

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fourth Session
April 2, 2007**

The Committee on Government Affairs was called to order by Vice Chair Peggy Pierce at 8:04 a.m., on Monday, April 2, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Marilyn Kirkpatrick, Chair
Assemblywoman Peggy Pierce, Vice Chair
Assemblyman Kelvin Atkinson
Assemblyman Bob Beers
Assemblyman David Bobzien
Assemblyman Chad Christensen
Assemblyman Jerry D. Claborn
Assemblyman Pete Goicoechea
Assemblyman Ruben Kihuen
Assemblyman Harvey J. Munford
Assemblywoman Bonnie Parnell
Assemblyman James Settelmeyer
Assemblyman Lynn D. Stewart
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

Assemblyman Tom Grady, Assembly District No. 38
Assemblyman Joe Hardy, Assembly District No. 20

Minutes ID: 833



STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Scott McKenna, Committee Counsel
Cheryl Williams, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Dan Holler, Douglas County Manager, Douglas County
John Brumley, Deputy Administrator, Contracts and Finance, Clean Water Coalition
John Swendseid, Bond Counsel, Sherman and Howard L.L.C.
Ted Olivas, representing the City of Las Vegas
Elizabeth Fretwell, Deputy City Manager, City of Las Vegas
Toy Gregory, Master Judge, Las Vegas Municipal Court
Bert Brown, Judge, Las Vegas Municipal Court
Cedric Kerns, Judge, Las Vegas Municipal Court
Knight Allen, Private Citizen, Las Vegas, Nevada
Betsy Kolkoski, Judge, Las Vegas Municipal Court
George Assad, Judge, Las Vegas Municipal Court

Vice Chair Pierce:

[Roll Call.] [Quorum present.]

Today we will hear three bills. We will start with Assembly Bill 289. We will not hear Assembly Bill 462.

Assembly Bill 289: Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. (BDR 44-344)

Assemblyman Tom Grady, Assembly District No. 38:

I was approached by the City of Yerington with regard to their airport. The way the bill reads now, they have to get two appraisals of the property, have a public hearing, and advertise in the newspaper stating they are about to lease a piece of ground for a T-hangar. [T-hangars are used for storage of small airplanes. They typically have common walls and are part of a long building.] This results in over \$100 in advertising costs, and they get only \$110 rent on the T-hangar. What they are asking for is an exemption from the two appraisals and the advertising for the smaller airports. They will still go through the public hearing process in order to lease the space for the T-hangar. Because of the size of a T-hangar, this includes the airport at Battle Mountain, which is not a

city, but they do have an airport authority for their airport. That is all that the bill does. It authorizes small airports in small cities to be exempt from the two appraisals and the advertising portion that they are currently under.

You will have a bill coming behind this bill, sponsored by your Chairwoman, which is much more detailed. She has been working on her bill for well over two years with a number of people. It will include county airports of different sizes; we are in agreement with both bills. She has supported me on this bill, and I will give her full support on her bill. When she received it back, we were going to run both bills on the same day, but unfortunately, she had to make some changes on her bill. She said, "Let us hear your bill first, and get it moving," and then we will come back and do mine. I hope to be here to support her on her bill.

Vice Chair Pierce:

Are there any questions for Assemblyman Grady?

Assemblyman Goicoechea:

As I read the bill, it includes all counties and all cities other than Clark, Washoe, Elko, Douglas, and Carson. Is that correct?

Assemblyman Grady:

It will include the cities within those counties.

Assemblyman Goicoechea:

Okay, then how about those counties?

Assemblyman Grady:

The counties will be covered under Mrs. Kirkpatrick's bill.

Vice Chair Pierce:

Are there any other questions for Assemblyman Grady? Did you want to call anyone up to testify?

Assemblyman Grady:

I am not sure if a representative from the City of Yerington is here yet. They may have missed their own bill. Dan Holler from Douglas County is here in support of the bill.

Daniel C. Holler, Douglas County Manager, Douglas County:

We have spoken with Assemblyman Grady on this bill and we are in support of the bill. Currently, Douglas County would be outside the jurisdiction of the bill. If the Chairwoman's bill does not move forward, we would ask for a friendly amendment to make the population cap 50,000 to incorporate Douglas County, but we believe it will be addressed in Assemblywoman Kirkpatrick's bill. We are in support of this bill and would like to see it move forward.

Vice Chair Pierce:

Are there any questions for Mr. Holler? [There were none.] Is there anyone else who would like to speak in support of A.B. 289? [There were none.] Is there anyone who would like to speak in opposition to A.B. 289? [There were none.] Is there anyone who would like to speak as neutral on A.B. 289? [There were none.] I will close the hearing on A.B. 289.

I will now open the hearing on Assembly Bill 415.

Assembly Bill 415: Authorizes the financing of projects by a local government through the issuance of commercial paper. (BDR 30-1067)

Assemblyman Joe Hardy, Assembly District No. 20:

Assembly Bill 415 is about nothing more than a fancy credit card bill called "commercial paper." It deals with revolving credit opportunity. Assembly Bill 415 allows municipalities being able to have revolving credit and thus saving them a significant amount of money. I will turn the testimony over to the financial people who have a more succinct comprehension and understanding of this. I am open for any questions that you may have for me.

Vice Chair Pierce:

Is there anyone with questions for Assemblyman Hardy?

John A. Brumley, Deputy Administrator, Contracts and Finance, Clean Water Coalition:

[Read from prepared statement ([Exhibit C](#)).]

John Swendseid, Bond Counsel, Sherman and Howard L.L.C.:

First, I want to mention we are proposing an amendment ([Exhibit D](#)). The effect of the amendment is to move a limitation in the bill which says a commercial paper program cannot last longer than six years for general obligation bonds or longer than ten years for special obligation bonds, so that limitation, that six to ten year limitation, applies only to the revolving aspect of commercial paper.

I want to correct the intent of the amendment language in the Clean Water Coalition amendment. The language indicates that the six-to-ten-year limit applies to "resets" or "rolls." It is intended only to apply to the revolving aspect of commercial paper. By revolving, we mean if the Legislature adopts this bill, a local government would be able to use a commercial paper program like you can use a credit card. You have a \$10,000 maximum on your credit card. You can borrow up to that amount and then when you pay off the \$10,000, you can borrow more again. What this revolving aspect of commercial paper does is make this like a credit card so you can borrow up to the authorized amount, then no more borrowing until you pay it off. If you do pay it off, you can borrow again up to the authorized amount.

Under our proposed amendment, you can do that for no more than six years for general obligation commercial paper and up to ten years for revenue commercial paper. After the six years are over for a general obligation, you would need to reauthorize the borrowing, which means going back to your governing body for reauthorization. If it is general obligation commercial paper, you would go back to the debt management commission. I should mention that the other entities in Nevada that have used commercial paper include the Las Vegas Valley Water District, the Regional Transportation Commission in southern Nevada, the Clark County Regional Flood Control District, and the Truckee Meadows Water Authority in northern Nevada. I will support the bill as amended. The amendment is important so that the six-to-ten-year limit applies just to the revolving commercial paper.

I would be glad to go through the bill section by section if the Committee thinks that would be helpful, or answer any questions.

Assemblywoman Parnell:

I am curious. On page 5 of the bill in Section 3, subsection 3, the term of any commercial paper issued pursuant to this subsection must not exceed 270 days, and I wondered why that was a magical number.

John Swendseid:

In the marketplace, borrowing instruments are called commercial paper if they have a term of 270 days or less.

Assemblyman Christensen:

You mentioned something about a \$400,000 fee.

John Brumley:

That is correct. We recently canvassed other users of commercial paper to find out what the most recent costs associated with creating a commercial paper account were. We determined it was approximately between \$400,000 and \$500,000 for a \$200 million commercial paper issuance.

Assemblyman Christensen:

The term on that is less than or up to 270 days.

John Brumley:

It is kind of a misnomer. When you first go out with commercial paper, and you issue the short-term debt, the maximum term is 270 days, but you set it based on what the most advantageous interest rate is at the time. If the interest rate is going up, you might want to set it for as little as seven days, and then it would do what they call "churn and resell" on the market. The maximum time that it can be sold at any one time is 270 days, or nine months. It continues to resell, so commercial paper does not just stop and you have to repay all of the money that you borrowed—it keeps reselling in the marketplace. You can have commercial paper outstanding for quite some time, but each purchase of commercial paper in the market lasts a maximum of 270 days.

Assemblyman Christensen:

How would you use this, just to cover short-term needs, or is it always converted into a long-term instrument?

John Swendseid:

It is typically used to cover short-term needs. Often, during a construction program, all the money is borrowed at once and maybe invested at a losing interest rate; that is, borrowed at 6 percent and invested at 5 percent. This would allow you to borrow what you need, when you need it, and then when you get your program funded, you can pay off the commercial paper with a long-term bond. I think Truckee Meadows Water Authority uses it for a slightly different purpose in connection with acquisition of water rights. They use it to borrow when they need to acquire water rights and then eventually pay back the commercial paper with ...

Assemblyman Christensen:

That makes sense. It has been a long time since I have studied or talked about commercial paper. This completely makes sense to me. I am just curious as to why we have not had this, or why we are here addressing this now. It has not been available before.

Assemblyman Hardy:

This concept allows a municipality to participate in this process. You may be familiar with the term "home rule." This is actually one of those things that gives a municipality an opportunity to do something that would save them money, save taxpayers money, and save the rate payers money.

Assemblyman Beers:

How would this program, if enacted, affect the public works process, if at all?

John Brumley:

I would not say that it is going to impact them negatively. It will allow the public works process to borrow the money in the short term and avoid arbitrages issued through the Internal Revenue Service (IRS) rule, which states you have to spend all tax-exempt debt proceeds within a two-year time frame or else pay back anything that you may have made over the amount the IRS did not get money for over that time frame.

I know that a lot of agencies are dealing with arbitrage issues that are in the millions of dollars, and commercial paper is a nice way to avoid that issue, along with not having to take as much money. You take the money as you need it. A lot of times public works projects go in fits and starts—you are really busy for a while, and then all of a sudden something happens during the process like a legal issue, and you are delayed. You end up with all this money sitting there that you cannot do anything with. Commercial paper gives you a good way of managing your money.

Assemblyman Beers:

If I read you correctly, this bill could conceivably speed up some public works processes and eventually save some significant money in the long run.

John Brumley:

Yes, it certainly can save money on the debt issuance part. I think that part of the cost of doing public works projects is often overlooked, but there is a significant cost to borrowing money that you do not need. Having commercial paper available to you is a significant cost-saving measure for the public.

Chair Kirkpatrick:

What do you mean they will save money? I would not want to confuse the Committee. We have had Public Works in here, and the bidding process is really the longest part of that process. How is this going to make the process a lot faster in the public works area?

John Brumley:

You save money in the process of issuing debt when you do not have the money sitting there not being utilized. When you have to sell bonds, and then you sit on the proceeds, there is a cost involved. A lot of times when you have that cost, it then takes money away from what you would be using for your public works projects. As far as expediting it, it makes it easier to gather the money, when you have gone ahead and issued debt and invested the funds. Sometimes it is not as liquid as a commercial paper account allows, where you can draw it out the next day. Sometimes, if you have your money invested, money that you have drawn down on bonds, it is not that easy to get to.

Vice Chair Pierce:

Could you tell me what arbitrage issues means?

John Swendseid:

The Internal Revenue Service has a rule that applies to tax-exempt bonds. In general it is not permitted to invest monies you receive from a tax-exempt bond at an interest rate that is higher than the interest rate on the tax-exempt bonds. So, if you issued tax-exempt bonds at 5 percent and you are able to invest those at 6 percent in a Treasury obligation or some other instrument, the IRS treats the difference between the 5 percent rate at which the local government borrows money and the 6 percent rate at which they are able to invest that money as arbitrage. The IRS requires that you repay any arbitrage you have earned to the United States.

There are some exceptions—if you are able to spend the money that you borrow very quickly, if you can spend all the money you borrow say within six months, then you can keep the arbitrage.

Commercial paper allows a local government to take advantage of that because they borrow only what they can spend in the very near term. Instead of borrowing \$100 million all at once, maybe they borrow \$10 million, what they need to spend in the next month or two; then they are entitled to keep the arbitrage. Otherwise all of the arbitrage, all of the earnings they make above what they have to pay on the money that they borrow, has to be repaid to the United States Treasury.

Vice Chair Pierce:

Who is it, initially, that you have to go to for authorization to take part in this process?

John Swendseid:

For all local governments, the first step is to go to their governing body. The Clean Water Coalition would go to its governing body; the Las Vegas Valley Water District would go to its Board of Directors. If it is General Obligation (GO) commercial paper, the next step is to go to the debt management commission of the county in which the local government is located. After the debt management commission, it goes back to the governing body. So, for GOs there are three steps: governing body, debt management commission, and back to governing body.

For revenue commercial paper, which is just for entities that issue revenue bonds, they need only their governing body's approval.

Vice Chair Pierce:

So, this bill would mean that instead of going back every time this would revolve for six years.

John Swendseid:

Yes, this would allow an entity to not have to go back once they have spent their commercial paper funds. If they were authorized \$100 million and spent it, under existing law they would have to go back to their governing body, and debt management commission possibly, to reauthorize another \$100 million. This would allow, for a period of six years, for them to continue with the \$100 million commercial paper program, but they could never have over \$100 million outstanding. They could borrow the \$100 million, spend it, pay it off and then borrow it again, as long as it is within the six years. With the existing law, when they want to borrow it again, they need to get reauthorization from debt management and their own governing body.

John Brumley:

There is one thing that I would like to add. When you go to the debt commission to get your initial authorization to issue debt, you would say that you want to issue up to \$800 million in debt, and you want to establish a \$100 million commercial paper program that revolves or a \$200 million commercial paper program that revolves. Therefore, it would revolve up to your maximum amount so that you would not be able to spend more than you could actually pay for, or what the debt commission was aware that you are obligating.

Vice Chair Pierce:

Is the commercial paper connected to a particular project or an agency?

John Swendseid:

Commercial paper is typically connected to a particular project, though sometimes the project can be broadly defined; it might be connected to major highway construction in the Clark County area, which is a particular project, but a broadly defined project. Sometimes, as with the Clean Water Coalition, it will be more narrowly defined to what their primary purpose is. It depends on the entity and what they are trying to do in their capital plan.

Vice Chair Pierce:

Would that be a decision of the debt management committee as to how broadly it is defined?

John Swendseid:

Again, it starts with the governing body. They would say, "Here is what we would like," and then they would see if the debt management commission would approve it.

Vice Chair Pierce:

I have a couple of questions for the sponsor. Mr. Hardy, you are in agreement with this amendment?

Assemblyman Hardy:

Yes, madam.

Vice Chair Pierce:

How many other states do this?

Assemblyman Hardy:

Not just us, but hopefully we will be included soon. I am going to ask John Swendseid that question.

John Swendseid:

I do not know the answer to that; I do know that our neighbor states, Arizona, California, and Colorado, all do it. I have not done a survey of how many states do this.

Chair Kirkpatrick:

If you are expanding the horizon to allow municipalities, how do you keep everybody from being all over the board and going off on their own tangents?

John Swendseid:

This is just a tool to borrow money. Right now local governments can borrow money through this and other vehicles, they can do it for whatever purpose they are authorized to do. We do worry about a local government issuing so much in bonds that it takes tax rates away from other local governments. That is why we have the debt management commission review all general obligations, commercial paper, or any other kind of general obligation to make sure that we do not end up using up a larger quantity of the tax rate that other local governments might need. The primary control on tax rate borrowing is the debt management commission.

Chair Kirkpatrick:

Who is on the debt management commission?

John Swendseid:

The debt management commission is composed of representatives of local government. For example, in Clark County, there are two county commissioners, one person from Las Vegas, one person from North Las Vegas, one person from Henderson, one person from the school district, and one from one of the other two cities. There are members of the general public appointed by the governmental representatives, one of whom, in Clark County, is Carole Vilaro who, as all of you know, watches this stuff very closely.

Each county is a little bit different. The composition of the debt management commission is specified in the *Nevada Revised Statutes* (NRS). I believe in Washoe County the commission is smaller than in Clark County, but it is a statutory makeup.

Chair Kirkpatrick:

Thank you, I am happy with that.

Vice Chair Pierce:

Are there any other questions?

Assemblyman Goicoechea:

The concern I have is with the six years. You could well have a turnover in the board personnel, as well as your debt management commission, in that six-year period.

John Swendseid:

That is correct, and the idea is to put some limit on it. Six years also happens to be the maximum times in which you could authorize general obligation bonds that have been voted on in an election. Actually, Carole [Vilardo] came up with the six years, but right now if you vote "no" on GO bonds you can issue them up to six years after that vote. So, Carol thought that made sense for a limit on how far you can go on the GO commercial paper, six years. And yes, you could have a turnover on the commission. The local governing body can always put the brakes on, though; they can say no more, stop. Once the commission has approved a bond issue, the approval is good for a certain period of time even if the commission members have changed. That is the way the existing law works.

Assemblyman Goicoechea:

Even though we have the six-year time frame, the Board of County Commissioners could, at any point, say, "No, this is it, we do not want to incur any more obligations."

John Swendseid:

If it is a county commission commercial paper program, the county commission could stop it at any time.

Assemblyman Goicoechea:

Or the City Council could stop it, or whatever the government entity was.

John Swendseid:

Yes, that is correct.

Vice Chair Pierce:

Are there any other questions for these gentlemen? [There were none.] Is there anyone else, Assemblyman Hardy, you would like to call up to testify? [There were none.] Is there anyone else who would like to speak in support of A.B. 415? [There were none.] Is there anyone in Clark County? [There were none.] Is there anyone who would like to speak in opposition to A.B. 415? [There were none.] Is there anyone who would like to speak as neutral on A.B. 415? [There were none.]

We will close the hearing on A.B. 415.

[Vice Chair Pierce turned the gavel over to Chair Kirkpatrick.]

Chair Kirkpatrick:

The next Assembly bill we will hear is Assembly Bill 514.

Assembly Bill 514: Makes various changes to the Charter of the City of Las Vegas. (BDR S-1381)

Ted J. Olivas, representing the City of Las Vegas:

I am joined by Betsy Fretwell, our Deputy City Manager. I want to thank Ms. Joiner and Mr. McKenna for working with us on this mock-up and proposed amendment (Exhibit E) to A.B. 514.

Elizabeth Fretwell, Deputy City Manager, City of Las Vegas:

The City of Las Vegas does not take changing our Charter lightly. It has been quite some time since we have requested a Charter overhaul. Some of these changes have been building up for nearly a decade or more. I would describe the bill as trying to attain two different things.

We are asking to update our Charter given all the things that have changed in our city in the last decade, and also to afford us some greater flexibility in our Charter that is not currently there. That is our primary focus today. As you may know, we are the 24th largest city in the country. We are about to reach a population of 600,000. We are a pretty big city, and we have some things, due to the nature of the growth and the age of our city, that we need to be doing differently.

By changing some things in our Charter, we will have the opportunity to address some of the unique things that we need to do that may not be applicable in other cities. That is why we are making the recommendation to change the Charter versus the general cities and towns chapters in *Nevada Revised Statutes* (NRS).

I would like to speak about the amendment because I think that is the bill you are considering today versus the original draft. In brief, the difference between the bill as introduced and the bill in the mock-up is that three sections would be eliminated from the original bill, Sections 1, 3, and 4, and in their place would be substituted a new section, Section 7, with additional language. I will go through each of the sections of the bill as expeditiously as you like, and I would be happy to answer any questions as we go along.

Chair Kirkpatrick:

I am going to let you go through the bill as a whole and then we will come back to questions.

Elizabeth Fretwell:

We will be speaking of the mock-up. Section 1, which is related to affordable housing, is no longer necessary due in large part to the additional language in Section 7.

Section 2 is a pretty extensive section. It would allow the Mayor and Council to create a salary commission. It would be a seven-member commission that would set salaries for the Mayor and Council. The current salary for the Mayor is \$59,657 and for each council member it is \$45,410.

We would recommend, as outlined in this bill, that each ward be represented in this salary commission, but those individuals appointed cannot be related to anybody on the Council and cannot have a business affiliation with the City of Las Vegas. We would make sure that there is at least one representative from each ward.

We also wanted to make sure that we had key components of the community represented, despite a geographic distribution based on the ward appointments. We wanted to make sure that certain categories were covered, including the business community; the taxpayers, like the Nevada Taxpayers Association; the development community; an individual with expertise in human resource management; and an individual with expertise in finance. We want a well-rounded group of individuals who are well-suited to evaluate the current salaries and fix future salaries for the Mayor and the Council. We would also add two remaining members who would be members of the general public. There would be no stipulation as to their criteria for appointment, but they must live within the city of Las Vegas.

The commission would be supported by city staff. They would have to meet at least every five years, and that is so the salaries can be evaluated based on some criteria that I would like to share with you at this point.

The commission must consider workload, so things like growth in the general population and changes in the duties would have to be evaluated. Likewise, compensation for comparable positions in other geographic regions would be considered so that we keep in step with what is going on everywhere else and are at least giving that consideration in this process. There would be a requirement for public hearings so there would be adequate opportunity for public input on the salary commission's activities.

Section 3 would be deleted. The new Section 2 includes changes related to an appointment due to a vacancy in the Municipal Court. If we had a vacancy, the City Council would extend the time to make that appointment to 60 days. Right

now, we have 30 days. It would also say a candidate would have to meet the residency requirements to run. We are asking for those two changes in Section 2.

Section 3 is cleanup language relating back to the new Section 1, the salary commission section.

Section 4 is also cleanup language to take out the reference to being elected or being appointed. It would remove the words "to be elected." This would make this section of our charter similar to that of the North Las Vegas Charter. Apparently, in the past, there have been individuals who have been sought for election to other boards and things like that, not to other elected positions. This would clean that up so if someone were elected to something else by other peers, it would not impact him. He would be able to serve in that capacity.

Section 5 would make our recommending committee enabling. You may or may not know that the City of Las Vegas has a mandatory recommending committee that hears all of our ordinances. They handle the second reading, if you will. They typically handle many of the public hearings. What we have found over the years is often it can be a good place to resolve a lot of difficult issues, but more often than not, we end up having a two-person committee hearing where we have clerks, attorneys, city-manager-types, and directors, with very little public participation. What we would like is the flexibility to appoint the recommending committee when we have those more contentious bills that require an in-depth public hearing. The way we have modified this section would make the recommending committee enabling instead of mandatory; however, they would have to be impaneled four times a year—at least once each quarter. That way we can stagger our ordinances that are the most significant and will take quite a bit of public testimony or need some significant work.

Section 6 would allow the Mayor and Council an alternative for disposition of work cards to a judicial or an administrative body for appeals. Right now, all of the appeals go to the Mayor and Council. There is no ability for them to send it to a hearing officer, for instance.

Section 7 is probably one of the more interesting sections of the bill. This would grant general, expanded, functional authority to the City Council. This section is why we would no longer need Sections 1, 3, and 4 in the original bill. We have been working with a variety of different individuals related to this, and I would like to say this creates some flexibility for the city to be able to keep up with the growth that I mentioned earlier in my testimony.

We find that we have a lot of intercity issues that are impacting the City of Las Vegas now that were not there ten years ago. We ask for authorization in the original bill to be able to provide employment and training assistance. In fact, the State, last session, afforded us a grant of \$200,000 to work with women to help them transition from incarceration back to employment. We have been doing these programs for close to four years. Most of them are grant-authorized programs. When we were looking at this Charter bill we recognized that our statutory authority, even though we have been doing these programs through grant funding, is not clear.

Section 7 of this bill would make us able to conduct that kind of business without waiting two years to come back to the State Legislature to say, "Can we do an employment and training program?" This would expand our flexibility and our authority. What it would not do is supersede state law. Where you have told us how we need to do business in Chapter 278 of NRS as we deal with and manage development issues, we would follow the 278 rules. Where you have told us how to do procurement, we would follow those rules. What you told us in Chapter 268 of NRS, we would follow those rules. None of that would be circumvented by this section. It would just be areas where there is no specific language that says you cannot do it. Things like the training model that I mentioned would be part of that, as would things like the traffic master that we discussed in our first draft of the bill. The City Council would have the authority to work with the municipal court judges, by ordinance, to establish a traffic court, which will enhance our efficiency and our effectiveness of how our court runs. We would not have to burden you all with a bill to enhance our operations.

We would not be able to impose any taxes to do these duties. We would have to follow all of the state laws as they relate to fees, taxes, development, and procedural things that are outlined in the rest of the statutes. It just gives us some flexibility as far as the functions the city can provide.

Section 8 is also cleanup language that would allow us to merge positions. We have a Director of Financial Services; we also have a statutory requirement for a Treasurer. The Treasurer works for the Director of Financial Management, so we are asking that he be able to play that role, or recommend an appointment.

Similarly, in Section 9, we would remove the obligation that the Public Services Director be a licensed engineer. It does not mean that we would not have that as a requirement for our Public Services Director, but that would be administratively done, not necessarily set out in state law.

The final section is related to our Civil Service Board. We have a five-member Civil Service Board that meets twice a year. We have been working with our unions over the last year to try to streamline their operations so we can expedite recruiting. Right now our recruiting times are somewhere around 45 to 60 days, which is pretty lengthy when you are growing this fast. What we are asking for is more enabling language versus mandatory language that would assist our Civil Service Board. We recognize that there are references to the Civil Service Board in our collective bargaining agreements. If this Committee authorizes these changes and this enabling language, we would be obligated to work with those collective bargaining agreements and unions that are subject to those agreements to work out the references to the Civil Service Board so that we are not changing things unnecessarily. We want to make sure we are accommodating the issues in collective bargaining agreements before we change the Civil Service Board.

Generally, this change would allow us to continue to improve our efficiency in our civil service procedures. It would not eliminate our requirement to have civil service. We would still have that, we would still have the rules of procedures and practices associated with that, but to be able to cut our recruiting time from six weeks to something on the level of one to three is a pretty significant efficiency enhancement. We would like the ability to evaluate and make changes without having to ask for a subsequent bill at the Legislature two years from now.

With that, I would be happy to answer any questions that the Committee may have regarding the bill.

Assemblyman Munford:

I represent Assembly District No. 6, which also encompasses Ward 5, and I received many phone calls. The people from Ward 5 are upset because it says right here in this bill, within 30 days you are supposed to appoint someone to fill a vacant seat. That vacant seat has been vacant since the filing ended February 4, and that exceeds 30 days. They want to know why they were not given an appointed council member to sit in that vacated seat. What is the problem, why was it not filled?

Elizabeth Fretwell:

The issue of making an appointment is slated for Council consideration on Wednesday, April 4. It is my understanding there was a misunderstanding regarding the role of the election that is underway right now. There was advice given to the Mayor and Council that the general election could serve as the special election. It was just brought to the Mayor's and Council's attention about a week ago that they did have an obligation to make that 30-day

appointment. I think there was some confusion, and we are addressing it on Wednesday.

Assemblywoman Parnell:

I am curious as to the language in the amended Section 7, subsection 2 (a) "Granted in express words;" and subsection 2 (b) "Necessarily or fairly implied . . ." Is that common to NRS? I have never seen that kind of language before. Could Legal clear that up for me?

Scott McKenna, Committee Counsel:

While I would not say that "necessarily or fairly implied" is common in NRS, typically whenever a governmental entity, whether it be a state agency or a local government, is given the power to do a particular thing, it would be presumed to go along with that; that the other powers necessary or incident to what specifically was granted go along with it. I think this is just sort of saying, in black and white language, what would occur anyway. That would be my opinion.

Assemblyman Bobzien:

I have a two-part question on Section 2. First, do we have other city charters that include some sort of a salary commission? Second and this is a little more open-ended, could you tell the Committee the source of that idea? I understand that this bill, in total, has been a long time coming. Have there been public discussions about the creation of such a commission; has this been something that has been discussed in city council meetings?

Elizabeth Fretwell:

This is new language. I do not think that it occurs anywhere else in anyone else's charter. We have been trying to come up with a different approach to address the compensation of a mayor and council. There are a couple of things to consider in the current situation. Right now the Mayor and the Council are authorized to change their own salaries. Eight years ago the City Council impaneled a citizen's advisory committee to evaluate a variety of things associated with their work, including their salaries. Eight years ago they made a recommendation to adjust the salaries, but it is very difficult for the Mayor and Council to be perceived as voting in their own raises. They did not want to do it, even though a completely independent body had indicated they felt that was the right thing to do. The adjustments that have been made to the salaries over the last few years were based on the Consumer Price Index (CPI), which is outlined in ordinance. There has been no mechanism to create a completely independent body that could evaluate the scenario, the situation in which these council people work, and be able to objectively evaluate and set what the right compensation is. The goal was to streamline and create some greater

objectivity to this process, and make those changes immediate. If we were to take a salary bill to the Mayor and Council, which the City Manager did right after he was appointed, they would feel uncomfortable voting on their own compensation for obvious reasons. They took no action on that measure even though staff recommended an adjustment. If they had approved a change to their compensation, it would not have gone into effect until their next term; but because people still had terms to run for, they felt uncomfortable. It is kind of a difficult situation for them because, even though there is a delay in implementation of the salaries, it is not enough to make them feel comfortable to vote.

At the same time, we have a big city, and we have a lot of work that needs to be done. Therefore it is becoming increasingly difficult for individuals to be part-time. They are part-time, but they are really not part-time. Most of them work almost full-time. There is no way for us to address that from a compensation standpoint. We wanted to make sure that we created something that would allow us the objectivity of having what we think is a very representative, independent salary commission able to make those changes.

Assemblyman Bobzien:

We can certainly relate; however, specific to the concept itself of the creation of the commission, has that been a topic of conversation? I understand where that came from and I can certainly envision the staff conversations about it. What I am trying to get to the heart of is, has there been a public discussion in this city before this was brought to the Legislature?

Elizabeth Fretwell:

We had discussions when we were giving consideration to the creation of this bill and the request for this bill. One of the things that we talked about, but not in a tremendous amount of detail, was creating an independent salary commission. The Mayor and all the Council agreed to that component and sent us away to work with the Legislative Counsel Bureau to try to develop something that would be fair, independent, and representative. I think that is what we have crafted for your consideration.

Assemblyman Settlemeyer:

I understand the problem with the concept of voting on your own salary. In the other respect, we do this not for money, we do it because it is the right thing to do. I question it because California has gone to that concept with their Legislature and now they pay their legislative representatives something like \$127,000 a year to do their job. Like you said, they can vote on their raises right now and it does not affect them, so I wonder if we should stray from that. I wanted to address the issue where it says one member, and it discusses who

has an interest in the business, an interest in the taxpayers, or an interest in the development community. Who determines who that person is that has an interest in the taxpaying community?

Elizabeth Fretwell:

Are you referencing subsection 3 where the people who would be appointed are representing those other organizations?

Assemblyman Settlemeyer:

Correct, the creation of the salary commission under number 3, describing how number 2 is established. Who will determine those interests?

Elizabeth Fretwell:

We actually went back and forth about this because it would be very easy for us to write there will be a representative from the Nevada Taxpayers Association, there will be a representative from the Southern Nevada Home Builders Association, and there will be one representative from the Las Vegas Chamber of Commerce. The problem is, when we write specific names into a charter, if one of those organizations were to change its name, we would have to come back here and ask for a charter amendment to clean it up.

What we did was to describe those organizations that needed to be represented based on the mission of those organizations that we are familiar with and are present today. That is why we wrote it a little more broadly.

Assemblyman Settlemeyer:

My question is, who appoints those members, or determines those interests, the City Council people themselves?

Elizabeth Fretwell:

Yes.

Chair Kirkpatrick:

Does anyone else have any other questions?

Assemblywoman Pierce:

Did you say that now salaries are raised based on the Consumer Price Index (CPI)?

Elizabeth Fretwell:

Yes.

Assemblywoman Pierce:

Is that annually?

Elizabeth Fretwell:

Yes.

Chair Kirkpatrick:

Does anyone else have any questions?

Assemblywoman Pierce:

In Section 7, the way it is now, you cannot do anything that the Legislature does not expressly tell you that you can do, and this would amend it to say that if we have not told you that you cannot do it, then you can.

Elizabeth Fretwell:

Yes.

Chair Kirkpatrick:

I did speak with Councilman Ross about the recommending board, and I think it is better now that we allow you to meet at least four times a year. I have been before that recommending board more than once myself; sometimes there are a lot of people there and sometimes there are none. I spoke with the City Council person whom I represent and work with, and both he and I agreed to the four times a year.

Does anyone else have any questions? [There were none.]

We will move to those who are in favor of this bill, and we will start in Las Vegas.

Toy Gregory, Master Judge, Las Vegas Municipal Court:

I had originally come here today to testify in support of the original bill before the amendment. It appears to me, now, that the amendment encompasses the points that I was in favor of, and I would say I support the amended bill and four of the six municipal court judges support it.

Bert Brown, Judge, Las Vegas Municipal Court:

I am in support, as well.

Cedric Kerns, Judge, Las Vegas Municipal Court:

I, too, am in support of the bill; I take the same position that Judge Gregory and Judge Brown take. Thank you.

Chair Kirkpatrick:

We are going to move back to Carson City to see if there is anyone who would like to speak in favor of A.B. 514? [There were none.] With that being said, we will move to anyone who would like to speak as neutral on A.B. 514. [There were none.] Is there anyone who would like to speak in opposition to A.B. 514? We will go down to Clark County.

Knight Allen, Private Citizen, Las Vegas, Nevada:

I come today to speak in opposition not to the whole bill, but to Section 2, or as I understand the amendment, what is now Section 1, the salary commission. For the record, I am not someone who says that elected officials should work for nothing or that they never deserve a pay raise. I have a strong conviction, however, that the only group of underpaid elected officials in this State right now is you.

I have been working since the 1980s to get the Legislature a pay raise. So if any of you would like to know what it is like to be on a quixotic quest that is, in reality, nothing more than an exercise in futility, give me a call sometime. My point is that I have no objection to salaries for elected officials or to pay raises, but I am totally and completely opposed to the creation of machinery, or a factory, whose only real goal and objective is to provide cover for elected officials to get outrageous and outsized pay raises on a regular basis without any real accountability. This bothers me to no end, and that is what Section 2 is all about. These kinds of commissions simply exist to go around and look around. They start out by saying let us see what they do in San Diego, or Los Angeles, or Portland, or Seattle, or Salt Lake City, or Phoenix, Tucson, San Antonio—any place where they can find a group of city officials who are paid a huge amount of money. They will find that place, and they will then present it to their council and advise them to adjust their salaries upward to this level. Same size community, same size growth, blah, blah, blah, and it is all done for no other reason than that is what they do. It is what I have labeled the comparability trap—compare, compare, compare. I want the comparison to be the economic well-being of the people of this community. That is what I would like to see. The fact of the matter is they will not do that. The people of this community and what is happening to them are of no real concern.

I will give you an example. You may very well recognize the Nevada economy. As elected officials you probably get this in the mail. I wonder if you could just imagine what the total pay raise for all the industries was between January of 2006 and January 2007. It was 2.5 percent. That is how much the standard of living of the people in the Las Vegas metropolitan statistical area went up. I would be willing to wager, without any thought of risking my money, that the

Cost Of Living Allowance (COLA) for the Mayor and City Council was more than that.

I think maybe this commission, in fact I am sure this commission, will exist to make absolutely certain that this kind of number is not given any consideration. You want to talk about elected officials vis-à-vis elected officials. This is a very bad situation to get into because it should be elected officials vis-à-vis the people, and it is not happening.

Now, I am in the line of fire, I happen to live in Ward 1 in the City of Las Vegas.

Chair Kirkpatrick:

Mr. Allen, I just want to clarify that we are speaking on the merits of this bill, so just to cut it off there, we need to stay on task and speak of the merits of the bill. I do not care about the election.

Knight Allen:

Do you feel I have drifted?

Chair Kirkpatrick:

I feel you have started to drift and I would like you not to drift. I do not care about the elections in Ward 1, so I respectfully ask you to please stay on the merits of the bill.

Knight Allen:

Fine, absolutely. This being the case, and since the commission that is being proposed has been proposed in other places and in other areas, I think that the best thing that you can do is to excise Section 2, now Section 1, and simply not give it to them. The Mayor and the City Council have the absolute power and authority to vote themselves their own salaries just as you do, and if they are uncomfortable doing it, just as you are uncomfortable doing it, then that is just the way it should be. They have the COLA in there and that is enough for them unless they feel strongly enough to get out there and lead, and to tell the people we want this increase, it is deserved, it will not happen until the next time we are elected, and so go ahead and do it. I do hope that you will take that section out. It does not serve anyone's interest, just as it would not serve your interests.

If you are going to do anything, tie it back to what is happening to the people. Although 2.5 percent makes it pretty tough for ordinary citizens, it is time the elected officials tie into that concept.

Chair Kirkpatrick:

We do appreciate your input. Are there any questions or comments for Mr. Allen?

Assemblyman Claborn:

I am still confused. I have a proposed change to A.B. 514, it is an amendment. Are we going to talk about that amendment, or is somebody going to present the amendment; what is going to happen? My whole scenario, when I was asking Ms. Fretwell, was that the Chief Judge serves for life without removal because there is no language to end his or her term of office. I wanted to talk about the amendment.

Chair Kirkpatrick:

Mr. Claborn, originally the bill was submitted on behalf of the Committee on Government Affairs. The City of Las Vegas asked if we would put the bill in. Originally the bill had sections in it that dealt with the municipal courts. Those sections since were taken out and, I do not want to speak for anybody, but from what I understand, not everybody could get along down there. However, we have five out of the six judges in the room, and five of them have signed in.

I am sure somebody is bound to address the amendment, but currently the amendment is not part of this bill. From what I understand, the few judges who spoke today want to see the bill passed as it is.

Assemblyman Claborn:

So, am I to assume that they are using this as a rider on the amendment?

Chair Kirkpatrick:

Yes, that is correct, and there are two more judges to speak.

Assemblyman Munford:

In terms of the amendment, the judges who want to speak now want to speak against the present language in the bill, where the judges stay permanently. Is that what it is?

Chair Kirkpatrick:

I am trying to get to that point. I asked them to sign in as opposing the bill as a whole and proposing it as an amendment, as we would do here in Carson City.

Betsy Kolkoski, Judge, Las Vegas Municipal Court:

[Read from prepared statement ([Exhibit F](#)).]

Assemblyman Claborn:

I would like to go on record as supporting something like this bill, for the simple fact I do not believe, whether you are appointed or work your way up that you have to answer to anybody. All my life I have had to answer to somebody, whether it was my boss or, now that I am an elected official, I answer to my constituents. The way I see it, these appointments might be fine in some other places, but when you get to a judge, or any elected official, they should be elected for the simple fact that they have some hand in seeing that there is not corruption, or things are not one-sided, and that elected officials do not get too powerful. I would like to go on record as supporting something like this. An elected official has to answer to his constituents.

Assemblyman Munford:

What is the function of the Chief Judge? What are the duties and what does he actually do?

Betsy Kolkoski:

The Chief Judge is actually the business manager of the Court, in my opinion, and that is what he is supposed to do. He is supposed to manage the business of the court and work with the Court Administrator; but what happens sometimes is that there are orders issued telling judges how to do specific things in their courts. There is a fuzziness that can occur when someone is empowered with one duty and it expands.

Chair Kirkpatrick:

Ms. Fretwell, would it be possible for you to get us a list of the administrative duties of the Chief Judge. I think it is terrible that, at the Legislature, we have to be in a fight with five of the six judges in the City of Las Vegas. But, honestly, I am wondering who is running the court today?

I am going to let everyone ask their questions, but could you get that list to us expeditiously, by the end of today or tomorrow morning? I really think it is terrible that we are in this position, and it is not your fight because they are all grown adults. You may use my office to get that to us today, and I am going to let this move forward.

Elizabeth Fretwell:

I would be happy to provide that.

Assemblyman Munford:

What is the City's position on this? Are you for rotating the appointment or are you for the permanent appointment?

Elizabeth Fretwell:

When we had our initial discussions with the Mayor and City Council about what would be included in this bill, there were two items related to the Municipal Court that were under consideration. One was to allow us to create a traffic court, which was in A.B. 514, but is no longer necessary with the new language in Section 7 in this amendment. The other was related to the Master Judge. We received direction from the Mayor and the City Council at that time to create an ability for the next most senior person to be able to serve as the Master Judge if the current Master Judge, who is most senior, was unable to serve or unwilling to serve. Subsequent to that discussion, the judges attempted to have several meetings to work on that provision of the Charter bill, and were unable to reach an agreement. They were unable to reach, and correct me if I am wrong, Judges, an agreement on not having a Chief Judge, or whether to eliminate it, to rotate it, to elect it, or to have it as a Senior Judge.

There are four judges, to my knowledge, who are supportive of leaving it alone, as they testified earlier—leave it as it is in the Charter. There are two judges who do not support that position and would prefer to see a change now. At this point, unless I am directed otherwise by the Mayor and City Council on Wednesday, our position is we would like to see the bill as amended today. This would allow the court an opportunity, over the next couple of years, to try to work this out or work with the Mayor and City Council to find a solution so we are bringing a consensus bill back to you in two years instead of one that is creating some division among the members of the court.

The short answer is, we recognize that there could be a benefit to being able to address the situation if the Chief Judge is unable to serve. At the present, there is no provision in the Charter to address that situation. That is the only language that the Mayor and City Council have approved.

Betsy Kolkoski:

Point of clarification, Judge Robert Barr is not with us today. He joined us in a resolution that we provided to our fellow judges and to the Mayor that supported the election of the Chief Judge, so I am not certain, since he is not here, what his position is.

Assemblyman Stewart:

The judge mentioned that the Master Judge gives directives to other judges; must those directives be obeyed by statute, or are they recommendations? Is it statutory that you have to obey what the Master Judge says?

Betsy Kolkoski:

I want to clarify one thing before I answer that specifically. The answer is I do not like to not do what my Chief Judge asks me to do. It is not my style, it is not my nature, and it does put you in an awkward position, sometimes, when you have to challenge it. It is very, very, difficult.

The duties of the Chief Judge are in the Charter. They require that he establish and enforce administrative regulations for the governance of the Court. He is responsible for setting trial dates and other matters, and shall perform other duties as required by the City Council, the catchall language. Those are the only duties prescribed in the Charter.

Assemblyman Stewart:

Would the Assistant City Manager comment on that, please?

Elizabeth Fretwell:

Judge Kolkoski hit the nail on the head. In the Charter there are three provisions that are the duties of the Senior Master Judge. I will read them into the record for you so that you will have them: Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court; is responsible for setting trial dates and other matters which pertain to the Court calendar; and, shall perform such other Court administrative duties as may be required by the City Council. Those are the three duties outlined in the Charter. I am sure Judge Gregory can share with you what he does on a day-to-day basis if you are interested.

Assemblyman Beers:

We heard testimony that seems to tell us that there is no method of removal for the Chief Judge, even in cases of malfeasance. I would like to be corrected if I am wrong in that. If I am not wrong, that would concern me greatly and I would like to see such language placed in the statute, if it can be done.

For the judge, what happens if you are given a directive from the Chief Judge and what you are given is not proper for the conduct of your court?

Betsy Kolkoski:

We are bound as Judges by Judicial ethics; we have canons that govern our behavior. They are somewhat broad, but if we really were corrupt and proven corrupt, we could be removed. It is a laborious process. Judges are cited with misconduct and it takes years to resolve.

I want to be clear. What we are requesting is a say in our court with our judges. At the moment, under the seniority-based system, the minority is not

heard. If we wanted to terminate the Chief Judge, there is no way to do that, short of using judicial canons. If we wanted to vote him off, we could not do that. It is by Charter and it is very specific.

George Assad, Judge, Las Vegas Municipal Court:

I oppose A.B. 514 unless it contains an amendment to change the language of Section 4.020, subsection 3, to rotate the position of Master Judge to follow the model used by the Reno Municipal Court. I have been a Las Vegas Municipal Court Judge for the past five years.

[Read from prepared statement ([Exhibit G](#)).]

[Provided documents referred to in his prepared statement ([Exhibit H](#)).]

Our current Master Judge has demonstrated racial insensitivity, gender bias, and total disregard for the rights of the minority judges.

Toy Gregory:

All six judges are in favor of changing the method of selecting the Chief Judge. Four of the six feel it should be an elective process. The other two judges feel it should rotate. We do not feel this is the time to pass a statute for this purpose. We feel that rather than rushing into it, we should sit down and in an orderly fashion come up with a workable statute for the selection of the Chief Judge.

Chair Kirkpatrick:

I would like to say, for the Committee, our job is to make sure that our constituents, the residents of Las Vegas, are getting absolutely the best service and the very best treatment when they go before the Municipal Court. I will let questions go on but, I am telling you, you will ruffle my feathers if we get into a "he said, she said" debate. The City would hate to lose their entire Charter bill because the judges could not get it together.

Does anyone else want to ask any other questions?

George Assad:

With regard to your earlier question about the duties, I think Judge Kolkoski addressed that, but as an example of how arcane this language is in the Charter as it exists, there is a provision in subsection (a) which grandfathered in Seymour Brown, and he is no longer with us. That needs to be removed—it is subsection (a) under part 1 of Sec. 4.020. The term Master Judge is arcane. There are several things in there that need to be taken out—maybe the best way to resolve this is to take out Section 3 in its entirety. With regard to what

Judge Gregory just said, electing the Chief Judge would not work because if there is a three-three tie, their suggestion was that you go back to seniority. We are asking the Committee to resolve this issue that we have been unable to resolve. It will not be resolved, we are deadlocked hopelessly, and we are at your mercy.

Chair Kirkpatrick:

Thank you and I am at the mercy of the constituents to make sure that they get the best service.

Assemblyman Claborn:

If they are deadlocked, get them an arbitrator.

Chair Kirkpatrick:

Is there anybody else in Clark County who would like to testify on A.B. 514? [There were none.] Is there anybody in Carson City who would like to testify on A.B. 514? [There were none.]

Elizabeth Fretwell:

I am not one to bring problems to you, and I will do my very best to try to work this out prior to your consideration of this bill in work session. There may be some room to meet in the middle on this, although the judges have expressed how difficult making a compromise might be on this section.

I would remind you, as Committee members, if you accept the amendment proposed by the City of Las Vegas, there is not one reference to the Municipal Court in this bill as it is currently drafted for your consideration. I would be happy to get that information to you regarding the roles and responsibilities of the Chief Judge. We have a meeting scheduled later in the week where we may be able to address this in more detail. If we cannot reach a compromise, we would like to see the bill move forward with the amendment we proposed this morning.

Chair Kirkpatrick:

Does anyone have anything else to say? With that we are closing the hearing on A.B. 514.

Last week I mentioned to most local government agencies that the conceptual amendment for Assembly Bill 462 was not ready and, as the bill sponsor, and working with everybody for a year and a half, I did not think the members of this Committee would mind waiting until tomorrow for Legal to get the bill together.

Assembly Bill 462: Revises provisions relating to the sale or lease of real property by governmental entities. (BDR 26-901)

[Bill was not heard. Rescheduled for April 3, 2007.]

Is there any public comment? [There was none.]

This meeting is adjourned. [at 10:02 a.m.]

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: April 2, 2007

Time of Meeting: 8:00 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 415	C	John Brumley, Deputy Administrator, Contracts and Finance, Clean Water Coalition	Prepared Statement
A.B. 415	D	John Swendseid, Bond Counsel, Sherman and Howard	Proposed Amendment
A.B. 514	E	Ted Olivas, City of Las Vegas	Proposed Amendment
A.B. 514	F	Judge Betsy Kolkoski, Las Vegas Municipal Court	Prepared Statement
A.B. 514	G	Judge George Assad, Las Vegas Municipal Court	Prepared Statement
A.B. 514	H	Judge George Assad, Las Vegas Municipal Court	Proposed Changes to A.B. 514; Justification; Proposed change of language to Las Vegas City Charter; Las Vegas City Charter, Section 4.020; letter from District Judge Jessie Walsh dated March 13, 2007; letter from Judge Abbi Silver dated March 14, 2007; letter from Judge Jay D. Dilworth