

Item # 9A

**City of Carson City
Agenda Report**

Date Submitted: February 7, 2006

Agenda Date Requested: 2/15/2007

Time Requested: 5 minutes

To: Board of Supervisors

From: Linda Ritter, City Manager

Subject Title: Action to add a proposal to allow Carson City to create a 474 Fire District in the same manner as other Nevada Counties to the Carson City Legislative agenda.

Staff Summary: Currently, the statutes governing the establishment of a 474 Fire District does not specifically grant the ability to create such a district to a consolidated municipality. This change would allow Carson City to create such a district in the same manner as a County. There are not proposals to create a district at this time, however, Carson City may want to examine this option in the future.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to add a proposal to allow Carson City to create a 474 Fire District in the same manner as other Nevada Counties to the Carson City Legislative agenda.

Explanation for Recommended Board Action: Although Carson City normally falls under most County statutes, this particular statute states that a Fire District may be organized in any "continuous unincorporated territory lying within one or more counties". Since Carson City is considered "incorporated" we would be unable to establish such a district.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 474

Fiscal Impact: n/a

Explanation of Impact: n/a

Funding Source: n/a

Alternatives:

Reviewed By: 
(City Manager)

Date: 2/6/07

Melanie Ruskotta
(District Attorney)

Date: 2-6-07

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

CARSON CITY
2007 LIST OF POTENTIAL LEGISLATION
2/15/2007

(Proposed amendments are in bold.)

1) BDR 255 Sales Tax for Infrastructure-NRS 377B.160 (3) (a) and (b) to allow a rural county commission imposed ¼ cent sales tax to be used not only for V&T, flood control, solid waste, water and wastewater facilities but also to be used for the construction, repair and maintenance of street and road projects as defined in NRS 373.023 and for the acquisition, establishment, construction, improvement or equipping of facilities relating to public safety, judicial or recreation functions. This only expands the usage of the tax, it does not implement a new tax. Sponsor: Senator McGinness.

3) BDR 382 Long-Term Care- To allow the board of county commissioners to impose up to an additional 5 cent property tax outside the 3.64 tax cap and the AB 489 tax abatement solely for the purpose of providing long-term care. Bill Draft submitted by NACO.

4) Carson City-Request for State Funding for V & T Railroad in the amount of \$8 million. Assemblywoman Parnell has submitted this bill on behalf of Carson City. This funding is proposed to be paid back through the operations of the railroad.

5) BDR 380 911 System Funding through Telecommunications Billing. Allow rurals to use the already existing 25 cent per telephone line funding for certain 911 upgrades needed in the rurals for Interoperability. NACO has submitted this bill on our behalf.

6) BDR 324 Carson City Charter Bill. Legislation for designation of Mayor in the event of resignation or death while in office; to allow water utility to follow same laws as water districts; to increase the number of exempt positions in the Sheriff's office from 5 to 6 positions (sworn or non-sworn positions); ~~and to allow Board to pass ordinance granting same benefits provided to unclassified employees of the City as the elected officials.~~ Sponsor: Carson City.

7) Regional Transportation Fuel Taxes for Carson City- To allow 9 cent RTC fuel tax to be used for maintenance as well as construction as other rural counties are allowed. Sponsor: Senator McGinness

8) BDR 471 Fire District Consolidation / Annexation - To allow boundary changes between a 473 and 474 Fire District, for a 473 District to become a 474 District under certain circumstances and to allow Carson City to establish a 474 District in the same manner as any county.

CHAPTER 474 - COUNTY FIRE PROTECTION DISTRICTS

DISTRICTS CREATED BY ELECTION

GENERAL PROVISIONS

NRS 474.005 Registration of electors; list of registered voters; reimbursement for costs of conducting election.

FORMATION

NRS 474.010 Territory which may be organized into district.
NRS 474.020 Petition of property owners for formation of district; resolution of county commissioners.
NRS 474.030 Notice: Heading; contents; publication.
NRS 474.040 Written objections to formation of district; exclusion of territory.
NRS 474.050 Inclusion of territory within proposed district.
NRS 474.060 Proceedings at hearing.
NRS 474.070 Creation of election precincts; election of directors.
NRS 474.080 Notice of election: Contents; publication.
NRS 474.100 Persons entitled to vote; voting by proxy.
NRS 474.110 Canvass of votes; order on favorable vote declaring district organized and directors elected.
NRS 474.120 Filing and distribution of copies of order; when organization of district complete.

BOARD OF DIRECTORS

NRS 474.130 Terms of office; designation by lot; nonpartisan office.
NRS 474.140 Election procedure following first election.
NRS 474.145 Vacancies.
NRS 474.150 President and secretary of board.
NRS 474.155 Compensation of directors.
NRS 474.160 General powers and duties.
NRS 474.170 Medium-term obligations.
NRS 474.180 Acquisition and operation of ambulance; purchase of insurance; employment of trained personnel.

FINANCE AND TAXATION

NRS 474.190 Preparation of annual budgets; limitation on tax levy; proration of tax.
NRS 474.200 Levy, collection and use of taxes.
NRS 474.210 Payment of claims against district.

BONDS

NRS 474.220 Issuance and sale of bonds for certain purposes; applicability of section prescribing limit on indebtedness.
NRS 474.300 Levy and collection of tax; use of tax for principal and interest.
NRS 474.310 Faith of State of Nevada pledged.

TITLE TO PROPERTY

NRS 474.320 Title to property vested in district.

ANNEXATION

NRS 474.325 Procedure.
NRS 474.335 Petition: Contents; signatories; publication of notice.
NRS 474.345 Notice: Contents.
NRS 474.355 Petitioners to advance estimated costs of proceedings.
NRS 474.365 Hearing.
NRS 474.375 Payments by petitioners as condition precedent to annexation.
NRS 474.385 Election.
NRS 474.395 Findings by board following election; inclusion of territory.

DISSOLUTION

NRS 474.410 Authority to dissolve.
NRS 474.420 Petition of property owners for dissolution; election.
NRS 474.430 Procedure on favorable vote for dissolution; when dissolution complete.
NRS 474.440 Levy of taxes for payment of outstanding or bonded indebtedness after dissolution.
NRS 474.450 Disposition of property on dissolution.

DISTRICTS CREATED BY BOARD OF COUNTY COMMISSIONERS

<u>NRS 474.460</u>	Organization of district in unincorporated areas; powers, governing body and officers of district.
<u>NRS 474.470</u>	Duties of board of fire commissioners.
<u>NRS 474.480</u>	Coordination of protective activities; duties of State Forester Firewarden.
<u>NRS 474.490</u>	Cooperation with agencies to prevent and suppress fires in wild lands; authorized expenditures.
<u>NRS 474.500</u>	District fire chief: Appointment, qualifications and duties; cooperative agreements; support of volunteer fire departments.
<u>NRS 474.510</u>	Preparation of budget; levy of tax by board of county commissioners; deposit of money in operating and emergency funds; limit on amount in emergency fund.
<u>NRS 474.511</u>	Acquisition of properties by district.
<u>NRS 474.512</u>	Issuance of bonds and other securities for acquisition of property.
<u>NRS 474.514</u>	Limit on indebtedness.
<u>NRS 474.515</u>	Levy and collection of tax to pay principal and interest on general obligations; applicability of Local Government Securities Law.
<u>NRS 474.520</u>	Dissolution of districts created by election; territory subject to control by county commissioners; retention and use of property.
<u>NRS 474.530</u>	Dissolution of district organized pursuant to <u>chapter 473</u> of NRS or exclusion of portions.
<u>NRS 474.535</u>	Reorganization into district created by election.
<u>NRS 474.540</u>	Activities of district to be separate from activities of other political subdivisions.

MISCELLANEOUS PROVISIONS

<u>NRS 474.550</u>	Liability of person causing fire.
<u>NRS 474.560</u>	Reorganization of district as general improvement district to furnish facilities for protection from fire.
<u>NRS 474.570</u>	Dissolution of district which is entirely within boundaries of district for county fire department.
<u>NRS 474.580</u>	Elimination of fire hazards.

DISTRICTS CREATED BY ELECTION

General Provisions

NRS 474.005 Registration of electors; list of registered voters; reimbursement for costs of conducting election.

1. Any person residing within a county fire protection district who is otherwise qualified to vote at general elections in this state may register to vote in the biennial elections and other elections of the district by appearing before the county clerk or registrar of voters of the county in which the district is located and completing an application to register to vote in accordance with the general election laws of this state. Registration for a district election which is not held simultaneously with a general election must close at 5 p.m. of the fifth Friday preceding the district election and registration offices must be open from 9 a.m. to 5 p.m., excluding Saturdays, during the last days before the close of registration. If a person residing within a district is otherwise registered to vote, new registration for district elections is not required.

2. The county clerk or registrar of voters shall, at the expense of the district, prepare and maintain a list of all registered voters residing within the district. The county clerk or registrar of voters is entitled to receive on behalf of the county reimbursement for the actual costs of conducting the district's election. All money so received must be deposited to the credit of the general fund of the county.

(Added to NRS by 1983, 848; A 1995, 2282)

Formation

NRS 474.010 Territory which may be organized into district. Contiguous unincorporated territory lying within one or more counties and not included in any other fire protection district, and not including timberland patrolled by the United States Forest Service or in accordance with the rules and regulations of the United States Forest Service, may be formed into a county fire protection district in the manner and under the proceedings set forth in NRS 474.010 to 474.450, inclusive.

[1:121:1937; A 1947, 455; 1943 NCL § 1929.01]

NRS 474.020 Petition of property owners for formation of district; resolution of county commissioners.

1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, shall present a petition to the board of county commissioners of the county in which the land or the greater portion thereof lies, setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution shall:

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form such county fire protection district, and of the time and place fixed for the hearing, and shall designate that publication shall be in some newspaper of general circulation published in the county and circulated in the proposed

county fire protection district, or if there is no newspaper so published and circulated then in some newspaper of general circulation circulated in the proposed district.

[Part 2:121:1937; 1931 NCL § 1929.02]

NRS 474.030 Notice: Heading; contents; publication. The notice shall:

1. Be headed "Notice of the proposed formation of fire protection district in County (stating the name of the proposed district and the name of the county or, if there be more than one, the name of the counties in which the proposed district is located)."

2. State the fact that the board of county commissioners of the county has fixed the time and place (which shall be stated in the notice) for a hearing on the matter of the formation of a county fire protection district.

3. Describe the territory or shall specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, shall be the centerlines of highways.

4. Be published once a week for 2 successive weeks prior to the time fixed for the hearing in the newspaper designated by the board of county commissioners.

[Part 2:121:1937; 1931 NCL § 1929.02]

NRS 474.040 Written objections to formation of district; exclusion of territory.

1. At the time fixed for the hearing of the matter, or at any time prior thereto, any person interested may file with the clerk of the board written objections to the formation of the district.

2. At the time fixed for the hearing, or to which the hearing may be adjourned, the board of county commissioners shall hear the objections filed, if any, and pass upon the same.

3. The board may, in its discretion, sustain any or all of the objections filed and may change or alter the boundaries of such proposed district to conform to the needs of the district and to exclude therefrom any land that will not be benefited by the formation of such a district. Except as provided in NRS 474.010 to 474.450, inclusive, the board shall not include therein any territory not included in the boundaries mentioned in the petition.

[Part 3:121:1937; 1931 NCL § 1929.03]

NRS 474.050 Inclusion of territory within proposed district. Any owner of lands adjacent to the borders of the proposed district may, by his written application therefor filed with the board of county commissioners at or before the time of the hearing of the petition, in the discretion of the board, have such lands included within such proposed district.

[Part 3:121:1937; 1931 NCL § 1929.03]

NRS 474.060 Proceedings at hearing. Upon the hearing of the petition, the board of county commissioners shall determine whether or not the petition complies with the requirements and purposes of NRS 474.010 to 474.450, inclusive, and must hear all competent and relevant testimony offered in support or in objection thereto. The board shall, by resolution, determine whether or not such a proposed district shall be formed and such determination shall be entered upon the minutes of the board of county commissioners.

[Part 3:121:1937; 1931 NCL § 1929.03]

NRS 474.070 Creation of election precincts; election of directors.

1. Except as otherwise provided in subsection 2, when, pursuant to the provisions of NRS 474.040, 474.050 and 474.060, the boundaries of the proposed district are defined and established by the board, the board of county commissioners shall make an order dividing the proposed district into three or five divisions as nearly equal in size as practicable. The divisions must be numbered consecutively and constitute election precincts for the district.

2. When or after the boundaries of a district are established, the board of county commissioners may provide for the election of three or five directors at large, without precincts.

3. If precincts are created, each director must be a resident of the election precinct for which he is elected and must be elected at large by the district.

[4:121:1937; A 1947, 455; 1943 NCL § 1929.04]—(NRS A 1977, 7; 1993, 521; 1995, 989)

NRS 474.080 Notice of election: Contents; publication.

1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, when more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks previous to the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county in which the petition for the organization of the district was presented.

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons (according to the division of the proposed district as prayed for in the petition and ordered by the board) to be voted for to fill the office of director.

[Part 5:121:1937; 1931 NCL § 1929.05]—(NRS A 1993, 1080)

NRS 474.100 Persons entitled to vote; voting by proxy.

1. Every qualified elector within the district may vote either in person or by proxy at any election held by the district.

2. No person may vote by proxy unless his proxy to cast his vote is evidenced by an instrument in writing duly

acknowledged before a notary public and filed with the board of election.

[Part 5:121:1937; 1931 NCL § 1929.05]—(NRS A 1977, 7)

NRS 474.110 Canvass of votes; order on favorable vote declaring district organized and directors elected.

1. The election having been held, the board of county commissioners shall, on the first Monday succeeding such election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast thereat.

2. If upon such canvass it appears that a majority of all votes cast in the district (and in each portion of the counties included in the district in case lands in more than one county are included therein) are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory duly organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be duly elected to such offices.

[Part 6:121:1937; 1931 NCL § 1929.06]

NRS 474.120 Filing and distribution of copies of order; when organization of district complete.

1. The board shall then cause a copy of such order, duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of any county in which any portion of the lands embraced in such district are situated, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each of such counties.

2. No board of county commissioners of the county shall, after the date of the organization of the district, allow another fire protection district to be formed, including any portion of such lands, without the consent of the owners thereof.

3. From and after such filing, the organization of the district shall be complete.

[Part 6:121:1937; 1931 NCL § 1929.06]

Board of Directors

NRS 474.130 Terms of office; designation by lot; nonpartisan office.

1. The directors elected at the election organizing the district shall immediately enter upon their duties. At the first meeting, the first board of directors shall so classify themselves by lot that a minority of their number go out of office on the first Monday in January following the next succeeding biennial election, and the remainder of their number on the first Monday in January following the second succeeding biennial election.

2. Hereafter, directors shall hold their offices for terms of 4 years from and after the first Monday in January following their election and until their successors are elected and qualified.

3. The office of director is a nonpartisan office.

[Part 7:121:1937; A 1951, 144]—(NRS A 1963, 515; 1983, 848; 1993, 522)

NRS 474.140 Election procedure following first election.

1. Except as otherwise provided in subsection 2:

(a) At the next general election and in conjunction therewith after the organization of any district, and in conjunction with every general election thereafter, an election, to be known as the biennial election of the district, must be held.

(b) The general election laws of this state govern the nomination and election of the members of the board of directors. The election must be conducted under the supervision of the county clerk or registrar of voters. The returns of the election must be certified to and canvassed as provided by the general law concerning elections. The candidate or candidates, according to the number of directors to be elected, receiving the most votes, are elected. Any new member of the board must qualify in the same manner as members of the first board qualify.

2. If at 5 p.m. on the last day for filing a declaration of candidacy or an acceptance of candidacy for the office of director, there is only one candidate nominated for the office, that candidate must be declared elected and no election may be held for that office.

[Part 7:121:1937; A 1951, 144]—(NRS A 1963, 516; 1983, 849; 1993, 301)

NRS 474.145 Vacancies.

1. If a vacancy occurs on the board of directors of a county fire protection district, the remaining directors shall fill the vacancy by appointing a qualified elector to serve during the rest of the term and until his successor is elected and qualified.

2. If the remaining directors fail or refuse to appoint a new director within 30 days after the vacancy occurs, the board of county commissioners shall appoint a person to fill the vacancy.

(Added to NRS by 1983, 848)

NRS 474.150 President and secretary of board. The directors shall organize as a board, elect a president from their number and appoint a secretary, who shall each hold office during the pleasure of the board.

[Part 7:121:1937; A 1951, 144]

NRS 474.155 Compensation of directors.

1. Each member of the board of directors of a county fire protection district established pursuant to NRS 474.010 to 474.450, inclusive, is entitled to receive as compensation for his services a sum to be determined by the board, but not in excess of \$3,600 per year. The compensation must be paid on a monthly basis.

2. A member of the board of directors shall not receive any compensation as an employee of the district other than that provided in subsection 1.

(Added to NRS by 1975, 899; A 1993, 522)

NRS 474.160 General powers and duties. The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. Make and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning such substances, materials or devices that is required by the Federal Government and has been adopted by a board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.
4. Make and execute in the name of the district all necessary contracts.
5. Adopt a seal for the district to be used in the attestation of proper documents.
6. Provide for the payment from the proper fund of all the debts and just claims against the district.
7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.
8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.
9. Construct any necessary structures.
10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.
11. Eliminate and remove fire hazards within the district wherever practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.
12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive.

[8:121:1937; 1931 NCL § 1929.08]—(NRS A 1989, 1087; 1991, 381; 1993, 522)

NRS 474.170 Medium-term obligations. The board of directors has the powers and duties with respect to medium-term obligations provided in chapter 350 of NRS.

[8.1:121:1937; added 1955, 32]—(NRS A 1965, 749; 1973, 18; 1995, 1827)

NRS 474.180 Acquisition and operation of ambulance; purchase of insurance; employment of trained personnel. The board of directors may purchase, acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate these vehicles.

[8.5:121:1937; added 1955, 431]

Finance and Taxation

NRS 474.190 Preparation of annual budgets; limitation on tax levy; proration of tax.

1. Subject to the provisions of subsection 2, the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities shall not in any 1 year exceed 1 percent of the assessable property within the district.

3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.

[Part 10:121:1937; 1931 NCL § 1929.10]—(NRS A 1965, 310, 749; 1969, 892)

NRS 474.200 Levy, collection and use of taxes.

1. At the time of making the levy of county taxes for that year, the boards of county commissioners shall levy the tax certified upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes.

3. When the tax is collected it must be placed in the treasury of the county in which the greater portion of the district is located, to the credit of the current expense fund of the district, and may be used only for the purpose for which it was raised.

[Part 10:121:1937; 1931 NCL § 1929.10]—(NRS A 1963, 480; 1965, 310; 1967, 1111; 1969, 613; 1971, 265; 1979, 552; 1983, 1197; 1989, 49)

NRS 474.210 Payment of claims against district. All accounts, bills and demands against the district must be audited, allowed and paid by the board of directors by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of directors, the treasurer of the district shall pay them in the order in which they are presented.

[Part 10:121:1937; 1931 NCL § 1929.10]—(NRS A 2001, 361)

Bonds

NRS 474.220 Issuance and sale of bonds for certain purposes; applicability of section prescribing limit on indebtedness.

1. The board of directors of any county fire protection district formed under the provisions of NRS 474.010 to 474.450, inclusive, may prepare, issue and sell bonds to provide money for the purchase of fire-fighting equipment, the acquisition of property, the construction of buildings and improvement of district-owned property for use in that county fire protection district.

2. The provisions of NRS 474.514 apply to a county fire protection district specified in subsection 1.
[1:182:1945; A 1949, 649; 1953, 58]—(NRS A 2001, 362)

NRS 474.300 Levy and collection of tax; use of tax for principal and interest.

1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of such district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax shall be certified to the boards of county commissioners of the counties in which any portion of the district is located, and such board of county commissioners shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax shall be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it shall be placed in the treasury of the county in which the greater portion of the district is located in a special fund for the payment of principal and interest of the bonds. Payments therefrom shall be made according to the terms of the bonds.

[5:182:1945; 1943 NCL § 1929.134]

NRS 474.310 Faith of State of Nevada pledged. The faith of the State of Nevada is pledged that this section and NRS 474.220 and 474.300 shall not be repealed nor the taxation thereby imposed be omitted until all the bonds and coupons issued thereunder and by virtue thereof shall have been paid in full as specified in this section and NRS 474.220 and 474.300.

[6:182:1945; 1943 NCL § 1929.135]

Title to Property

NRS 474.320 Title to property vested in district. The title to all property which may have been acquired for a county fire protection district created under the provisions of NRS 474.010 to 474.450, inclusive, shall be vested in the district.

[Part 9:121:1937; 1931 NCL § 1929.09]

Annexation

NRS 474.325 Procedure. The boundaries of any county fire protection district formed under NRS 474.010 to 474.450, inclusive, may be altered and new territory annexed thereto, incorporated and included therein, and made a part thereof in the manner provided in NRS 474.335 to 474.395, inclusive.

(Added to NRS by 1967, 1612)

NRS 474.335 Petition: Contents; signatories; publication of notice. The board of directors of any such district, upon receiving a written petition for annexation containing a description of the territory proposed to be annexed (which territory shall be contiguous to the district), and signed by not less than 20 percent of the holders of title or evidence of title to lands within the territory proposed to be annexed, and whose names appear as such on the last preceding county assessment roll, shall cause a notice of filing of such petition to be published in the same manner and for the same time as is required for notices of the proposed formation of a county fire protection district under NRS 474.010 to 474.450, inclusive.

(Added to NRS by 1967, 1612)

NRS 474.345 Notice: Contents.

1. The notice shall:

(a) State the filing of the petition and the names of the petitioners.

(b) Describe the lands mentioned in the petition and in the prayer of the petition.

(c) Notify all persons interested in or who may be affected by such change of the boundaries of the district to appear at the offices of the board, at a time named in the notice, and show cause in writing, if any they have, why the proposed change in boundaries should not be made.

2. The time specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of time for the publication of the notice.

(Added to NRS by 1967, 1612)

NRS 474.355 Petitioners to advance estimated costs of proceedings. The petitioners shall advance to the board sufficient money to pay the estimated costs of all proceedings.

(Added to NRS by 1967, 1612)

NRS 474.365 Hearing.

1. At the time and place mentioned in the notice, or at such other time or times to which the hearing of the petition may be adjourned, the board of directors shall proceed to hear the petition and all objections thereto presented in writing by any

interested persons, who shall be holders of title or evidence of title to lands within the district or within the territory proposed to be annexed.

2. At the hearing, the board of directors shall hear and determine all objections and shall exclude all lands within the territory proposed to be annexed which will not be benefited by inclusion in the district.

(Added to NRS by 1967, 1612)

NRS 474.375 Payments by petitioners as condition precedent to annexation. The board of directors to whom such petition is presented may require, as a condition precedent to the granting of the same, that the petitioners shall severally pay to the district such respective sums as nearly as the same can be estimated (the several amounts to be determined by the board), as such petitioners or their grantors would have been required to pay the district as taxes had such lands been included in the district at the time the same was originally formed.

(Added to NRS by 1967, 1613)

NRS 474.385 Election.

1. If the board of directors deems it in the best interest of the district that the boundaries of the district be changed as proposed or as altered by the exclusion of lands not benefited, the board shall submit the question of the change in boundaries at the next primary or general election to be held in the district, and at the primary or general election to be held at the same time within the territory to be annexed.

2. Notice of the elections must be given in the same manner as that prescribed for annual elections of directors. The notice of election must describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

3. The ballots cast at the election must contain the words "For change of boundary," or "Against change of boundary," or words equivalent thereto.

4. The qualifications for voters must be the same as for other elections in the district, and votes by proxy must be allowed as in such other elections.

(Added to NRS by 1967, 1613; A 1993, 1080)

NRS 474.395 Findings by board following election; inclusion of territory.

1. The returns of the votes cast in the outside territory proposed to be annexed and in the district shall be canvassed separately, and the board of directors shall cause a record of the canvass to be made and entered in its minutes.

2. If it appears from such canvass that a majority of the votes cast in the district and in the territory proposed to be annexed are in favor of the change in boundary, the board shall so find. Upon the filing of a certified copy of such findings, under seal of the district, in the office of the county recorder, the territory shall be a part of the district.

(Added to NRS by 1967, 1613)

Dissolution

NRS 474.410 Authority to dissolve. Any county fire protection district may be dissolved by the board of county commissioners which formed it as provided in NRS 474.420, 474.430 and 474.440.

[Part 11:121:1937; 1931 NCL § 1929.11]

NRS 474.420 Petition of property owners for dissolution; election. Upon receiving a petition signed by 25 percent of the owners of land within the district, requesting the dissolution thereof, the board of county commissioners shall, by resolution, submit the question of whether the district shall be dissolved at the next primary or general election.

[Part 11:121:1937; 1931 NCL § 1929.11]—(NRS A 1993, 1080)

NRS 474.430 Procedure on favorable vote for dissolution; when dissolution complete.

1. If it appears that a majority of the owners of land voting at the election have voted in favor of dissolution, the board of directors of the district shall:

(a) Cause such facts to be entered upon its minutes.

(b) Forward a copy of such entry to the board of county commissioners of the county in which the district is situated.

(c) Record a copy of such entry with the county recorder.

2. On and after filing and recording, the district shall be deemed dissolved.

[Part 11:121:1937; 1931 NCL § 1929.11]

NRS 474.440 Levy of taxes for payment of outstanding or bonded indebtedness after dissolution. If at the time of the dissolution of the district there shall be any outstanding or bonded indebtedness of the district, then taxes for the payment of such bonds or other indebtedness shall be levied and collected the same as if the district had not been dissolved and disincorporated, but for all other purposes the district shall be deemed dissolved from the time of the filing of the copy of the entry with the clerk of the board of county commissioners' and the recording of the copy of such entry with the county recorder.

[Part 11:121:1937; 1931 NCL § 1929.11]

NRS 474.450 Disposition of property on dissolution. Whenever any county fire protection district shall be dissolved, all property thereof shall be subject to the provisions of NRS 474.520.

[Part 9:121:1937; 1931 NCL § 1929.09]—(NRS A 1965, 25)

DISTRICTS CREATED BY BOARD OF COUNTY COMMISSIONERS

NRS 474.460 Organization of district in unincorporated areas; powers, governing body and officers of district.

1. All territory in each county not included in any other fire protection district, except incorporated areas, may be

organized by ordinance by the board of county commissioners of the county in which such territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as such territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive.

2. Each such district shall:

- (a) Be a body corporate and politic;
- (b) Be a political subdivision of the state; and
- (c) Have perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

- (a) Have and use a corporate seal;
- (b) Sue and be sued, and be a party to suits, actions and proceedings;
- (c) Arbitrate claims; and
- (d) Contract and be contracted with.

4. The board of county commissioners of the county organizing each such district shall ex officio be the governing body of each such district. The governing body shall be known as the board of fire commissioners.

5. The chairman of the board of county commissioners shall ex officio be chairman of each such district.

6. The county clerk shall ex officio be clerk of each such district.

7. The county treasurer shall ex officio be treasurer of each such district.

(Added to NRS by 1963, 324; A 1967, 964; 1975, 1635)

NRS 474.470 Duties of board of fire commissioners. The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. Promulgate and enforce all regulations necessary for the administration and government of the districts and for the furnishing of fire protection.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of such fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the same when no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, either by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts wherever practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive.

(Added to NRS by 1963, 324; A 1975, 1635; 1991, 382)

NRS 474.480 Coordination of protective activities; duties of State Forester Firewarden.

1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection and recommendation, the State Forester Firewarden shall standardize the fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

(Added to NRS by 1963, 324; A 1975, 1636; 1977, 1147)

NRS 474.490 Cooperation with agencies to prevent and suppress fires in wild lands; authorized expenditures. The board of fire commissioners shall cooperate with other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.510 for such purpose to cooperating agencies, or may receive contributions from other agencies to be spent for such purpose.

(Added to NRS by 1963, 325; A 1975, 1636)

NRS 474.500 District fire chief: Appointment, qualifications and duties; cooperative agreements; support of volunteer fire departments.

1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may:

(a) Provide the fire protection required by NRS 474.460 to 474.540, inclusive, to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to

the districts; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, for the furnishing of such protection to the districts.

(Added to NRS by 1963, 325; A 1965, 1335; 1975, 1636)

NRS 474.510 Preparation of budget; levy of tax by board of county commissioners; deposit of money in operating and emergency funds; limit on amount in emergency fund.

1. The board of fire commissioners shall prepare a budget for each district organized in accordance with NRS 474.460, estimating the amount of money which will be needed to defray the expenses of the district and to meet unforeseen fire emergencies, and to determine the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.

2. At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

3. The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection 2 and any net proceeds of minerals derived from within the boundaries of the district.

4. If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483 and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

5. For the purposes of NRS 474.460 to 474.550, inclusive, the county treasurer shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district fire emergency fund. The sums collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the sums collected to meet unforeseen emergencies must be deposited in the district fire emergency fund. The district fire emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district fire emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district fire emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.

(Added to NRS by 1963, 325; A 1967, 965; 1975, 1637; 1989, 49; 1999, 203; 2001, 362; 2005, 526)

NRS 474.511 Acquisition of properties by district. Any district organized pursuant to NRS 474.460, acting by and through the board of fire commissioners, by resolution may at any time or from time to time acquire:

1. A system of waterworks, hydrants and supplies of water.
2. Telegraphic signals for fire and telephone, telegraph, radio and television service.
3. Fire engines and other vehicles.
4. Hooks, ladders, chutes, buckets, gauges, meters, hoses, pumps, fire extinguishers, fans and artificial lights.
5. Respirators, rescue equipment, medical supplies and equipment, other apparatus for fire fighting and protection from fire, and other appurtenances.
6. Fixtures, structures, stations, other buildings and sites therefor.
7. Land, interests in land, and improvements thereon for firebreaks and other protection from fire.
8. Appurtenances and incidentals necessary, useful or desirable for any such facilities, including all types of property therefor.
9. Any combination of the properties provided in this section.

(Added to NRS by 1967, 966; A 1975, 1637; 1985, 1703)

NRS 474.512 Issuance of bonds and other securities for acquisition of property. For the purpose of defraying the cost of the acquisition of any properties authorized by NRS 474.511, the board of fire commissioners, on the behalf and in the name of any district organized pursuant to NRS 474.460, may, by resolution, at any time or from time to time, borrow money, otherwise become obligated, and evidence or reevidence such obligations by the issuance of bonds and other municipal securities payable from general (ad valorem) taxes and constituting general obligations of the district, as provided in the Local Government Securities Law, subject to the limitations therein and in NRS 474.514.

(Added to NRS by 1967, 966; A 1975, 1638; 1981, 964)

NRS 474.514 Limit on indebtedness. No indebtedness, as defined in NRS 350.586, including outstanding indebtedness, shall be incurred by any district organized pursuant to NRS 474.460 in an aggregate principal amount exceeding 5 percent of the total last assessed valuation of taxable property (excluding motor vehicles and cattle) situated within the district.

(Added to NRS by 1967, 967; A 1969, 613)

NRS 474.515 Levy and collection of tax to pay principal and interest on general obligations; applicability of Local Government Securities Law.

1. An annual general (ad valorem) tax must be levied upon all property, both real and personal, subject to taxation within the district and collected by the district sufficient to pay the interest on and the principal of the general obligation securities of the district as the same become due.
2. The proceeds of the taxes are specially appropriated to the payment of principal and interest.
3. Such appropriation must not be repealed nor the taxes postponed or diminished until the principal and interest have been wholly paid.
4. The payment of securities, the levy of taxes, and the appropriation of the proceeds thereof must be in the manner delineated in NRS 350.592 to 350.602, inclusive, and other provisions of the Local Government Securities Law supplemental

thereto.

(Added to NRS by 1967, 967; A 1969, 613; 1983, 1198)

NRS 474.520 Dissolution of districts created by election; territory subject to control by county commissioners; retention and use of property. Upon dissolution of any fire protection district organized under NRS 474.010 to 474.450, inclusive, as provided by NRS 474.410 to 474.450, inclusive, the territory formerly included in such district shall be subject to the provisions of NRS 474.460 to 474.540, inclusive. The property of such dissolved fire protection district shall be retained by the board of county commissioners for use for fire protection purposes in the territory of the dissolved district.

(Added to NRS by 1963, 326; A 1965, 25)

NRS 474.530 Dissolution of district organized pursuant to chapter 473 of NRS or exclusion of portions.

1. Where 25 percent of the property owners in a fire protection district or a designated portion of a fire protection district organized as provided in chapter 473 of NRS petition the State Forester Firewarden to dissolve the district or to exclude the designated portion thereof and to place the territory of the district or designated portion thereof within the provisions of NRS 474.460 to 474.540, inclusive, the State Forester Firewarden shall determine whether the petition is feasible and shall notify the board of directors of the district of his decision.

2. Upon receipt of a notice in writing from the State Forester Firewarden, stating that the petition is approved, the district board of directors shall prepare a resolution describing the territory of the district or designated portion thereof, dissolving the district or excluding the designated portion therefrom and stating the reasons therefor.

3. Upon adoption of the resolution the board of directors shall forthwith notify the State Forester Firewarden of the resolution, and the district must be dissolved or the designated portion excluded forthwith and is subject to the provisions of NRS 474.460 to 474.540, inclusive.

4. The State Forester Firewarden shall promulgate regulations for forest, watershed and brush fire control in the territory of the dissolved district or excluded portion to meet the terms and requirements for federal aid as defined in NRS 473.010, and shall continue to administer this function, directly or indirectly, as he may consider in the best interest of the State.

5. The property and facilities of the dissolved district or excluded portion become the property of the county in which the territory lies in a manner determined by the State Forester Firewarden to comply with state and federal laws and regulations.

6. The provisions of NRS 474.440 apply to any outstanding or bonded indebtedness of the district at the time of its dissolution or the exclusion of territory.

(Added to NRS by 1963, 326; A 1985, 299)

NRS 474.535 Reorganization into district created by election.

1. A fire protection district established pursuant to NRS 474.460 to 474.540, inclusive, which has been in existence for at least 10 years, may be reorganized as a fire protection district subject to the provisions of NRS 474.010 to 474.450, inclusive, in the manner provided in this section.

2. The reorganization of such a district may be initiated by:

(a) A petition signed by at least a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If, after notice and a hearing, the board of county commissioners determines that the reorganization of the district is in the best interests of the county and the district, it shall adopt an ordinance reorganizing the district. The ordinance must include the name and boundaries of the district.

4. The board shall cause a copy of the ordinance, certified by the clerk of the board of county commissioners, to be filed immediately for record in the office of the county recorder.

5. The reorganization of the district is complete upon the filing of the ordinance pursuant to this section. The district thereafter is subject to the provisions of NRS 474.010 to 474.450, inclusive. Upon the completion of the reorganization of the district, the district shall assume the debts, obligations, liabilities and assets of the former district.

6. The board of county commissioners shall:

(a) Make an order dividing the district into election precincts, or providing for the election of directors at large, in the manner provided in NRS 474.070.

(b) Appoint the initial members of the board of directors of the district to terms established in the manner provided in NRS 474.130. Each director must be a resident of the precinct, if any, for which he is appointed, and serves until his successor is elected and qualified.

(Added to NRS by 1993, 521; A 1995, 989)

NRS 474.540 Activities of district to be separate from activities of other political subdivisions. The activities of each district organized in accordance with NRS 474.460 shall be separate and apart from county activities and any other political subdivision in this state.

(Added to NRS by 1963, 326; A 1967, 966; 1975, 1638)

MISCELLANEOUS PROVISIONS

NRS 474.550 Liability of person causing fire. Except as otherwise provided in NRS 527.126, within the boundaries of any fire protection district created pursuant to this chapter, any person, firm, association or agency which willfully or negligently causes a fire or other emergency which threatens human life may be charged with the expenses incurred in extinguishing the fire or meeting the emergency and the cost of necessary patrol. Such a charge constitutes a debt which is collectible by the federal, state, county or district agency incurring the expenses in the same manner as an obligation under a contract, express or implied.

(Added to NRS by 1975, 1638; A 1983, 808; 1993, 1204)

NRS 474.560 Reorganization of district as general improvement district to furnish facilities for protection from

fire.

1. A fire protection district organized pursuant to this chapter may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. Such reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that such reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district shall be assumed or taken over by the reorganized district.

(Added to NRS by 1977, 540)

NRS 474.570 Dissolution of district which is entirely within boundaries of district for county fire department. A board of county commissioners shall dissolve any fire protection district created pursuant to the provisions of this chapter whenever all the territory within the district is included within the boundaries of a district for a county fire department created pursuant to NRS 244.2961. No petition or election is required for the dissolution of a district pursuant to this section.

(Added to NRS by 1981, 758; A 1989, 76)

NRS 474.580 Elimination of fire hazards.

1. Any owner of lands within a fire protection district created pursuant to this chapter shall eliminate and remove a fire hazard on his property when directed to do so by the board.

2. If the owner does not comply within the time specified by the board, the board may eliminate and remove the fire hazard in the manner permitted by NRS 474.160 or 474.470, whichever applies, and may for this purpose contract with any person for the performance of the work.

3. The cost incurred by the district in eliminating and removing the fire hazard may be recovered directly from the owner of the property or the district may make the cost a special assessment against the real property. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the collection and enforcement of county taxes are applicable to the special assessment.

4. As used in this section, "board" means the board of directors or the board of fire commissioners of the district, as the case may be.

(Added to NRS by 1991, 381)