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Bill No. 2011-02

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

**SUMMARY:** AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.19 OF THE NYE COUNTY CODE ENTITLED BEATTY AND MANHATTAN ADVISORY BOARDS BY DELETING ANY AND ALL REFERENCES TO BEATTY AND OTHER MATTERS PROPERLY RELATING THERETO.

**TITLE:** AN ORDINANCE AMENDING TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.19 OF THE NYE COUNTY CODE ENTITLED BEATTY AND MANHATTAN ADVISORY BOARDS BY DELETING ANY AND ALL REFERENCES TO BEATTY, PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE HEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, Nye County Ordinance No. 401 effective January 24, 2011, amended Title 19 of the Nye County Code entitled Beatty by adding Chapter 19.02 entitled Town Government; and

WHEREAS, Chapter 19.02.030 through 19.02.100 addresses the Beatty town advisory board, the terms of members of the advisory board, and duties of the town advisory board; and

WHEREAS, Chapter 19.02 entitled Town Government is appropriately placed in Title 19, entitled Beatty; and

WHEREAS, reference to the Beatty advisory board as presently contained in Title 2, Chapter 2.19 is no longer appropriate and presents confusion and duplication with Chapter 19.02; and

WHEREAS, removal of any and all references to Beatty contained in Chapter 2.19 are to be removed or deleted;

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

1. **CODE AMENDMENT.** Nye County Code Title 2, Chapter 2.19, Sections 2.19.010 through 2.19.080 is amended as follows:

## CHAPTER 2.19 MANHATTAN ADVISORY BOARD

2.19.010 **TOWN ADVISORY BOARD CREATED:** There is created in the unincorporated town of Manhattan a town advisory board, to assist the Board in the government of this town.

A. The town advisory board in the town of Manhattan shall consist of three (3) qualified electors who are residents of the unincorporated town of Manhattan, who shall be appointed by the Board.

2.19.020: **DUTIES OF TOWN ADVISORY BOARD:**

A. The town advisory board hereby created shall assist the Board in governing their respective unincorporated towns, by acting as liaisons between the residents of the town and the Board.

B. The town advisory board also shall advise the Board on matters of importance to their respective unincorporated town and the residents of the town.

2.19.030: **TERMS OF MEMBERS:**

A. The Board shall appoint members to the town advisory board, to initial terms as follows:

1. One (1) member for a term of no more than one (1) year; and
2. Two (2) members for terms of more than one (1) year but no more than two (2) years.

3. Termination: Each term must end on the first Monday in January of the

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appropriate year.

B. As the initial terms expire, the Board shall appoint members for terms of two (2) years thereafter.

C. The Board shall have the authority to remove any member of the town advisory board, if the Board finds that his or her removal is in the best interest of the residents of the unincorporated town.

D. If the Board removes a member of the town advisory board, the Board shall thereafter appoint a member to serve the unexpired term of the member so removed.

2.19.040: **MANAGEMENT OF DESIGNATED SERVICES:** The Board, by resolution adopted at a regular meeting, may designate any one or more of the services enumerated in Nevada Revised Statutes 269.575 as properly within the power of the town advisory board in Manhattan to manage.

2.19.050: **NOTICE AND INFORMATION TO BE PROVIDED TO BOARD:**

A. The Board shall consult with the town advisory board on matters relating to such town and shall give advance notice to the town advisory board concerning items relating to that town which will be on the Board's agenda.

B. The Board shall notify the town advisory board of special projects or improvements pending and relating to such towns and shall provide information thereon, including, but not limited to, commencement dates, completion dates and the scope of the work to be performed or the extent of the services to be supplied.

2.19.060: **PARTICIPATION IN BUDGET AND ORDINANCES FOR TOWN:**

A. The Board shall solicit the advice of the town advisory board in the preparation of the tentative budget for the town.

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B. The Board shall allow the town advisory board to recommend its own ordinances and codes; provided, however, that if the subject matter covered is the subject of an existing County ordinance, the town ordinance may not be less stringent than the County ordinance.

C. The Board may allow the town advisory board to control any expenditure which is a part of a County-approved budget.

2.19.070:     CONTROL OF UNAPPROPRIATED MONEY:                   Any non-appropriated funds available for town purposes may be expended at the discretion of the town advisory board.

2.19.080:     BYLAWS FOR INTERNAL GOVERNANCE:                   The town advisory board shall establish bylaws for town meetings and other matters of internal governance.

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

3.           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.

4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after passage, approval and publication as required by law.

PROPOSED on the \_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_.

Passed on the \_\_ day of \_\_\_\_\_, 2011.

VOTE: AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_

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ABSENT: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF NYE, STATE  
OF NEVADA

By: \_\_\_\_\_  
Gary Hollis, Chairman

ATTEST:

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

This ordinance shall be in force and effect from and after the \_\_ day of the month  
of \_\_\_\_\_ of the year 2011.