

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY POWERS DELEGATED TO LOCAL GOVERNMENTS

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

This summary presents the recommendations approved by the Legislative Commission's Committee to Study Powers Delegated to Local Governments at its final meeting held on June 23, 2010, in Las Vegas, Nevada. The following bill draft requests (BDRs) will be submitted to the 76th Session of the Nevada Legislature in 2011.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Enact legislation establishing the Nevada Advisory Committee on Intergovernmental Relations. The legislation shall set forth the membership, powers, duties, and reporting requirements of the Nevada Advisory Committee on Intergovernmental Relations. In its June 1, 2010, report to the Committee to Study Powers Delegated to Local Governments, the Interim Technical Advisory Committee for Intergovernmental Relations (ACIR) made a recommendation for the establishment of this permanent advisory committee. **(BDR —169)**
2. Enact legislation 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. **(BDR —170)**

NOTE: During discussion on this recommendation, the Committee noted that the State of Indiana's laws and similar provisions in other states (notably the State of Oregon) 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.

3. Enact legislation 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, as well as naming rights for events that may take place at such facilities. **(BDR —172)**
4. Reserve a BDR concerning the salaries of elected county officers, which may include amending provisions in Chapter 245 of *Nevada Revised Statutes* (NRS) and other related laws addressing such salaries and/or creating a salary commission or salary compensation task force. **(BDR —173)**

RECOMMENDATIONS FOR COMMITTEE LETTERS AND STATEMENTS

5. Send a Committee letter to the Nevada Association of Counties (NACO) and the Nevada League of Cities and Municipalities (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.
6. 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.
7. Send a Committee letter to the chair, vice chair, and members of the ACIR requesting that the ACIR consider and discuss the issues raised in a letter presented to the Committee to Study Powers Delegated to Local Governments during its work session on June 23, 2010. The letter specifically requests that the Legislature consider: (a) removing provisions in Chapter 269 of NRS relating to the appointment of members of Town Advisory Boards and instead provide for their election; (b) authorizing counties to elect a “county mayor” to serve as the presiding officer of the Board of County Commissioners and “be the public face of the county”; and (c) changing the name of Town Boards to Town Councils in an effort to better distinguish Town Boards from Town Advisory Boards. The letter should be copied to NACO, NLCM, and the Board of County Commissioners for Clark County.
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 Interim and during the 2011 Legislative Session.