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AB 152
Discussion Outline
Commissioner Mickey Yarbrow
Lander County Commission
Assembly Committee on Government Affairs
2/27/03

Why Did Lander County Request AB 152?

The Board of Lander County Commissioners have requested AB 152 to enable the Commission, and those of other rural counties, to have the flexibility of combining one or more of the elected offices of Recorder, Treasurer, Clerk, Auditor and Assessor as may be necessary to align the duties and workload of the offices with the availability of qualified personnel and financial resources.

Lander County, as do most other rural Nevada counties, faces significant budget constraints in the coming biennium. The further shift of funding from local to state coffers will only serve to exacerbate this problem. The County seeks the flexibility to reduce the number of elected officers and related staffing costs as necessary to respond to budgetary constraints and workload requirements.

How Will Passage of AB 152 Remedy Lander County's Problem?

Under AB 152 (as is proposed to be amended), the Lander County Commission could assign the responsibilities of Auditor to any one of the other elected offices of Recorder, Assessor, Clerk or Treasurer. Further, the Lander County Commission could, in an effort to align duties and workload with the availability of qualified personnel and financial resources, have any one or more of the offices of Auditor, Recorder, Assessor, Clerk or Treasurer serve ex-officio as any one or more of the aforementioned offices. The net effect could be improved alignment of functional responsibilities and a possible reduction in salary expenditures.

What Safeguards are Included in AB 152 to Protect Seated Elected Officials from Indiscriminate Action by County Commissions?

AB 152, at lines 2-41 through 3-2, requires that any ordinance to combine one or more elected offices which is adopted by a county commission can not take effect until the earlier of either: (1) the expiration of the current term of the person serving in the county office to be filled ex officio by another county officer; or (2) a vacancy occurring in the county office that is to be filled ex officio by another county officer.

Does NRS Allow for Certain County Offices to be Filled Ex Officio by Another County Officer?

Table 1 illustrates that the Nevada Legislature has previously recognized the benefit of allowing one county officer to serve ex officio as another county officer. Existing statute does not apply the authority for ex officio service consistently across county offices or across counties.

What Concerns Has Lander County Heard from Other Jurisdictions Regarding AB 152?

In cooperation with the Nevada Association of Counties, Lander County has sought to understand how other counties view AB 152. Following is a summary of opinions of AB 152:

- The flexibility afforded to county commissions in aligning the duties and workload of the offices with the availability of qualified personnel and financial resources may be advantageous to counties with populations in excess of 100,000 (see population cap at line 2-33).
- It is not clear what the definition of the term "qualified" at line 2-39 means.
- Sections 3 and 4 of AB 152 do not make clear that a county officer could serve ex officio in more than one other county office. Authorization for a county officer to serve ex officio in more than one other county office is desirable.
- Each of the offices which might be filled by another county officer on an ex officio basis are elected offices. The voters of the county should be afforded the opportunity to express their preference on any proposal by a county commission to have a county officer serve ex officio in one or more other county offices.
- Inclusion of the offices of sheriff, district attorney, and constable in AB 152 does not appear appropriate.

What Amendments to AB 152 Would Lander County Recommend to Address Other Party's Interests? (deleted text bracketed, new text in italics)

Lines 2-34 through 2-36: revise as follows:

county officers described in subparagraph (n) of subsection 1 [to (6)] *and (4) to (6), inclusive, and (8) [and (10)]* of paragraph (n) of subsection 1 shall serve ex officio as *one or more other* [another] county [officer] *officers* described in those subparagraphs.

Line 2-37 through 2-40: delete

After Line 3-2: add a new subsection 6 as follows:

6. Public hearings held on any ordinance to be considered for adoption pursuant to subsection 3 must not occur until a non-binding referendum on the ordinance is held in a county-wide general or special election.

Lines 3-27 through 3-36: Delete

Lines 4-19 through 4-28: Delete

Lines 5-1 through 5-32: Delete

Table 1. Examples of Combined Offices

<u>County</u>	<u>Combined Offices</u>
Carson City	Clerk/Recorder (NRS 247.010) Clerk/Public Administrator (NRS 253.010)
Churchill	Clerk/Treasurer (NRS 249.010)
Douglas	Clerk/Treasurer (NRS 249.010)
Esmeralda	Auditor/Recorder (NRS 281.010) Clerk/Treasurer (NRS 249.010)
Eureka	Auditor/Recorder (NRS 281.010) Clerk/Treasurer (NRS 249.010)
Lander	District Attorney/Public Administrator (NRS 253.010)
Lincoln	Auditor/Recorder (NRS 281.010) District Attorney/Public Administrator (NRS 253.010)
Lyon	Clerk/Treasurer (NRS 249.010)
Mineral	Auditor/Recorder (NRS 281.010) Clerk/Treasurer (NRS 249.010)
Nye	Auditor/Recorder (NRS 281.010)
Pershing	Auditor/Recorder (NRS 281.010) Clerk/Treasurer (NRS 249.010)
Storey	Auditor/Recorder (NRS 281.010) Clerk/Treasurer (NRS 249.010)
White Pine	District Attorney/Public Administrator (NRS 253.010)