

Assembly Bill No. 202—Assemblymen Bache, Giunchigliani, Perkins,
Williams, Berman, Anderson, Buckley, de Braga, Lee, Leslie,
Manendo, Mortenson, Parks, Tiffany and Von Tobel

Joint Sponsors: Senators O’Connell, Wiener, Titus,
Schneider and Shaffer

CHAPTER.....

AN ACT relating to metropolitan police departments; revising provisions relating to withdrawal from or dissolution of a department; requiring the approval of the voters for withdrawal from or dissolution of a department; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 280 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. 1. *If a participating political subdivision in a department that consists of three or more participating political subdivisions wishes to withdraw from the department, the participating political subdivision must submit the question of whether the political subdivision should withdraw from the department to the registered voters of the political subdivision at a general election held pursuant to NRS 293.12755. The participating political subdivision shall give notice of its intent to withdraw to the other participating political subdivisions at least 6 months before that general election. If a majority of the voters approve the question, the effective date of the withdrawal is the commencement of the fiscal year immediately following the general election at which the question of withdrawal is approved. The ordinance that had been adopted by the withdrawing political subdivision providing for the merger is void on the effective date of the withdrawal.*

2. If a department consists of:

(a) Two participating political subdivisions and one of the participating political subdivisions determines that it wishes to withdraw; or

(b) Three or more participating political subdivisions and all or all except one of the participating political subdivisions determine that they wish to withdraw, the participating political subdivisions must each submit the question of whether the department should be dissolved to the registered voters within their jurisdiction at the next general election held pursuant to NRS 293.12755. If a majority of the total votes cast on the question are in favor of the dissolution of the department, the effective date of the dissolution is the commencement of the fiscal year immediately following the general election at which the question of dissolution is approved. The ordinances that had been adopted by the participating political subdivisions providing for the merger are void on the effective date of the dissolution.

Sec. 3. 1. *Upon the withdrawal of a participating political subdivision from the department, the committee, in cooperation with the withdrawing political subdivision, shall determine the employees of the*

department that must be transferred to the law enforcement agency of the withdrawing political subdivision.

2. Such employees must hold positions of rank and grade comparable to their positions with the department before their transfer to the withdrawing political subdivision and are entitled to suffer no loss in pay, pension, fringe benefits or other job benefits by reason of the transfer.

3. Sick leave, longevity and vacation time accrued to such employees in the service of the department must be credited to them as employees of the law enforcement agency of the withdrawing political subdivision. All rights and accruals of such employees as members of the public employees' retirement system pursuant to the Public Employees' Retirement Act remain in force and must be automatically transferred from the department to the law enforcement agency of the withdrawing political subdivision.

4. The duties and responsibilities of such employees must not be diminished by reason of their transfer to the withdrawing political subdivision, but their area and division of assignment may be changed at the discretion of the chief law enforcement officer of the law enforcement agency of the withdrawing political subdivision.

Sec. 4. *1. Upon the dissolution of a department, employees of the department may, at the discretion of the employee, obtain employment with the political subdivision in the boundaries of which the employee had performed the majority of his duties for the department during the fiscal year immediately preceding dissolution.*

2. Such employees must hold positions of rank and grade comparable to their positions before dissolution and are entitled to suffer no loss in pay, pension, fringe benefits or other job benefits by reason of the dissolution.

3. Sick leave, longevity and vacation time accrued to such employees in the service of the department must be credited to them as employees of the law enforcement agencies of the political subdivisions participating in the department at the time of dissolution. All rights and accruals of such employees as members of the public employees' retirement system pursuant to the Public Employees' Retirement Act remain in force and must be automatically transferred from the department to such law enforcement agencies.

4. The duties and responsibilities of such employees must not be diminished by reason of the dissolution, but their area and division of assignment may be changed at the discretion of chief law enforcement officers of the law enforcement agencies of the political subdivisions to which the employees are transferred upon dissolution.

Sec. 5. *1. Any contract, franchise or other agreement into which a department enters after merger for goods or services is subject to rescission by either party if one or more of the participating political subdivisions withdraw from the department or the department is dissolved.*

2. A valid claim against a department arising from law enforcement activity is not diminished or altered by reason of the dissolution of the department. The participating political subdivisions at the time of dissolution are liable for any claims resulting from any pending action or proceeding which involves any debt, demand, liability or obligation or which has been brought by or against the department after the merger, irrespective of the nature of such matter in litigation.

Sec. 6. NRS 280.110 is hereby amended to read as follows:

280.110 1. The board of county commissioners of any county and the governing body of any city or cities located in the county may merge their respective law enforcement agencies into one metropolitan police department. To do so, the board of county commissioners of the participating county and the governing body of each participating city must each adopt an ordinance providing for the merger. Except with respect to an ordinance providing for the reorganization of an existing department pursuant to the provisions of this chapter, any ordinance providing for a merger must be adopted and become effective on or before November 30 in the year preceding the commencement of the fiscal year in which the merger is to occur.

~~2. [Any participating political subdivision may withdraw from the metropolitan police department by repealing the ordinance providing for the merger. The withdrawal must be effective at the beginning of a fiscal year and notice must be given to all other participating political subdivisions at least 6 months in advance of that date.]~~

~~—3.1~~ If the act or charter under which a participating city is organized provides for the appointment of a chief of police and his duties of law enforcement and the governing body of the city adopts an ordinance for the merger authorized by this section:

(a) The charter provision for appointment of a chief of police shall be deemed superseded as long as the ordinance providing for a merger of the police department of the participating city remains in effect.

(b) The duties of law enforcement vested in the law enforcement agencies designated in the merger, devolve upon the metropolitan police department, except the duty to construct, maintain or operate any county or city jail or detention facility.

~~14.1~~ 3. Any nonparticipating city may, by adopting an ordinance providing for a merger, merge its law enforcement agency into an existing metropolitan police department with the unanimous consent of the committee and subject to such rules and regulations as the committee may adopt which are consistent with the provisions of this chapter.

Sec. 7. NRS 280.220 is hereby amended to read as follows:

280.220 1. Upon merger, the county auditor or county comptroller of a county which has a department shall:

~~11.1~~ (a) Create in the county treasury one or more funds and accounts within those funds, pursuant to the provisions of NRS 354.470 to 354.626, inclusive, as the department may request, for the exclusive use of the department.

~~12.1~~ (b) Receive all money from the county, participating cities and any other source on behalf of the department and deposit the money in the appropriate department fund.

~~13-1~~ (c) Receive all money collected by the department for any purpose, except criminal and civil fines, and deposit the money in the appropriate department fund.

~~14-1~~ (d) Issue warrants against a department fund in the manner provided in this chapter.

~~15-1~~ (e) Credit any interest earned on money held in a department fund to any such fund designated by the department.

~~16-1~~ (f) Retain in each department fund any balances remaining at the end of each fiscal year.

2. Within 30 days after the effective date of the withdrawal of a participating political subdivision from the department, the county auditor or county comptroller shall issue a warrant to pay to the withdrawing political subdivision any money held in a department fund that is attributable to the withdrawing political subdivision based on the proportion that the total budgetary contribution of the withdrawing political subdivision to the department bears to the total budgetary contributions of all the participating political subdivisions to the department since the time of merger.

3. Within 30 days after the effective date of the dissolution of the department, the county auditor or county comptroller shall disburse any money held in a department fund to the participating political subdivisions at the time of dissolution based on the proportion that the total budgetary contribution of each participating political subdivision to the department bears to the total budgetary contributions of all the participating political subdivisions to the department since the time of merger.

Sec. 8. NRS 280.262 is hereby amended to read as follows:

280.262 *1.* In each county in which a metropolitan police department is established, there is hereby created a taxing district consisting of:

~~1-1~~ (a) The area within the boundaries of each incorporated city which participates in the department; and

~~1-2~~ (b) The area of the county outside the boundaries of any incorporated city.

2. The boundary of the taxing district must not be altered or abolished as a result of the withdrawal of a participating political subdivision from the department or the dissolution of the department in such a manner as to impair any outstanding bonds or other obligations that are payable from or secured by a pledge of a tax imposed in the taxing district until those bonds or other obligations have been discharged in full.

Sec. 9. NRS 280.264 is hereby amended to read as follows:

280.264 *1.* The committee may, with the consent of the governing body of the county and each participating city, borrow money from time to time as general obligations to construct buildings or improve property used by the department, except a county or city jail or detention facility. For this purpose, the committee is a “governing body” within the meaning of NRS 350.524.

2. If general obligations are issued pursuant to this section, the committee shall determine the amount required in each fiscal year to pay the interest and required installments of principal, and report this amount to

the Nevada tax commission as the budgets of local governments are reported, for the levy of the requisite tax on all taxable property within the taxing district.

3. For the purposes of any debt limitation of a county or city, obligations issued pursuant to this section shall be deemed to be the respective general obligations of the county and each of the cities in the same proportion as the percentage of the department's expenses paid by the county and each of the cities pursuant to the formula in effect at the time the obligations are issued.

4. If a participating political subdivision withdraws from the department, the withdrawing political subdivision becomes liable for the proportion of the indebtedness for the general obligations issued pursuant to this section that is attributable to the withdrawing political subdivision based on the percentage of the department's expenses paid by the withdrawing political subdivision pursuant to the formula in effect at the time the general obligations were issued.

5. Each participating political subdivision at the time of dissolution becomes liable for the proportion of the indebtedness for the general obligations issued pursuant to this section that is attributable to each participating political subdivision based on the percentage of the department's expenses paid by each participating political subdivision pursuant to the formula in effect at the time the general obligations were issued.

Sec. 10. NRS 280.266 is hereby amended to read as follows:

280.266 1. Upon the adoption of a resolution pursuant to NRS 350.087, the committee may issue a medium-term obligation to purchase capital equipment or enter into a lease-purchase agreement for capital equipment.

2. The committee is not required to comply with the provisions of NRS 350.089 if it issues a medium-term obligation for a lease-purchase agreement for capital equipment.

3. If a participating political subdivision withdraws from the department, the withdrawing political subdivision becomes liable for the proportion of the indebtedness for the medium-term obligations issued pursuant to this section that is attributable to the withdrawing political subdivision based on the percentage of the department's expenses paid by the withdrawing political subdivision pursuant to the formula in effect at the time the medium-term obligations were issued.

4. Each participating political subdivision at the time of dissolution becomes liable for the proportion of the indebtedness for the medium-term obligations issued pursuant to this section that is attributable to each participating political subdivision based on the percentage of the department's expenses paid by each participating political subdivision pursuant to the formula in effect at the time the medium-term obligations were issued.

Sec. 11. NRS 280.340 is hereby amended to read as follows:

280.340 1. Upon merger, the title to and possession of all personal property which is:

(a) Owned or held by, or in trust for, any of the participating political subdivisions, or by their officers or agencies in trust for public use; and

(b) Exclusively devoted at the time of merger to the purposes of law enforcement, shall be vested in and transferred to the department.

2. Property which is required to be transferred under the provisions of this section must be inventoried and appraised before the transfer in a manner which satisfies the accounting requirements of each participating political subdivision, in order that values may be determined as of the date of transfer.

3. The department shall hold title to all personal property it acquires after the time of merger.

4. To acquire personal property, the department may, upon the approval of the committee and by the unanimous vote of the members of the governing body of each participating political subdivision, issue negotiable notes in the amount of the purchase price thereof, which:

(a) Mature not later than 5 years from the date of issuance; and

(b) Bear interest at a rate not to exceed 12 percent per annum.

5. Each participating political subdivision shall provide in its annual budget for the payment of the principal and interest on the negotiable notes according to the funding apportionment plan established pursuant to NRS 280.201 for the fiscal year in which the negotiable notes were issued.

6. If ~~the withdrawal of~~ a participating political subdivision ~~gives notice of its intention to withdraw~~ from the department ~~it is approved pursuant to section 2 of this act~~, any personal property held by, for the use and benefit of, or in trust for the department must be immediately inventoried and appraised. The withdrawing political subdivision is entitled to receive, *on the effective date of the withdrawal*, its share of the value of the personal property, in cash or in kind, or both, or in such other manner as determined by the committee, based upon the average of:

(a) The proportion that its total contribution of personal property to the department bears to the total contributions of personal property of all participating political subdivisions since the time of merger; and

(b) The proportion that its total budgetary contribution to the department bears to the total budgetary contributions of all participating political subdivisions since the time of merger.

7. *If the dissolution of the department is approved pursuant to section 2 of this act, any personal property held by, for the use and benefit of, or in trust for the department must be immediately inventoried and appraised. Each participating political subdivision at the time of dissolution is entitled to receive, on the effective date of the dissolution, its share of the value of the personal property, in cash or in kind, or both, based upon the average of:*

(a) The proportion that its total contribution of personal property to the department bears to the total contributions of personal property of all participating political subdivisions to the department since the effective date of the merger; and

(b) The proportion that its total budgetary contribution to the department bears to the total budgetary contributions of all participating political subdivisions to the department since the effective date of the merger.

8. Upon *the effective date of the* withdrawal from the department, a *withdrawing* political subdivision becomes obligated for the payment of its share of the unpaid balance of any negotiable note issued by the department pursuant to subsection 4, determined in accordance with the funding apportionment plan established pursuant to NRS 280.201 for the fiscal year in which the negotiable note was issued. The department ~~|- or if there are only two participating political subdivisions before the effective date of the withdrawal the other political subdivision,|~~ becomes obligated for the payment of the remainder of the unpaid balance.

9. *Upon the effective date of the dissolution of the department, each participating political subdivision at the time of dissolution becomes obligated for the payment of its share of the unpaid balance of any negotiable note issued by the department pursuant to subsection 4 in the proportion that its total budgetary contribution to the department during the fiscal year or years in which the personal property was acquired bears to the total budgetary contributions of all participating political subdivisions to the department during that period.*

Sec. 12. NRS 280.350 is hereby amended to read as follows:

280.350 1. Upon merger, the department may possess all real property owned or held by any of the participating political subdivisions for the purposes of law enforcement at the time of adoption of the ordinance providing for the merger.

2. Upon a showing of good cause and a majority vote of the committee, the political subdivision which holds title to property:

(a) Owned or held for the purposes of law enforcement at the time of adoption of the ordinance providing for the merger; or

(b) Acquired for the use and benefit of or in trust for the department after the merger,
may repossess the property for public use if the department no longer needs it for the purposes of law enforcement.

3. The maintenance costs for any real property held for the use and benefit of or in trust for a department must be paid by the department.

4. The department may, upon the approval of the committee, lease or rent real property for the purposes of law enforcement.

5. If *the withdrawal of* a participating political subdivision ~~|- gives notice of its intention to withdraw|~~ from the department ~~|-|~~ *is approved pursuant to section 2 of this act:*

(a) The right to possess any real property, the possession of which passed to the department by operation of this section and the title to which remains in the withdrawing political subdivision, reverts to the withdrawing political subdivision upon the effective date of the withdrawal.

(b) Real property which was acquired for the use and benefit of or in trust for the department after the merger must immediately be inventoried and appraised. The withdrawing political subdivision is entitled to receive , *on the effective date of the withdrawal,* its share of the value of each parcel of real property, with improvements thereon, in cash or in kind, or both, or in such other manner as determined by the committee, in the proportion that its total budgetary contribution to the department during the fiscal year or years *in which* the parcel was acquired and improved bears to

the total budgetary contributions of all participating political subdivisions during that time.

6. If the dissolution of the department is approved pursuant to section 2 of this act:

(a) The right to possess any real property, the possession of which was passed to the department by operation of this section and the title to which remains in a participating political subdivision, reverts to that political subdivision on the effective date of the dissolution.

(b) Real property that was acquired for the use and benefit of or in trust for the department after the effective date of the merger must immediately be inventoried and appraised. Each participating political subdivision at the time of dissolution is entitled to receive, on the effective date of the dissolution, its share of the value of each such parcel of real property and any improvements on that property, in cash or in kind, or both, in the proportion that its total budgetary contribution to the department during the fiscal year or years in which the parcel was acquired and improved bears to the total budgetary contributions of all participating political subdivisions to the department during that period.