to 543.640, inclusive, apply to a district in which a tax ad valorem is levied on all taxable property in the county.*

Sec. 11. NRS 543.365 is hereby amended to read as follows:

543.365 The board [may enhance] *shall consider the enhancement of any project of the district by providing recreational facilities, landscaping and similar amenities in order to increase the usefulness of the project to the*

community, provide aesthetic compatibility with the surrounding community and mitigate the adverse effect of the project on the environment. .

Sec. 12. NRS 543.510 is hereby amended to read as follows:

543.510 1. The board may:

(a) Appoint a chief engineer and general manager who must be a civil engineer registered pursuant to the provisions of chapter 625 of NRS and must be selected from among three nominees proposed by [a committee of private citizens. The county and each city all or part of whose territory is included in the district shall appoint one member to the committee.] *the citizens' advisory committee for the district.*

(b) Prescribe the duties of officers, agents [, employees and servants,] *and employees* and fix their compensation.

(c) Create a technical committee for the district. If the board of county commissioners constitutes the board of directors, the technical committee must [consist of] *include* one member and one alternate appointed by the county and by each city within the district. If the regional transportation commission constitutes the board of directors, the number of members and alternates appointed respectively by the county and by each city must be equal to the number of its representatives on the commission. [The committee shall annually choose one of its members as chairman.] *The citizens' advisory*

committee for the district shall appoint one of its members to the technical committee. The chief engineer and general manager [has no vote in the committee but] is a member of the technical committee and shall serve as its executive [secretary.] director. Each member of the committee has one vote. The committee shall annually choose one of its members as chairman.

2. The chief engineer and general manager may hire and retain agents, employees, [servants,] engineers and attorneys, and any other persons necessary or desirable to effect the purposes of the district.

3. *The chief engineer and general manager is authorized to give all assurances and perform any other acts required by the Secretary of the Army and the Congress of the United States in connection with projects for control of floods in this state.*

4. The district attorney, the county surveyor, the county assessor, the county auditor or comptroller, the county treasurer, their deputies, assistants, clerks and other employees are ex officio officers, deputies, assistants, clerks and employees of the district. They shall, if requested by the board, perform the same various duties for the district as for the county. The board must reimburse the county for the cost of rendering these services.

Sec. 13. NRS 543.595 is hereby amended to read as follows:

543.595 1. The board shall adopt uniform regulations for the control of drainage, in accordance with the master plan, from land which is developed after the regulations become effective. The [regulations may include provisions for the granting of a variance by the board upon application and showing of conditions peculiar to certain land which justify the variance.] *board may, upon application, grant a variance as provided in section 9 of this act.*

2. On and after July 1, 1987, a county or city is not eligible to receive money, from the regional fund for the control of floods, for the acquisition of a project or improvement unless it has incorporated these regulations in its ordinances governing the subdivision of land, parcel maps, and division of land into large parcels. The county or city is then responsible for their enforcement, but the county or any city may bring an action against any of the others to compel enforcement in the latter's territory.

3. The board may also require as a condition of granting money to a county or city that the recipient comply with uniform policies established by the board for the operation and maintenance of a project or improvement.

Sec. 14. NRS 361A.050 is hereby amended to read as follows:

361A.050 "Open-space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies , *maintain natural features which*

enhance control of floods or preserve sites designated as historic by the division of historic preservation and archeology of the state department of conservation and natural resources.

Sec. 15. NRS 361A.170 is hereby amended to read as follows:

361A.170 1. The governing body of each city or county shall [not later than September 1, 1975,] , *from time to time*, specify by resolution the designations or classifications under its master plan designed to promote the conservation of open space . *the maintenance of natural features for control of floods* and the protection of other natural and scenic resources from unreasonable impairment.

2. The board of county commissioners shall [not later than December 30, 1975,] , *from time to time*, adopt by ordinance procedures and criteria which [shall] *must* be used in considering an application for open-space use assessment. Such criteria may include requirements respecting public access to and the minimum size of the property.

Sec. 16. 1. There is hereby created a committee of members of the legislature to review the use and continuation of the tax of 0.25 percent on retail sales and the storage, use or other consumption of tangible personal property, enacted in Clark County by a vote of the people on September 2, 1986, pursuant to NRS 543.600.

2. The legislature shall appoint to the committee a suitable number of the legislators elected from Clark County. The members of the committee shall select a chairman from one house of the legislature and a vice chairman from the other.

3. The committee shall:

(a) Review the implementation of the master plan for control of floods in Clark County to determine whether the plan is being followed; and

(b) Determine whether the proceeds of the 0.25 percent tax are being used effectively.

4. The committee shall:

(a) Hold public hearings in connection with its review to obtain information concerning the effect of the master plan upon citizens, political subdivisions and businesses;

(b) Consult with the board of directors of the district for the control of floods concerning implementation of the master plan; and

(c) Direct the legislative counsel bureau to assist in its review.

5. After completing its review, the committee may require that the question of whether to continue imposition of the tax be put to a vote of the people of Clark County at the next general election. If the people vote to discontinue the tax, the tax expires on January 1 following the election.

Sec. 17. 1. This section and sections 1 to 15, inclusive, of this act, become effective upon passage and approval.

2. Section 16 of this act becomes effective on July 1, 1995.