

CHAPTER.....

AN ACT relating to local governments; authorizing, under certain circumstances, the governing body of a county or city to create a parks, trails and open space district; setting forth the duties and authority of the board of trustees of such a district; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill authorizes, under certain circumstances, the governing body of a county or city to create a parks, trails and open space district.

Sections 7-12 of this bill set forth the process for such a governing body to create such a district. **Section 7** provides general authority for the creation of such a district. **Section 8** provides that the creation of a district is initiated by: (1) a resolution adopted by the governing body; or (2) a petition to a governing body by an owner of property within the proposed boundaries of the district.

Section 8.3 of this bill requires the governing body of a county or city to create a service plan for a proposed district before creating the district. **Section 8.4** of this bill requires the governing body to hold a public hearing to consider the service plan of the proposed district. **Section 8.5** of this bill authorizes the governing body to approve the service plan, disapprove the service plan or conditionally approve the service plan. **Section 8.6** of this bill sets forth certain circumstances where a governing body must disapprove the service plan of a proposed district. **Section 8.7** of this bill requires an ordinance creating a district to incorporate the approved service plan. **Section 8.7** also requires material modifications to the service plan to be made by the governing body in the same manner as the original approval of the service plan.

Section 9 provides that after the creation of a district is initiated and the service plan is approved, the relevant county or city clerk must mail written notice to all property owners within the proposed district. **Section 10** authorizes any owner of property within the proposed district to protest the creation of the district. **Section 11** sets forth certain circumstances where the creation of a district is prohibited.

Section 13 of this bill provides for the appointment of initial members of the board of trustees of a district. **Sections 16 and 17** of this bill set forth how members of the board of trustees will be elected after the initial appointment of members.

Sections 19 and 20 of this bill prohibit members of the board of trustees of a district from being interested in the purchase or sale of property belonging to the district or entering into certain contracts.

Sections 25-29 of this bill set forth the various powers of a board in relation to parks, trails and open space.

Section 29.5 of this bill authorizes any local government within the boundaries of a district to contribute part of its revenue to support the facilities, improvements or projects of the district.

Section 30 of this bill authorizes a board, under certain circumstances, to establish fees or special assessments for facilities, improvements or projects of the district. **Section 30.5** of this bill sets forth the procedure in certain counties to follow when a potential dwelling unit within the district is not being charged for the services provided by the district. **Sections 34 and 35** of this bill authorize, under



certain circumstances, a board to impose ad valorem taxes. **Sections 30, 31 and 34-38** of this bill set forth the process for imposing and collecting any such fees, special assessments or ad valorem taxes.

Sections 40-42 of this bill set forth the procedure for changing the boundaries of a district.

Sections 43-47 of this bill authorize a board, under certain circumstances, to issue bonds and borrow money.

Sections 32 and 49-51 of this bill set forth the requirements for the dissolution, merger or consolidation of a district.

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

WHEREAS, Parks, trails and open spaces are essential to the health, quality of life and economic prosperity of the residents of this State; and

WHEREAS, Well-maintained parks, trails and open spaces stimulate economic growth and enhance the vitality of local and regional communities; and

WHEREAS, Protecting water quality and wildlife habitat and ensuring safety in parks, trails and open spaces encourage participation in healthy outdoor activities; and

WHEREAS, It is necessary to provide sustainable and reliable funding for the creation and maintenance of parks, trails and open spaces; now, therefore,

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

Section 1. Title 25 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 53, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Nevada Parks, Trails and Open Space District Act.*

Sec. 3. 1. *It is hereby declared as a matter of legislative determination that:*

(a) The organization of parks, trails and open space districts having the purposes, powers, rights, privileges and immunities provided in this chapter will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants thereof and of the State of Nevada;

(b) The acquisition, construction, reconstruction, restoration, improvement, maintenance and operation of any facility, improvement or project authorized in this chapter is in the public interest and constitutes a part of the established and permanent policy of the State of Nevada; and



(c) Each district organized pursuant to the provisions of this chapter shall be a body corporate and politic and a quasi-municipal corporation. For the accomplishment of these purposes the provisions of this chapter shall be broadly construed.

2. It is hereby further declared that the provisions of this chapter are not intended to provide a method for financing the costs of developing private property.

3. It is hereby further declared as a matter of legislative determination that the notice provided for in this chapter for each hearing and action to be taken is reasonably calculated to inform the parties of all proceedings which may directly and adversely affect their legally protected interests.

Sec. 4. As used in this chapter, unless the context otherwise requires:

1. "Board of trustees" and "board" alone each means the board of trustees of a district.

2. "Clerk" means:

(a) If a district is created or proposed to be created by a county, the county clerk.

(b) If a district is created or proposed to be created by a city, the city clerk.

3. "Facility," "improvement" and "project" includes, without limitation, any structure, undertaking or system which a district is authorized to acquire, improve, equip, maintain or operate. A project may consist of all kinds of personal and real property, including, without limitation, land, elements, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right therein, legal or equitable, including terms for years, or any combination thereof.

4. "Governing body" means the governing body of a county or city that proposes to create or creates a district pursuant to this chapter.

5. "Interested party" includes, without limitation, a member of the public, an owner of property within a proposed district or a district, each county, city, town and special district with territory proposed to be located or located within the boundaries of a proposed district or district.

6. "Mail" means a single mailing first class or its equivalent, postage prepaid, by deposit in the United States mail, at least 15 days before the designated time or event.

7. "Parks, trails and open space district" and "district" each means any parks, trails and open space district organized or, in



the case of organizational provisions, proposed to be organized pursuant to this chapter.

8. "Special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this State as enumerated in title 25 of NRS. The term does not include a local improvement district created pursuant to chapter 309 of NRS or a housing authority.

9. "Trustee" means a member of a board of trustees.

Sec. 5. For the purpose of computing any period of time prescribed in this chapter, the first day of the designated action or time must be excluded and the last day of the designated action or time must be included.

Sec. 6. 1. This chapter being necessary to secure the public health, safety, convenience and welfare, it shall be liberally construed to effect its purposes.

2. This chapter, without reference to other statutes of the State, except as specifically provided in this chapter, 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 this chapter to be done shall be construed as applying to any proceedings taken under this chapter or acts done pursuant thereto, it being intended that this chapter shall provide a separate method of accomplishing its objectives, and not an exclusive one. This chapter must not be construed as repealing, amending or changing any such other law.

Sec. 7. 1. Except as otherwise provided in this chapter, the governing body of any county or city within this State is hereby vested with jurisdiction, power and authority to create one or more districts within the county or city which it serves.

2. No member of a governing body shall be disqualified to perform any duty imposed by this chapter by reason of ownership of property within any proposed district.

Sec. 8. 1. The creation of a district may be initiated by:

(a) A resolution adopted by the governing body of any county or city; or

(b) Except as otherwise provided in subsection 2, a petition submitted by any owner of property proposed to be located in the



district to the governing body of a county or city. A governing body that receives a petition pursuant to this paragraph is not required to create a district or take any action in relation to the petition.

2. If the proposed boundaries of a district include areas within more than one county or city and the creation of the district is initiated by petition pursuant to paragraph (b) of subsection 1, the petition must be submitted to the governing body of the county or city in which is located the largest proportion of the geographic area of the proposed district.

3. A resolution adopted pursuant to paragraph (a) of subsection 1 or a petition submitted pursuant to paragraph (b) of subsection 1 must set forth the proposed name, powers, purpose and boundaries of the district.

4. A district may be entirely within or entirely without, or partly within or partly without, one or more counties and cities and the district may consist of noncontiguous tracts or parcels of property.

Sec. 8.2. *1. The Legislature hereby determines and declares that the procedures contained in sections 8.3 to 8.7, inclusive, of this act are necessary for the coordinated and orderly creation of districts and for the logical extension of services for parks, trails and open space throughout the State.*

2. It is the purpose of sections 8.3 to 8.7, inclusive, of this act to prevent unnecessary proliferation and fragmentation of services for parks, trails and open space, to encourage the extension of existing districts rather than the creation of new districts and to avoid excessive diffusion of local tax sources.

Sec. 8.3. *1. If a resolution is adopted pursuant to paragraph (a) of subsection 1 of section 8 of this act or if the governing body of a county or city considers the creation of a district after receiving a petition pursuant to paragraph (b) of subsection 1 of section 8 of this act, the governing body must create a service plan for the proposed district before the governing body may determine whether to create the district.*

2. The service plan must:

(a) Consist of a financial survey and, if applicable, a preliminary engineering or architectural survey showing how the proposed services are to be provided and financed.

(b) Include a map of the boundaries of the proposed district and an estimate of the population and assessed valuation of the proposed district.

(c) Describe the facilities, improvements or projects to be constructed, the standards of such construction, the services to be



provided by the district, an estimate of costs, including, without limitation, the cost of acquiring land, engineering services, legal services, proposed indebtedness, including, without limitation, proposed maximum interest rates and any discounts, any other proposed bonds and any other securities to be issued and their type or character, annual operation and maintenance expenses and other major expenses related to the formation and operation of the district.

(d) Outline the details of any arrangement or proposed agreement with any county or city for the performance of any services between the proposed district and such county or city. The form of any such contract to be used, if available, must be attached to the service plan.

3. If the boundaries of a proposed district include territory within more than one county or city, the service plan must be filed with the governing body of each such county or city.

Sec. 8.4. 1. *At any regular meeting of the governing body that is considering whether to create a district, the governing body must set a date for a public hearing where the governing body will consider the service plan for the proposed district. The date for the public hearing to consider such a service plan must be not later than 30 days after the date of the regular meeting.*

2. The governing body that is considering whether to create a district must provide written notice of the date, time and location of the public hearing on the service plan to:

(a) The county clerk of each county in which the district is to be located;

(b) The governing body of each county or city that has territory within the boundaries of the proposed district;

(c) The governing body of any special district which has levied an ad valorem property tax within the next preceding tax year and has boundaries within a county in which the district is located; and

(d) If the district was initiated by a petition submitted pursuant to paragraph (b) of subsection 1 of section 8 of this act, the persons who submitted the petition.

3. The governing body that is considering whether to create a district must publish legal notice of the date, time, location and purpose of the public hearing on the service plan in a newspaper of general circulation within the county once each week for a period of 3 successive weeks by three publications, the first of which must be at least 20 days before the hearing date. Such



publications shall constitute constructive notice to the residents and property owners within the proposed district.

4. If there is a county planning commission or a regional county planning commission, the service plan must be delivered to each such planning commission. Each such county planning commission or regional county planning commission must study the service plan and a representative thereof must present its recommendations to the governing body at the public hearing.

5. At the public hearing of the governing body to consider the service plan, all interested parties must be afforded an opportunity to be heard under such rules of procedure as may be established by the governing body. Any testimony or evidence which in the discretion of the governing body is relevant to the formation of the proposed district must be considered.

Sec. 8.5. *1. Subject to the provisions of section 8.6 of this act, with reference to the review of any service plan for the proposed district, the governing body may:*

(a) Approve the service plan without condition or modification;

(b) Disapprove the service plan for any of the reasons listed in section 8.6 of this act; or

(c) Conditionally approve the service plan subject to the submission of additional information relating to or modifying the plan.

2. Within 20 days after the completion of the public hearing, the governing body shall advise all interested parties in writing of its action on the service plan. If the service plan is approved as submitted, a resolution of approval must be issued. If the service plan is disapproved, the specific detailed reasons for such disapproval must be set forth in writing. If the service plan is conditionally approved, the changes or modifications to be made in, or additional information relating to, the service plan together with the reasons for such changes, modifications or additional information shall also be set forth in writing. Upon the incorporation of such changes, modifications or additional information in the service plan for the proposed district, the governing body must issue a resolution of approval.

Sec. 8.6. *1. A governing body shall not approve the service plan for a proposed district if:*

(a) There is insufficient existing and projected need for service in the area to be serviced by the proposed district;

(b) The existing service in the area to be served by the proposed district is adequate for present and projected needs;



(c) Adequate service is, or will be, available to the area by other existing municipal or quasi-municipal corporations within a reasonable time and on a comparable basis;

(d) The proposed district is incapable of providing economic and sufficient service to the area within its proposed boundaries;

(e) The area to be included in the proposed district does not have or will not have the financial ability to discharge the proposed indebtedness, other securities, or other obligations to be incurred on a reasonable basis;

(f) The facility, improvement, project and service standards of the proposed district are incompatible with the facility, improvement, project and service standards of adjacent municipalities and special districts;

(g) The proposed district is being formed for the primary purpose of financing the cost of developing private property; or

(h) The governing body determines that the service plan for the proposed district is not in the public interest.

2. If the governing body requests changes or additional information, final approval of the service plan must be contingent upon modification of the service plan to include such changes or additional information.

3. The determinations and findings of the governing body must be based solely upon the service plan and evidence presented at the hearing held pursuant to section 8.4 of this act.

Sec. 8.7. *1. The creation of a district must not be approved before the resolution of approval of the service plan. The approved service plan and the resolution of approval must be incorporated by reference in the ordinance creating the district after there has been a compliance with all other legal procedures for the formation of the proposed district.*

2. If the service plan is approved, any interested party is entitled to appear and be heard at the hearing of the governing body held to consider the creation of the district pursuant to section 10 of this act.

3. Upon final approval by a governing body for the formation of the district, the facilities, improvements, projects, services and financial arrangements of the district must conform to the approved service plan.

4. After the organization of a district pursuant to the provisions of this chapter material modifications of the service plan as originally approved may be made by the board of trustees of the district only by petition to and approval by the governing body that formed the district in substantially the same manner as



is provided for the approval of an original service plan. Such modifications are required only with regard to changes of a basic or essential nature and are not required for changes of a mechanical type necessary only for the execution of the original service plan.

5. Any unreasonable departure from the service plan as originally approved, or, if the same has been modified, then from the service plan as modified, may be enjoined at any time by a district court upon motion of the governing body or any interested party.

Sec. 9. After the service plan for a proposed district is approved pursuant to sections 8.2 to 8.7, inclusive, of this act, and before taking final action to create the district, the governing body shall cause the clerk to mail written notice to all property owners within the proposed area of the district informing the property owners of the proposed creation of a district. The notice must set forth the proposed name, powers, purpose and boundaries of the district and the time and place of the hearing that will be held by the governing body to determine whether to create the district and where the person may protest its creation.

Sec. 10. 1. Any person who owns property which is located within the proposed area of the district may, on or before the date of the hearing, submit a written protest to the creation of the district.

2. The governing body shall give full consideration to all protests which have been submitted and hear all persons desiring to be heard and, thereafter, adopt an ordinance creating the district or determining that the district must not be created.

3. Except as otherwise provided in section 11 of this act, at the hearing to consider the creation of the district or at a subsequent hearing to which the hearing is adjourned, the governing body may create the district by ordinance if the governing body makes findings that the creation of the district is economically sound and feasible.

4. Any ordinance creating a district may:

(a) Contain changes to the proposed name, powers, purpose or boundaries of the district as may be considered by the governing body to be equitable and necessary.

(b) Require that the creation of the district is only effective upon approval by a majority of voters who live within the boundaries of the district at the next general election.

Sec. 11. A governing body shall not create a district pursuant to the provisions of this chapter:



1. *If a service plan for the district has not been approved pursuant to sections 8.2 to 8.7, inclusive, of this act.*

2. *If, at or before the hearing held pursuant to section 10 of this act, a majority of property owners within the proposed area of the district submit written protests to the creation of the district pursuant to that section.*

3. *If the proposed boundaries of the district include areas within more than one county or city and the governing bodies of all such counties and cities have not entered into an interlocal agreement that includes, without limitation, the consent of each governing body to the creation of the district. Such an interlocal agreement may include any provision relating to the district, including, without limitation, provisions related to the:*

(a) Formation, operation or funding of the district; or

(b) Selection and membership of the board of trustees of the district.

4. *If the proposed boundaries of a district overlap with the boundaries of one or more general improvement districts created pursuant to chapter 318 of NRS and the board of trustees of each such general improvement district has not by resolution consented to the creation of the district.*

5. *If the governing body determines that the creation of the district is not in the public interest.*

Sec. 12. 1. *Except as otherwise provided in subsection 2, the adoption of an ordinance creating a district establishes the regular organization of the district, which is a governmental subdivision of this State, 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 section 10 of this act, 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 before such ordinance's final passage, shall be perpetually barred.*

3. *Within 30 days immediately following the effective date of the ordinance creating the district, the governing body shall cause to be filed a copy of the ordinance in the office of the clerk 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.

Sec. 13. 1. *Except as otherwise may be provided in an interlocal agreement entered into pursuant to section 11 of this act, after adopting an ordinance creating a district, the governing body must establish:*

- (a) Accounting practices and procedures for the district;*
- (b) Auditing practices and procedures to be used by the district;*
- (c) A budget for the district; and*
- (d) Management standards for the district.*

2. *After the duties required by subsection 1 have been performed, the first board of trustees of the district, consisting of 5 members, must be appointed. Except as otherwise provided in this subsection, each governing body of a county or city with territory included within the district that has entered into an interlocal agreement pursuant to section 11 of this act must each appoint one member to the first board of trustees. If:*

(a) More than five counties or cities have territory within the district, the interlocal agreement entered into pursuant to section 11 of this act must determine which governing bodies may appoint the five members of the first board of trustees of the district.

(b) Less than five counties or cities have territory within the district, the governing body of each county or city must appoint one member and the remaining members of the first board of trustees must be appointed as determined pursuant to the terms of the interlocal agreement entered into pursuant to section 11 of this act.

3. *The members of the first board of trustees must be qualified electors of the district. The trustees must determine by lot which three trustees serve 4 year terms and which two trustees serve 2 year terms.*

4. *The governing body may remove any member of the first board of trustees for cause shown unless an interlocal agreement entered into pursuant to section 11 of this act otherwise prohibits such removal.*

5. *All members of the board of trustees must file with the clerk their oaths of office and corporate surety bonds, at the expense of the district, the bonds to be in an amount not more than \$10,000 each, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of their duties as trustees.*



The governing body may from time to time, upon good cause shown, increase or decrease the amount of the bond.

Sec. 14. *1. The board shall choose one of its members as chair of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person.*

2. The board shall adopt a seal.

3. The secretary shall keep a record of all of the board's proceedings, minutes of all meetings, any certificates, contracts, bonds given by employees and all corporate acts. Except as otherwise provided in NRS 241.035, the records must be open to inspection of all owners of real property in the district as well as to all other interested persons. A copy of the minutes or audio recordings, if any, must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

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. The treasurer shall file with the clerk, at the expense of the district, a corporate surety bond in an amount not more than \$50,000, the form and exact amount thereof to be approved and determined, respectively, by the governing body, conditioned for the faithful performance of the duties of his or her office. Any other officer or trustee who actually receives or disburses money of the district shall furnish a bond as provided in this subsection. The governing body may, upon good cause shown, increase or decrease the amount of that bond.

5. Except as otherwise provided in this subsection, each member of a board of trustees of a district organized pursuant to this chapter may receive as compensation for his or her service not more than \$6,000 per year. The compensation of the members of a board is payable monthly, if the budget is adequate and a majority of the members of the board vote in favor of such compensation, but no member of the board may receive any other compensation for his or her service to the district as an employee or otherwise. Each member of the board must receive the same amount of compensation. If a majority of the members of the board vote in favor of an increase in the compensation of the trustees, the increase may not become effective until January 1 of the calendar year immediately following the next biennial election of the district as set forth in section 16 of this act.

Sec. 15. *1. The board shall, by resolution, designate the place where the office or principal place of the district is to be*



located, which must be within the corporate limits of the district and which may be changed by resolution of the board. Copies of all those resolutions must be filed with the clerk within 5 days after their adoption. The official records and files of the district must be kept at that office and must be open to public inspection as provided in NRS 239.010.

2. The board of trustees shall meet regularly at least once each year, and at such other times at the office or principal place of the district as provided in the bylaws.

3. Special meetings may be held on notice to each member of the board as often as, and at such places within the district as, the needs of the district require.

4. Three members of the board constitute a quorum at any meeting.

5. Unless an interlocal agreement entered into pursuant to section 11 of this act provides otherwise, a vacancy on the board must be filled by a qualified elector of the district chosen by the remaining members of the board.

Sec. 16. *1. Except as otherwise provided in this section, the general election for trustees of the district must be conducted by the county clerk and held simultaneously with the general election of the county in which the district is located.*

2. If a district is located:

(a) In more than one county, the general election for trustees of the district must be conducted by the county clerk of the county in which is located the largest proportion of the geographic area of the district simultaneously with the general election of that county.

(b) Wholly within the boundaries of a city, the general election for trustees of the district must be conducted by the city clerk and held simultaneously with the general city election of the city.

3. The first biennial election of the district must be held simultaneously with the first general election described in subsection 1 that is held after the creation of the district.

4. At the first biennial election, there must be elected by the qualified electors of the district three qualified electors to serve as trustees of the board. At the second biennial election, there must be elected by the qualified electors of the district two qualified electors.

5. The term of office of an elected trustees is 4 years and begins on the first Monday in January next following the biennial election.

6. The office of trustee is a nonpartisan office.



7. *The general election laws of this State govern the candidacy, nominations and election of a trustee of the board.*

8. *The provisions of this section that require the election of the board of trustees do not apply if an interlocal agreement entered into pursuant to section 11 of this act provides another method for the selection of the board of trustees.*

Sec. 17. 1. *Except as otherwise provided in subsection 2:*

(a) *If there are two regular terms which end on the first Monday in January next following the biennial election, the two qualified electors receiving the highest and next highest number of votes must be elected. If there are three regular terms so ending, the three qualified electors receiving the highest, next highest and third highest number of votes must be elected.*

(b) *If there is a vacancy in an unexpired regular term to be filled at the biennial election, the candidate who receives the highest number of votes, after there are chosen the successful candidates to fill the vacancies in expired regular terms as provided in paragraph (a), must be elected.*

2. *The provisions of subsection 1 do not apply if an interlocal agreement entered into pursuant to section 11 of this act provides another method for the selection of the board of trustees.*

Sec. 18. *Members of the board of trustees are subject to recall from office pursuant to the provisions of the Constitution and statutes of this State.*

Sec. 19. 1. *No trustee may be interested, directly or indirectly, in any property purchased for the use of the district, or in any purchase or sale of property belonging to the district.*

2. *Any contract made in violation of the provisions of subsection 1 may be declared void.*

3. *A trustee who violates the provisions of subsection 1 is guilty of a gross misdemeanor and shall be further punished as provided in NRS 197.230.*

Sec. 20. 1. *Except as otherwise provided in subsection 2, no trustee may:*

(a) *Become a contractor under any contract or order for supplies or any other kind of contract authorized by the board, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.*

(b) *Be interested in any contract made by the board or to be a purchaser or to be interested in any purchase or sale made by the board.*

2. *The board may purchase supplies or contract for services for the district from one of its members, when not to do so would*



be a great inconvenience, but the member from whom the supplies are to be bought or with whom the contract for services is to be made shall not vote upon the allowance of the purchase or contract. If the purchase is made or contract let by competitive bidding, the bid of a member of the board may be accepted only if the member is the lowest responsible bidder.

3. Any contract made in violation of the provisions of subsection 1 may be declared void.

4. A trustee who violates the provisions of subsection 1, directly or indirectly, is guilty of a gross misdemeanor and shall be further punished as provided in NRS 197.230.

Sec. 21. *1. A board may request, in writing, assistance from any elected or appointed officer of any county or city in which all or a part of the district is located.*

2. The officer shall furnish the requested assistance, after an agreement has been reached concerning the amount of money which the board must pay for the assistance. The cost shall not be more than the actual additional expense necessitated by the request.

Sec. 22. *A board has each of the basic powers enumerated in this chapter and designated in the organizational proceedings of the district and other provisions supplemental thereto in this chapter, or otherwise authorized by law.*

Sec. 23. *1. In any region of this State for which there has been established by interstate compact a regional planning agency, the powers of any district created pursuant to this chapter with respect to the location and construction of all facilities, improvements or projects are subordinate to the powers of such regional planning agency.*

2. If the boundaries of a district overlap with the boundaries of a conservation district formed pursuant to chapter 548 of NRS, the board of the district must coordinate and consult with the board of supervisors of the conservation district on matters that may impact the conservation district.

Sec. 24. *1. Subject to the limitations of this chapter, the board shall have perpetual existence.*

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

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

Sec. 25. *1. Subject to the provisions of subsection 2, a board may:*



(a) Acquire, construct, reconstruct, improve, operate, maintain, manage, restore, extend and better lands, works, systems and facilities, improvements and projects for parks, trails and open space.

(b) Design, compile or administer environmental or cultural reports related to parks, trails and open space.

(c) Take measures to reduce wildfire, restore native vegetation and conserve and manage natural resources.

(d) Establish or fund the establishment of educational programs related to recreation at facilities, improvements and projects for parks, trails and open space, including, without limitation, granting funding for personnel who provide such educational programs.

(e) Enter into an agreement with a federal or state agency or a nonprofit corporation to take one or more of the actions described in paragraph (a), (b), (c) or (d).

(f) Establish a fund consisting of contributions from private sources, the State or the county and cities in which the district is located for the purpose of matching federal money from any federal source.

(g) Accept gifts, grants and donations for deposit in any fund established pursuant to paragraph (f).

2. Such parks, trails and open space facilities, improvements and projects may include, without limitation, playgrounds, bowling greens, ball parks, public parks, promenades, beaches, marinas, levees, piers, docks, wharves, boat basins, boathouses, harborages, anchorages, gymnasiums, appurtenant shower, locker and other bathhouse facilities, concert halls, theaters, auditoriums, aviaries, aquariums, zoological gardens, biological gardens, vivariums, watersheds, trails, open spaces, lakes, ponds and rivers.

Sec. 26. 1. A board may operate, maintain and repair the facilities, improvements and projects acquired by the district.

2. 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.

Sec. 27. A board may:

1. Manage, control and supervise all the business and affairs of the district.

2. Acquire, improve, equip, operate and maintain any district project.



3. *Hire and retain agents, employees, servants, engineers and attorneys, and any other persons necessary or desirable to effect the purposes of this chapter.*

4. *Adopt and amend bylaws:*

(a) *For carrying on the business, objects and affairs of the board and of the district.*

(b) *Regulating the use or right of use of any facility, improvement or project.*

5. *Exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter.*

Sec. 28. (Deleted by amendment.)

Sec. 29. 1. *With the approval of the appropriate state or local agency, a board may construct and maintain works and establish and maintain facilities, improvements or projects across or along any public street or highway, and in, upon or over any vacant public lands, which public lands are, or may become, the property of this State, and to construct works and establish and maintain facilities, improvements or projects across any stream of water or watercourse.*

2. *The board shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to impair completely or unnecessarily the usefulness thereof.*

Sec. 29.5. *Any local government located within the boundaries of a district may contribute any part of its revenues for the support of the facilities, improvements or projects of the district.*

Sec. 30. 1. *A board may, after a public hearing, establish, and from time to time increase or decrease, fees or special assessments for facilities, improvements or projects and pledge the revenue for the payment of any indebtedness or special obligations of the district. A board may not impose any fee or special assessment upon property owned by a governmental entity.*

2. *All fees or special assessments constitute a perpetual lien on and against the property located within the district. A perpetual lien is prior and superior to all liens, claims and titles other than liens of general taxes and other special assessments and is not subject to extinguishment by the sale of any property on account of nonpayment of any liens, claims and titles including the liens of general taxes and other special assessments. A perpetual lien must be foreclosed in the same manner as provided by the laws of this State for the foreclosure of mechanics' liens. Before any lien is foreclosed, the board shall hold a hearing thereon after providing*



notice thereof by publication and by registered or certified first-class mail, postage prepaid, addressed to the last known owner at his or her last known address according to the records of the district and the real property assessment roll in the county in which the property is located.

3. The board may provide for a basic penalty for nonpayment of the charges within the time and in the manner prescribed by it. The basic penalty must not be more than 10 percent of each month's charges for the first month delinquent. In addition to the basic penalty, the board may provide for a penalty of not more than 1.5 percent per month for nonpayment of the charges and basic penalty. The board may prescribe and enforce regulations that set forth the date on which a charge becomes delinquent. The board may provide for collection of the penalties provided for in this section.

4. A lien against the property served is not effective until a notice of the lien, separately prepared for each lot affected, is:

(a) Mailed to the last known owner at his or her last known address according to the records of the district and the real property assessment roll of the county in which the property is located;

(b) Delivered by the board to the office of the county recorder of the county within which the property subject to such lien is located;

(c) Recorded by the county recorder in a book kept by the county recorder for the purpose of recording instruments encumbering land; and

(d) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

Sec. 30.5. *1. If an employee of a district or other person has a reasonable belief that a dwelling unit exists that is not currently being charged for services provided by a district in a county whose population is less than 700,000, the employee or other person may submit an affidavit to the board of trustees of the district, setting forth the facts upon which the employee or other person bases his or her belief, including, without limitation, personal knowledge and visible indications of use of the property as a dwelling unit.*

2. If a board of trustees receives an affidavit described in subsection 1, the board may set a date for a hearing to determine whether the unit referenced in the affidavit is being used as a dwelling unit. At least 30 days before the date of such a hearing, the board shall send a notice by certified mail, return receipt



requested, to the owner of the property where the unit referenced in the affidavit is located at the address listed in the real property assessment roll in the county in which the property is located. The notice must specify the purpose, date, time and location of the hearing.

3. Except as otherwise provided in this subsection, if, after the hearing, the board determines that the unit referenced in the affidavit submitted pursuant to subsection 1 is being used as a dwelling unit, the board may adopt a resolution by the affirmative votes of not less than two-thirds of the total membership of the board to charge the owner pursuant to section 30 of this act for the services provided by the district to the dwelling unit. The board shall not adopt such a resolution if the owner provides evidence satisfactory to the board that the unit referenced in the affidavit is not being used as a dwelling unit.

4. As used in this section:

(a) "Dwelling unit" means a structure that is designed for residential occupancy by one or more persons for living and sleeping purposes, consisting of one or more rooms, including a bathroom and kitchen. The term does not include a hotel or a motel.

(b) "Kitchen" means a room, all or part of which is designed or used for storage, refrigeration, cooking and preparation of food.

(c) "Owner" means a person to whom the parcel of real property upon which the unit referenced in an affidavit submitted pursuant to subsection 1 is located is assessed in the most recent assessment roll available.

Sec. 31. *1. Any board which has adopted fees or special assessments pursuant to this chapter may, by resolution or by separate resolutions, elect to have such charges for the forthcoming fiscal year collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. In such event, it shall cause a written report to be prepared and filed with the secretary, which shall contain a description of each parcel of real property in the district and the amount of the charge for each parcel for such year, computed in conformity with the charges prescribed by the resolution.*

2. The powers authorized by this section are alternative to all other powers of the district, and alternative to other procedures adopted by the board for the collection of such charges.



3. *The real property may be described by reference to maps prepared by and on file in the office of the county assessor or by descriptions used by the county assessor, or by reference to plats or maps on file in the office of the secretary.*

4. *The board may make the election specified in subsection 1 with respect only to delinquent charges and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.*

5. *The secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published once a week for 2 weeks prior to the date set for hearing, in a newspaper of general circulation printed and published within the district if there is one and if not then in such paper printed and published in a county within which the district is located.*

6. *Before the board may have such charges collected on the tax roll, the secretary shall cause a notice in writing of the filing of the report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel or parcels of real property described in the report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the secretary. If the board adopts the report, then the requirements for notice in writing to the persons to whom parcels of real property are assessed does not apply to hearings on reports prepared in subsequent fiscal years but notice by publication as provided in this section is adequate.*

7. *At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. If the board finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report must not be adopted and the charges must be collected separately from the tax roll and must not constitute a lien against any parcel or parcels of land.*

8. *Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination is final.*

9. *After the hearing, when the board has made a final decision on a fee or special assessment to be collected on the county tax roll, not later than June 1, the secretary shall prepare and file a final report, which shall contain a description of each*



parcel in the district and the amount of the charge, with the county assessor for inclusion on the assessment roll. If a report is filed after the closing of the assessment roll but before the extension of the tax roll, the auditor shall insert the charges in such extension.

10. The amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the time when the lien of taxes on the roll attach.

11. The county treasurer shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the county. The charges shall become delinquent at the same time as such taxes and are subject to the same delinquency penalties.

12. All laws applicable to the levy, collection and enforcement of general taxes of the county, including, without limitation, those pertaining to the matters of delinquency, correction, cancellation, refund, redemption and sale, are applicable to such charges.

13. The county treasurer may issue separate bills for such charges and separate receipts for collection on account of such charges.

14. At the request of a county treasurer or county assessor, the board must pay the county treasurer or county assessor for the cost of services provided to the district by the county treasurer or county assessor, as applicable. The cost shall not be more than the actual additional expense to the county treasurer or county assessor, as applicable, for performing such services.

Sec. 32. *1. When a district is contained wholly within a city, the board may convey to such city, at the discretion of the district and with the consent of the governing body of the city, all of the property of the district upon the condition that such city:*

(a) Will operate and maintain such property; and

(b) Assumes all of the indebtedness of such district upon such conditions as the governing body of the city and the board of the district may agree.

2. Upon such conveyance and assumption of indebtedness, the district shall be dissolved and a certificate to such effect shall be signed by the clerical officer of the city and filed with the Secretary of State and clerk of the county or city in which the ordinance creating the district was filed.



Sec. 33. 1. *Any county, city, special district or owner may sell, lease, grant, convey, transfer or pay over to any district, with or without consideration, any facility, improvement or project, or any part thereof, or any interest in real or personal property or any money available for the construction, improvement, maintenance or operation of any facility, improvement or project.*

2. Any county, city or special district may transfer, assign and set over to any district any contracts which may have been awarded by the county, city or special district for the construction of facilities, improvements or projects not begun or completed.

Sec. 34. 1. *Except as otherwise provided in this section, in addition to the other means for providing revenue for the district, a board may levy and collect ad valorem taxes on and against all taxable property within the district.*

2. A board shall not levy or collect ad valorem taxes on and against any taxable property within the district unless the board has entered into an interlocal agreement with each county in which the district is located. Any such interlocal agreement must include, without limitation, the consent of each board of county commissioners of a county where the district is located for the board of trustees to levy and collect ad valorem taxes on and against all taxable property within the district.

3. The provisions of this section do not authorize a board of trustees to levy and collect ad valorem taxes on property owned by a governmental entity.

Sec. 35. 1. *To levy and collect ad valorem taxes pursuant to section 34 of this act, a board shall determine, in each year, the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied upon every dollar of assessed valuation of taxable property within the district, and together with other revenues, will raise the amount required by the district annually to supply money for paying:*

(a) The expenses of organization and the costs of operating and maintaining the facilities, improvements and projects of the district; and

(b) The costs of facilities, improvements and projects of the district and, 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 section 36 of this act. The board shall identify separately the rate of tax which is levied pursuant to



paragraph (a) and the rate which is levied pursuant to paragraph (b) and shall make such information available to the public upon request. The board shall not continue to levy a rate of tax pursuant to paragraph (b) after the cost to the district of acquiring the particular facility, improvement or project for which the rate was levied has been recovered in full.

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.

Sec. 36. *1. A board, in certifying annual levies, must 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 make ample provision for the payment thereof.*

2. If the money produced from such levies, together with other revenues of the district, is 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 such taxes must be made and continue to be levied until the general obligation indebtedness of the district is fully paid but must not continue after that date.

Sec. 37. *1. The body having authority to levy taxes within each county shall levy the taxes provided in this chapter.*

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 this chapter, 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.



Sec. 38. *If the taxes levied are not paid as provided in this chapter, 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.*

Sec. 39. *Subject to the provisions of subsection 2 of section 34 of this act, whenever any indebtedness or other obligations have been incurred by a district, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating funds 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 provide extension of and betterments to the improvements of the district.*

Sec. 40. 1. *The boundary of any district organized under the provisions of this chapter may be changed in the manner prescribed in sections 41 and 42 of this act, but the change of boundaries of the district must 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 section 42 of this act. 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. Personal property may be excluded from a district on such terms and conditions as may be prescribed by the board of the district involved.*

Sec. 41. 1. *A fee owner of real property located in the district, or the fee owners of any real properties which are contiguous to each other and which constitute a portion of the district may file with the board a petition requesting that such lands be excluded from the district.*

2. Petitions must:

(a) *Describe the property which the petitioners desire to have excluded.*

(b) *State that the property is not capable of being served with facilities, improvements or projects of the district, or would not be benefited by remaining in the district.*

(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 exclusion proceedings.

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

(a) State the filing of such petition.

(b) State the names of the petitioners.

(c) Describe the property mentioned in the petition.

(d) State the request of the petitioners.

(e) Notify all persons interested to appear at the office of the board at the time named in the notice, showing cause in writing, if any they have, 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 showing cause why the request of the petition should not be granted.

5. The filing of such petition shall be deemed and taken as an assent by each and all such petitioners to the exclusion from the district of the property mentioned in the petition, or any part thereof.

6. The board, if it deems it not for the best interest of the district that the property mentioned in the petition, or portion thereof, be excluded from the district, must order that the petition be denied in whole or in part, as the case may be.

7. If the board deems it for the best interest of the district that the property mentioned in the petition, or some portion thereof be excluded from the district, the board must order that the petition be granted in whole or in part, as the case may be.

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

9. Upon allowance of such petition, the board shall file for record a certified copy of its resolution making such change, as provided in section 12 of this act.

Sec. 42. *The boundaries of a district may be enlarged by the inclusion of additional real property therein in the following manner:*

1. The fee owner or owners of any real property capable of being served with facilities, improvements or projects of the district may file with the board a petition in writing requesting that such property be included in the district.

2. The petition must:



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

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

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

3. There shall be no withdrawal from a petition after consideration by the board nor shall 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 such petition, and of the place, time and date of such 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 therein described, the board must make an order to that effect, and file it for record as provided in section 12 of this act.

5. If the costs of extending the facilities, improvements or projects of the district are paid by the property owners of the area to be included within the district, these property owners are entitled to receive any money charged and collected by the district when additional property owners utilize the facilities, improvements or projects which were extended.

6. The board of trustees of the district shall pay to the property owners pro rata shares of the money charged and collected.

7. After the date of its inclusion in such district, such property is subject to all of the taxes and charges imposed by the district, and is liable for its proportionate share of existing general obligation bonded indebtedness of the district but it is not liable for any taxes or charges levied or assessed prior to its inclusion in the district, nor shall its entry into the district be made subject to or contingent upon the payment or assumption of any penalty, toll or charge, other than any reasonable annexation charge which the board may fix and uniformly assess and the tolls and charges which are uniformly made, assessed or levied for the entire district. Such charges shall be computed in such a manner as not to place a new charge against the district members nor penalize the area annexed.

Sec. 43. 1. Upon the conditions and under the circumstances set forth in this chapter, a district may borrow



money and issue the following securities to evidence such borrowing:

- (a) Short-term notes, warrants and interim debentures.*
- (b) General obligation bonds.*
- (c) Revenue bonds.*
- (d) Special assessment bonds.*

2. The board of trustees of a district whose population within its boundaries is less than 5,000, shall not borrow money or issue securities to evidence such borrowing unless the board has obtained the approval of the debt management commission of the county in which the district is located.

3. The board of trustees of a district whose population within its boundaries is less than 5,000, shall not forward a resolution authorizing medium-term obligations to the Executive Director of the Department of Taxation unless such financing is approved by the debt management commission pursuant to subsection 2.

Sec. 44. A district may borrow money and incur or assume indebtedness therefor, as provided in this chapter, so long as the total of all such indebtedness, excluding revenue bonds, special assessment bonds and other securities constituting special obligations which are not debts, does not exceed an amount equal to 50 percent of the total of the last assessed valuation of taxable property, excluding motor vehicles, situated within such district.

Sec. 45. 1. A district, upon the affirmative vote of four trustees, is authorized to borrow money without an election in anticipation of the collection of taxes or other revenues, excluding special assessments, and to issue short-term notes, warrants and interim debentures to evidence the amount so borrowed.

2. Such short-term notes, warrants and interim debentures:

(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, except for interim debentures.

(c) Shall not be extended or funded except in compliance with the Local Government Securities Law.

Sec. 46. A district with revenues from the operation of facilities, improvements or projects of the district may issue bonds without the necessity of holding an election and as an alternative or in addition to other forms of borrowing authorized in this chapter, for the purpose of acquiring or improving the facilities, improvements or projects and such bonds must be made payable solely out of the net revenues derived from the operation of such facilities, improvements or projects. A single bond issue may be



had for more than one of such facilities, improvements or projects and the revenues for any and all of the income-producing facilities, improvements and projects may be pledged to pay for any other such facilities, improvements or projects. To that end, a single fund may be established and maintained.

Sec. 47. *1. Subject to the limitations and other provisions in this chapter, a board may issue on its behalf and in its name at any time or from time to time, as the board may determine, the following types of securities in accordance with the provisions of the Local Government Securities Law, except as otherwise provided in subsection 2:*

(a) General obligation bonds and other general obligation securities payable from ad valorem taxes;

(b) General obligation bonds and other general obligation securities payable from ad valorem taxes, the payment of which securities is additionally secured by a pledge of and lien on net revenues;

(c) Revenue bonds and other securities constituting special obligations and payable from net revenues, but excluding the proceeds of any ad valorem taxes or any special assessments, which payment is secured by a pledge of and lien on such net revenues; or

(d) Any combination of such securities.

2. General obligation or revenue bonds may be sold at a discount only if the amount of discount permitted by the board has been capitalized as a cost of the project.

Sec. 48. *1. Except as otherwise provided in subsection 2, such part of the expenses of making any public improvement, as the board determines by an affirmative vote of at least two-thirds of its members, may be defrayed by special assessments upon lands and premises located within the district and abutting upon that part of the street or alley so improved or proposed so to be, or the lands located within the district and abutting upon the improvement and the other lands as in the opinion of the board may be specially benefited by the improvement.*

2. All property owned and used by a school district is exempt from any assessment made pursuant to the provisions of this chapter.

Sec. 49. *1. Except as otherwise provided in section 32 of this act, the dissolution, merger or consolidation of a district may be initiated by resolution of a majority of the members of the governing body that created the district upon a finding that the dissolution, merger or consolidation is in the best interests of*



the district. Upon adoption of the resolution, the governing body must mail written notice to all property owners within the district setting forth the time and place for the hearing on the proposed dissolution, merger or consolidation.

2. Any person who owns property which is located within the district may, on or before the date of the hearing, protest against the dissolution of such district, in writing.

3. If, at or before the hearing, written protest is filed signed by a majority of the owners of property within the district, the district may not be dissolved, merged or consolidated.

Sec. 50. *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 governing body must give full consideration to all protests which may have been filed, hear all persons desiring to be heard and, except as otherwise provided in subsection 2, thereafter approve the dissolution, merger or consolidation or make a determination that district may not be dissolved, merged or consolidated.*

2. Before a district that includes areas within more than one county or city may be dissolved, merged or consolidated, the governing bodies of the counties and cities must approve the dissolution, merger or consolidation and negotiate the distribution of property and funds of the district upon dissolution, merger or consolidation.

3. Within 30 days after the effective date of the dissolution, merger or consolidation of a district, the clerk must file a copy of the action of the governing body in the clerk's office and 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.

Sec. 51. *If a district located wholly within a county or city is dissolved or merged into or consolidated with another district, all property and all funds remaining in the treasury of any district must be:*

1. Surrendered and transferred to the governing body of the county or city in which the district exists and become a part of the general fund of the county or city, as applicable, if the district is dissolved;

2. Transferred to the district which assumes its obligations and functions, if the district is merged; or

3. Transferred to the consolidated district, if the district is consolidated.



Sec. 52. 1. *If, at the time of the dissolution, merger or consolidation of a district there are any outstanding loans or bonded indebtedness of the district, the taxes, fees or special assessments for the payment of the bonds or other indebtedness must continue to be levied and collected in the same manner as if the district had not been dissolved, merged or consolidated until all outstanding indebtedness is repaid.*

2. All outstanding and unpaid tax sales and levies and all special assessment liens of a dissolved district are valid and remain a lien against the property against which they are assessed or levied until paid, subject to the limitations of liens provided by general law. Taxes and special assessments paid after dissolution must be placed in the general fund of the county in which the property was assessed.

3. The governing body of the county or city, as applicable, has the same power to enforce the collection of all special assessments and outstanding tax sales of the district as the district had if it had not been dissolved, merged or consolidated.

Sec. 53. 1. *Upon notification by the Department of Taxation or upon receipt of a petition signed by 20 percent of the qualified electors of the district, that:*

(a) A district is not being properly managed by the board of trustees; or

(b) The board of trustees is not complying with the provisions of this chapter or with any other law,

↳ the governing body that created the district must hold a hearing to consider the notification or petition.

2. The clerk shall mail written notice to all persons who own property within the district and to all qualified electors of the district, which notice shall set forth the substance of the notification or petition and the time and place of the hearing.

3. At the place, date and hour specified for the hearing, or at any subsequent time to which the hearing may be adjourned, the governing body must give full consideration to all persons desiring to be heard and shall thereafter:

(a) Adopt an ordinance constituting the governing body, ex officio, as the board of trustees of the district;

(b) Adopt an ordinance providing for the merger, consolidation or dissolution of the district pursuant to sections 49 to 52, inclusive, of this act;

(c) File a petition in the district court for the county in which the district is located for the appointment of a receiver for the district; or



(d) Determine by resolution that management and organization of the district will remain unchanged.

4. The Department of Taxation or any interested person may, within 30 days immediately following the effective date of the ordinance adopted under paragraph (a) of subsection 3 or resolution adopted under paragraph (d) of subsection 3, commence an action in any court of competent jurisdiction to set aside the ordinance or resolution. After the expiration of 30 days, all actions attacking the regularity, validity and correctness of that ordinance or resolution are barred.

Sec. 54. NRS 308.020 is hereby amended to read as follows:

308.020 1. The Special District Control Law applies to:

(a) Any special district whose formation is initiated by a board of county commissioners; and

(b) Any petition for the formation of any proposed special district filed with any board of county commissioners.

2. As used in this chapter "special district" means any water district, sanitation district, water and sanitation district, municipal power district, mosquito abatement district, public cemetery district, swimming pool district, television maintenance district, weed control district, general improvement district, or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in title 25 of NRS, but excludes:

(a) All local improvement districts created pursuant to chapter 309 of NRS; ~~and~~

(b) *All parks, trails and open space districts created pursuant to sections 2 to 53, inclusive, of this act; and*

(c) All housing authorities.

Sec. 55. NRS 318.0954 is hereby amended to read as follows:

318.0954 1. The governing body of any district organized or reorganized under and operating as provided in any chapter in title 25 of NRS, excluding chapters 309, 315 and 318 of NRS, *and sections 2 to 53, inclusive, of this act*, must be designated a board of trustees and shall reorganize as provided in this section so that after the transitional period the board consists of five qualified electors from time to time chosen as provided in NRS 318.095 and other provisions of this chapter supplemental thereto.

2. No existing member of any such governing body may be required to resign from the board before the termination of his or her current term of office in the absence of any disqualification as a member of the governing body under such chapter in title 25 of



NRS, excluding chapters 309, 315 and 318 of NRS **H and sections 2 to 53, inclusive, of this act.** If a regular term of office of any member of any such governing body would terminate on other than the first Monday of January next following a biennial election in the absence of the adoption of this law, the term must be extended to and terminate on the first Monday in January next following a biennial election and following the date on which the term would have ended.

3. If the members of any such governing body at any time number less than five, the number of trustees must be increased to five by appointment, or by both appointment and election, as provided in NRS 318.090, 318.095 and 318.0951.

4. In no event may any successor trustee be elected or appointed to fill any purported vacancy in any unexpired term or in any regular term which successor will increase the trustees on a board to a number exceeding five nor which will result in less than two regular terms of office or more than three regular terms of office ending on the first Monday in January next following any biennial election.

5. Nothing in this section:

(a) Prevents the reorganization of a board by division of the district into district trustee election districts pursuant to NRS 318.0952.

(b) Supersedes the provisions of NRS 318.0953 or 318.09533.

Sec. 56. NRS 332.015 is hereby amended to read as follows:

332.015 1. For the purpose of this chapter, unless the context otherwise requires, "local government" means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 474, 539, 541, 543 and 555 of NRS **H and sections 2 to 53, inclusive, of this act.**

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

(d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

2. The term does not include the Nevada Rural Housing Authority.



Sec. 57. NRS 338.010 is hereby amended to read as follows:
338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS.

(b) A design-build team.

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

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

6. "Design-build team" means an entity that consists of:

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

(b) For a public work that consists of:

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

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

7. "Design professional" means:

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

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

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



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

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

8. "Division" means the State Public Works Division of the Department of Administration.

9. "Eligible bidder" means a person who is:

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

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

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

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

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

11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, ***and sections 2 to 53, inclusive, of this act*** and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

13. "Offense" means failing to:

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

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

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



(d) Comply with subsection 5 or 6 of NRS 338.070.

14. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

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

(c) Uses his or her own workforce to perform all or a part of the public work; and

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

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

15. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

16. "Public work" means any project for the new construction, repair or reconstruction of a project financed in whole or in part from public money for:

(a) Public buildings;

(b) Jails and prisons;

(c) Public roads;

(d) Public highways;

(e) Public streets and alleys;

(f) Public utilities;

(g) Publicly owned water mains and sewers;

(h) Public parks and playgrounds;

(i) Public convention facilities which are financed at least in part with public money; and

(j) All other publicly owned works and property.

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

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

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

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

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



19. "Subcontract" means a written contract entered into between:

- (a) A contractor and a subcontractor or supplier; or
- (b) A subcontractor and another subcontractor or supplier,
↳ for the provision of labor, materials, equipment or supplies for a construction project.

20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

22. "Wages" means:

(a) The basic hourly rate of pay; and

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

23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 58. NRS 350.115 is hereby amended to read as follows:

350.115 "Bond" means any evidence of borrowing by a municipality that is issued pursuant to the provisions of this chapter or chapter 244, 244A, 268, 269, 271, 318 or 387 of NRS, *and sections 2 to 53, inclusive, of this act*, whether general or special obligations, including, without limitation, bonds, notes, debentures, warrants and certificates.

Sec. 59. NRS 354.474 is hereby amended to read as follows:

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

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts



and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, *and sections 2 to 53, inclusive, of this act*, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term does not include the Nevada Rural Housing Authority for any other purpose.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

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

Sec. 60. NRS 354.760 is hereby amended to read as follows:

354.760 1. All invoices or other notices issued by a local government to collect an account receivable must state that if the debtor wishes to pay by check or other negotiable instrument, such negotiable instrument must name as payee:

(a) The local government; or

(b) The title of the governmental official charged by law with the collection of such accounts.

↳ In no event may the invoice or other notice state that a check or other negotiable instrument may name a natural person as payee.

2. Notwithstanding the provisions of subsection 1, a local government may deposit into the appropriate account a check or



other negotiable instrument which it determines is intended as payment for an account receivable.

3. As used in this section, “local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including, without limitation, counties, cities, towns, boards, authorities, school districts and other districts organized pursuant to chapters 244, 244A, 309, 318, 379, 439, 450, 474, 539, 541, 543 and 555 of NRS **H** *and sections 2 to 53, inclusive, of this act.*

Sec. 61. NRS 378.160 is hereby amended to read as follows:

378.160 As used in NRS 378.150 to 378.210, inclusive:

1. “Center” means the State Publications Distribution Center created by NRS 378.170.

2. “Depository library” means a library with which the Center has entered into an agreement pursuant to NRS 378.190.

3. “Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, *and sections 2 to 53, inclusive, of this act* and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes the Nevada Rural Housing Authority.

4. “Publication” includes any information in any format or medium that is produced pursuant to the authority of or at the total or partial expense of a state agency or local government, is required by law to be distributed by a state agency or local government, or is distributed publicly by a state agency or local government outside that state agency or local government. The term does not include:

- (a) Nevada Revised Statutes with annotations;
- (b) Nevada Reports;
- (c) Bound volumes of the Statutes of Nevada;
- (d) Items published by the University of Nevada Press and other information disseminated by the Nevada System of Higher Education which is not designed for public distribution;
- (e) Official state records scheduled for retention and disposition pursuant to NRS 239.080; or
- (f) Records of a local government which have been scheduled for disposition pursuant to NRS 239.124 or retention pursuant to NRS 239.125.



5. “State agency” includes the Legislature, constitutional officers or any department, division, bureau, board, commission or agency of the State of Nevada.

Sec. 62. This act becomes effective on July 1, 2017.



