



**NEVADA LEGISLATURE  
LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY  
POWERS DELEGATED TO LOCAL GOVERNMENTS**

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

**SUMMARY MINUTES AND ACTION REPORT**

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The third meeting and work session of the Legislative Commission's Committee to Study Powers Delegated to Local Governments was held on June 23, 2010, at 9 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Senator John J. Lee, Chair  
Assemblywoman Marilyn Kirkpatrick, Vice Chair  
Senator Terry Care  
Assemblyman Pete Goicoechea  
Assemblyman Tick Segerblom

**COMMITTEE MEMBER PRESENT IN CARSON CITY:**

Senator Mike McGinness

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Michael J. Stewart, Supervising Principal Research Analyst, Research Division  
Heidi A. Chlarson, Principal Deputy Legislative Counsel, Legal Division  
Natalee M. Binkholder, Deputy Legislative Counsel, Legal Division  
Jeanne Peyton, Senior Research Secretary, Research Division

## **OPENING REMARKS AND INTRODUCTIONS**

- Chair Lee called the meeting to order and thanked everyone for attending. He indicated that it was the Committee's third and final meeting and work session, and welcomed participation from everyone in attendance.

## **APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON APRIL 22, 2010, IN LAS VEGAS, NEVADA**

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN SEGERBLOM MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE APRIL 22, 2010, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED UNANIMOUSLY.

## **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**

- Debra March, Vice Chair, ACIR, and Councilwoman, City of Henderson, stated that she would be presenting the ACIR's report on behalf of David Humke, Chair, ACIR, and Chair, Board of County Commissioners, Washoe County, and the members of the ACIR. Ms. March outlined the activities of the ACIR at its last four meetings and indicated that it received presentations on the:
  1. Differences between "Dillon's Rule," "Home Rule," general law, and charter cities;
  2. Processes of adopting and codifying charters used by the various cities in Nevada; and
  3. Use and makeup of intergovernmental advisory boards utilized by the federal government and other states.

Ms. March reviewed the three bill draft requests (BDRs) recommended by the ACIR to this Committee for consideration during the 2011 Session, which included: (1) continuation of the ACIR; (2) a constitutional amendment to allow counties to adopt charters; and (3) granting functional "Home Rule" to local governments. (Please see [Exhibit B](#).)

In closing, Ms. March noted that the ACIR will continue to meet and discuss suggestions to ensure that government in Nevada runs more efficiently and develop recommendations until its termination in June 2011.

Responding to Chair Lee, Ms. March indicated that the 2011 Legislature will need to pass legislation to make the ACIR a permanent committee.

- J. David Fraser, Executive Director, Nevada League of Cities and Municipalities (NLCM), concurred with Ms. March regarding the creation of a permanent ACIR.
- Chair Lee queried if the ACIR will include organizational changes in its recommendation to create a permanent ACIR committee.
- In reply, Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties (NACO), explained that the ACIR membership should be expanded by adding four legislators—two from the Senate and two from the Assembly, appointed by the majority and minority leaders of both houses. He added that NACO is in favor of including members from the Senate and Assembly Committees on Government Affairs.

Discussion ensued among Chair Lee, Senator Care, Ms. March, and Mr. Henderson regarding the ACIR's recommendation of functional "Home Rule" for local governments and the language that would be required in a BDR to be effective. It was noted that: (1) the next meeting of the ACIR is tentatively scheduled for late July 2010, and it will continue to have regular meetings until its sunset in June 2011; and (2) the ACIR is ready to move forward with its recommendations and could have the final language prepared immediately after its next meeting.

## **PUBLIC COMMENT**

- Jordan Ross, Editor, *The Laughlin Herald* and resident of the Town of Laughlin, Nevada, discussed allowing town advisory boards to be elected by the voters in each individual town, adoption of county charters, and the practice of counties electing a county mayor at large. (Please see [Exhibit C](#).)

Discussion ensued between Chair Lee and Mr. Ross regarding Assembly Bill 383, "the Laughlin incorporation bill," introduced during the 2009 Session, which would have provided that incorporation of the Town of Laughlin be contingent upon approval of the voters. Mr. Ross explained that although he is a proponent of incorporation, he also believes it would be equitable to offer additional choices. He explained that incorporation may not be an option for local governments with smaller populations.

In response to Assemblyman Goicoechea's query regarding if town advisory boards and town boards are created by the Board of County Commissioners through an ordinance, Mr. Ross said that the statute provides for town advisory boards to be created by ordinance; however, because the Town of Laughlin consists of only 1 percent of Clark County's primary urban population, the Laughlin Town Advisory Board's opinion is usually different from Clark County's Board of Commissioners. Because of the large population in Clark County, Mr. Ross recommended creating additional boards.

- Vice Chair Kirkpatrick explained that A.B. 383 did not pass in the Senate and said that she sympathizes with the Town of Laughlin's slow growth.

- Mr. Ross said that he is aware of Vice Chair Kirkpatrick's participation, and the Town of Laughlin appreciates her efforts.
- Vice Chair Kirkpatrick suggested working with the Town of Laughlin during the interim to explore ideas to improve its economic base, but she opposed creating a statute that would change the law for all local governments.

Responding to Chair Lee about the ACIR working with Laughlin and other rural communities, Ms. March, previously identified, said that improving the economies in rural communities would be an excellent topic for discussion by the ACIR.

Discussion ensued among Chair Lee, Ms. March, and Mr. Ross in support of having the ACIR discuss at its next ACIR meeting the problems that the Town of Laughlin and other rural communities are experiencing.

- Vice Chair Kirkpatrick requested that the Committee be informed of any meetings of the ACIR and provided with a copy of the minutes for each meeting.
- Senator McGinness said that the issues presented by Mr. Ross regarding town boards have been discussed over the past 20 years, and he opined that to have town board members elected would complicate things even more because so many members drop out and then have to be reappointed.
- Knight Allen, a Las Vegas citizen indicated that his position has been discussed at the previous meetings and that he has no additional comments today, but thanked Chair Lee and the Committee for allowing him to participate throughout the 2009-2010 Interim.

#### **WORK SESSION—DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:**

- *Creation of the Nevada Advisory Committee on Intergovernmental Relations*
- *Authorizing Counties to Adopt a Charter as Directed by the Nevada Legislature*
- *Granting Certain Powers to Local Governments*
- *Naming Rights for Certain Local Government Facilities*
- *Salaries for Certain Local Elected Officials*
- *Public Involvement and Participation in Local Government Activities*
- *Appreciation to the ACIR, NACO, and NLCM*

## **“WORK SESSION DOCUMENT”**

The following “Work Session Document” ([Exhibit D](#)) 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, 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.

- Chair Lee invited all interested parties to testify on each item during the work session, prior to the Committee’s vote.

### **RECOMMENDATIONS FOR LEGISLATIVE MEASURES**

#### **RECOMMENDATION NO. 1—Creation of the Nevada Advisory Committee on Intergovernmental Relations**

**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.

*\*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.”*

- Mr. Stewart, previously identified, said that to ensure the ACIR is not captured as a Legislative Committee, Chair Lee has suggested that if the Committee approves the recommendation for a permanent ACIR, the following items in the ACIR’s report could be amended to include language providing that:

1. A legislator must not serve as chair.
2. Any BDRs should be submitted directly to the Senate and Assembly Committees on Governments Affairs prior to September 1 of the next legislative session. (Please see [Exhibit D](#), Tab A, pages 8, 9, 10.)

Discussion ensued among Committee members, Mr. Fraser, Mr. Henderson, Ms. March, and Carole Vilardo, President, Nevada Taxpayers Association, regarding the need to continue the ACIR, the structure of its membership, and the areas to be discussed in the future. It was determined that Nevada’s Governor would appoint the Executive Branch members and that meetings of a permanent ACIR would be conducted in accordance with the Open Meeting Law.

- Chair Lee explained Recommendation No. 1 and called for a motion including the following amendments (see [Exhibit D](#), Tab A):
  1. Page 8, Item No. 3(d), line 1—Delete “local government that is not a county” and insert “city.”
  2. Page 8, Item 3(e)—Add language at the end stating “appointed by the Governor.”
  3. Page 8, Item No. 7(a)—Include language specifying that a legislator must not serve as Chair of the permanent Nevada Advisory Committee on Intergovernmental Relations;

4. Page 9, 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.
  5. Page 9, Item 15—Require the report to the Legislature to include discussion about whether the ACIR was a valuable tool and should be continued.
  6. Page 10, Item No. 17—Change language to 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.
- Heidi A. Chlarson, Principal Deputy Legislative Counsel, Legal Division, LCB, clarified that NRS 218E.205 states that LCB staff does not serve as primary staff unless a legislator is the chair. However, if the Committee wanted to make an exception for the ACIR, it could be drafted in the legislation.
  - Vice Chair Kirkpatrick added that it would create a fiscal impact if LCB staff is to provide support to the ACIR.
  - Mr. Fraser said that it is not the intention of the ACIR to have LCB serve as the primary staff support. He noted that the NACO and NLCM would be the lead staff for the Nevada Advisory Committee on Intergovernmental Relations, but it would prefer to be permitted to consult periodically with LCB staff.
  - The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN SEGERBLOM MOVED TO APPROVE RECOMMENDATION NO. 1 INCLUDING THE ABOVE LISTED AMENDMENTS OUTLINED BY CHAIR LEE. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED UNANIMOUSLY.

**RECOMMENDATION NO. 2—Authorizing Counties to Adopt a Charter as Directed by the Nevada Legislature**

**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.

- Mr. Henderson, previously identified, indicated that it is the opinion of the ACIR that if the electors of the county choose to adopt a charter for its government, it should have that option. (Please see [Exhibit D](#), Tab A, page 11.)

Responding to Assemblyman Goicoechea about the advantages of a county adopting a charter, Mr. Henderson said that a charter form of government sets out the provisions under which a county can operate and would provide more flexibility than general law.

- Assemblyman Goicoechea expressed his opposition to county charters because each of the 17 counties could decide to operate differently.
- Senator Care announced that he endorses county charters even though legal complications may arise, which could be dealt with through “trailer legislation.”
- There was no Committee action taken on Recommendation No. 2.

### **RECOMMENDATION NO. 3—Granting Certain Powers to Local Governments**

**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. (Please see [Exhibit D](#), Tab B.)

- At the request of Chair Lee, Mr. Stewart, previously identified, reviewed Recommendation No. 3.
- Chair Lee requested discussion on granting functional “Home Rule” to local governments by means of a broad approach.



- Vice Chair Kirkpatrick asked for clarification as to how legislation can be worded so that the district attorney of each jurisdiction will interpret functional “Home Rule” in the same way. She stated that some flexibility is required; however, legislation can be interpreted differently by each person reviewing it.
- Senator Care commented that functional “Home Rule” is one of the main issues of the Committee, and since it is impossible to review the entire NRS to determine where changes should be made, he agreed that using a general approach in granting functional “Home Rule” to local governments is the only option. He admitted that this type of approach may create questions in the future that could require a decision by the courts.
- Vice Chair Kirkpatrick noted the importance of legislative intent since that is always a question when an issue is taken to court.
- Senator Care concurred with Vice Chair Kirkpatrick and explained that the idea behind providing functional “Home Rule” is to make it more convenient for counties and cities to operate efficiently on their own without going to the Legislature for approval on simple daily activities.
- Ms. Chlarson, previously identified, provided some background that the intent of the request from the ACIR is to adopt some form of “Home Rule” rather than using “Dillon’s Rule” that is presently being followed by the State of Nevada. She explained that a review was conducted by staff of how other states were granting additional “Home Rule” power to local governments. Ms. Chlarson explained that Indiana is one of the states that has given functional “Home Rule” to its local governments, and this model could be followed to draft legislation. She further explained that functional “Home Rule,” can be provided to local governments with limitations that would require legislative review.
- Chair Lee called for a motion on Recommendation No. 3.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN GOICOECHEA MOVED TO APPROVE RECOMMENDATION NO. 3 FOLLOWING THE INDIANA MODEL. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY.

#### **RECOMMENDATION NO. 4—Naming Rights for Certain Local Government Facilities**

**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.

- At the request of Chair Lee, Mr. Stewart, previously identified, provided a review of Recommendation No. 4. (Please see [Exhibit D](#), Tab C.)
- Vice Chair Kirkpatrick asked for clarification on which “certain local government facilities” are included in this recommendation.
- Mr. Stewart clarified that Recommendation No. 4 is written to include counties and cities, but it could be amended to include general improvement districts and other special districts.
- Senator Lee added that S.B. 497 provides “. . . for the sale of the naming rights to a park or recreational facility owned by the county. . .”

Discussion ensued among Committee members about amending Recommendation No. 4 to include general improvement districts and regional transportation commissions.

Responding to Senator Lee concerning the source of Recommendation No. 4, Mr. Stewart said naming rights is one of the general topics that could be included in the area of “Home Rule,” which has been introduced during previous sessions. At that time and during discussions preparing for the interim study there was a desire to examine the possibility of expanding naming rights beyond Clark County.

- Chair Lee called for a motion on Recommendation No. 4, limiting it to counties and cities only and also allowing for the sale of naming rights for events that may take place at the public facilities.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN SEGERBLOM MOVED TO APPROVE  
RECOMMENDATION NO. 4. THE MOTION WAS SECONDED BY  
SENATOR CARE AND PASSED UNANIMOUSLY.

## **RECOMMENDATION NO. 5—Salaries for Certain Local Elected Officials**

**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. (Please see [Exhibit D](#), Tab D.)
- Chair Lee reviewed Recommendation No. 5 and asked for discussion.
  - Senator Care opined that the Legislature should not set salaries for local governments. However, he noted that a constitutional amendment is required to make this change, which is a lengthy process.
  - At Chair Lee's request, Mr. Stewart, previously identified, reviewed the items for Committee discussion and approval in Recommendation No. 5.
  - Chair Lee indicated that it is difficult for the Legislature to know the budgets of some of the smaller counties and to make decisions that may be harmful to them. In his opinion, a decision cannot be made by the Committee today on Recommendation No. 5, but it is a topic that should be discussed further during the 2011 Session.

- In reply to Vice Chair Kirkpatrick, Mr. Stewart said that when salary issues were not addressed by the Legislature in the past, they would remain at the current statutory level until action is taken.
- Ms. Vilardo, previously identified, suggested that the Committee consider giving the decision to local government elected officials on items (b) and (c) of Recommendation No. 5. She explained that if the elected officials of a local government are willing to waive their salaries or longevity pay due to budget shortfalls, they should be able to do that by a simple board action. Ms. Vilardo recommended that the ACIR review the suggestions from the Committee and also conduct a review of how this is handled by other states.
- Chair Lee expressed his concern about passing this issue on to the ACIR and opined that it is a topic the Legislature should handle.

Following discussion between Chair Lee and Ms. Vilardo about the best approach to address the issue of salaries for certain local elected officials, Chair Lee noted that this topic will require further discussion during the 2011 Session.

- Mr. Allen, previously identified, said he does not support a salary commission. He pointed out that when salaries were raised, the Legislature for the most part, went along with the proposal made by former Governor Kenny C. Guinn's Commission on Salaries. Mr. Allen recommended determining the core average income of the private sector worker in Nevada to decide on a base salary and then raise salaries from the base, depending on the importance of the position being evaluated.

Discussion ensued among Committee members and Mr. Allen regarding how to determine a base salary in Nevada and the impact of collective bargaining in determining these salaries.

- Vice Chair Kirkpatrick opined that the Legislature is not in the position to set salaries of local government officials. She suggested that issues such as the number of hours a person is working and the type of position held need to be considered, and therefore, the counties are more aware of what their budgets are and what is affordable to them. However, Vice Chair Kirkpatrick stated that there should be provisions in the State law to ensure fairness in the salary setting process.
- Chair Lee called for a motion on Recommendation No. 5, including Ms. Vilardo's suggestion to allow elected officials of counties to waive their salaries or longevity pay due to budget shortfalls.
- The Committee **CONSIDERED THE FOLLOWING MOTION:**

VICE CHAIR KIRKPATRICK MOVED TO APPROVE RECOMMENDATION NO. 5, INCLUDING MS. VILARDO'S SUGGESTION TO ALLOW ELECTED OFFICIALS OF COUNTIES TO WAIVE THEIR SALARIES OR LONGEVITY PAY DUE TO BUDGET SHORTFALLS. THE MOTION WAS SECONDED BY ASSEMBLYMAN SEGERBLOM.

- Under discussion of the motion, Assemblyman Goicoechea suggested that the Legislature place a cap on salaries of county commissioners and provide the counties with the ability to lower or raise salaries within the cap, depending on what is affordable to the county.

Further discussion of the motion ensued among Committee members and Mr. Stewart regarding the language to be used in preparing a BDR on Recommendation No. 5. Chair Lee noted that it is difficult to prepare the language on Recommendation No. 5 when several unresolved issues exist. He further noted that some of the local government agencies may want to have more input on this item. The Committee determined to amend the prior action and to prepare a placeholder BDR to continue discussions during the 2011 Session regarding the salaries of certain elected officials, including, but not limited to, longevity and salary waiver issues.

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN SEGERBLOM MOVED TO PREPARE A PLACEHOLDER BDR TO CONTINUE DISCUSSION ON SALARIES OF CERTAIN ELECTED OFFICIALS. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED UNANIMOUSLY.

- Chair Lee noted that the Committee members would be available to consult with staff on the details for the BDR placeholder.

### **POSSIBLE COMMITTEE LETTERS AND STATEMENTS**

#### **Public Involvement and Participation in Local Government Activities**

**RECOMMENDATION NO. 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.)*

- At the request of Chair Lee, Mr. Stewart reviewed Recommendation No. 6.
- Vice Chair Kirkpatrick opined that if evening meetings are held, the general public and elected lawmakers would have a greater opportunity to participate.
- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR KIRKPATRICK MOVED TO APPROVE RECOMMENDATION NO. 6. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED UNANIMOUSLY. ASSEMBLYMAN SEGERBLOM WAS NOT PRESENT FOR THE VOTE.

- Regarding the above motion, Senator McGinness commented that although he voted in favor of Recommendation No. 6, he conveyed that it might be offensive to send a letter to the county commissioners requesting that they be more supportive of their constituents. He explained that in the counties he represents, the county commissioners have always alternated their meetings from day to evening hours.
- Vice Chair Kirkpatrick concurred with Senator McGinness and offered, since it was her recommendation and because the issue of evening meetings was noted for the record, that a letter would not need to be sent.
- Assemblyman Goicoechea stated that those counties making an effort to ensure the public is involved would not be offended by receiving a letter. However, he noted that there are a number of jurisdictions that do not make the effort to involve the public and a letter may encourage the scheduling of evening meetings.
- Subsequent to the Committee's action and further discussion on Recommendation No. 6, Chair Lee stated that the motion would stand.
- Chair Lee suggested that a letter also be written regarding Mr. Ross's, previously identified, desire to have the ACIR discuss the problems that the Town of Laughlin and other rural counties are experiencing.
- Vice Chair Kirkpatrick suggested sending the letter to each county commissioner of Nevada's counties that are experiencing similar problems to the Town of Laughlin.

Chair Lee called for a motion to send a letter to the ACIR and copy the appropriate county commissioners regarding the problems that the Town of Laughlin and other rural Nevada counties are experiencing, which were discussed by Mr. Ross, previously identified.

- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR KIRKPATRICK MOVED TO WRITE A LETTER TO THE ACIR DIRECTING IT TO CONTINUE DISCUSSIONS ON THE PROBLEMS THAT THE TOWN OF LAUGHLIN AND OTHER RURAL NEVADA COUNTIES ARE EXPERIENCING. THE LETTER SHOULD BE COPIED TO EACH COUNTY COMMISSIONER THAT IS AFFECTED BY THE SITUATION (CLARK COUNTY). THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED UNANIMOUSLY. ASSEMBLYMAN SEGERBLOM WAS NOT PRESENT FOR THE VOTE.

**RECOMMENDATION NO. 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.)*

- Chair Lee explained Recommendation No. 7 and called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION**

SENATOR CARE MOVED TO APPROVE RECOMMENDATION NO. 7. THE MOTION WAS SECONDED BY VICE CHAIR KIRKPATRICK AND PASSED UNANIMOUSLY. ASSEMBLYMAN SEGERBLOM WAS NOT PRESENT FOR THE VOTE.

### **Appreciation to the ACIR, NACO, and NLCM**

**RECOMMENDATION NO. 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.

- Chair Lee explained Recommendation No. 8 and asked for discussion.
- Vice Chair Kirkpatrick stated that if the ACIR continues, communication and a collaborative working relationship will be important for the future of the State of Nevada. She also noted that it is essential to consider the economic impact across the State when making decisions.
- Chair Lee thanked everyone who took part in providing information to the Committee during the 2009-2010 Interim. He directed staff to include Recommendation No. 8 in the final report.

### **PUBLIC COMMENT**

- No one came forward under this agenda item.

## ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 11:27 a.m.

Respectfully submitted,

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Jeanne Peyton  
Senior Research Secretary

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Michael J. Stewart  
Supervising Principal Research Analyst

APPROVED BY:

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Senator John J. Lee, Chair

Date: \_\_\_\_\_



## LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Michael J. Stewart, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a report submitted by the Interim Technical Advisory Committee for Intergovernmental Relations to the Legislative Commission’s Committee to Study Powers Delegated to Local Governments (Senate Bill 264, Chapter 462, *Statutes of Nevada 2009*), dated June 2010.

[Exhibit C](#) is the testimony of Jordan Ross, Editor, *The Laughlin Herald*, and resident of Laughlin, Nevada, dated June 23, 2010.

[Exhibit D](#) is a document dated June 23, 2010, titled “Work Session Document,” provided by Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.