

# NYE COUNTY AGENDA INFORMATION FORM

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Action     Presentation     Presentation & Action

<b>Department:</b> County Manager		<b>Agenda Date:</b>	
<b>Category:</b> Timed Agenda Item – 10:00 a.m.		June 2, 2021	
<b>Contact:</b> Samantha Tackett		Phone: 775-751-4270	Continued from meeting of:
<b>Return to:</b>	<b>Location:</b>	Phone:	
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$) and terms)  Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Bill No. 2021-03: A Bill proposing to amend Nye County Code Title 21, Gabbs, by amending Section 21.040.040 Town Advisory Board, decreasing the number of advisory board members; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.			
<b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)  Staff recommends adoption with an effective date of June 22, 2021.			
<b>Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.</b>			
<b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form)  <input checked="" type="checkbox"/> No financial impact			

## Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Verified by MG 05.24.21
4.	Date	9. Finance	Date N/A
5.	Date	10. County Manager	Place on Agenda

MG

ITEM # 8

## BILL NO. 2021-03

## NYE COUNTY ORDINANCE NO. \_\_\_\_\_

**SUMMARY:** A Bill proposing to amend Nye County Code Title 21, Gabbs, by amending Section 21.040.040 Town Advisory Board, decreasing the number of advisory board members; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.

**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 21, GABBS, BY AMENDING SECTION 21.040.040 TOWN ADVISORY BOARD, DECREASING THE NUMBER OF ADVISORY BOARD MEMBERS; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (“Board”) is authorized to amend the Nye County Code; and

**WHEREAS**, pursuant to NRS 269.578, the Nye County Board of County Commissioners shall appoint members for an appointive town advisory board;

**WHEREAS**, the Board of County Commissioners has determined that the citizens of Gabbs would be best served if the membership of the advisory board is reduced from 5 to 3 as retaining a 5-member board has not been sustainable;

**NOW, THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**NYE COUNTY CODE TITLE 21, Section 21.040.040 IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through red font, and **additions and modifications** shown in underscored blue font:

**21.04.040: TOWN ADVISORY BOARD:**

The board of county commissioners shall appoint ~~five~~three (~~5~~3) persons who are residents and qualified electors in the town to serve as members of the town advisory board.

- A. ~~Two~~One (~~2~~1) of the town advisory board members shall be appointed to ~~a~~ terms of not more than one year, and ~~three~~two (~~3~~2) of the town advisory board ~~members~~ shall be appointed to terms of more than one (~~1~~1) year but not more than two (2) years.
- B. The initial terms of the town advisory board members expire on the first Monday in January of the appropriate year.
- C. Upon the expiration of the initial terms, the board of county commissioners shall appoint members for terms of two (2) years.
- D. The board of county commissioners may remove a member of the town advisory board if the board of county commissioners finds that his or her removal is in the best interest of the residents of the unincorporated town.

- E. If the board of county commissioners removes a member of the town advisory board, the board of county commissioners shall appoint a qualified person to serve the unexpired term of the member so removed.
- F. The duties of the town board are to assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners and advise the board of county commissioners on matters of importance to the unincorporated town and its residents.
- G. The board of county commissioners may, but need not, provide by ordinance for compensation for the members of the town advisory board. (Ord. 263, 2002)

**SEVERABILITY.** If any provision of this chapter or amendments thereto, or the application thereof to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity of provisions or applications of this chapter or amendments thereto which can be given effect without the invalid provision or application, and to this end the provisions of this chapter and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**Effective Date.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the ~~15 day~~<sup>22<sup>nd</sup> day</sup> of ~~June~~, June, 2021.

Proposed on the \_\_\_\_\_ day of \_\_\_\_\_, 2021

Proposed by:

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_  
Debra Strickland, Chair  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_  
Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board

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**TITLE:** A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 21, GABBS, BY AMENDING SECTION 21.040.040 TOWN ADVISORY BOARD, DECREASING THE NUMBER OF ADVISORY BOARD MEMBERS; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

**WHEREAS**, pursuant to NRS 244.119, the Nye County Board of Commissioners (“Board”) is authorized to amend the Nye County Code; and

**WHEREAS**, pursuant to NRS 269.578, the Nye County Board of County Commissioners shall appoint members for an appointive town advisory board;

**WHEREAS**, the Board of County Commissioners has determined that the citizens of Gabbs would be best served if the membership of the advisory board is reduced from 5 to 3 as retaining a 5-member board has not been sustainable;

**NOW, THEREFORE**, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

**NYE COUNTY CODE TITLE 21, Section 21.040.040 IS HEREBY AMENDED AS FOLLOWS**, with **Deletions** shown in strike-through red font, and **additions and modifications** shown in underscored blue font:

**21.04.040: TOWN ADVISORY BOARD:**

The board of county commissioners shall appoint three (3) persons who are residents and qualified electors in the town to serve as members of the town advisory board.

- A. One (1) of the town advisory board members shall be appointed to a term of not more than one year, and two (2) of the town advisory board members shall be appointed to terms of more than one (1) year but not more than two (2) years.
- B. The initial terms of the town advisory board members expire on the first Monday in January of the appropriate year.
- C. Upon the expiration of the initial terms, the board of county commissioners shall appoint members for terms of two (2) years. The board of county commissioners may remove a member of the town advisory board if the board of county commissioners finds that his or her removal is in the best interest of the residents of the unincorporated town.
- D. If the board of county commissioners removes a member of the town advisory board, the board of county commissioners shall appoint a qualified person to serve the unexpired term of the member so removed.

- E. The duties of the town board are to assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners and advise the board of county commissioners on matters of importance to the unincorporated town and its residents.
- F. The board of county commissioners may, but need not, provide by ordinance for compensation for the members of the town advisory board. (Ord. 263, 2002)

**SEVERABILITY.** If any provision of this chapter or amendments thereto, or the application thereof to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity of provisions or applications of this chapter or amendments thereto which can be given effect without the invalid provision or application, and to this end the provisions of this chapter and amendments thereto are declared to be severable.

**CONSTITUTIONALITY.** If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

**Effective Date.** This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 22<sup>nd</sup> day of June, 2021.

Proposed on the \_\_\_\_\_ day of \_\_\_\_\_, 2021

Proposed by:

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: \_\_\_\_\_

Debra Strickland, Chair  
Nye County Board of  
County Commissioners

ATTEST: \_\_\_\_\_

Sandra L. Merlino  
Clerk and Ex-Officio  
Clerk of the Board