

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Commission's Committee to Study Powers Delegated to Local Governments (Senate Bill 264, Chapter 462, *Statutes of Nevada 2009*)

Date and Time of Meeting: Wednesday, June 23, 2010
9 a.m.

Place of Meeting: Grant Sawyer State Office Building
Room 4401
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the Committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location: Legislative Building, Room 3138, 401 South Carson Street, Carson City, Nevada.

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."

<p>Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.</p>

A G E N D A

Note: Items on this agenda may be taken in a different order than listed.

*Denotes items on which the Committee may take action.

I. Opening Remarks and Introductions
Senator John J. Lee, Chair

*II. Approval of the "Summary Minutes and Action Report" of the Meeting Held on April 22, 2010, in Las Vegas, Nevada

***III. Review of the Activities of the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) and Presentation of the June 1, 2010, Report and Recommendations of the ACIR**

David Humke, Chair, ACIR, and Chair, Board of County Commissioners,
Washoe County

Debra March, Vice Chair, ACIR, and Councilwoman, City of Henderson

Wes Henderson, Government Affairs Coordinator, Nevada Association of
Counties (NACO)

J. David Fraser, Executive Director, Nevada League of Cities and Municipalities
(NLCM)

IV. Public Comment

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

***V. Work Session: Discussion and Possible Action on Recommendations Relating to:**

A. Creation of the Nevada Advisory Committee on Intergovernmental Relations

B. Authorizing Counties to Adopt a Charter as Directed by the Nevada Legislature

C. Granting Certain Powers to Local Governments

D. Naming Rights for Certain Local Government Facilities

E. Salaries for Certain Local Elected Officials

F. Public Involvement and Participation in Local Government Activities

G. Appreciation to the ACIR, NACO, and NLCM

The "Work Session Document" is attached below and contains recommendations proposed at the Committee's meetings. The document, including supplemental attachments, is also available on the Committee's webpage ([Powers Delegated to Local Governments](#)) or a written copy may be obtained by contacting Michael J. Stewart, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

VI. Public Comment

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

VII. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Jeanne Peyton at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed and e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's website at www.leg.state.nv.us.

**Legislative Commission's Committee to Study Powers
Delegated to Local Governments**
(Senate Bill 264, Chapter 462, *Statutes of Nevada 2009*)

**WORK SESSION
DOCUMENT**



June 23, 2010

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Legislative Commission's Committee to Study
Powers Delegated to Local Governments
(Senate Bill 264, Chapter 462, *Statutes of Nevada 2009*)

June 23, 2010

The following "Work Session Document" has been prepared by the Chairman and staff of the Legislative Commission's Committee to Study Powers Delegated to Local Governments. It is designed to assist the Committee members in developing statements and determining recommendations to be forwarded to the 2011 Session of the Nevada Legislature. Each item in this document may be the subject of further discussion, refinement, or action.

The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. The members of the Committee may vote to send as many statements or letters as they choose; however, pursuant to *Nevada Revised Statutes* (NRS) 218D.160, the Committee is limited to five bill draft requests (BDRs), including requests for the drafting of legislative resolutions. For purposes of this "Work Session Document," the recommendations have been grouped by possible Committee action. They are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a legislative resolution; (3) draft a Committee letter; or (4) include a statement in the final report.

The source of each recommendation is noted in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee's meetings. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Committee members should be advised that Legislative

Counsel Bureau (LCB) staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate, for inclusion in the final report.

Finally, please note that specific details of approved requests for legislation or Committee statements may need to be clarified by Committee staff prior to drafting. Supporting documents for some recommendations may be obtained by contacting Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB, at 775/684-6825. All place names referred to in this document are in Nevada unless otherwise noted.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

Creation of the Nevada Advisory Committee on Intergovernmental Relations

- 1. Request the drafting of a bill** to establish the Nevada Advisory Committee on Intergovernmental Relations. Section 9, subsection 7, of S.B. 264 requires the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) to include in its report to the Committee to Study Powers Delegated to Local Governments a recommendation concerning the need for a permanent Nevada Advisory Committee on Intergovernmental Relations. In its report to the Committee, the ACIR made a recommendation for the establishment of a permanent Nevada Advisory Committee on Intergovernmental Relations.

*(Recommended by the ACIR and discussed by Committee members
and various local government representatives)*

NOTE:

At the June 14, 2010, meeting of the Committee to Consult with the Director (NRS 218E.225), members of that Committee heard a presentation and considered a possible option to restructure the “interim” activities of the Nevada State Legislature. Discussion included the possibility of eliminating the statutory committee structure as set forth in Chapter 218E of NRS and maintaining the session standing committee structure during the legislative interim to address topics within each standing committee’s jurisdiction.

Chair Lee, therefore, suggests that if the Committee to Study Powers Delegated to Local Governments approves this recommendation, the following items in the recommendation from the ACIR should be amended for bill drafting purposes:

Item No. 7(a) — Include language specifying that a legislator must **not** serve as Chair of the permanent Nevada Advisory Committee on Intergovernmental Relations;

Item No. 14 — Provide that the Nevada Advisory Committee on Intergovernmental Relations submit its recommendations for BDRs to the Chairs of the Senate and Assembly Committees on Government Affairs on or before September 1 of each year preceding a regular session of the Legislature; and

Item No. 17 — Specify that the Nevada Association of Counties (NACO) and the Nevada League of Cities and Municipalities (NLCM) shall provide the Nevada Advisory Committee on Intergovernmental Relations with staff support.*

**It should be noted that pursuant to subsection 5 of NRS 218E.205, unless otherwise provided in statute, “the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee unless the chair of the committee is required by statute or resolution to be a Legislator.”*

Authorizing Counties to Adopt a Charter as Directed by the Nevada Legislature

- 2. Request the drafting of a bill** (joint resolution) amending the *Nevada Constitution* to permit the Nevada Legislature, by statute, to authorize the electors of any Nevada county to adopt and amend a charter for its own government.

(Recommended by the ACIR, former State Senator Warren B. Hardy II, and discussed by NACO)

NOTE:

If this item is approved by the Committee and ultimately approved by the Legislature in identical form during the 2011 and 2013 Legislative Sessions and by the voters at the 2014 General Election, the Legislature may wish to adopt “trailer legislation” setting forth the parameters under which such a charter may be formed and which specific powers may or may not be included in a county charter.

Granting Certain Powers to Local Governments

- 3. Request the drafting of a bill** specifying that a county or city may perform acts or duties that are not prohibited or limited by statute in order to perform the powers conferred to the county or city.

(Recommended conceptually by Senator Care, the ACIR, NACO, NLCM, and discussed by various Committee members and several local government representatives)

NOTE:

If approved in concept, Indiana law may provide a suitable model for legislation addressing the granting of certain powers to local governments. Specifically, *Indiana Code* 36-1-3-6 notes that “if there is a constitutional or statutory provision requiring a specific manner for exercising a power, a unit wanting to exercise the power must do so in that manner.” This provision goes on to stipulate that if there is *no* constitutional or statutory provision addressing a particular power, the county or city must adopt, in a manner provided by law, an ordinance prescribing the specific method for exercising that power. *Indiana Code* 36-1-3-8 also lists powers to be withheld from local government control. These include the power to: (a) limit civil liability; (b) impose duties on another political subdivision; (c) impose a tax, unless expressly granted by statute; (d) impose certain license or user fees or service charges; and (e) prescribe criminal penalties and certain criminal fines.

Naming Rights for Certain Local Government Facilities

- 4. Request the drafting of a bill** authorizing the board of county commissioners of any county or the governing body of any city in Nevada to adopt, by ordinance, procedures for the sale of the naming rights to a park, recreational facility, or other public facility that is owned by the county or city.

(Recommended by Chair Lee for discussion purposes and addressed at the February 18, 2010, and April 22, 2010, Committee meetings)

NOTE:

Testimony indicated that such an ordinance could stipulate that: (a) names be considered in accordance with appropriate and acceptable community standards; (b) the governing body reserves the right to reject a name at any time; (c) names be granted to the facility for a set period of time; (d) naming privileges may last for the duration of the related activities or events; and (e) the approval of names and any associated fees be set by the governing body of the county or city. The introduced version of Senate Bill 497 of the 2007 Legislative Session and Section 1

of Assembly Bill 52 of the 2009 Legislative Session (Chapter 469, *Statutes of Nevada*) could serve as models for this proposal.

Salaries for Certain Local Elected Officials

5. **Request the drafting of a bill** amending NRS 245.043 concerning salaries of elected county officers and/or amending NRS 245.044 regarding the payment of longevity for elected county officers. The following suggestions were discussed by the Committee and may be considered for possible inclusion in a BDR:

(Discussed by several Committee members and various interested persons and representatives of local governments)

- a. Amend NRS 245.043 with a new set of salaries for the next four Fiscal Years (FYs). Future salary increases may be tied to a certain set percentage or an indexed rate, such as the Consumer Price Index. The current salary schedule in NRS 245.043 is set through FY 2010-2011.
- b. Continue the waiver process set forth in Senate Bill 516 of the 2007 Legislative Session (Chapter 455, *Statutes of Nevada*).
- c. Establish a similar process that authorizes counties to apply for a waiver from the longevity payments to certain elected county officers set forth in NRS 245.044.
- d. Either retain the current county classifications for salary categories as set forth in NRS 245.043 **OR** reclassify and group the counties by population. Include in a single category those counties whose population is 40,000 or less.

NOTE: If the Committee changes the classification of counties set forth in NRS 245.043, the Committee would need to identify the rate of compensation for the elected officials in those classifications.

NOTE: Counties whose populations are 40,000 or less as of July 1, 2009 (as estimated by the State Demographer) are: Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Pershing, Storey, and White Pine.

- e. Amend Chapter 245 of NRS by adding new language creating a salary commission or salary compensation task force charged with making periodic recommendations to the Nevada Legislature concerning the salaries including, but not limited to, the appropriate level of compensation of elected county officers.

POSSIBLE COMMITTEE LETTERS AND STATEMENTS

Public Involvement and Participation in Local Government Activities

6. **Send a Committee letter** to NACO and the NLCM for distribution to each county and city in Nevada urging their respective governing boards and other local policy boards to hold more evening meetings to allow greater participation by the public and elected lawmakers.

(Recommended by Vice Chair Kirkpatrick)

7. **Send a Committee letter** to each Mayor and Chair of a city council of a city in Nevada that operates under a charter and encourage them, if not already practiced, to seek input from the public (through public hearings and outreach activities) regarding suggested charter amendments and consider the creation of a charter committee designed to evaluate potential charter amendments.

(Recommended by Chair Lee for discussion purposes)

Appreciation to the ACIR, NACO, and NLCM

8. **Include a statement in the final report** expressing appreciation to the members of the ACIR, NACO, and NLCM for their efforts throughout the legislative interim in assisting the Committee to Study Powers Delegated to Local Governments. Encourage their continued input and examination of local government powers and home rule during the remainder of the 2009-2010 legislative interim and during the 2011 Legislative Session.

NOTE:

- **The Legislative Commission's Committee to Study Powers Delegated to Local Governments may make additional recommendations based on discussions held and presentations made at its meeting in Las Vegas on June 23, 2010. Please see meeting agenda for discussion topics.**
- **The Chair of the Committee may choose to raise other relevant issues for discussion or Committee action during the work session.**
- **Committee staff may need to seek additional details or clarification on approved recommendations from Committee members and others prior to drafting BDRs or Committee letters/statements.**