

CHAPTER 308 - CONTROL OF SPECIAL DISTRICTS

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NRS 308.010 Short title; declaration of purpose.

1. This chapter may be cited as the Special District Control Law.
2. The Legislature hereby determines and declares that the procedures contained in the Special District Control Law are necessary for the coordinated and orderly creation of special district governments and for the logical extension of special district services throughout the State.
3. It is the purpose of the Special District Control Law to prevent unnecessary proliferation and fragmentation of local government, to encourage the extension of existing districts rather than the creation of new districts and to avoid excessive diffusion of local tax sources.

(Added to NRS by 1967, 1681; A 1977, 518)

NRS 308.020 Applicability; definition of “special district.”

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 housing authorities.

(Added to NRS by 1967, 1681; A 1977, 518; 1997, 483)

NRS 308.025 Formation of special district to manage certain money paid by Federal Government. [Effective through June 30, 2013.]

1. A special district may be formed subject to the provisions of this chapter:
 - (a) To manage any money that is:
 - (1) Paid to the State of Nevada or to a county by the Federal Government; and
 - (2) Designated for the territory covered by the special district; and
 - (b) With a governing body:
 - (1) Of which not more than half of the members are also members of the board of county commissioners of the county within which lies the territory covered by the special district; and
 - (2) Which is authorized to act independently of the board of county commissioners of the county within which lies the territory covered by the special district.
2. If a special district is formed pursuant to the provisions of this section to manage money that is:
 - (a) Paid to the State of Nevada or to a county by the Federal Government pursuant to a specified bill or measure of the Federal Government; and

- (b) Designated for the territory covered by the special district,
- ↳ any such money must be distributed directly to the special district for expenditure.
(Added to NRS by [2009, 1316](#))

NRS 308.030 Filing of service plan.

1. Any prospective petitioner for the establishment of a special district shall file a service plan with the board of county commissioners of each county which has territory included within the boundaries of the proposed district. The service plan shall:

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

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

(c) Describe the facilities to be constructed, the standards of such construction, the services to be provided by the district, an estimate of costs, including the cost of acquiring land, engineering services, legal services, proposed indebtedness, including proposed maximum interest rates and any discounts, any other proposed bonds and any other securities to be issued, 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 city or town for the performance of any services between the proposed special district and such city or town. The form of any such contract to be used, if available, shall be attached to the service plan.

↳ If a board of county commissioners initiates the formation of a special district, it shall prepare such a service plan as an appendix to its initiating resolution.

2. Except where the formation of a district is initiated by a board of county commissioners, each service plan filed shall be accompanied by a processing fee set by the board of county commissioners not to exceed \$200 which shall be deposited in the county general fund. Such processing fee shall be sufficient to cover the costs related to the hearing prescribed by [NRS 308.070](#), including the costs of notice, publication and recording of testimony.

(Added to NRS by 1967, 1681; A 1977, 518)

NRS 308.040 Resolution of approval required.

1. If a proposed special district lies entirely within one county, a resolution approving the service plan is required from the board of county commissioners of that county.

2. If the boundaries of a proposed special district include territory within two or more counties, a resolution approving the service plan for such special district is required from the board of county commissioners of each county which has territory included in the proposed special district; but the boards of county commissioners of the respective counties may in their discretion hold a joint hearing on the proposed district in accordance with [NRS 308.070](#).

(Added to NRS by 1967, 1682; A 1977, 519)

NRS 308.050 Scope of authority. The board of county commissioners of each such county constitutes the approving authority under the Special District Control Law and shall review any service plan filed for any proposed special district. With reference to the review of any service plan, each such board of county commissioners may:

1. Approve the service plan without condition or modification;
2. Disapprove the service plan for any of the reasons listed in [NRS 308.060](#); or
3. Conditionally approve the service plan subject to the submission of additional information relating to or modifying the plan.

(Added to NRS by 1967, 1682; A 1977, 519)

NRS 308.060 Criteria for disapproval of service plan.

1. Each such board of county commissioners may disapprove the service plan of a proposed special district upon satisfactory evidence that:

(a) There is insufficient existing and projected need for organized 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 through municipal annexation by other existing municipal or quasi-municipal corporations within a reasonable time and on a comparable basis;

(d) The proposed special 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 and service standards of the proposed district are incompatible with the facility and service standards of adjacent municipalities and special districts; or

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

2. Each such board of county commissioners may conditionally approve the service plan of a proposed district upon satisfactory evidence that it does not contravene any of the criteria enumerated in subsection 1. Final approval shall be contingent upon modification of the service plan to include such changes or additional information as shall be specifically stated in the findings of the board of county commissioners.

3. The findings of the board of county commissioners shall be based solely upon the service plan and evidence presented at the hearing by the petitioners, the planning commission and any interested party.

(Added to NRS by 1967, 1682; A 1977, 520)

NRS 308.070 Filing of service plan for proposed district; notice; public hearing; delivery of service plan to planning commission; notice of approval, disapproval or modification of service plan.

1. A service plan shall be filed with the board of county commissioners of each county in which the district is located, wholly or in part, prior to the formation of the proposed special district. Such service plan shall be filed with the county clerk at least 10 days prior to a regular meeting of the board of county commissioners. At the next regular meeting of the board of county commissioners immediately following the filing of a service plan with the county clerk, the board of county commissioners shall set a date for a public hearing on the service plan of the proposed district, which hearing date shall be within 30 days thereafter.

2. The board of county commissioners shall provide written notice of the date, time and location of the hearing to:

(a) The petitioners;

(b) The county clerk of each other county in which the district is to be located, if any; and

(c) The governing body of any existing city, town or special district which has levied a general (ad valorem) property tax within the next preceding tax year and has boundaries within the county in which the district is located. Such governmental units are interested parties for the purposes of the Special District Control Law.

3. The board of county commissioners shall publish legal notice of the date, time, location and purpose of such hearing 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 shall be at least 20 days prior to the hearing date. Such publications shall constitute constructive notice to the residents and property owners within the proposed district who are also interested parties at the hearing.

4. If there is a county planning commission or a regional county planning commission, the service plan submitted by the petitioners for the formation of the proposed district shall be delivered by the county clerk to each such planning commission. Each such county planning commission or regional county planning commission shall study such service plan and a representative thereof shall present its recommendations consistent with the Special District Control Law to the board of county commissioners at the hearing.

5. The hearing held by the board of county commissioners shall be open to the public and a transcript of proceedings shall be made. All interested parties as defined in this section shall be afforded an opportunity to be heard under such rules of procedure as may be established by the board of county commissioners. Any testimony or evidence which in the discretion of the board of county commissioners is relevant to the formation of the proposed district shall be considered.

6. Within 20 days after the completion of the hearing, the board of county commissioners shall advise in writing all interested parties of its action on the service plan. If the service plan is approved as submitted, a resolution of approval shall be issued. If the service plan is disapproved, the specific detailed reasons for such disapproval shall 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, and the proceeding shall be continued until such changes, modifications or additional information are incorporated in the service plan. Upon the incorporation of such changes, modifications, or additional information in the service plan of the proposed district, the board of county commissioners shall issue a resolution of approval.

(Added to NRS by 1967, 1683; A 1977, 520)

NRS 308.080 Requirements for approval of formation of special district by board of county commissioners; judicial review; formation; material modifications; filing of plans for additional acquisitions; injunction for unreasonable departure from service plan.

1. Except as otherwise subsequently provided in this section, the formation of a special district shall not be approved by any board of county commissioners without the resolution of approval and the service plan required by the Special District Control Law. The approved service plan and the resolution of approval shall be incorporated by

reference in the ordinance organizing the district after there has been a compliance with all other legal procedures for the formation of the proposed district. If the board of county commissioners fails to approve the service plan for any proposed special district and such failure is determined by any district court in this state for any county in which the district is located to be arbitrary, capricious or unreasonable, the court may order the formation of such district by the board of county commissioners of the county vested with jurisdiction as provided in [NRS 318.050](#) without such resolution of approval; but an acceptable service plan in accordance with the provisions of the Special District Control Law, shall be filed with and approved by the court and incorporated by reference in and appended to the order of the court providing for the organization of the district after there has been a compliance with all other legal procedures for the formation of the proposed district. If the service plan is approved by the board of county commissioners, any interested party as defined in subsection 2 of [NRS 308.070](#), if such party had appeared and presented his or her objections before the board of county commissioners, is entitled to appear and be heard at the hearing of the board of county commissioners so vested with jurisdiction for the organization of the district, and the district court may dismiss any pending legal proceedings contesting the failure of any board of county commissioners to approve a service plan upon a determination that the decision of the board of county commissioners was not arbitrary, capricious or unreasonable.

2. Upon final approval by a board of county commissioners for the formation of the special district, the facilities, services and financial arrangements of the district shall conform to the approved service plan.

3. After the organization of a special district pursuant to the provisions of [chapter 318](#) of NRS, material modifications of the service plan as originally approved may be made by the board of such special district only by petition to and approval by the board of county commissioners of each county in which the district is located in substantially the same manner as is provided for the approval of an original service plan, except that the processing fee for such modification procedure shall not exceed \$100. 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.

4. 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 any board of county commissioners from which a resolution of approval is required by the Special District Control Law, or upon the motion of any interested party.

(Added to NRS by 1967, 1684; A 1977, 522)