



# INTERIM TECHNICAL ADVISORY COMMITTEE FOR INTERGOVERNMENTAL RELATIONS (ACIR)

(Senate Bill 264 of the 2009 Legislative Session [Section 9])



June 2010

**Interim Technical Advisory Committee for Intergovernmental Relations  
(ACIR) – Senate Bill 264 (Section 9)**

**Report to the Legislative Commission's  
Committee to Study Powers Delegated to  
Local Governments  
(Senate Bill 264, Section 8)**

**June 2010**

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## **SUMMARY OF RECOMMENDATIONS**

### **Interim Technical Advisory Committee for Intergovernmental Relations (ACIR)**

Senate Bill 264, Section 9  
(Chapter 462, *Statutes of Nevada 2009*)

On May 24, 2010, during the fourth meeting of the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR), the members conducted a work session and voted to recommend that the Legislative Commission's Committee to Study Powers Delegated to Local Governments submit 3 Bill Draft Requests (BDRs) to the 2011 Legislative Session. A summary of each suggested BDR follows. In addition, the ACIR has identified four specific areas for further examination.

#### **BILL DRAFT REQUESTS**

- A. Draft legislation to establish the Nevada Advisory Committee for Intergovernmental Relations (ACIR) to continue the work begun by the Interim Technical Advisory Committee for Intergovernmental Relations and to serve as a forum for the discussion of intergovernmental relations and the provision of services to the citizens of this State.
- B. Draft legislation proposing to amend the Constitution of Nevada to allow counties to adopt charters.
- C. Draft legislation granting functional home rule to local governments in Nevada.

#### **ISSUES IDENTIFIED FOR FURTHER EXAMINATION**

- Health Care
- Transportation
- Taxation
- Economic Development

**REPORT TO THE LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY  
POWERS DELEGATED TO LOCAL GOVERNMENTS  
(Senate Bill 264, Section 8)**

**I. INTRODUCTION**

During the 75<sup>th</sup> Legislative Session, the Nevada State Legislature passed Senate Bill 264 (Chapter 462, *Statutes of Nevada 2009*). Section 9 of this legislation directs the Legislative Commission to appoint an Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) to foster effective communication, cooperation and partnerships among the State Government and local governments to improve the provision of governmental services to the people of this State. Senate Bill 264 requires that the ACIR engage in activities and conduct studies relating to, without limitation: (1) the structure of local governments; (2) the functions and powers, including, without limitation, fiscal powers of local governments; (3) relationships among the State Government and local governments; (4) the allocation of state and local resources; and (5) any appropriate legislation to be recommended to the interim committee appointed pursuant to section 8 of the act.

**Members**

The Legislative Commission appointed the following members to the ACIR:

Nancy Boland	Commissioner, Esmeralda County
Dino DiCianno	Executive Director, Nevada Department of Taxation
Chris Giunchigliani	Commissioner, Clark County
Susan Holecheck	Mayor, City of Mesquite
David Humke	Commissioner, Washoe County
Debra March	Councilwoman, City of Henderson
Geno Martini	Mayor, City of Sparks
Scott Rawlins	Deputy Director, Nevada Department of Transportation
Mike Willden	Director, Nevada Department of Health and Human Services

At the first meeting of the ACIR held January 7, 2010, members elected Washoe County Commissioner David Humke as Chair and City of Henderson Councilwoman Debra March as Vice-Chair. Wes Henderson was named Committee Secretary.

**Staff**

The following personnel provided support for the ACIR.

Jeff Fontaine	Executive Director, Nevada Association of Counties (NACO)
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David Fraser  
Wes Henderson

Executive Director, Nevada League of Cities and  
Municipalities  
Government Affairs Coordinator, NACO

## **II. ACIR ACTIVITIES**

In order to meet the requirements of Senate Bill 264 Section 9, the ACIR has met four times. The ACIR met January 7, 2010, April 7, 2010, May 6, 2010 and May 24, 2010. The meetings were held in Carson City and videoconferenced to Las Vegas.

Representatives from city and county governments, the Nevada System of Higher Education and the Legislative Counsel Bureau made presentations to the ACIR regarding various topics related to local government autonomy, the charter process, general law versus charter cities and the provision of services by the different levels of government.

## **III. DISCUSSION OF MAJOR ISSUES RESULTING IN SUGGESTED BDRs**

During the May 24, 2010 meeting of the ACIR, members conducted a work session and voted to submit 3 draft BDRs to the Legislative Commission's Committee to Study Powers Delegated to Local Governments with the recommendation that they be introduced for consideration during the 2011 Legislative Session.

### ***A. Need for a Nevada Advisory Commission on Intergovernmental Relations***

The ACIR was unanimous in the need for a Nevada Advisory Commission for Intergovernmental Relations (Commission) and recommends that a Bill Draft Request (BDR) be submitted to create the Commission. The ACIR recognized that a thorough review of the division of powers among, and the provision of services by, the various levels of government in Nevada would be beneficial to state and local government bodies and ultimately to the citizens of the state. To be successful, such a review will require more time than the limited time available during one interim period.

The ACIR was provided information regarding the membership of Advisory Commissions on Intergovernmental Relations used by other states. The consensus was that the membership of the Commission should mirror the ACIR with the addition of two Senators and two members of the Assembly. It was recommended that the Commission be authorized to create advisory boards consisting of representatives of other organizations such as local school boards, improvement districts, the Nevada System of Higher Education or other state agencies as it deems necessary to address particular policy areas.

To further communication between the Commission and the Legislature, the ACIR recommends that a report be submitted on or before July 1 of each year to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative

Commission when the Legislature is not in regular session, detailing its activities during the previous year. In addition, the ACIR recommends that the Commission be granted the authority to submit five Bill Draft Requests prior to each regular session of the Legislature.

Recognizing a need to periodically review the effectiveness of advisory bodies, the ACIR recommends that the Act creating the Commission expire by limitation on June 30, 2015. Should the Commission prove, as expected, to be beneficial to the state in improving government efficiencies and relations, and a need for its continued existence is determined, the life of the Commission could be extended.

A draft BDR for the creation of the Nevada Commission for Intergovernmental Relations containing the provisions discussed above is included in appendix A.

**B. *Constitutional Amendment to allow Counties to Adopt Charters.***

The ACIR unanimously recommends that a BDR be submitted proposing that the Nevada Constitution be amended to allow counties to adopt charters. Under the Nevada Constitution (Article 8, Section 8), *“the legislature may, by general laws, in the manner and to the extent there in provided, permit and authorize the electors of any city or town to frame, adopt and amend a charter for its own government, or to amend any existing charter of such city or town.”* There is no such provision relating to counties.

Representatives explained the differences and similarities of both general law and charter cities. While both types of cities are ultimately governed by the Legislature, charter cities can tailor their governing document, the charter, within the parameters established by the Legislature as the will of the citizens of the city dictate. Changes made to one city’s charter do not affect the charter of any other city. General law cities wishing a change in operational authority must seek a modification of the governing statute. If the change is enacted by the Legislature it affects all general law cities equally.

Members of the ACIR were given presentations regarding charter county governments in other states. According to a 2008 publication of the National Association of Counties, “Twenty-three states now authorize their counties to adopt a home rule charter. Another 13 permit (or mandate) some type of home rule.”<sup>1</sup> The same publication noted that “[w]hile charter status can bestow a vast number of reforms, it does not guarantee powers in all three domains [structural, functional, fiscal]; many charter provisions prohibit certain types of reforms (e.g. fiscal) and established powers can be limited further in the construction of specific charters.”<sup>2</sup>

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<sup>1</sup> (National Association of Counties, 2008, p. 81)

<sup>2</sup> (National Association of Counties, 2008, p. 79)

The ACIR was advised that the Legal Division of the Legislative Counsel Bureau has determined that a constitutional amendment would be required before counties in Nevada could adopt a charter. This determination is based, at least in part, on the requirement that “*The Legislature shall establish a system of County and Township Government which shall be uniform throughout the State.*” (Nevada Constitution, Article 4 Section 25).

A draft BDR proposing a constitutional amendment allowing counties to adopt charters is included in appendix A.

### ***C. Functional Home Rule for Local Governments.***

There are four areas in which local governments may be granted “Home Rule”:

Structural Home Rule – relates to the form of governing body

Fiscal Home Rule – relates to revenue streams, tax rates, borrowing and spending authorities.

Personnel Home Rule – relates to employment practices and policies including collective bargaining.

Functional Home Rule – relates to the daily operation of the government agencies.

The ACIR was unanimous in support of legislation granting functional home rule to local governments in Nevada. The committee determined that a general approach should be taken to grant this authority to local governments. This would allow local governments the authority to take actions that are not prohibited or limited by statute. This approach is discussed in more detail below. The ACIR recommends that a BDR be submitted allowing local governments to exercise functional home rule.

Dillon’s Rule holds that:

*[A] municipal corporation possesses and can exercise the following powers and no others: First those granted in express words; second, those necessarily implied or necessarily incident to the powers expressly granted; third, those absolutely essential to the declared objects and purposes of the corporation and which are not simply convenient, but indispensable; fourth, any fair doubt, as to the existence of a power is resolved by the courts against the corporation – against the existence of the power. (Merriam v. Moody’s Executor, 25 Iowa 163, 170 (Iowa 1868), [emphasis added])*

As Nevada is considered a Dillon’s Rule state, courts, city attorneys and county district attorneys have ruled and opined that local governments may not take any action or possess any authority that has not been expressly granted by the Legislature. Given that the Legislature only meets once per biennium, local governments often face a two-year delay in obtaining authority over issues of local concern. This process can negatively

impact the daily operations of local governments as well as unnecessarily cause the Legislature to waste valuable time dealing with local issues. Inserting language in existing statutes granting local governments the authority to take actions that are not prohibited or limited by statute would provide clear intent to the courts and the attorneys that serve Nevada's local government bodies, while preserving the Legislature's rightful ability to prohibit or limit local government authority.

A Draft BDR to grant functional home rule to local governments in Nevada is attached in appendix A.

#### **IV. PLANNED FUTURE ACTIVITIES**

Pursuant to Subsection 2, Section 10 of Senate Bill 264, the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) expires by limitation on June 30, 2011. The members of the ACIR will continue to meet until that date to review government operations in Nevada as outlined in Subsections 7(b)(1 – 5), Section 9 of Senate Bill 264. Any recommendations or other commentary developed by the ACIR will be submitted as a supplement to this report. Among the items to be reviewed are:

- Health Care
- Transportation
- Taxation
- Economic Development
- Other topics as developed by the members of the ACIR.
- Other topics as requested by the Legislative Commission prior to the 2011 Regular Session.
- As requested by the Legislature during the 76<sup>th</sup> Session of the Nevada Legislature.

#### **V. CONCLUDING REMARKS**

The Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) has successfully begun the review of government relations and operations as required by Section 9 of Senate Bill 264. As mentioned above, the ACIR plans on continuing its work and has recommended the creation of a more permanent Nevada Advisory Commission for Intergovernmental Relations to fully realize the goal of better, more efficient government in Nevada.

The ACIR would like to thank the following individuals for making presentations or otherwise providing information to the committee:

Michael Stewart	Supervisory Principal Research Analyst, Legislative Counsel Bureau
Dr. Robert Morin, J.D., Ph.D.	Division Chair, Social Science, Education, Humanities and Public Service, Western Nevada College
Steve Driscoll	Assistant City Manager, City of Sparks
David Dawley	Assessor, Carson City
Josh Wilson	Assessor, Washoe County

The members sincerely appreciate the time, expertise and information these individuals volunteered to help make the actions of the ACIR a success.

### **Bibliography**

National Association of Counties. (2008). *County Government Structure: A State by State Report*. Washington, DC: National Association of Counties.

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## APPENDIX A

### **Draft BDR for Creation of Nevada ACIR**

Prepared by the Nevada Association of Counties

April 28, 2010

- 1) The Nevada Advisory Commission for Intergovernmental Relations (ACIR) is hereby created.
- 2) The purpose of the Commission is to foster effective communication, cooperation and partnerships among the State Government and local governments in order to improve the provision of governmental services to the people of this State.
- 3) The Commission consists of the following 13 members:
  - a) Two Senators, one each of whom is appointed by the Majority and Minority Leaders of the Senate;
  - b) Two members of the Assembly, one each of whom is appointed by the Speaker and Minority Leader of the Assembly;
  - c) Three members, each of whom is a member of a board of county commissioners from a different county, appointed by the Executive Director of the Nevada Association of Counties;
  - d) Three members, each of whom is an elected official from a different local government that is not a county appointed by the Executive Director of the Nevada League of Cities and Municipalities; and
  - e) Three members, each of whom is an employee or authorized representative of a different state agency.
- 4) The Initial Representatives of the Executive Branch and City and County Governments shall, if eligible, be the members that served on the Interim Technical Advisory Committee for Intergovernmental Affairs established by Section 9 of Senate Bill 264 of the 2009 Legislative Session.
- 5) The term of office of each member of the Commission is 2 years and commences on July 1 of an odd-numbered year.
- 6) A vacancy on the Commission must be filled by appointment for the unexpired term in the same manner as the original appointment.
- 7) At the first regular meeting after July 1 of each year:
  - a) The members of the Commission shall elect by majority vote from among those members eligible pursuant to subsection (c) below a Chair of the Commission; and
  - b) The members of the Commission shall elect by majority vote from among those members eligible pursuant to subsection (c) below a Vice Chair of the Commission;
  - c) The Chair and Vice Chair shall be elected from the members of the Commission who are elected officials, either a member of the legislature, a county commissioner or a local government official.

- 8) The Chair and Vice Chair shall serve until the next Chair and Vice Chair, respectively, are elected. If a vacancy occurs in the Chair or Vice Chair position, the vacancy must be filled in the same manner as the original election.
- 9) The Commission may, on such occasions as it deems necessary, create an advisory board consisting of members of executive branch departments, county, city or municipality management or other personnel as needed, to assist the Commission in the completion of their duties.
- 10) The Commission shall meet at least once every 3 months and at additional times as deemed necessary by the Chair.
- 11) A majority of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.
- 12) The Commission shall:
  - a) Serve as a forum for the discussion and resolution of intergovernmental problems among the State Government and local governments;
  - b) Engage in activities and conduct studies relating to, without limitation:
    - 1) The structure of local governments;
    - 2) The functions and powers, including, without limitation, fiscal powers, of local governments;
    - 3) Relationships among the State Government and local governments;
    - 4) The allocation of state and local resources; and
    - 5) Any appropriate legislation to be recommended to the Legislature.
- 13) In addition to the duties set forth in section 11, the Legislature may direct the Commission to study particular policy areas during an interim period between legislative sessions.
- 14) On or before July 1 of each year preceding a Regular Session of the Legislature, the Commission may submit up to five Bill Draft Requests to the Legislative Counsel Bureau.
- 15) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report concerning its activities and findings during the previous year.
- 16) Each member of the Commission is entitled to receive the per diem allowance and travel expenses pursuant to NRS 218.2207 provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Commission or is otherwise engaged in the business of the Commission.

17) The Director of the Legislative Counsel Bureau, the Nevada Association of Counties and the Nevada League of Cities and Municipalities, shall each provide the Commission with administrative support.

18) This Act expires by limitation on June 30, 2015.

# Draft BDR Allowing County Governments to Adopt a Charter

Prepared by the Nevada Association of Counties

April 28, 2010

\_\_\_\_\_ Joint Resolution

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 25 of Article 4 of the Nevada Constitution be amended as follows:

Sec: 25. **Uniform county and township government.** The Legislature shall establish a system of County and Township Government which shall be uniform throughout the State. ~~;~~*provided, however, that the legislature may, by general laws, in the manner and to the extent therein provided, permit and authorize the electors of any county to frame, adopt and amend a charter for its own government, or to amend any existing charter of such county.*

# Draft BDR Granting Functional Home Rule to Local Governments

Prepared by the Nevada Association of Counties

April 30, 2010

**NRS244.195 is amended as follows:**

**NRS 244.195 Other powers.** The boards of county commissioners shall have power and jurisdiction in their respective counties to do and perform all such other acts and things ~~as may be lawful and strictly necessary to the full~~ that are not prohibited or limited by statute to fully discharge ~~of~~ the powers and jurisdiction conferred on the board.

**NRS 266.085 is amended as follows:**

**NRS 266.085 City is municipal corporation; name; general powers.**

1. Cities incorporated pursuant to this chapter:
  - (a) Are municipal corporations.
  - (b) Shall be known and designated by the name and style adopted.
2. Under such name, cities may:
  - (a) Sue and be sued.
  - (b) Contract and be contracted with.
  - (c) Acquire and hold real and personal property for corporate purposes.
  - (d) Have a common seal and change the same at pleasure.
  - (e) Have perpetual succession.
  - (f) Exercise all the powers conferred in this chapter: and perform all such other acts and things that are not prohibited or limited by statute to fully discharge the powers and jurisdiction conferred on the city.

**NRS 268.008 is amended as follows:**

**NRS 268.008 General powers.** An incorporated city may:

1. Have and use a common seal, which it may alter at pleasure.
2. Purchase, receive, hold and use personal and real property wherever situated.
3. Except as otherwise provided in NRS 268.059, 268.061 and 268.062, sell, convey and dispose of such personal and real property for the common benefit.
4. Determine what are public uses with respect to powers of eminent domain.
5. Acquire, own and operate a public transit system both within and without the city.
6. Receive bequests, devises, gifts and donations of all kinds of property wherever situated in fee simple, in trust or otherwise, for charitable or other purposes and do anything necessary to carry out the purposes of such bequests, devises, gifts and donations with full power to manage,

sell, lease or otherwise dispose of such property in accordance with the terms of such bequest, devise, gift or donation.

**7. Exercise all the powers conferred in this chapter and perform all such other acts and things that are not prohibited or limited by statute to fully discharge the powers and jurisdiction conferred on the city.**

## APPENDIX B – Summary Minutes of ACIR Meetings



# INTERIM TECHNICAL ADVISORY COMMITTEE FOR INTERGOVERNMENTAL RELATIONS (ACIR)

**January 7, 2010 – 1:00pm**

**Nevada State Health Division  
4150 Technology Way, Suite 303  
Carson City, NV 89706**

**Videoconference Location  
Southern Nevada Health District  
625 Shadow Lane  
Las Vegas, NV 89106**

## Summary Minutes

Members present: Commissioner Nancy Boland (Esmeralda), Director Dino DiCianno (Department of Taxation), Commissioner Chris Giunchigliani (Clark), Mayor Susan Holecheck (Mesquite), Commissioner David Humke (Washoe), Councilwoman Debra March (Henderson), Mayor Geno Martini (Sparks), Deputy Director Scott Rawlins (Department of Transportation) and Director Mike Willden (Department of Health and Human Services).

Members absent: None

Others present: Terri Barber (Henderson), Constance Brooks (Clark), Heidi Chlarson (LCB), Jeff Fontaine (NACO), Lisa Foster (Boulder City), David Fraser (LOC&M), Wes Henderson (NACO), Alexis Miller (Reno), Randy Robison (Mesquite), Sabra Smith-Newby (Clark) and Michael Stewart (LCB).

- 1. Action Item - Call to Order and Roll Call – Mike Willden, Director, Department of Health and Human Services.** Director Willden called the meeting to order at 1:17pm and noted that the meeting had been properly noticed in compliance with NRS 241.020. Roll call was taken. All committee members were present.

2. **Action Item - Election of Chair and Vice-Chair – Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties.** Subsection 3 of Section 9 of SB264 of the 2009 Legislative Session required the committee to elect from among its members and by majority vote a Chair and Vice-Chair. Mr. Henderson opened the floor for nominations. Mayor Holecheck moved that Commissioner David Humke be the Chair and Councilwoman March be Vice-Chair. The motion was seconded by Mayor Martini and passed unanimously.
3. **Action Item – Appointment of Committee Secretary.** Commissioner Boland moved that Wes Henderson of NACO be appointed as Committee Secretary. Motion seconded by Director Willden and passed unanimously.
4. **Informational Item – Briefing on Origin of ACIR – Jeff Fontaine, Executive Director, Nevada Association of Counties and David Fraser, Executive Director, Nevada League of Cities and Municipalities.** Mr. Fontaine presented a brief history of Advisory Committees on Intergovernmental Affairs. Fontaine stated that the first federal committee, known as the Kestenbun Committee was formed in 1953 which led to the creation of a federal ACIR in 1959. Over the years at least 26 states have created one form or another of intergovernmental advisory bodies. Efforts to create an ACIR in Nevada began in 1996 when the Truckee Meadows Regional Planning District in conjunction with NACO and NLC&M recommended the legislature create an advisory committee. The Senate Government Affairs Committee, on behalf of NACO, introduced SB375 calling for the creation of a permanent ACIR. Due to end-of-session pressures and the practice of the legislature to only create a limited number of interim studies, the ACIR was included in SB264 and made temporary. Mr. Fraser said that the League of Cities was happy to have supported the creation of an ACIR and hoped that, as a result of this committee and the SB264 committee, that it would be made permanent in the 2011 session. Commissioner Giunchigliani asked if opposition to the concept of an ACIR was the reason it was made temporary. Mr. Fraser answered that some legislators wanted to see how it worked prior to creating a permanent committee. Commissioner Giunchigliani noted that Clark County had received the final recommendations from a citizens committee formed in Clark and one of the desires of the committee were to see more collegiality among governments and that an ACIR may contribute to that. Director Willden asked what exactly Dillon’s Rule was. Mr. Fontaine gave a brief description of the rule which holds that county governments have only the powers expressly granted to them by the legislature as opposed to home rule which gives greater autonomy to local governments.
5. **Informational Item – Briefing on duties of ACIR as Detailed in SB264 – Michael Stewart, Supervisory Principal Research Analyst, Legislative Counsel Bureau.** Mr. Stewart noted that the members of the committee were appointed by the Legislative Commission on October 26, 2009 in accordance with SB264. Stewart outlined the committee charges as contained in section 9 of the bill and commented that, due to the inclusion of the language “without limitation” the committee had latitude to expand the areas of intergovernmental relations it wished to explore. The committee is required to issue a report to the SB264 committee by June 1, 2010 including a recommendation as to

the need for a permanent ACIR. Stewart mentioned that Senator Lee, who will chair the SB264 Committee, had expressed his excitement of working with the committee and that committee members should feel free to contact him. Mr. Stewart noted that the SB264 committee was scheduled to meet February 18<sup>th</sup>, April 19<sup>th</sup> and sometime in June with all meetings being held in Las Vegas. He expressed Senator Lee's desire for the two committees to complement each other. Chair Humke mentioned that he had spoken with Senator Lee and that he absolutely agreed with Stewart's characterization of Lee's commitment to this issue.

- 6. Action Item – Discussion and Possible Action Regarding Programs and Issues to be Addressed by the ACIR.** Discussion among the committee members expressed interest in looking into the areas of consolidation, structure of governments, government responsibility as a result of failure of HOA's, SID's or GID's. It was suggested that more information regarding Dillon's/Home Rule be disseminated to the committee. The committee also expressed interest in exploring the concept of charter cities and/or counties and directed staff to provide background information for further discussion.
- 7. Action Item – Discussion and Possible Action Regarding a Bill Draft Request to make Permanent the Interim ACIR.** The committee discussed a draft BDR prepared by NACO to make permanent the ACIR. Questions were raised as to the makeup of the committee membership regarding the inclusion of agency staff versus elected officials. It was noted that one section of the draft allowed for the creation of technical advisory boards as needed. Commissioner Giunchigliani moved to conceptually approve the submittal of a BDR making the ACIR permanent with the specifics to be developed by the committee at future meetings. The motion was seconded by Councilwoman March and passed unanimously. Staff was directed to provide the committee with various models of advisory committees that have been used by various other states.
- 8. Action Item – Scheduling of Next Meeting.** The next meeting of the committee was scheduled for 1:00pm on March 4, 2010. Location to be determined by staff.
- 9. Public Comments** – There were no public comments.

Mayor Martini moved for adjournment, seconded by Commissioner Boland, passed unanimously.

**Adopted by unanimous vote of members present at the April 7, 2010 meeting.**



# **INTERIM TECHNICAL ADVISORY COMMITTEE FOR INTERGOVERNMENTAL RELATIONS (ACIR)**

**(SB264 Section 9)**

**April 7, 2010 – 9:00am**

**Department of Health and Human Services – Director’s Office  
4126 Technology Way, Suite 100  
Carson City, NV 89706**

**Videoconference Location  
Division of Child and Family Services  
4180 South Pecos, Suite 150  
Las Vegas, NV 89121**

## **Summary Minutes**

Members present: Commissioner Nancy Boland (Esmeralda), Director Dino DiCianno (Department of Taxation), Commissioner Chris Giunchigliani (Clark), Mayor Susan Holecheck (Mesquite), Councilwoman Debra March (Henderson), Mayor Geno Martini (Sparks), Deputy Director Scott Rawlins (Department of Transportation) and Director Mike Willden (Department of Health and Human Services).

Members absent: Commissioner David Humke (Washoe)

Others present: Terri Barber (Henderson), Constance Brooks (Clark), Steve Driscoll (Sparks), Jeff Fontaine (NACO), Lisa Foster (Boulder City), David Fraser (LOC&M), Wes Henderson (NACO), Rob Joiner, Candence Matijevich (Reno), Dr. Robert Morin (WNC), Dan Musgrove (North Las Vegas), Randy Robison (Mesquite), B. J. Selinder (Churchill, Elko and Eureka Counties) and Michael Stewart (LCB).

### **1. Action Item - Call to Order and Roll Call – Commissioner Dave Humke, Chair**

The meeting was called to order by Vice-Chair Debra March.

**2. Action Item – Approval of Minutes of the January 7, 2010 Meeting.**

Minutes approved by unanimous vote.

**3. Informational Item – Update on Activities of the Interim Committee to Study the Powers Delegated to Local Governments (S.B. 264, sec. 8) - Michael Stewart, Supervising Principal Research Analyst, Legislative Counsel Bureau.**

Michael Stewart from LCB briefed the ACIR on the February 18<sup>th</sup> meeting of the SB264 Committee. He reported that the committee was given an overview of their duties under SB264 and a presentation regarding home rule from Nick Anthony, Senior Principal Deputy Legislative Counsel, Legislative Counsel Bureau. The committee was also briefed on the structure and authorities of local governments in other states by Mr. Stewart. ACIR Vice-Chair Debra March provided an overview of the activities of the ACIR meeting held January 7<sup>th</sup>. The SB264 Committee heard presentations on various topics relating to local governments including local elected official salaries, naming rights, issues of parity between city and county governments, charter processes and the difference between charter and general law cities.

**4. Informational Item – Presentation on Local Government Autonomy in Nevada – Dr. Robert Morin, J.D., Ph.D., Division Chair, Social Science, Education, Humanities and Public Service, Western Nevada College.**

The ACIR was given a presentation by Dr. Robert Morin, Division Chair of Social Services, Education, Humanities and Public Service, Western Nevada College regarding the structure of government in Nevada. Dr. Morin co-authored the Nevada Chapter of the 2001 Congressional Quarterly publication “*Home Rule in America, A Fifty-State Handbook*” with Dr. Eric Herzik of UNR.

**5. Informational Item – Presentation Comparing General Law and Charter Forms of Government – Steve Driscoll, Assistant City Manager, City of Sparks and Steve West, City Manager, City of Winnemucca.**

Steve Driscoll, Sparks’ Assistant City Manager, gave a presentation regarding the differences between charter and general law cities.

**6. Informational Item – Presentation on County Charter Governments in Other States – Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties.**

An overview of charter governments in other states was presented by Wes Henderson, NACO Government Affairs Coordinator.

**7. Action Item – Discussion and Possible Action to Recommend the Drafting of a BDR to Authorize County Governments in Nevada to Adopt a Charter.**

The ACIR voted to proceed with an exploration of charter governments to develop a draft BDR to be submitted to this committee as a part of the ACIR’s report due June 1<sup>st</sup>. At

this time it was unknown if a constitutional amendment would be needed to allow counties to adopt charters. Mr. Stewart was asked to follow up with LCB Legal for an opinion.

**8. Informational Item – Discussion Regarding Models of ACIR’s Used by the Federal Government and Various State Governments – Jeff Fontaine, Executive Director, Nevada Association of Counties.**

Jeff Fontaine, NACO Executive Director, made a presentation regarding models of ACIRs used by other states.

**9. Action Item – Discussion and Possible Action Regarding a Bill Draft Request to make Permanent the Interim ACIR.**

The ACIR voted to further study the membership of this other ACIRs and to have staff continue work on a draft BDR to submit to this committee to make permanent the interim ACIR.

**10. Informational Item – Overview on the Duties and Responsibilities to Provide Services by the State and Local Governments – Jeff Fontaine, Executive Director, Nevada Association of Counties and David Fraser, Executive Director, Nevada League of Cities and Municipalities.**

David Fraser, Executive Director of the Nevada League of Cities and Municipalities and Mr. Fontaine presented an overview of the duties and responsibilities to provide services by the different levels of governments in the state. Director Willden voiced his opinion that this subject was critical to all levels of government in the state and expressed his desire to see the ACIR continue to examine the provision of services after the June 1 report is submitted.

**11. Action Item – Discussion and Possible Formation of Recommendations for Inclusion in Committee Report Due to be Submitted to the Interim Committee to Study the Powers Delegated to Local Governments (S.B. 264, sec. 8) on or Before June 1, 2010.**

Members of the ACIR discussed the status of local government authority in Nevada and agreed that total home rule was too much to expect at this point in time. The committee agreed that the current focus should be on identifying areas of governmental operations whose efficiency would be increased by the granting of functional home rule to local governments. Staff was directed to circulate the statutes governing local government operations seeking input from local governing entities.

**12. Action Item – Scheduling of Next Meeting.**

The next meeting of the ACIR was scheduled for May 6, 2010 at 9:00am.

**13. Public Comment**

There was no public comment.

**Adopted by unanimous vote of members present at May 6, 2010 meeting.**



# **INTERIM TECHNICAL ADVISORY COMMITTEE FOR INTERGOVERNMENTAL RELATIONS (ACIR)**

**(SB264 Section 9)**

**May 6, 2010 – 9:00am**

**Health Division Hearing Room  
4150 Technology Way, Suite 303  
Carson City, NV 89706**

**Videoconference Location  
Division of Child and Family Services  
4180 South Pecos, Suite 150  
Las Vegas, NV 89121**

## **Summary Minutes**

Members present: Commissioner Nancy Boland (Esmeralda), Director Dino DiCianno (Department of Taxation), Commissioner Chris Giunchigliani (Clark), Mayor Susan Holecheck (Mesquite), Commissioner David Humke (Washoe), Councilwoman Debra March (Henderson) and Mayor Geno Martini (Sparks).

Members absent: Deputy Director Scott Rawlins (Department of Transportation) and Director Mike Willden (Department of Health and Human Services).

Others present: Terri Barber (Henderson), Constance Brooks (Clark), David Dawley (Carson City), Jeff Fontaine (NACO), Lisa Foster (Boulder City), David Fraser (LOC&M), Wes Henderson (NACO), Candence Matijevich (Reno), Dan Musgrove (North Las Vegas), Randy Robison (Mesquite), B. J. Selinder (Churchill, Elko and Eureka Counties) and Michael Stewart (LCB), Mary Walker (Carson City, Douglas, Lyon and Storey) and Josh Wilson (Washoe).

### **1. Action Item - Call to Order and Roll Call – Commissioner Dave Humke, Chair**

Chair Humke called the meeting to order and determined that a quorum was present.

**2. Action Item – Approval of Minutes of the April 7, 2010 Meeting.**

Minutes were approved unanimously on a motion by Mayor Holecheck seconded by Commissioner Giunchigliani.

**3. Informational Item – Update on Activities of the Interim Committee to Study the Powers Delegated to Local Governments (S.B. 264, sec. 8) - Michael Stewart, Supervising Principal Research Analyst, Legislative Counsel Bureau, Jeff Fontaine, Executive Director, Nevada Association of Counties and David Fraser, Executive Director, Nevada League of Cities and Municipalities.**

Michael Stewart reported on the actions taken at the April 22, 2010 meeting of the Interim Committee to Study Powers Delegated to Local Governments (SB264). He reported that the committee heard presentations similar to those heard by this committee regarding the differences between general law and charter cities and possible approaches to functional home rule for local governments. In addition, the committee was briefed on the activities of the ACIR and held discussions regarding the salaries of local elected officials and the provisions governing the sale of naming rights by local governments. Jeff Fontaine advised the ACIR that the SB264 committee was interested on their input regarding certain tax issues. David Fraser reported in comments made during the public comment period of the April 22 meeting by Knight Allen (a private citizen). Mr. Allen expressed concern that a permanent ACIR would create an additional level of government oversight. Fraser indicated that the intention of an ACIR is to improve communication among the various levels of government to improve the efficiency of governments and to improve the provision of services.

**4. Action Item – Presentation, Discussion and Possible Action Regarding Possible Recommendation to Modify or Eliminate the Three and Eight Percent Tax Caps (NRS 361.4723 – 4724), David Dawley, Assessor Carson City.**

Carson City Assessor David Dawley and Washoe County Assessor Josh Wilson discussed the three and eight percent partial abatements on property taxes. Both Mr. Dawley and Mr. Wilson stated that the assessors in Nevada were not in favor of eliminating the abatements. However, both men said that the assessors may be in favor of some changes to the current system such as a single rate of abatement to make the program easier to administer. Dawley noted that in many counties residents would see sizeable increases in their tax bills if the abatements were eliminated. Wilson reported that only a small percentage of Washoe County residents currently benefit from the program as a result of the severe devaluation of real property in the county. Several members of the ACIR noted that any discussion of taxes, especially in the current economic climate, could quickly turn “radioactive”. Commissioner Boland stated that

many of the concerns citizens have regarding property tax bills are created by not understanding how they are calculated. Director DiCianno remarked that many residents are frustrated when their tax bills are not reduced even after a successful appeal of assessed value is granted by the Board of Examiners. Commissioner Giunchigliani asked about the impact the 15% recapture provision had on the Distributive School Account. DiCianno stated that the inability to adjust third tier distribution caused by a revaluation the department could only estimate per pupil funding creating budgetary uncertainty for school districts. David Fraser asked if a modification in the time frame for value fluctuation that would trigger recapture would be beneficial. Discussion also focused on tax relief for senior citizens. Questions were raised regarding the effects of a single rate of abatement (one suggestion was six percent) and if there were models from other states the ACIR could review. Wilson stated that other states employ a market based system to determine assessed value.

Members of the ACIR expressed a desire to further explore this topic at a future meeting.

**5. Action Item – Discussion Regarding the Provision of Services by the Various Levels of Government and Possible Action to Form a Subcommittee to Further Examine the Provision of Services.**

Due to the absence of Director Willden this item was postponed and will be considered at a later meeting.

**6. Work Session – The ACIR May Take Action on Items Considered in Prior Meetings Including, but not Limited to;**

**a) Draft BDR Making Permanent the ACIR**

Wes Henderson briefed the members regarding a draft BDR to make permanent the ACIR. Discussion was held regarding the membership of the ACIR, the number of BDRs it should be allotted and the possible inclusion of a sunset provision. It was agreed that the membership should be the current format with the addition of the chairs of the Senate and Assembly Government Affairs Committees or their designees, that the ACIR be authorized to submit 5 BDRs prior to the start of a regular session of the Legislature, and that a sunset of June 30, 2015 be included. It was recommended that, with the inclusion of the sunset provision, that the word “Permanent” be removed from the title of the BDR. The ACIR unanimously approved recommending that the SB264 committee submit a BDR creating the Nevada Commission on Intergovernmental Relations as described above.

**b) Draft BDR Allowing Counties to Adopt Charters**

A draft BDR in the form of a “Joint Resolution” that would begin the process of amending the Nevada Constitution to allow counties to adopt charters was presented to the ACIR. It was explained that the Legislature would have to approve a resolution in two consecutive sessions and then the measure would have to be approved by the voters before it would be

amended into the Constitution. Henderson noted that the language in the BDR was identical to the constitutional provision that allows cities and towns to adopt charters. The ACIR unanimously voted to recommend that the SB264 Committee submit a BDR seeking the necessary constitutional amendment.

**c) Draft BDR Granting Functional Home Rule to Local Governments**

Jeff Fontaine and David Fraser presented the members with two possible approaches for local governments to achieve functional home rule. Discussed were a “Wholesale” approach and an “Individual Function” approach.

The “Wholesale” approach would insert language into Chapters 244, 266 and 268 of the NRS that would allow local governments to do and perform all such other acts and things “[that are not prohibited or limited by statute](#)” to fully discharge the powers and jurisdictions conferred on them. This approach would remove the restriction imposed by “Dillon’s Rule” that local governments only possess the powers expressly granted to them, necessarily implied, incident or those absolutely essential to the express powers granted to them while retaining the right of the Legislature to prohibit or limit local government authorities.

The “Individual Function” approach would remove, on a function-by-function basis, restrictive language currently in statute. This approach would be long term as, similar to determining that a “Dillon’s Rule” problem exists, local governments may not be aware that they are restricted in their flexibility to deliver an assigned function until they are prohibited from doing so. The ACIR was given a draft BDR that addresses certain functions identified by NACO as an example of removing restrictive language from current statutes.

A motion to recommend that the SB264 committee submit BDRs using both the “Wholesale” and “Individual Function” approaches allowing local governments function home rule was unanimously approved.

**d) Draft Report to be Submitted to the Interim Legislative Committee to Study Powers Delegated to Local Governments**

Wes Henderson presented a preliminary first draft of the ACIR report due to be submitted to the SB264 committee by June 1<sup>st</sup> to the committee for comment. Members directed staff to continue to work on the report and asked Michael Stewart if he would lend his expertise as needed. Mr. Stewart agreed to help as needed.

**7. Action Item – Possible Selection of Agenda Items for Future Meetings.**

The ACIR would like to reschedule the discussion on the provision of services by the various levels of government scheduled as Item 5 on today’s agenda for a later date. The committee would also like to further address the property tax cap issue. Finalization of the report due to the SB264 Committee should also be on the next agenda.

## **8. Public Comment**

There was no public comment offered in either Carson City or Las Vegas.

Chair Humke adjourned the meeting on a motion by Mayor Holecheck seconded by Commissioner Boland.

**Adopted by unanimous vote of members present at May 24<sup>th</sup> meeting.**

## Appendix C – Exhibits

1) Nevada Chapter of “*Home Rule in America – A Fifty State Handbook*”  
Published by CQ Press, Washington, DC, 2001

# NEVADA

Robert P. Morin and Eric B. Herzik

*An image of Nevada conjures up notions of individualism, neon lights, gambling, entertainment, mining, ranching, desert, and sagebrush. Nevada is individualistic and highly urbanized, but urban and rural parts of the state represent quite divergent policy and fiscal interests, which results in local government dichotomy. Governmental authority is centralized, and local governments are afforded little autonomy. Nevada possesses one of the most centralized fiscal systems in the nation, with the state controlling approximately 80 percent of the total revenue of counties and cities. Home rule exists in name only.*

### Governmental Setting

Nevada became a state in 1864. Old Nevada (1864–1960) was essentially a small population, slow-growth, homogeneous, rural state with undifferentiated economies.<sup>1</sup> Rapid growth began in the 1960s. Nevada has been the fastest growing state in the nation since 1970. It is projected that Nevada’s population will more than double to 3.47 million by 2016. Rapid growth has transformed Nevada into the thirty-ninth most populated state in the nation, with 88 percent of the population located in metropolitan areas.<sup>2</sup>

New Nevada (1960–present) is dependent upon Clark County. In 1980–1990, the population of Clark County grew by 278,372, a growth rate of 60 percent. It is estimated that the Clark County area, with a 1996 population of 1.08 million, will have a population of 2.62 million by 2016. A solid and growing economy is a necessity because new Nevada’s revenues are driven by Clark County’s economy and growth.<sup>3</sup>

Geography and a dominant single-industry economy have traditionally characterized Nevada, directly molding the structure and operation of state and local government. Approximately 85 percent of all lands located in Nevada are owned by the federal government. Nevada has a mostly desert terrain, and less than 1.5 percent of its approximately 71 million acres of land has been cultivated.<sup>4</sup> From 1864 to 1931, mining for silver, gold, and copper was the dominant industry. Since 1931, gaming tourism has been the dominant industry. Growth in Nevada’s population has not been evenly distributed throughout the state because of geographic limitations and the explosive growth of the gaming-tourism industry in Clark County.<sup>5</sup>

Nevada’s political culture is individualistic and emphasizes limited government, fiscal conservatism, fragmentation of state

governmental power, and citizen control over government at the ballot box.<sup>6</sup> Nevada is becoming more Republican than Democrat. Nevada’s party competition classification in the 1970s was two-party, Democratic dominant; however, in the 1980s this classification changed to two-party, Republican leaning. Southern Nevada tends to be Democrat, whereas northern and rural Nevada tend to be Republican. Whether Republican or Democrat, Nevadans are politically conservative. State and local government in Nevada is driven by the basic fiscal conservatism of the state’s politics. Nevada historically has provided a relatively low level of state services, resulting in a low tax burden.<sup>7</sup>

Nevada’s constitution structures state government by apportioning power among the legislative, executive, and judicial branches. The constitution provides for a weak, fragmented, and decentralized executive branch. The governor, who possesses package veto power (that is, the formal power to veto a bill in its entirety), shares executive power and authority with other elected officials, boards, commissions, and councils.<sup>8</sup> The bicameral legislature is a citizen legislature and employs a biennial budget system.<sup>9</sup> Because of the legislature’s part-time status, low levels of staff support, and crowded agenda during a 120-day biennial session, long-term budgeting and policy issues rarely are addressed in any significant manner.

Nonetheless, the legislature is the dominant branch of state government. The judicial branch consists of a seven-member supreme court and district, family, justice, and municipal courts. The constitution, which provides for the various types of courts, grants considerable authority to the legislature to determine the structure and operation of the judicial system. Legislative and executive branch officials are elected on a partisan ballot; state judges are elected on a nonpartisan ballot.<sup>10</sup>

## Home Rule in Nevada

### *Historical Development*

In 1854 the Utah Territorial Legislature created Carson City, the first organized unit of local government in Nevada. Nevada became a separate territory in 1861, and statehood was secured on October 31, 1864.<sup>11</sup> Nevada structures and operates state and local government under the original 1864 constitution, which is often amended by the voters and is firmly based on Populist and Progressive philosophies.<sup>12</sup> The legislature was required by the constitution to establish a system of uniform county and township governments. The constitution prohibits local or special laws that would single out a specific county, except where classifications are reasonable and are generally applicable.<sup>13</sup> The territorial legislature established eleven counties, and the legislature established six counties after statehood. A 1940 constitutional amendment prohibited the legislature from abolishing a county unless approved by the majority of the county's voters at a general or special election.<sup>14</sup> The legislature was authorized to enact special acts for municipal corporation purposes. The constitution required the legislature to provide for the organization of cities and towns through general laws; moreover, it mandated that the legislature restrict cities' and towns' power to tax, assess, borrow money, contract debts, and loan credit.<sup>15</sup>

In 1907 the legislature enacted Chapter 266 of the Nevada Revised Statutes, authorizing the creation of city governments by general charter. In 1915 the legislature enacted Chapter 267, a second statutory provision for general-charter authority which specifically authorized a commission form of city government. The constitution was amended in 1968 to allow the legislature to consolidate Ormsby County and Carson City, with Carson City performing the functions of city and county governments.<sup>16</sup> The constitution required the legislature to create one type of special district, the school district.<sup>17</sup>

### *Definition of Home Rule*

Nevada historically has been, and continues to be, a classic Dillon's Rule state. County and city government derive all authority from the state; no authority is directly conferred by the constitution.<sup>18</sup> The judiciary has exercised judicial restraint and consistently adhered to the Dillon's Rule philosophy embodied in the constitution. In 1919 the Nevada Supreme Court held that counties were creatures of the legislature, subject to constitutional limitation. The court determined that a county derived its name, mode and manner of government, and rights and powers from the legislature.<sup>19</sup>

In 1989 the legislature created Bullfrog County, a 144-square-mile area carved out of Nye County. The purpose of Bullfrog County was to enhance Nevada's ability to receive federal funds under the Nuclear Waste Policy Act. Nye County sued the state, successfully contending that the Bullfrog County legislation violated Nevada's constitutional prohibition against legislation ap-

plicable to only one county. In 1989 the legislature repealed the enactment creating Bullfrog County.<sup>20</sup> In 1876 the court held that a municipal corporation was a creature of the legislature and that it derived all of its powers, rights, and franchises from legislative enactment or statutory implication.<sup>21</sup> In 1908 the court upheld the constitutionality of Chapter 266, the general-charter enactment.<sup>22</sup> In 1924 the constitution was amended to permit the legislature to grant home rule to cities; however, the legislature never enacted the requisite implementation legislation. The legislature also has historically and consistently adhered to the Dillon's Rule philosophy. Currently, home rule exists in name only, not in terms of legal authority or actual practice.<sup>23</sup>

### *Structural Features*

Nevada has only 240 units of local government; special districts are the most prevalent form of local government. The manager-council form of government is found in approximately 80 percent of Nevada municipalities. County governments are created directly by the legislature; the boundaries and the county seat are specified by law.<sup>24</sup> Moving the county seat (which has occurred sixteen times) is accomplished by state legislative enactment or special election held at the county level.<sup>25</sup>

All seventeen counties are governed by similar multimember organizational structures that combine executive and legislative functions and are given the discretion to employ a professional manager. Town governments are closely tied to county governments. Towns are governed by a town board consisting of three elected residents and two county commissioners. Alternatively, the elected county commissioners act as the town governing body with the assistance of a citizen's advisory council, five members of which are appointed by the board of county commissioners.<sup>26</sup>

City governments are created by general or special charter. Generally, cities are granted broader powers than are counties; legislative grants of power allow some autonomy and discretion within municipal jurisdictional boundaries. Cities established under special charter remain directly under legislative control; specific legislative approval for that city (and that city only) must be obtained for any change in its governmental structure or service activities.<sup>27</sup> Although Chapter 266 is labeled a grant of home rule, home rule exists in name only. The legislature is specifically granted the authority to create or alter the form of city organization by special act or charter. A mayor-council form of government is required. General charters treat all similarly-situated cities the same; however, the legislature still may enact legislation that will impact all general-charter cities.<sup>28</sup>

Chapter 267 not only authorizes a commission form of city government but also establishes a method for general incorporation that allows local autonomy in selecting a particular form of city government. Chapter 267 incorporation is rarely used, because special charters historically have been used by the legis-

lature; moreover, Chapter 267 imposes additional procedures for incorporation. Two elections are required: the first election is to select electors to draft a charter, and the second election is to approve the draft charter. Chapters 266 and 267 allow for incorporation by citizen petition; the signatures of one-third of the qualified electors within the boundaries of the proposed city are required. The board of county commissioners holds hearings on the proposal, issues a written opinion, and calls an election. A majority vote of those voting in the election is required for successful incorporation.<sup>28</sup>

To incorporate by special charter, local residents draft a charter and present the proposed charter to the legislature. Subject to legislative amendments, the proposed charter is then enacted through the normal legislative process. Chapter 268 allows a majority of a city's governing body or citizens to propose charter amendments by petition, which must be signed by at least 15 percent of those registered voters who voted in the preceding general city election. Proposed charter amendments must be submitted to city voters for approval at the next primary or general city election or primary or general state election. Chapter 268 also authorizes the legislature to amend city charters.<sup>29</sup>

Chapter 265 provides two methods for "disincorporation." First, a city is automatically disincorporated if less than 150 electors residing within the limits of any incorporated city cast ballots at any general election. Second, a board of county commissioners possesses the authority to disincorporate a city upon petition of a majority of the legal voters residing within the limits of the affected city.<sup>31</sup> Chapter 268 allows city government expansion of boundaries through annexation. An area of proposed annexation must be contiguous to the city.

Annexation may be achieved through two methods. First, the city governing board may pass a resolution of annexation, publish a notice, and set a public hearing. Annexation is accomplished only if a majority of the property owners in the affected area do not protest the annexation. Second, annexation is accomplished if all of the property owners in the affected area sign a petition requesting the governing body of the city to annex the area.<sup>32</sup>

Each special district is the result of a specific enactment of the legislature. Special districts possess only those powers given to them by the legislature.<sup>33</sup> Some special districts are county-wide; others are established to coincide with the area of the problem to be addressed or the service to be provided. Nevada's seventeen school districts have coterminous boundaries with the counties; however, school districts are governed separately by school boards. Each school board appoints a professional manager, the superintendent of instruction, who administers the schools in the district.<sup>34</sup>

Cities can own and operate facilities outside city limits; several have airports and water treatment plants or wells. Some areas that are scheduled for annexation are part of county plans and probably already receive some city services. The two urban

counties of Washoe and Clark have encountered this type of overlap.

## Functions of Local Government

### Functional Responsibilities

The functional responsibilities of Nevada local government are specifically set forth and controlled by the legislature. Local governments possess little functional autonomy. A county has the authority to create an office of the public defender, to establish a law library, and to appoint a road supervisor and manager. Counties may, with specific legislative approval, combine offices such as district attorney and public administrator. The functional responsibilities of counties include government administration, public safety, public works, judicial administration, health, sanitation, welfare, libraries, culture, recreation, administration of elections, administration of records and information, land-use control, building codes, finances, and ordinance-resolution formulation. Counties also possess authority over property assessment, tax collection, and licensing.<sup>35</sup>

The functional responsibilities of city government are specifically set forth and controlled by the legislature through special charters, general charters, and legislative enactments. Depending on the nature of the charter, cities are governed by a mayor-council or commission form of government and may employ a professional manager. The state mandates a clerk, treasurer, attorney, and a municipal court. The functional responsibilities of cities include government administration, public safety, public works, judicial administration, public health, libraries, recreation, land-use control, provision of utilities, granting of franchises, licensing and regulation of businesses, and formulation of ordinances.<sup>36</sup>

Subject to county approval, unincorporated towns can assume authority similar to that of cities. Land use and tax rates remain county functions and are not assumed by unincorporated towns. Special districts are specifically created by, and their functional responsibilities are set forth in, legislative enactments. The types and responsibilities of special districts include fire protection, libraries, water, sewer, flood control, hospitals, airports, convention centers, redevelopment, fair and recreation, housing, and local general improvement. Local general improvement districts possess the most autonomy by providing up to seventeen specific services. The only significant powers not provided to general improvement districts are police protection services, planning, and zoning.<sup>37</sup>

Interlocal cooperation is achieved through mechanisms established by legislative enactment. Special districts have been established to serve as regional entities (in which counties and cities are represented) to facilitate interlocal cooperation and policy goals. The Interlocal Cooperation Act allows for interlocal contracts, joint exercise of power, and the consolidation of governmental services.<sup>38</sup>

*Administrative Discretion*

Local governments in Nevada are afforded little discretion concerning administrative rules and procedures. Statutes delineate administrative procedures for county governments. General charters, special charters, and statutes delineate administrative procedures for city governments. Local government financial administration is uniform by virtue of various statutes, including the Local Government Budget Act, as is public personnel administration. Local governments employ a merit system, and personnel administration is legislatively determined under the Local Government Employee-Management Relations Act. Local governments may establish employee-management relations boards, and public employees may form employee organizations and engage in collective bargaining, but strikes are illegal. The Public Employees Retirement Act regulates the administration of public employee retirement benefits. The legislature has also provided for group insurance and medical and hospital services for employees of local government.<sup>39</sup>

The Administrative Procedure Act applies to local government in the areas of fiscal administration, public personnel administration, planning, and zoning. Also limited is local governments' discretion concerning contracting and purchasing authority. The Local Government Purchasing Act imposes competitive bidding requirements and allows local governments to purchase supplies, materials, and equipment through the state Department of Administration.<sup>40</sup>

The legislature has authorized counties and cities to establish planning commissions and to enact ordinances regarding land use, planning, and zoning. Chapter 278A establishes standards, conditions, and procedures for the authorization of planned developments.<sup>41</sup> In 1989 impact-fee legislation was enacted by the legislature as a way for local governments to require builders to pay for some of the roads, sewers, drainage projects, and water lines necessary for new development.<sup>42</sup> The legislature has afforded local government little functional autonomy concerning planning and zoning matters; however, the lack of a state plan for guidance in orderly growth and the existence of diverse economies across Nevada has resulted in "fend for yourself planning" among local governments.<sup>43</sup> The state's statutory control over local planning and zoning matters is so detailed as to specify the time limits for submission of final subdivision maps to a planning commission and to limit the ability of local governments to deny certain kinds of land divisions.

Specific legislative enactments have mandated interlocal cooperation for planning. The Tahoe Regional Planning Agency (TRPA) is a multistate planning agency established pursuant to an interstate compact. The authority of local government concerning the location and construction of all public works, planning, subdivision regulation, and zoning is subordinated to the powers of the TRPA. In 1989 the legislature mandated local governments in Washoe County to cooperate and develop a regional plan; if local governments in Washoe County were unable to

cooperate, the legislature itself would have developed a land-use plan.<sup>44</sup>

*Economic Development*

Local governments in Nevada lack the authority to engage in development activities in the absence of specific enabling legislation enacted by the legislature. The legislature allows local governments to engage in urban renewal, to establish an urban renewal agency, and to issue bonds. Local governments may designate redevelopment areas and formulate redevelopment plans. Local governments have been given the authority to establish historic districts and issue revenue bonds for industrial development.<sup>45</sup>

*Fiscal Autonomy of Local Governments**Local Revenues*

Beginning in the late 1970s, Nevada moved from being more decentralized to more centralized than the average state and local revenue system in the United States.<sup>46</sup> In 1979 the legislature enacted a tax relief package; in response, voters defeated a constitutional initiative to limit local property taxes similar to California's Proposition 13. As a result, control of local revenues has been shifted from local elected officials to the legislature, its Interim Finance Committee, and the Nevada Tax Commission. Nevada currently possesses one of the most centralized fiscal systems in the United States. The state controls, in one way or another, approximately 80 percent of the total revenues of local governments.<sup>47</sup> Local governments are subject to an extensive scheme of state revenue controls. The state, the legislature, and the Nevada Tax Commission control every significant source of local government revenue by determining (1) the rate that may be levied, (2) the base on which the rate may be levied, (3) the total amount of revenue that can be raised, and (4) how revenue will be used or distributed.<sup>48</sup> The strictest state controls have been applied to sales and property taxes, the two most significant sources of local government revenue.<sup>49</sup>

Before the reduction in local property taxes in 1979 and a tax shift in 1981, only school district revenue was highly centralized. Local governments primarily survived on their own tax base. State-mandated property tax reduction was compensated for by increased reliance on sales tax revenue, to the detriment of rural units of local government without commercial centers. In 1981 the legislature enacted a tax shift program to jointly limit property tax revenue and to redistribute sales tax revenue to make up for lost property tax revenues. In 1989 the legislature uncoupled the limits on property tax revenue growth from the sales tax distribution. "Fair share" legislation enacted in 1997 designated counties with a significant local retail sales tax base as exporting counties that depended on their own sales tax-generated revenues. Smaller counties were designated as importing counties, and those that were unable to generate their own sufficient sales

tax revenues were supplemented by sales tax revenues transferred from exporting counties.<sup>50</sup> The net effect of the state's action to uncouple property and sales taxes has been an improved intercounty revenue distribution system.<sup>51</sup>

State control over the sales tax is extensive. The state determines what is taxable and the rate and distribution of revenue. Sales tax revenues are collected by the state and distributed to local government, first among counties and then within counties (revenue is distributed to the county and each incorporated city within the county). Intracounty distribution is fairly straightforward. If there are no incorporated cities, the county receives all of the revenue. If incorporated cities exist within the county, revenues are apportioned to the county and each incorporated city on the basis of their respective populations.<sup>52</sup>

The property tax is subject to the centralized and comprehensive control of the state. The state determines (1) the definition of taxable property, (2) assessment practices, (3) the ratio of assessed-to-market value, (4) the maximum tax rate, and (5) the rate of revenue growth. The constitution limits the total property tax level to \$5.00 per \$100 of assessed value. The legislature has further restricted the total property tax level to \$3.64 per \$100 of assessed value.<sup>53</sup> A local property tax rate is the composite of many overlapping tax entities, including the county, cities, and special districts. The maximum tax rate local governments may impose is figured by dividing the previous year's allowable revenues (plus 6 percent) by the current year's value of property on the preceding year's tax roll. This tax rate is then applied to all property, including new property. The tax rate may be increased beyond this limit only by a local election or appeal to the Nevada Tax Commission.<sup>54</sup>

The state has also imposed a centralized and comprehensive fiscal scheme for less important local governmental revenue sources resulting from taxes. The state establishes by formula the rate, use, and distribution of revenues derived from cigarette, liquor, real property transfer, basic motor vehicle privilege, supplemental motor vehicle privilege, and motor vehicle fuel taxes.<sup>55</sup> Specific legislative enactments allow certain local governments to impose a lodging room tax and to impose an additional motor vehicle fuel tax for road infrastructure purposes. State law provides counties and cities the fiscal autonomy to impose various fines and fees for permits and licenses.<sup>56</sup>

The state has imposed on independent school districts a centralized and comprehensive fiscal scheme. The state distributes revenues to the school districts based on formulas that take into account each county's sales tax revenues, motor vehicle privilege tax, assessed property values, number of special education units, and weighted enrollment. Many special districts generate revenue from fee-for-service charges.<sup>57</sup>

Although the constitution previously limited the level of state general-obligation debt to 1 percent of the state's assessed property value, voters approved a ballot question in 1990 that increased the limit to 2 percent. Debt issued for the purpose of pro-

tecting or preserving the state's property or natural resources is excepted from the 2 percent constitutional debt limit. The state limits local government issuance of general-obligation debt by requiring voter approval in a referendum.<sup>58</sup> The state also limits local government issuance of general-obligation debt by establishing caps that are tied to total assessed property value.

Counties can issue general-obligation debt up to a limit of 10 percent of the county's assessed value. The general state limit on outstanding general-obligation debt for cities is 30 percent; however, city charters set limits of 10-40 percent. Cities are subject to an additional limit of 20 percent of assessed value on the value of outstanding warrants, certificates, and other nonbond general-obligation debt. The general-obligation debt limit for towns is 25 percent; for school districts, it is 15 percent. The general-obligation debt limit for special districts varies from none for the Washoe County Airport Authority, up to 50 percent for general improvement districts, to 3 percent for fair and recreation boards in counties with populations of less than 250,000.<sup>59</sup>

Nevada has established an allocation system based on relative population for allowable private activity debt for counties and cities. In 1987 the legislature enacted a state bond bank to assist local governments in undertaking natural resource projects.<sup>60</sup>

#### *Local Expenditures*

Local governments possess little autonomy in terms of local expenditures because of the centralized fiscal and functional status of state and local intergovernmental relations. Much of local government spending is prescribed by federal- and state-mandated functions and procedures.<sup>61</sup> The major categories of county and city expenditures are general government, public safety, judiciary, public works, culture and recreation, community support, health and sanitation, welfare, debt service, and depreciation and amortization. The major categories of school district expenditures are instruction, administration, building operation, student and staff support, and central office. Special-district expenditures consist of current operations (for example, general government, public safety, public works, intergovernmental services, sewers, and miscellaneous services), debt service (that is, principal interest expense), and depreciation and amortization.<sup>62</sup>

A series of statutes and the Local Government Budget Act set forth the requirements and control the form and substance of local government budgets. The state imposes budgeting requirements on both tentative and final budgets, public inspection, quarterly reports, financial accounts, types of funds, adjustment of expenses and revenues, accounting, audits, and review of annual audits by the state Department of Taxation.<sup>63</sup> The state and local governments are required to have balanced budgets. Statutes set forth the conditions constituting a severe financial emergency. After a hearing, the Nevada Tax Commission is authorized to enter an order requiring the state Department of Taxation to take over the management of local governments.<sup>64</sup>

### *State Government Grants-in-Aid to Localities*

State grants-in-aid have little significance, because the state's centralized fiscal system effectively transfers money from the state to local governments, and revenue is distributed on an intercounty and intracounty basis.

### *Unfunded Mandates*

Local government operates within the structure of a highly centralized fiscal system and has lacked the fiscal capacity to raise independently own-source revenues to fund state mandates. Nevada has responded to various federal unfunded mandates by passing them to local governments without the requisite revenues to comply with such mandates. To further exacerbate the problem, Nevada has imposed its own unfunded mandates on local government. In 1992 the Nevada Association of Counties balloted a referendum question against unfunded state mandates. In a general election, 82 percent of the voters said "no" to unfunded state mandates. A 1993 legislative enactment ended unfunded state mandates and required the legislature to identify a specific funding source for any new or expanded program.<sup>65</sup>

## **Access to Local Government**

### *Local Elections*

Nevada employs a direct, closed primary election system and requires voter party registration. Primary elections are held in September, and general elections are held in November of even-numbered years for state and county officials. The state mandates the election of commissioners, clerk, treasurer, recorder, auditor, assessor, district attorney, and sheriff at the county level. The legislature is authorized to increase, diminish, consolidate, abolish, and establish the election, duties, and compensation of elected county officials.<sup>66</sup>

Elected county officials run on a partisan ballot and serve four-year terms.<sup>67</sup> The legislature has mandated a seven-member board of commissioners in heavily populated counties and a five-member board of commissioners in moderately populated counties, with elections held on a district basis.<sup>68</sup> Lightly populated counties have the discretion to establish a three- or five-member member board of commissioners upon passage of a county ordinance and voter approval in a primary or general election. Elections for three- and five-member boards are held on an at-large basis; however, district elections may be adopted upon board action or citizen petition and voter approval in a general election.<sup>69</sup>

Elected city and school board officials run on a nonpartisan ballot and serve four-year terms. Primary elections are held in May, and general elections are held in June of odd-numbered years for city and school board officials. The electoral structure of special-charter cities varies according to the legislative authorization contained in each charter. All special-charter cities

elect the city council, which consists of three to six members, on an at large or district basis. Many cities elect a mayor, attorney, municipal judge, and clerk. All Chapter 266 cities elect a mayor and the city council. In first-class cities, the council must consist of nine members, with one elected from each of the city's eight districts and one elected at large. In second- and third-class cities, the council must consist of three or five members as established by city ordinance, with one elected from each of the city's three or five districts. In second- and third-class cities, the council may establish at-large elections by city ordinance; however, members must reside in the district they represent. The electoral structure of Chapter 267 commission cities varies according to the provisions of each charter as proposed by citizen petition. The conduct of local government campaigns are subject to the state's Campaign Practices Act.<sup>70</sup>

### *Citizen Controls over Actions of Local Officials*

Nevadans have a long tradition of taking matters into their own hands at the polls and have shaped the structure, operation, and direction of state and local government. The original constitution provides for impeachment of all state officers (except justices of the peace) for misdemeanor offenses or malfeasance in office.<sup>71</sup> The legislature is authorized to provide for the removal from office of other civil officers for malfeasance or nonfeasance; city councils are allowed to expel members for similar reasons.<sup>72</sup> Constitutional amendments established recall in 1912, initiative in 1912, and referendum in 1904, allowing citizens control over the actions of all state and local government officials.

To effectuate a state or local recall election, a recall petition must be signed by at least 25 percent of those registered voters who voted in the preceding general election in which the official was elected. At the county and city levels, initiative petitions must contain the signatures of at least 15 percent of those registered voters who voted at the last preceding general county or city election. At the county and city levels, referendum petitions must contain the signatures of at least 10 percent of those registered voters who voted at the last preceding general county or city election.<sup>73</sup> The legislature has enacted "sunshine" legislation applicable to state and local governments that provides for open meetings and open records.

## **State-Local Relations**

Local governments exist and operate in accordance with the philosophy of Dillon's Rule; for any authority not directly conferred by the constitution, localities depend entirely on the legislature. Local governments possess little autonomy in terms of local revenues and expenditures because of Nevada's centralized fiscal system. The constitution and legislature have provided local government home rule in name only.

The legislature historically has resisted expanding local governments' scope of authority through legislatively enacted

home rule. The recent trend has been in the direction of less local autonomy. The 1979 and 1981 tax relief enactments resulted in control of local revenues being shifted from local elected officials to the state. State fiscal centralization resulted in less local autonomy.

Nevada's adherence to the philosophy of Dillon's Rule has recently been criticized as outdated and inappropriate in contemporary Nevada.<sup>74</sup> Home rule and local government autonomy is an emerging issue because of recent social, demographic, and economic changes. State-level centralization and control regarding local government was perhaps an appropriate response for the state up until the 1960s, because Nevada was essentially a rural state with undifferentiated economies. Nevada is no longer a homogeneous state and probably never will be again. Changing demographics mean that the state must confront the dichotomous needs of urban and rural Nevada. Intergovernmental fiscal relations have emerged as possibly the most important fiscal issue facing governments in Nevada. The state legislature may well be moving in the direction of granting autonomy to local governments as evidenced by the enactment of a 1997 statute that allowed all counties the option of increasing the sales tax by one-eighth of a cent.<sup>75</sup> A movement in the direction of local government home rule and autonomy may well be the solution to adequately addressing Nevada's diverse needs and demands.

## Notes

1. State of Nevada, Department of Administration, *Perspectives: A Biennial Report of Nevada State Agencies* (Carson City, Nev.: Department of Administration, 1992); Glen Atkinson and Ted Oleson, "Nevada Local Government: Coping with Diversity under Centralization," in *Legislative Issues: 1993, Nevada Public Affairs Review*, ed. Jill M. Winter and Glen Atkinson (Reno: Senator Alan Bible Center for Applied Research, University of Nevada, 1993).

2. Nevada's population grew from 494,900 in 1970, to 800,508 in 1980, to 1,201,833 in 1990. Nevada remains one of the least densely populated states, with 11 people per square mile, and is the tenth most urbanized state in the nation. Nevada is composed of seventeen counties. Clark County (the Las Vegas area) and Washoe County (the Reno area) are urban, whereas the other fifteen counties are rural. Robert P. Morin, "Nevada," in *Proceedings Roundtable: State Budgeting in the 13 Western States*, ed. Robert Huefner, E. Ted Hebert, and Carl Mott (Salt Lake City: Center for Public Policy and Administration, University of Utah, 1996), 80; State of Nevada, Department of Human Resources, *State Health Programs, Health Facilities and Services, and Demographic Information Nevada Health Catalog* (Carson City, Nev.: Department of Human Resources, 1993), 45.

3. Eric B. Herzik and Robert P. Morin, "Nevada," in *Proceedings Roundtable: State/Local Budgeting Issues in the Thirteen Western States*, ed. Carl Mott, Daniel Sloan, and Robert Huefner (Salt Lake City: Center for Public Policy and Administration, University of Utah, 1995).

4. Russell R. Elliott, with William D. Rowley, *History of Nevada*, 2d ed. (Lincoln: University of Nebraska Press, 1987), 24.

5. Nevada legalized casino gambling in 1931. The service industries, led by gaming tourism, are the dominant force in Nevada's economy. The mining industry is significant in five rural counties: Eureka, Nye, Elko, Humboldt, and Lander Counties account for 80 percent of the gross yield from mining. Agriculture, manufacturing, and wholesale trade constitute small sources of employment and sectors of the Nevada economy. Robert D. Ebel, *A Fiscal Agenda for Nevada: Revenue Options for State and Local Government in the 1990s*, ed. Robert D. Ebel (Reno: University of Nevada Press, 1990), 31-62.

6. An individualistic political culture is characterized by a political environment in which politics is practiced as an open marketplace and in which individuals and interest groups pursue social and economic goals. Daniel L. Elazar, *American Federalism: A View from the States*, 3d ed. (New York: Harper & Row, 1984); Thomas R. Dye, *Politics in States and Communities*, 8th ed. (Englewood Cliffs, N.J.: Prentice Hall, 1994); Ann O. Bowman and Richard C. Kearney, *State and Local Government*, 3d ed. (Boston: Houghton Mifflin, 1996).

7. M. Kimberly Beal, Lindsay Fairhurst, and Judy Calder, *Public Opinion in Nevada: Selected Legislative Issues*, November-December 1996, ed. M. Kimberly Beal, Lindsay Fairhurst, and Judy Calder (Reno: Senator Alan Bible Center for Applied Research, University of Nevada, 1997), 13. Nevadans are not necessarily opposed to spending on state programs; however, they want others (such as visitors, tourists, gamblers, and corporations) to bear much of the tax burden. Jill Winter, Judy Calder, and Donald Gams, "Public Opinion on Selected Legislative Issues: November 1992," in *Legislative Issues*, ed. Winter and Atkinson.

8. Robert P. Morin, "The Fragmented Executive Branch," in *Towards 2000: Public Policy in Nevada*, ed. Dennis L. Soden and Eric Herzik (Dubuque, Iowa: Kendall/Hunt, 1997).

9. The state constitution provides for a bicameral legislature. The state senate is composed of twenty members serving four-year terms. The Nevada Assembly is composed of forty-two members serving two-year terms. A. Constantina Titus, "The Legislature," in *Towards 2000*, ed. Soden and Herzik.

10. The Supreme Court expanded from five to seven members beginning with the 1998-1999 term. Nevada voters have repeatedly rejected proposed constitutional amendments to create an intermediate appellate court. Dennis Nelander, "The Judicial Branch," in *Towards 2000*, ed. Soden and Herzik.

11. Poor relations between the Utah Territory and federal government in the 1850s and an unsuccessful petition submitted to the California Legislature for annexation in 1853 led to Nevada becoming a separate territory in 1861. The California gold rush, poor Utah Territory-federal government relations, the discovery of silver in the Comstock Lode, and President Lincoln's desire to strengthen the Union position by securing additional antislavery congressmen during the Civil War and Reconstruction resulted in Nevada securing statehood. Eleanor Bushnell and Don W. Driggs, *The Nevada Constitution: Origin and Growth*, 6th ed. (Reno: University of Nevada Press, 1984), 1-18.

12. The Nevada Constitution has been amended almost 120 times. Don W. Driggs and Leonard E. Goodall, *Nevada Politics and Government: Conservatism in an Open Society* (Lincoln: University of Nebraska Press, 1996), 67.

13. Donald L. Shalmy and Elizabeth N. Fretwell, "Home Rule: History, Types and Benefits," in *Legislative Issues: 1995, Nevada Public Affairs Review*, ed. Jill M. Winter (Reno: Senator Alan Bible Center for Applied Research, University of Nevada, 1995).

14. The Nevada Territorial Legislature established nine counties on November 25, 1861, and two additional counties were subsequently established when Nevada was a territory. The state legislature established three counties in the 1800s and three counties in the 1900s. State of Nevada, Secretary of State, *Political History of Nevada*, 9th ed. (Carson City, Nev.: Secretary of State, 1990).

15. Nevada Constitution, Article VIII.

16. The Carson City-Oremsby County consolidation has been the only city-county consolidation in Nevada. State of Nevada, *Political History of Nevada*.

17. Nevada Constitution, Article XI.

18. Bushnell and Driggs, *The Nevada Constitution*.

19. *County of Pershing v. Sixth Judicial District Court*, 43 Nev. 78, 181 Pac. 960, 183 Pac. 314 (1919); *State ex rel. Wichman v. Gerbig*, 35 Nev. 46, 24 P. 313 (1933); AGO 91-3 (4-9-91); AGO 92-1 (2-3-92).

20. Bullfrog County contained the proposed nuclear waste storage site at Yucca Mountain and had zero population and a corresponding lack of need for public funds and services. The Bullfrog County legislature created a three-member board, appointed by the governor, to govern the county and to apportion the federal funds to other Nevada counties on a formula basis. State of Nevada, *Political History of Nevada*; Driggs and Goodall, *Nevada Politics and Government*.

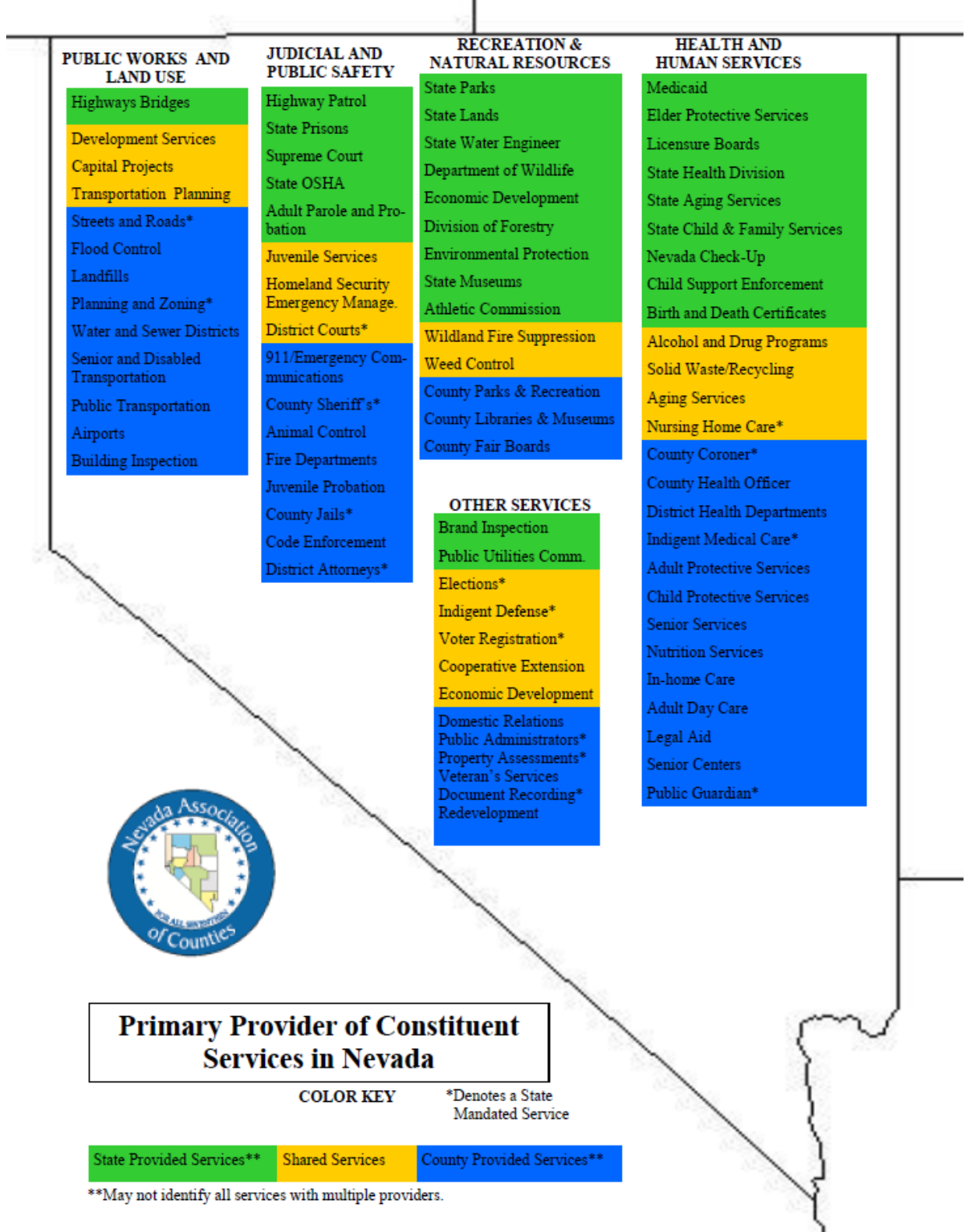
21. *Rosenstock v. Swift*, 11 Nev. 128 (1876).

22. *State ex rel. Williams v. Second Judicial District Court*, 30 Nev. 25, 94 Pac. 70 (1908).

23. Nevada Constitution, Article VIII.

24. Nevada ranks forty-seventh out of the fifty states in smallest number of units of local government. Nevada has seventeen counties, seventeen independent school districts, seventeen unincorporated cities, and forty-four towns; the remainder are special districts. Ebel, *A Fiscal Agenda for Nevada*.
25. State of Nevada, *Political History of Nevada*.
26. Ebel, *A Fiscal Agenda for Nevada*.
27. Eleven of Nevada's seventeen incorporated cities are governed under special charters established by the legislature. Special charters are specifically drawn for the city named in the charter. Ebel, *A Fiscal Agenda for Nevada*.
28. Five cities are incorporated under the provisions of Chapter 266. Ebel, *A Fiscal Agenda for Nevada*.
29. One city is incorporated under the provisions of Chapter 267. Nevada Revised Statutes (1995), Chapters 266, 267.
30. Nevada Revised Statutes (1995), section 268.010.
31. Nevada Revised Statutes (1995), Chapter 265.
32. Ebel, *A Fiscal Agenda for Nevada*.
33. Approximately fifteen chapters of the Nevada revised statutes cover different types of special districts. Ebel, *A Fiscal Agenda for Nevada*.
34. Nevada Constitution, Article XI. James W. Guthrie, Gerald C. Hayward, Michael W. Kirst, Julia E. Koppich, Mary Lee McCune, and James R. Smith, *Nevada School District Organization and Control: Meeting the Challenges of Growth and Diversity* (Berkeley, Calif.: Management Analyses and Planning Associates, 1996).
35. Deloitte and Touche LLP, *Lake Tahoe, Nevada* (Reno: Deloitte and Touche, 1997).
36. Driggs and Goodall, *Nevada Politics and Government*.
37. Ebel, *A Fiscal Agenda for Nevada*.
38. Airport and housing authorities, the Las Vegas Convention Authority, and the Reno Sparks Convention and Visitors Authority are examples. Nevada Revised Statutes (1995), Chapter 277.
39. Nevada Revised Statutes (1995), Chapters 244, 268, 356, 288, 286, 287.
40. Nevada Revised Statutes (1995), Chapters 233B, 332.
41. Nevada Revised Statutes (1995), Chapter 278, sections 268.110-268.300, 278A.010-278A.590.
42. Reno is the only city that uses impact fees as a significant part of a local growth management strategy. Robert E. Parker, "Urban Growth Management in Southern Nevada," in *Towards 2000*, ed. Soden and Herzik.
43. Connie Anderson, Glen Atkinson, and Theodore Oleson, "Fiscal Interdependence and the Need for Regional Cooperation," in *Legislative Issues*, ed. Winter, 69.
44. Anderson, Atkinson, and Oleson, "Fiscal Interdependence and the Need for Regional Cooperation," in *Legislative Issues*, ed. Winter, 69.
45. Nevada Revised Statutes (1995), Chapter 279, sections 384.005, 349.400-349.670.
46. Ebel, *A Fiscal Agenda for Nevada*, 368.
47. Fiscal centralization refers to the degree to which the state restricts local government autonomy to determine the level and mix of revenues and expenditures. Atkinson and Oleson, "Nevada Local Governments," in *Legislative Issues*, ed. Winter and Atkinson; Steven D. Gold, *Reforming State-Local Relations: A Practical Guide* (Denver: National Conference of State Legislators, 1989).
48. Atkinson and Oleson, "Nevada Local Governments," in *Legislative Issues*, ed. Winter and Atkinson.
49. Ebel, *A Fiscal Agenda for Nevada*.
50. Nevada exporting counties include Clark, Churchill, Carson City, Elko, Washoe, Eureka, and Humboldt. Nevada importing counties include Douglas, Esmeralda, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, and White Pine.
51. Atkinson and Oleson, "Nevada Local Governments," in *Legislative Issues*, ed. Winter and Atkinson.
52. *Ibid.*
53. Ebel, *A Fiscal Agenda for Nevada*.
54. Atkinson and Oleson, "Nevada Local Governments," in *Legislative Issues*, ed. Winter and Atkinson.
55. State of Nevada, Legislative Commission of the Legislative Counsel Bureau, *Laws Relating to the Distribution among Local Governments of Revenue from State and Local Taxes*, Bulletin No. 97-5 (Carson City, Nev.: Legislative Commission of the Legislative Counsel Bureau, 1997).
56. Lionel Sawyer and Collins, *The Feasibility of Forming a Separate Political Subdivision at Lake Tahoe* (Reno: Lionel Sawyer and Collins, 1997).
57. Deloitte and Touche LLP, *Lake Tahoe, Nevada*.
58. Nevada Constitution, Article IX. In addition to Nevada, forty-one other states impose the requirement of voter referendum approval of government general-obligation debt. Ebel, *A Fiscal Agenda for Nevada*, 678-703.
59. Ebel, *A Fiscal Agenda for Nevada*.
60. Local government natural resource projects, financed through the state bond bank, are exempt from the constitutional limit on state debt. Ebel, *A Fiscal Agenda for Nevada*.
61. Atkinson and Oleson, "Nevada Local Governments," in *Legislative Issues*, ed. Winter and Atkinson; Ebel, *A Fiscal Agenda for Nevada*.
62. Deloitte and Touche LLP, *Lake Tahoe, Nevada*.
63. Nevada Revised Statutes (1995), Chapter 356.
64. Nevada Constitution, Article IX; Ebel, *A Fiscal Agenda for Nevada*.
65. For example, Nevada has imposed an unfunded collective bargaining mandate on local governments, which has removed local governments' flexibility in their budgets and made it more difficult to finance capital facilities. Atkinson and Oleson, "Nevada Local Governments," in *Legislative Issues*, ed. Winter and Atkinson; David R. Berman, "State-Local Relations: Patterns, Politics and Problems," in the *Municipal Year Book 1994* (Washington, D.C.: International City/County Management Association, 1994). The advisory referendum question against unfunded state mandates was unanimously endorsed by all seventeen member counties of the Nevada Association of Counties. Bjorn P. Selinder, "Unfunded Mandates: An Unfair Solution to Government Budgetary Woes," in *Legislative Issues*, ed. Winter and Atkinson.
66. Nevada Constitution, Article IV.
67. Nevada Constitution, Article XV.
68. Heavily populated counties are those with 400,000 or more population; moderately populated counties are those with 100,000 or more but less than 400,000 population. Nevada Revised Statutes (1995), sections 244.016, 244.014.
69. Nevada Revised Statutes (1995), sections 244.011, 244.025, 244.027, 244.050; *State ex rel. Fall v. Kelso*, 46 Nev. 328, 268 Pac. 424 (1922); *Hanson v. Board of County Commissioners*, 75 Nev. 27, 333 P.2d 994 (1959); *Acree v. Valley*, 78 Nev. 444, 375 P.2d 545 (1962).
70. Nevada Constitution, Article XV; Nevada Revised Statutes (1995), Chapters 31, 213, 265, 266, 275, 276, 294A, 344, 465, 470, 537, 573, 662. Cities with populations of 20,000 or more are classified as first-class cities; with more than 5,000 and less than 20,000, as second-class cities; with 5,000 or less, as third-class cities. Nevada Revised Statutes (1995), sections 266.095, 266.095, 255.220.
71. The impeachment procedure involves a two-step process. First, impeachment charges must be brought by a majority of the elected members of the Nevada Assembly. Second, conviction requires the concurrence of two-thirds of the elected members of the state senate. An impeachment conviction does not extend further than removal from office and disqualification to hold any office of honor, profit, or trust under the state. Nevada Constitution, Article VII.
72. City councils possess the authority to punish council members for disorderly conduct and may expel a member for cause with the concurrence of two-thirds of the council members. Nevada Constitution, Article VII; Nevada Revised Statutes (1995), section 266.240.
73. Nevada Constitution, Articles II, XIX.
74. Shalmy and Fretwell, "Home Rule," in *Legislative Issues*, ed. Winter.
75. Bill O'Driscoll, "Nevada's longest, costliest session ends," *Reno Gazette Journal*, 8 July 1997, 1A.

## 2) Provision of Government Services in Nevada



# Municipal Services In Nevada

## PUBLIC WORKS

- Streets
- Sidewalks
- Curb & Gutter
- Storm Drainage
- Parking
- Overpass/Underpass
- Parks
- Sanitary Sewer
- Water
- Electric Facilities
- Communication Facilities
- Capital Projects
- Other Utilities
- Cemeteries

## ECONOMIC DEVELOPMENT

- Business Licenses
- Public Property Sale of Lease
- Redevelopment Agencies
- Granting of Franchises
- Condemnation

## OTHER COMMUNITY SERVICES

- Ordinances
- Resolutions
- Orders
- Document Recording
- Revenue & Finance
- Elections
- Planning & Zoning
- Utilities

## PUBLIC SAFETY & PUBLIC HEALTH

- Municipal Court
- Police
- Fire
- Animal Control
- Nuisance Abatement
- Fines & Penalties
- Traffic Control
- Parking
- Arson Investigation
- Building Inspection
- Railway Regulation
- Security Officers
- Board of Health



