

Bill No. 2011- 09

Nye County Ordinance No. \_\_\_\_\_

SUMMARY: AN ORDINANCE AMENDING TITLE 18, OF THE NYE COUNTY CODE BY AMENDING CHAPTER 18.04 THERETO, ADOPTING AND APPROVING THE FORMATION OF THE UNINCORPORATED TOWN OF AMARGOSA VALLEY, ADOPTING AND APPROVING THE TOWN BOARD FORM OF GOVERNMENT FOR THE UNINCORPORATED TOWN OF AMARGOSA VALLEY AND OTHER MATTERS PROPERLY RELATING THERETO.

TITLE: AN ORDINANCE AMENDING TITLE 18, OF THE NYE COUNTY CODE BY AMENDING CHAPTER 18.04 THERETO, ADOPTING AND APPROVING THE FORMATION OF THE UNINCORPORATED TOWN OF AMARGOSA VALLEY, COUNTY OF NYE, STATE OF NEVADA; ADOPTING AND APPROVING THE TOWN BOARD FORM OF GOVERNMENT FOR THE UNINCORPORATED TOWN OF AMARGOSA VALLEY; PROVIDING FOR THE APPOINTMENT OF THE INITIAL TOWN BOARD; PROVIDING FOR THE ELECTION OF SUCCEEDING TOWN BOARDS; PROVIDING FOR THE CONSTITUTIONALITY, SEVERABILITY AND EFFECTIVE DATE HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES RELATIVE TO THE TOWN OF AMARGOSA VALLEY IN CONFLICT HEREWITH; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Nye County Board of County Commissioners have examined the concept of the formation of an unincorporated town to include the area now commonly known as the town of Amargosa Valley; and

WHEREAS, the provisions of NRS 269.500 et. seq. were adopted by the Nye County Board of County Commissioners as Nye County Ordinance 100, 1983 and Ordinance 138, 1991; and

WHEREAS, the provisions of NRS 269.500 et. seq. were adopted by the Nye County Board of County Commissioners as Nye County Ordinance 123 and codified in

Nye County Code, Title 2, Administration and Personnel, Chapter 2.18, Adoption of the Unincorporated Town Government Law; and

WHEREAS, the Nye County Board of County Commissioners find that there is a need for special government services in certain unincorporated areas of the county, and that such services heretofore have been provided under varying interpretations of law, leading to widespread disparity in the recognition of the role of town government; and

WHEREAS, the Nye County Board of County Commissioners find that the residents of such areas have considerable interest in representative and participatory government for such areas and should be provided a role whereby they may assist the Board of County Commissioners in the management of government as it relates to such towns; and

WHEREAS, the Nye County Board of County Commissioners may consider the question of adopting the town board form of government pursuant to NRS 269.016 through 269.022 for the unincorporated town of Amargosa Valley; and

WHEREAS, the Nye County Board of County Commissioners has determined that the best interests of the unincorporated town of Amargosa Valley would be served by adopting the town board form of government; and

WHEREAS, pursuant to NRS 269.0165 (1), a town board form of government may be adopted by means of initiative petition of the residents of the town and (2) the procedures established by NRS 295.085 to 295.125, inclusive for the adoption of the county ordinances by initiative petition must be followed by the residents and each document of the petition must set forth briefly the proposal to establish a town board form of government; and

WHEREAS, the Nye County Clerk has received an initiative petition and certified that the petition is sufficient; and

WHEREAS, the Nye County Clerk has presented his certificate to the Board of County Commissioners; and

WHEREAS, pursuant to NRS 269.0165, the Board of County Commissioners adopted the proposal titled initiative petition on June 21, 2011; and

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

1. NYE COUNTY CODE TITLE 18, AMARGOSA VALLEY, CHAPTER 18.04 TOWN GOVERNMENT, SECTION 18.04.010 FORMATION OF TOWN IS AMENDED AS FOLLOWS:

18.040.010            FORMATION OF TOWN:            The unincorporated town of Amargosa Valley, a body corporate and politic and political subdivision of the State of Nevada is formed under Chapter 269 of the Nevada Revised Statutes, and shall have boundaries particularly described as follows:

Beginning at the North West corner of Township 14 South, Range 48 East, Mount Diablo Base and Meridian, Nye County, Nevada; thence Easterly along the North line of said Township 14 South, to the Northeast corner thereof, last said point also being the Northwest corner of Township 14 South, Range 49 East; thence Easterly along the North line of Township 14 South, Range 49 East to the intersection with the Westerly posted boundary line of the Nevada Test Site; then Southerly along last said Westerly line to the intersection with the North line of Section 3, Township 15 South, Range 49 East; thence Easterly along the Nevada Test Site line to the intersection with the line between Range 50 and 51; thence Southerly along last said range line to the Southeast corner of Township 15 South, Range 50 East; thence Easterly along the North line of Township 16 South, Range 51 East, to the Northeast corner of Township 16

South, Range 51 East; thence South along the East line of Townships 16, 17, 18, 19 and 20 South, Range 51 East to its intersection with the Nevada/California border, thence Northwest along the Nevada/California boarder to the intersection with the range line between Ranges 47 and 48; thence Northerly along last said range line to the point of beginning.

2. NYE COUNTY CODE 18.040.020 IS AMENDED AS FOLLOWS:

18.04.020            TOWN SERVICES:            Services which may be supplied to the residents of the unincorporated town of Amargosa Valley include but is not limited to: dump stations and sites, fire protections, flood control and drainage, garbage collection, police, parks, recreation, sewage collection, streets, street lights, swimming pools, television translator, water distribution and acquisition, maintenance and improvement of town property as enumerated in NRS 269.575.

3. NYE COUNTY CODE 18.04.030 IS AMENDED AS FOLLOWS:

18.04.030            TOWN BOARD:            The Board of County Commissioners shall appoint the present five (5) duly elected town advisory board members who are residents and qualified electors in the town to serve as members of the town board until successors can be elected at the next general election.

4. NYE COUNTY CODE 18.04.040 IS AMENDED AS FOLLOWS:

18.04.040            ELECTED TOWN BOARD:            At the next general election five (5) persons who are residents and qualified electors in the town must be elected by the registered voters of the town to serve as members of the town board.

- (a) Except as provided in this subsection, the term of office of a member of the town board is four (4) years and begins on the first Monday in January following the election at which he/she is chosen.
- (b) The initial members of the town board elected pursuant to this subsection shall, at the first meeting of the town board after their election, draw lots to determine which members serve terms of two (2) years and which members serve terms of four (4) years. The drawing must result in, as nearly as possible, the election of half of the members of the town board at each subsequent election.
- (c) The general election laws of the State apply to these elections.

18.04.050            TOWN SEAL:            The unincorporated town of Amargosa Valley shall have a common seal.

18.04.060            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.

18.04.070            SEVERABILITY:            If any provision or part of this ordinance shall be declared by a court of competent jurisdiction to be illegal or unconstitutional, it shall in no way effect the remainder of this ordinance or any section thereof, it being intended that the remainder shall remain in full force and effect.

18.04.080            REPEAL:            This ordinance expressly repeals all ordinances or parts of ordinances relative to the town of Amargosa Valley in conflict herewith.

18.04.090            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 \_\_\_\_ day of \_\_\_\_\_, 2011.

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

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

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

_____	_____
_____	_____
_____	_____
_____	_____

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

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

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

By: \_\_\_\_\_  
Gary Hollis, Chair

ATTEST:

\_\_\_\_\_  
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.