
Frequently Asked Questions **AB 379**

Legislation to Grant Authority to **Create a Parks, Trails, and** **Open Space District** **2017 79th Nevada Legislative Session**

This Bill, which began as a grassroots citizens' effort, is a statewide enabling legislation that provides authorization for citizens and local governments to work together to create a mission-focused district, based on existing broad authority for other governmental services contained in *Nevada Revised Statute (NRS) 318 General Improvement Districts (GID)*. The Legislative Counsel Bureau, who is the legal counsel for the Legislature, has determined that *NRS Title 25 Public Organizations for Community Service* should be amended by adding a new chapter entitled *Nevada Parks, Trails and Open Space District Act* consisting of the final language contained in AB379. The legislation was designed to be flexible and applicable statewide, as each of Nevada's 17 counties have different needs and requirements. It is a 100% elective option for local communities to consider formation of this type of District. It acknowledges that local citizens and governments in Eastern Nevada may have a different approach to applying this legislation than those in Northern or Southern Nevada.

1. **How is the proposed enabling legislation for a Nevada Parks, Trails and Open Space District differ from the existing NRS 318 General Improvement Districts?**

Although the new chapter mirrors much of the existing language found in NRS 318 for GID's, there are several notable differences in the Parks, Trails and Open Space chapter:

1. The new District language allows for the acquisition, operation and maintenance of a broader array of services related specifically to parks, trails and open spaces such as, natural resource, rivers, streams, lakes, ponds, and environmental and recreation based education programs.

2. The new District language encourages and in some cases requires the District to work across jurisdictional lines to meet their mission in providing services through interlocal agreements with cities, counties, state, federal or non-profits organizations. The requirement for interlocal agreements with affected City, Counties and GID's to be approved prior to District formation does not exist in NRS 318.
3. The new District language allows a City to establish a Parks, Trails and Open Space District, within its city limits.
4. The new District language requires certain activities to occur prior to the final District formation. This includes the completion of a Service Plan, provision of public notices and hearings and securing required approvals from the applicable County Commission, as defined in NRS. 308. The provisions of NRS 308 *Control of Special Districts* are referenced in the new chapter.
5. The new District language requires the District to secure the approval of the County Commission, prior to utilizing ad valorem taxes.
6. The new District language prohibits the use eminent domain for any purpose. The condemnation of private property for public use is a permitted practice in NRS 318.
7. The new District language encourages greater public engagement in the district formation process. It outlines the option for the governing body to seek voter approval of the District formation by those property owners within the District boundary, prior to the District creation. This language does not exist in NRS 318.
8. The new District language requires that the first appointed Board of Trustees must be qualified electors, i.e. property owners who live within the District boundary. This provision does not exist in NRS 318.
9. The new District language contains the same requirements as in existing NRS 318 GID's regarding public noticing and citizen participation, and outlining the process of protesting district creation. In addition, it outlines in greater detail the establishment of a Service Plan including the required financial studies, boundary delineation, and the scope of services etc.

2. Why does the Nevada Legislature need to be involved with this initiative?

The Nevada State Legislature possesses the authority and regulates all forms of local governance. *Title 25-Public Organizations for Community Service* section of the State Statutes outlines and authorizes the creation, operation, governance, financing and dissolution of all GID's, local improvement districts, housing authorities, road maintenance

districts and other similar governmental classifications. The existing NRS Chapter 318 *General Improvement Districts*, from which AB379 was created, is found in Title 25. It has been determined by LCB staff that Title 25 of NRS should be amended by adding a new chapter entitled *Nevada Parks, Trails and Open Space District Act* to include the provisions AB379.

3. Why is this Bill needed if NRS Chapter 318 already allows for general improvement districts to exist?

Although the existing legislation allows for construction and management of some recreation amenities, it does not include sufficient language to authorize the creation of a mission-focused district that could provide a broad range of parks, trails and open space system improvements, provision of recreation services and enhancements and protection of the natural resources. The passage of the Bill will enable citizens, local governments and other non-profit organizations to work together to make positive changes that are comprehensive but focused on these essential quality of life amenities that are important to our economic vitality. Studies show that outdoor recreation is an economic driver generating \$14.8 billion dollars in annual revenue in Nevada. The enabling legislation would provide more flexibility for local citizens and governments to make informed and focused decisions that will improve their local communities and neighborhoods.

4. Why is this initiative being proposed now?

Statewide, the majority of Nevada's cities and counties have experienced sustained growth and expansion since the most recent recession. Based on analysis by reliable statewide sources, the recovery and population expansion will likely continue, due to the continued diversification of industry and the strong return of tourism to the state, which has been fueled by a more robust regional and national economy.

“Job creation, described as the single best indicator of economic growth, is expected to add more than 52,000 workers to company payrolls in 2016”, according to the Nevada Department of Employment, Training and Rehabilitation (DETR). “While tourism and hospitality have helped sustain the state's economic growth in the last few years, housing is expected to be even stronger as prices have stabilized and fewer homes are falling into foreclosure.”

According to Stephen Miller, director of the Center for Business and Economic Research at UNLV, the state is in its seventh year of recovery.

The time is now to assure our communities maintain their livability and quality of life for current and future residents. There is an existing gap in comprehensive service delivery related to parks, natural resource areas, trails and recreation in certain of our local, regional and state systems. This Bill will enable positive changes to be made to prepare us for the future and leave a lasting legacy for our children and grandchildren.

5. What is the benefit to local Nevada communities with the passage of this legislation?

The benefits to a local community is that citizens, working with their local and regional governments and non-profit organizations, can determine what kind of park, natural resource protection, trail system enhancements, and recreation services and improvements they want in their local and regional communities. Examples include:

- ◆ Acquisition, improvements and maintenance of parks, sports fields, aquatic centers, & recreation centers
- ◆ Acquisition, improvements and maintenance of trails, bikeways and trailheads
- ◆ Water quality protection in recreational rivers, streams and lakes
- ◆ Enhancement of natural resource areas, wildlife habitat and open spaces, wildland fuel reduction, & native vegetation restoration
- ◆ Provision of community recreation services, including facility operation and administration of broad range of services, such as working family after-school recreation programs
- ◆ Enabling the full partnership and alliances with non-profit organizations to assist with and support the district's provision of services and improvements

6. How are the types of services and improvements to be provided by the District determined?

The Bill has been written to support and encourage citizen involvement and input within a proposed District regarding the type, kind and scope of services, funding mechanisms and infrastructure improvements specific for their own community's needs. It mirrors concepts from the existing language in NRS 318 *General Improvement Districts*, and the process has built-in multiple opportunities for citizen engagement and feedback.

The District formation can be initiated by a citizen petition, County Commission or a City Council by resolution. Prior to the City or County government's approval of the required resolution to form a district, a *Service Plan* must be completed. The Plan must receive public hearings at different stages of its development in order to solicit testimony from

affected property owners and provide the opportunity for review and approval by all affected County and City governments within the District boundaries. This extensive process will afford additional opportunities for public comment during the *Service Plan* development.

The Plan would consist of several components including, but not limited to, the need for a District formation, description of the facilities, improvements and projects to be constructed, the services to be provided, the estimated costs for improvements, the annual operation and maintenance expenses and expenses related to the formation and operation of the district, a financial analysis of how services are to be financed, a map of the District boundaries, an estimate of the population and assessed valuation of the parcels within the proposed boundary.

Subsequent to the multiple public hearings to review and comment on the Service Plan, the governing body must approve the Service Plan by resolution. The resolution of approval of the *Service Plan* must be incorporated by reference in the ordinance creating the District. Prior to taking final action to create the District, additional public noticing must be given to provide the opportunity for any person owning property within the proposed boundary to submit written protest.

The governing body may also require that a majority of the voters who live within the proposed District boundary approve the creation of the District through a general election ballot, prior to its formation. This either/or option provides local control of the District formation, within established NRS Statutes.

7. Who would be responsible to pay for the services and improvements that a special district would provide to its citizens?

The *Service Plan* would be required to outline in detail the costs to provide the services, the proposed budget and the analysis of financing alternatives, including any proposed per parcel assessment. Similar to other established districts, the costs to provide the services and improvements could be funded by a variety of resources. These may include rates, fees, ad valorem taxes (if approved by the County), federal and state grants, contract services, private donations and foundation grants, and intergovernmental shared revenue, as agreed to by all local governments.

8. How is the district boundary determined?

As described in #6 above, the Service Plan would delineate the proposed District boundary, subject to the extensive public hearing process. Ultimately, the governing board of the proposed District would

have the authority to establish the boundary, based on the approved Service Plan recommendations. If the boundary includes the area of any incorporated City or County, the boundary lines must be approved through an interlocal agreement by those governmental units, prior to District formation. Should the proposed boundary overlap an existing GID that provides parks and recreation services, that GID would need to agree to their inclusion within the new district boundary.

9. What is the cost to citizens when this legislation is approved?

There is no cost to the citizens should this Bill be approved by the Nevada Legislature. Should local communities elect to move forward to create a District, the *Service Plan* would outline the costs to the citizens who live within the District boundary in exchange for the provided services. It is a 100% elective option for local communities to consider formation of this type of District.

10. Who would be responsible to manage the affairs of the district?

Based on similar language in NRS 318, the governance structure is decided through the process of district formation. The chosen governing Board, whether it is the County Commissioners, City Council or an elected Board of Trustees would be responsible for all policy and financial matters of the district. The Board would have the authority to hire an Administrator who would report to the Board and be responsible for the routine operation and administration of the district.