

NEVADA MUNICIPAL GOVERNMENTS

Legislative Commission of the
Legislative Counsel Bureau
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LEGISLATIVE COMMISSION

B. Mahlon Brown
Carl F. Dodge
F. W. (Bill) Farr
James I. Gibson
Warren L. Monroe
C. Clifton Young

Keith Ashworth
Lawrence E. Jacobsen
Donald R. Mello
R. Hal Smith
William D. Swackhamer
Roy L. Torvinen

Senate Concurrent Resolution No. 13—Senator Dodge

FILE NUMBER...87.....

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study the provisions governing municipal governments in the state.

WHEREAS, The various city charters of the incorporated cities of the State of Nevada have reached, over the past many years, a deplorable state, containing redundancies, conflicts and archaic language; and

WHEREAS, Because of the varying provisions contained in such charters, there is a lack of uniformity in city administration; and

WHEREAS, Such charters have never been examined with a view to eliminating their objectionable qualities since Nevada became a state in 1864; and

WHEREAS, The general provisions governing the incorporation of cities and those governing incorporation under a commission form of government, contained in chapters 266 and 267 of NRS, respectively, should be examined and revised in conjunction with the work to be done on special city charters; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is directed to make a thorough study of all the special charters of cities incorporated thereunder in the state, and of the provisions of chapters 266 and 267 of NRS, and submit appropriate recommendations and suggested legislation to the 56th session of the Nevada legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 56TH SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Senate Concurrent Resolution No. 13 of the 55th Session, which directed the legislative commission to make a thorough study of all the special charters of cities incorporated thereunder in the state, and of the provisions of chapters 266 and 267 of NRS. Appropriate recommendations and suggested legislation were directed to be submitted on the basis of this study. The legislative commission appointed for this purpose a subcommittee consisting of Senator James I. Gibson, chairman, Senator F. W. Farr and Assemblymen C. W. Lingenfelter, Paul W. May, Rawson M. Prince and R. Hal Smith.

The subcommittee was assisted in its work by the invaluable experience of the 17 incorporated city administrations, which were visited during the course of 1970. The Nevada Municipal Association undertook a very helpful liaison role throughout the study. The report was approved by the legislative commission on November 22, 1970.

The subcommittee's report is attached for your consideration.

Respectfully submitted,

Legislative Commission
State of Nevada

November 22, 1970

REPORT OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
FOR STUDY OF MUNICIPAL GOVERNMENTS

I. Introduction

The 55th session of the Nevada legislature directed the legislative commission to make a thorough study of all the special charters of cities incorporated thereunder in the state, and of the provisions of chapters 266 and 267 of NRS, and submit appropriate recommendations and suggested legislation to the 56th session of the Nevada legislature.

This is the report of the subcommittee for study of municipal governments, submitted in keeping with the direction and authority contained in Senate Concurrent Resolution No. 13, 55th session of the Nevada legislature (1969).

A study of this magnitude required, from the beginning, searching analysis of the problems present and anticipated in each of the 17 incorporated cities of the state. The subcommittee's study echoes the urgency of the legislature's call for relief. The various city charters have reached an aggravated state unworthy of the governments and people served thereby. This is due, in considerable degree, to redundancies, conflicts and archaic language contained in the various special acts.

Where uniformity in city administration is desirable, the desire is greatly frustrated by the varying provisions found in the several charters and in the general provisions governing the incorporation of cities and those governing incorporation under a commission form of government, contained in chapters 266 and 267 of NRS, respectively.

As an aid in developing its analysis of the problems, the subcommittee has acquainted itself with the structure and functions of each of the incorporated cities. This learning process has ranged from an investigation of the footings and workings of those cities incorporated by general law, either under the provisions of chapter 266 of NRS, applicable to Ely, Fallon, Lovelock and Winnemucca or under the provisions of chapter 267 of NRS, applicable to Boulder City and Carlin, to a city-by-city examination of those cities in the state incorporated under special laws or charters,

that is, Elko, Wells, North Las Vegas, Henderson, Caliente, Las Vegas, Yerington, Gabbs, Sparks, Reno and Carson City.

Getting informed and keeping informed has also meant the reading of at least 36 chapters in NRS which have some bearing on the study. Coupled with this reading, there has been a considerable amount of study of resource documents and pertinent legislation from other states; all calculated to provide perspective in gauging the problems besetting Nevada's cities.

II. Scope of Study

Arriving at an assessment of the scope of the study has, necessarily, been time-consuming. The focus of the study is to strengthen the ability of the cities to provide the services needed by their citizens and to meet the challenges involved in the problems of the day. A study outline was prepared and revised twice, taking, finally, this form:

1. Purpose and goals of the legislative subcommittee.

- (a) Continuing inquiry into needs of effective municipal government.
- (b) Home rule for the cities reconciled with sovereignty of the state.
- (c) Production of sufficient legislative recommendations to meet determined municipal needs consistent with recognized state sovereignty.
- (d) Creation of a department of local affairs.

2. Status of present municipal government in Nevada.

- (a) Conflicts and discrepancies within and between the several charters.
- (b) Identification of "local problems."
- (c) Constitutional provisions.
- (d) Chapters of Nevada Revised Statutes relating to municipal governments.

3. Intergovernmental relationships.

- (a) Attainment of checks and balances system between state and cities.
- (b) Improvement in communication and cooperation among various units and at different levels of government.
- (c) Function of and specific application of various codes.
- (d) Functional consolidation of specific political subdivision activities.

4. Administration and organization.

- (a) Feasibility of a local agency formation commission; formulating of prerequisites for formation of a city.
- (b) Annexation and consolidation; city-county consolidation and separation.
- (c) Establishment of and changes in administrative organizational patterns.
- (d) Planning, subdivision control and zoning.
- (e) Transportation.

5. Environmental Controls.

- (a) Air pollution and water pollution in the contexts of comparative studies of California and other states; role of the State Board of Health; available funding.
- (b) Parks and recreation.
- (c) Urban renewal and redevelopment.
- (d) Housing at local administrative level and under possible administration of a state housing authority.
- (e) Consideration of special areawide districts and authorities.

6. Revenue and Finance.

- (a) Precise view of taxes imposed by all local government tax units; tabulation of distribution of tax revenues; balance between ad valorem and other tax resources.
- (b) Advisability of fixed-sum tax revenue guarantees to certain tax units.
- (c) Relation of revenue potential and real property assessment.
- (d) Grants-in-aid, including categorical grants, block grants and revenue sharing.
- (e) Debt limits, with specific reference to A.B. 678 (1969 Session).

7. Personnel.

- (a) Uniformity in job classifications, pay scales, working conditions.
- (b) Collective bargaining and its effects.
- (c) Areawide or statewide training programs and certification of qualified personnel.
- (d) Uniformity in civil service or merit system provisions.
- (e) Retirement system.
- (f) Uniformity of fringe benefit provisions.

8. Towns and Town Boards.

Examine chapters 265 and 269 of NRS.

This study outline was mailed to city officials in advance of the subcommittee's visit in each particular city. Criticism and comment were invited. Out of this interchange the subcommittee was able to prepare discussion schedules for use in each of the cities visited. Out of these discussions came the guidelines for the subcommittee's intensive deliberation on a meaningful focus for the study. There were, in all, three subcommittee meetings following the visits to the cities. The principal agenda items at

at each of these meetings were related to the subcommittee's efforts to come to grips with the real problems of each of the cities, as the city officials expressed them and as the subcommittee understood them.

III. Suggested Legislation

In their discussions, the subcommittee members, recognizing the severe limits of time and the far-reaching nature of the study topics developed, ultimately made some hard choices. In the considered opinion of the subcommittee it seemed advisable to allocate each of the various topics to one of three main categories:

1. Suggested legislation.
2. Research.
3. Study deferred or declined, for reasons noted.

The first category has occupied most of the time of the subcommittee's staff. These topics arrange themselves under problems common to all or many cities and problems unique to certain cities.

Those problems confronting more than one city and whose solution will, in most cases, lend itself to proposed legislation follow:

1. Boilerplate language in charters.
2. Conflicts in authority between mayors and city managers.
3. Limitations on employees' bonding requirements.
4. City boundary descriptions.
5. Use of utility revenues for general municipal operating expenses.
6. Extension of Local Government Purchasing Act to cover public auctions, insurance purchases, surplus equipment purchases and lease purchases.
7. Uniform provisions concerning publication of notice in areas other than those affecting the issuance of general obligation bonds.
8. Annexation problems.

9. Lag in distribution of intergovernmental tax moneys.
10. Utilization of school buses by municipalities.
11. Defunct assessment districts.
12. Interest rates.

Other problems, many of which are common to more than one city and consequently would lend themselves to general law or charter amendment where appropriate, initially were suggested by the following cities:

1. Caliente:

- (a) Charter change with regard to position of city attorney.
- (b) Needed authority for handling salary adjustments for councilmen.

2. Carson City:

Clarification of charter provisions so that only one set of books is required and that kept in the clerk-treasurer's office.

3. Elko:

- (a) Mayor's power to cope with emergencies.
- (b) Authority for a leash law.
- (c) Authority to set salaries.
- (d) Spelling out of constable's powers.

4. Gabbs:

Charter change to indicate two councilmen who alternate their terms of 4 years.

5. Henderson:

Study of section 54 of charter with view of making more comprehensible the provision for acting city manager.

6. Las Vegas:

Study of more realistic method of riot control.

7. Lovelock:

(a) Elimination of provision requiring mayor to make monthly cash count.

(b) Staggering terms of office.

8. North Las Vegas:

Study of section 29 of chapter 3 of charter with view of eliminating special assessment provisions, provided exceptions applicable to North Las Vegas are retained.

9. Sparks:

(a) Placing of general powers provisions in the general law, leaving special powers to be spelled out in charter.

(b) Correction of civil service provisions of the charter.

(c) Provision of staggered terms for councilmen.

(d) Reconciliation of apparent conflict between NRS 271.340 and Local Government Purchasing Act.

10. Wells:

Authority to set salaries.

11. Winnemucca:

(a) Dropping of residence requirements for appointment of city attorney.

(b) Publication requirement outlined in NRS 266.115.

Absence of the six other cities from this enumeration simply means their problems have a common denominator, characteristic of other cities.

IV. Proposed Charter Revision

In the approach to those municipal problems which lend themselves to solution by proposed legislation a change in a charter provision, where appropriate, is often the answer. Many of the study topics isolated, studied and arranged, for convenience, in Part III of this report will be carried to completion in one or another of the proposed charters, the substance of which the subcommittee is recommending be considered.

Three cities--Reno, Sparks and Yerington--indicated an interest in having their charters revised. The subcommittee feels that a general, charter revision approach is an acceptable method of resolving the many ills that, concededly, are present in all charters. Carson City's charter is, for the most part, not similarly afflicted and, for this reason, is not included in the general revision proposed.

With this in mind, the subcommittee has prepared suggested drafts of charters, incorporating suggested changes and, generally, providing for the elimination of much of the archaic language and many of the redundancies and conflicts permeating present charters. These drafts have been mailed to the mayor, city clerk and city attorney of each of the charter cities for a close examination by each city. A comparative table is included with each draft, showing the sections in the draft which cover the subject matter of the present charter, in each case. Where no correlation is shown between proposed and present sections, the absence of such indicia evidences a value judgment, which was prompted by the subcommittee's feeling that certain charter provisions were or should be adequately covered by the general law or simply served no useful purpose.

In any event, the charter cities have been invited to participate in the production of what should be meaningful and responsive legislation affecting their interests. Consequently, the general law will be broadened to include those provisions which have been eliminated from the various charters with a view to giving cities the opportunity of subsequently adopting by ordinance provisions which they desire to retain or include in their individual government operations.

V. Research

As a result of the subcommittee's concentration on focal points in its study, it has assigned the following topics, which are set out

are set out in the following paragraphs, to the second, general category enumerated above, that is, research.

The severe curtailment in municipal revenue ushered in by the enactment of chapter 675, Statutes of Nevada 1969, removing the cities' authority to enact and, necessarily, collect fines from the enforcement of ordinances governing the driving of vehicles while under the influence of intoxicating liquor or drugs, will continue to occupy the staff in research.

The possibility or feasibility of job classification uniformity designed to fit the several cities of the state is under study, to the extent of gathering available data, which will be furnished to cities on request in order that they may reach their own solutions.

Two somewhat related topics are designated as study items, namely, tax inducement for green-belt areas and incentive arrangements for vacant lot cleaning.

Finally, insofar as designated research topics affecting more than one city are concerned, two topics are to be undertaken as they relate to the 1970 census results, namely, aid to impacted areas and the effect of census figures on tax rates.

A number of cities have manifested an interest in the subcommittee's investigating certain problems which, for the most part, are peculiar to their history of municipal operation.

Ely has requested an analysis of the criteria which could be utilized for the classification of general law cities.

Elko is interested in the nature of the power necessary to enable it to issue general obligation bonds without taking the matter to an election. This city is also deeply concerned over its ability to require adequate safety precautions at railroad crossings.

Lovelock has called on the subcommittee to explore the matter of establishing a minimum revenue guarantee for smaller cities. This presents constitutional law research. This city is also interested in the many ramifications of business licensing.

North Las Vegas has raised a number of questions, which the subcommittee, mindful of its work priority, has assigned as research projects:

1. Predetermined effective dates on legislative enactments, other than July 1 of the enacting year.
2. Possibility of making a uniform procedure for destruction of official records.
3. Relationship of community redevelopment statute and urban renewal statute.
4. Creation of emergency fund for use of police department and fire department during emergency conditions.

Wells has demonstrated an interest in working with a less complex procedure under the Local Government Budget Act. The matter will be discussed with the Nevada Tax Commission.

Again, as in the case of topics determined by the subcommittee as requiring first priority and as lending themselves more readily to legislative recommendation, the expressed interest of cities not mentioned in Part V was not overlooked. The interest of such cities, if unique to it, has been served by either the suggested legislation approach or by the approach described in Part VI of this report.

Part VI. Study Deferred or Declined

To combat the constant centrifugal tendencies in its endeavor to keep the study focused, the subcommittee, advisedly, decided that the study of certain items must be deferred indefinitely or declined altogether. While many of these items were discussed at considerable length and while the appreciation of such items was enhanced by the feedback that came as a result of the subcommittee's visits around the state, the decision was prompted by the magnitude of the projected study or by the realization that the item was, more appropriately, a matter of inquiry for some other legislative subcommittee. In no case has the subcommittee failed to accept comments freely invited and freely given, and in no case will any such deferred or declined study item be allowed to go unnoticed, insofar as the subcommittee's ability to make recommendations is concerned, as a body or through its members.

Zoning, planning and subdivision control, together with pollution control, present a whole series of problems which touch on the subcommittee's jurisdiction but which, in the subcommittee's opinion, greatly exceed the time and facilities presently afforded.

Certain aspects of both general areas of legislative inquiry are being investigated outside the subcommittee, with, what the subcommittee might reasonably predict, productive results likely to occur. Reference is made, particularly, to the work being undertaken on a subdivision sales control bill and to the legislative activity of the County Commissioners Association.

Important decisions remain to be made in the following areas of inquiry.

1. Debt limit.
2. Guaranteed amount of ad valorem for each city with tax override for debt service.
3. Exhausting all conceivable opportunities for additional revenue.
4. Yardsticks for population count.
5. More frequent census-taking.
6. Authority of municipality over school building safety regulations.
7. Competition with Federal Government in matter of training and retaining personnel.
8. Local Government Employee-Management Relations Act.

The determination made by the subcommittee to defer or decline the study of the above-listed items has been generally communicated and, in the case of the three cities indicated below, such determination, as it affects specifically requested study, has been directly communicated.

Ely expressed a desire to have a general law provision fixing the number of councilmen as a constant, regardless of whether the city were one of the second or third class.

Henderson has indicated an interest in underground lighting districts. Legislation directed to this accomplishment is being undertaken independently.

Finally, Las Vegas evidenced an interest in a more effective park commission. This matter was recognized as lying outside the subcommittee's jurisdiction.

VII. Recognition

The subcommittee sought reaction to a proposal for the formation of a state department of local affairs. Each city visited was urged to express its views on the matter. A considerable amount of research material was collected from the various states which have adopted, to one degree or another, this structured liaison between the state government level and the local government level. The subcommittee has interpreted the cities' viewpoint to be opposed to the formation of such a separate state agency at this time. There was a definite interest expressed in this subcommittee's continuing its work between sessions of the legislature; this, to provide a sounding board for city requests for legislation and to provide the actual machinery for the culmination of such requests in studies or actual pieces of proposed legislation.

Your subcommittee respectfully suggests that its continued existence be given serious consideration. This would serve not alone the requests plainly manifested in the majority, if not all, of the 17 incorporated cities visited; it would, also, enable the subcommittee to complete many of the assignments which it will, otherwise, be unable to complete.

Finally, the subcommittee takes this opportunity to express its gratitude to all the persons and organizations who gave so freely of their time and expert assistance. The subcommittee recognizes, particularly:

Curtis H. Blyth, Executive Director
Nevada Municipal Association

Felix A. Scott, Past President
Nevada Municipal Association

Morgan J. Sweeney, President
Nevada Municipal Association

R. Guild Gray, Vice President
Burrows, Smith and Company
of Nevada

Nicholas G. Smith, Vice President
Burrows, Smith and Company
of Nevada

Respectfully submitted,

Senator James I. Gibson, Chairman
Senator F. W. Farr
Assemblyman C. W. Lingenfelter
Assemblyman Paul W. May
Assemblyman Rawson M. Prince
Assemblyman R. Hal Smith

November 22, 1970