

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

**Seventy-Fifth Session  
May 2, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 10:02 a.m. on Saturday, May 2, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, 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/75th2009/committees/](http://www.leg.state.nv.us/75th2009/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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Marilyn K. Kirkpatrick, Chair  
Assemblyman David P. Bobzien, Vice Chair  
Assemblyman Jerry D. Claborn  
Assemblyman Ed A. Goedhart  
Assemblywoman April Mastroluca  
Assemblyman Harvey J. Munford  
Assemblywoman Peggy Pierce  
Assemblyman James A. Settelmeyer  
Assemblywoman Ellen B. Spiegel  
Assemblyman Lynn D. Stewart  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Paul Aizley (excused)  
Assemblyman Kelvin Atkinson (excused)  
Assemblyman Chad Christensen (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Susan Scholley, Committee Policy Analyst  
Cyndie Carter, Committee Manager  
Denise Sins, Committee Secretary  
Olivia Lloyd, Committee Secretary

**OTHERS PRESENT:**

David F. Kallas, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc., representing Southern Nevada Conference of Police and Sheriffs, Las Vegas, Nevada  
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association, Mesquite, Nevada  
Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada, Reno, Nevada  
John P. Sande IV, Attorney, representing the Reno-Sparks Convention and Visitors Authority, Reno, Nevada  
Tim D. Smith, Vice President, Finance, Reno-Sparks Convention and Visitors Authority, Reno, Nevada  
Robert F. Joiner, Government Affairs Manager, City of Sparks, Nevada  
Richard "Skip" Daly, Business Manager, Laborers' International Union of North America, Local 169, Reno, Nevada

**Chair Kirkpatrick:**

[Roll taken.] We will take the bills out of order today. We will start with Senate Bill 396 (1st Reprint).

**Senate Bill 396 (1st Reprint):** Revises provisions governing an investigation of a peace officer by a law enforcement agency. (BDR 23-1098)

**David F. Kallas, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc., representing Southern Nevada Conference of Police and Sheriffs, Las Vegas, Nevada:**

I am here today to discuss Senate Bill 396 (1st Reprint), a bill sponsored by the Senate Committee on Judiciary on behalf of our organizations. It is a bill that makes some revisions to the statute under *Nevada Revised Statutes* (NRS) Chapter 289, which is commonly referred to as the Peace Officer Bill of Rights, in regard to internal investigations conducted by a peace officer of a law

enforcement agency. When this bill was originally heard in the Senate Committee on Judiciary on April 7, to say it was contentious would be an understatement. There were so many chiefs and sheriffs in attendance one would have assumed there was some significant homeland security issue.

Based on their objections to the language in the original bill, members of the Las Vegas Metropolitan Police Department, Frank Adams on behalf of the Nevada Sheriffs' and Chiefs' Association, Tim Kozanski, and I were able to work out an amendment that was given to the Senate Committee on Judiciary on April 8, and they passed out that bill in its amended form. Unfortunately, when the bill was revised in the Legislative Counsel Bureau (LCB), some language that had been excluded in the amendment that I proposed, and was agreed to by the organizations, was left in the bill. I believe you have a letter from Frank Adams ([Exhibit C](#)) that states that both the agencies and the organizations had agreed to remove the language on page 4 of the bill, lines 1-13. This was stated for the record in the Senate Committee on Judiciary on April 8, and we are in agreement to remove those lines from that page of the amended bill.

**Assemblyman Settlemeyer:**

Why was this amendment not offered as a floor amendment in the Senate so we would have an accurate reflection of the Senate's views of the bill since you knew there was a problem with it prior to your presentation?

**David Kallas:**

Mr. Adams and I had that discussion, and we said we would come here together as representatives of agencies and employee organizations and make that recommendation to this Committee, rather than make the amendment on the floor in the Senate.

**Assemblyman Settlemeyer:**

I am just a little perplexed about sending something back to the Senate that can be considerably different than what they passed.

**Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association, Mesquite, Nevada:**

This bill was processed at the last moment during the time the Senate Committee had to have the amendments in. We apologize, but it just did not get done on the Senate side. By the time we were aware of that, it was done and passed out of Committee.

**Chair Kirkpatrick:**

Mr. Settelmeyer, I am thankful that we are more efficient because we try not to let that happen on our side. However, the Senate will have the ability to vote on it again when they can concur or not concur. I usually try to work with the Senate before we get to the final vote. Next week I have meetings with all of them to see where they are with this particular change.

**David Kallas:**

I did speak with Senator Care after we realized what had occurred and let him know the language had been inadvertently left in the bill. He understood we would be amending on this side, and he was supportive.

**Frank Adams:**

I wanted to say that we worked this bill out and we are comfortable with it as long as this language is taken out. Both management and labor unions have to work together in order to ensure that the officers are treated properly and the public is protected.

**Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada, Reno, Nevada:**

This bill in its original form was brought forward because of some issues that occurred since the 2005 modifications to NRS Chapter 289. This corrects some of those problems.

**Chair Kirkpatrick:**

Is there anyone else who would like to testify in support of or in opposition to S.B. 396 (R1)? Is there anyone who is neutral on S.B. 396 (R1)?

**Assemblywoman Pierce:**

You had a couple of votes against you in the Senate, did you not?

**David Kallas:**

That is correct.

**Assemblywoman Pierce:**

Was it because this language was not taken out?

**David Kallas:**

I know one of the reasons there was a vote against it was because one of the Senators wanted to include all public employees and provide them with the same sort of due process protections on internal investigations that is provided to peace officers in this portion of the statute. Our organization had discussions with that particular Senator and told him that this related specifically to peace

officers. We certainly would support other public employees having similar protections and rights during the course of internal investigations, but we did not think this was the appropriate vehicle. I cannot speak for the other Senator.

**Chair Kirkpatrick:**

We will close the hearing on S.B. 396 (R1) and open the hearing on Senate Bill 190 (1st Reprint).

**Senate Bill 190 (1st Reprint):** Revises provisions regarding the acquisition and disposal of real property by fair and recreation boards in certain larger counties. (BDR 20-648)

**John P. Sande IV, Attorney, representing the Reno-Sparks Convention and Visitors Authority, Reno, Nevada:**

This bill is a simple one. As you will see, all this bill does is delete NRS 244A.627 which is a restriction on the Reno-Sparks Convention and Visitors Authority (RSCVA) in Washoe County from doing anything that relates to real property. The genesis and the reason this bill found its way into statute, and applies only to this one convention authority in the state, goes back to the 1970s. In the late 1970s there was some dispute as to where the convention center in Washoe County would be constructed. The downtown casinos wanted it to be near the core of downtown, and there was another group who wanted it where it stands today on South Virginia Street.

When the board of the RSCVA determined that the South Virginia Street location was more appropriate, some of the downtown properties were upset by that and were able to influence and persuade the Legislature to take action to ensure that the county would be involved in any decisions related to property.

For the sole reason of unfairness, this language should not be found in statute. The RSCVA is the only fair and recreation board that has this restriction placed upon it. Any concerns people have about not having a voice regarding the convention property is not a large concern, because the RSCVA, as a local entity, is subject to the open meeting law and all county laws. All it really does is add extra red tape and makes it more expensive for the convention authority in Washoe County to do its business.

We have not had a need to do this yet, but the Livestock Events Center, which is located on Wells Avenue, is in need of many repairs, and existing statute would hinder our ability to finance some rehabilitative work on that building by having to go through the county, which would add to the cost of the project.

This is not the first time we have brought this bill forward. The RSCVA, in addition to owning the Convention Center, the Livestock Events Center, and other buildings, owns the Wildcreek Golf Course. In years past, there were some discussions with the City of Sparks to do a land trade, which was a concern for a lot of residents there. They organized and made compelling opposition to that and were able to convince the RSCVA not to move forward with the trade. The RSCVA never did go to the county to seek approval. That illustrates why this bill is unnecessary.

We have resolved those issues. The RSCVA still owns the Wildcreek Golf Course and continues to operate and maintain it. There have been no further discussions with the City of Sparks or any other entity regarding the sale of that property.

**Chair Kirkpatrick:**

Washoe County could not be here today, but they said they are neutral on the bill because they have been working with you.

**Assemblyman Bobzien:**

Mr. Sande, you mentioned the Livestock Events Center, which is in my district. You said the existing statute would inhibit financing for the Center. Am I correct in assuming that the financing scheme being considered would require a partial disposal, or a leasing, or would it be something more complicated and expensive? What plans is the RSCVA considering for the Livestock Events Center?

**John Sande:**

I think the RSCVA is looking at any way they can to fund any improvements for the Center. It is one of the top priorities of the current chief executive officer. I do not think they have any concrete plans yet. If they were to seek financing and use the property as collateral, the current language in the bill would require the county's approval before we could obtain any of that sort of financing. It is another step that would require attorneys' and other fees to go through the county approval process, which would be unnecessary.

**Assemblyman Bobzien:**

I am still unclear. The specific conditions here involve "acquire, purchase, lease, sell, or dispose." I do not see anything saying "seek financing."

**John Sande:**

It does not say that, but the language that reads "from engaging in any transaction relating to real property" could be all inclusive; for example, if there were a deed of trust or anything placed on the property for the bank to use as collateral.

**Chair Kirkpatrick:**

I remember this bill from 2005, 2007, and now 2009. In Clark County, the process works very smoothly. It goes through the Board of County Commissioners, and some of the commissioners sit on the RSCVA Board. Can you explain how the process works in Washoe County and how it is different than in Clark County?

**John Sande:**

Madam Chair, I may need some help from a member of the RSCVA who is in the audience. The RSCVA is comprised of members from the county, members of the city councils of both Reno and Sparks, and interested businesses such as casinos and banks: all have representation on the RSCVA Board. The Las Vegas Convention and Visitors Authority (LVCVA) has a similar make-up. I believe the county owns the convention properties, and the LVCVA just manages them, but I could be wrong about that. I will turn this over to Tim Smith.

**Tim D. Smith, Vice President, Finance, Reno-Sparks Convention and Visitors Authority, Reno, Nevada:**

As Mr. Sande said, we have a 13-member board: two from the City of Reno, two members from Washoe County, a member from the City of Sparks, and other appointed officials via the business and resort association interests.

Regarding the land, the RSCVA owns the property of the Reno-Sparks Convention Center, as well as Wildcreek Golf Course, which we manage on behalf of the City of Reno. The Livestock Events Center and the National Bowling Stadium are included in the managed properties. The Livestock Events Center has a long lease, is owned by the county with land leased by the state, and is managed by the RSCVA.

**Chair Kirkpatrick:**

Can you explain the public process? There do not seem to be the same problems in Clark County that there are here. Maybe it is because we do not own a lot of properties down there. In my freshman session, I received well over 1,000 emails on some golf course that I have yet to locate.

**Tim Smith:**

Eight or nine years ago, the RSCVA commissioned a study to see if they could dispose of the golf courses. We had interested parties from the City of Sparks, Washoe County, and the City of Reno wanting to acquire and continue to manage those golf courses. Unfortunately, that never materialized and the RSCVA continues to manage and operate Wildcreek Golf Course. As it relates to Northgate Golf Course, the RSCVA did not own the land, it was a property owned by the trust, and the RSCVA decided to no longer run that golf course. It now belongs to Washoe County for future determination whether it should remain a golf course or be utilized for more open space in the city.

In Clark County, the LVCVA owns the convention center and Cashman Field. I am not aware of any other entities that they own or manage.

**Chair Kirkpatrick:**

What is the safeguard for the residents living on or near the golf course? This repeals everything and lets you run status quo. I realize public courses are expensive, but up here, it is very important to their planning. Is there a development agreement with Washoe County now? Is there something in place for tough financial times, such as the current situation?

**Tim Smith:**

I can share with you the background of this issue as it relates to the Northgate Golf Course. The RSCVA held numerous public meetings throughout the area. The City of Reno, Washoe County, and the RSCVA hired a consultant and determined that there were an excessive number of golf courses at the time. We had numerous meetings with stakeholders, and the RSCVA held public meetings with the final recommendation to no longer operate the golf courses.

Everything is above board with the open meeting laws, proper postings of agendas, hearings, and discussions prior to acting on any issues, which is a protection for the public.

**Assemblywoman Pierce:**

Does this body have to adhere to the master plan? Why is it so onerous to have to go to the county commissioners?

**John Sande:**

Several years ago, the city and county designated all the golf courses in Northgate as open space. Any proposed change to those would have to comply with the master plan which would require whomever, if they wanted to have a different use than open space, to go through the entitlement process through the city or county.



Going to the county commissioners is onerous due to preparing all the work, studies, and legal matters involved that need to be done prior to going to the county. It would also require attendance at the first two hearings, a month apart. It is a time delay, especially if there was an emergency need to obtain financing. There would also be unnecessary fees generated. The public process will take place within the RSCVA Board, which does have city and county representation, so constituents can reach out to their councilman or commissioner and voice their opinions through those members of the RSCVA Board.

**Assemblywoman Pierce:**

Are you funded by room tax?

**John Sande:**

Yes, that is correct.

**Chair Kirkpatrick:**

Are there any other questions? [There were none.] Is there anyone in support or opposed to S.B. 190 (R1)? Is there anyone who is neutral on S.B. 190 (R1)? [There were none.] We will close the hearing on S.B. 190 (R1). The last hearing we will have this morning is Senate Bill 213.

**Senate Bill 213:** Revises the Charter of the City of Sparks to make various changes in provisions concerning city government. (BDR S-462)

**Robert F. Joiner, Government Affairs Manager, City of Sparks, Nevada:**

I have with me today Richard Daly, a member of the City of Sparks Charter Committee. We are here today to talk about our charter bill. This bill did go through the Senate and was approved. It is a clean-up bill, nothing controversial as in years past. There are four changes we would like to go through with you.

In section 1, under subsection 3, we want to add a couple of words, "the" and "general election," making it clear which election we are talking about. That refers to elected offices.

Under section 2, subsection 2, we are saying, "Except as otherwise provided in this Charter," which indicates whom the Mayor and the City Manager may appoint. In subsection 3, it makes it clear who the City Manager may appoint, as opposed to being under the jurisdiction of the City Council. Our City Manager is managed by the City Council, and that is very clear through his appointments. This just defines who is under his direct supervision.

Under subsection 4, we replaced City Council with City Manager to create his departments.

Section 3, subsection 1, paragraph (b) refers to compensation. If we have a change in compensation schedules, you have to be in that office for another year before that would apply to you.

Section 4, on page 4 of the bill was brought to our attention by our human resources manager to be consistent with national standards for description of discrimination in the workplace.

In section 5, we have the pro tem issue. This was spawned from a discussion we had when we had a mayor who was very ill. We lost our mayor several years ago. The issue of pro tem was paramount at that time as to who would replace him, so the council and the Charter Committee wanted us to address that. Mr. Daly worked very closely with us on that since he was nominated this year to deal with this issue.

We appoint until the next general election and then that can be reconsidered. In the past, there was a question as to whether or not that person would serve as Mayor pro tem through the full duration of his term as a city councilman.

In section 6, it refers back to section 1 of the bill, eliminating the part about who makes departmental appointments. We added the discrimination language for clarification in section 7, subsection 1.

**Assemblywoman Spiegel:**

I have a number of questions.

**Chair Kirkpatrick:**

I am sure you are going to ask about how their charter works, so please let them explain that first, because that was my first question. I think if you can elaborate on that, it would address some of our questions.

**Rob Joiner:**

Our Charter Committee has 11 members. Five of those members are appointed by the elected members of our legislative delegation that represents Sparks in the Senate and in the Assembly. The other six comprise our six-member City Council: the Mayor, who does not vote except to veto, and the five at-large members. Once those five are appointed by our elected members, they are independent of those elected officials. They do not report back to the City Council, they are not a recommending body, they act as a commission. They make final decisions that come to you in this format for our biennial

bill submissions. We meet in the biennium, and any member of our Charter Committee can bring up any issue to be discussed, which we spend several months doing.

**Assemblywoman Spiegel:**

Regarding section 2, subsection 2, why would the City Council give up the ability to confirm the hiring decisions of the City Manager? How do other cities do it?

**Rob Joiner:**

Ms. Spiegel, I know there was a determination our manager had discussed with the council, and they obviously were in conformance with this. The City Manager is the chief administrating officer for the City of Sparks, and he has broad powers to adjudicate his offices and departments. They did not see the need to confirm those individuals.

**Richard "Skip" Daly, Business Manager, Laborers' International Union of North America, Local 169, Reno, Nevada:**

I am here today as a member of the City of Sparks Charter Committee, and I can answer any questions about how we work on the charter. We had testimony on this particular issue. We heard from the City Council, the Mayor, and the City Manager. All parties agreed that this was the way things were currently being done, and they needed to make the charter align with the process already in place.

The Council and the Mayor, as I recall, told us that they had control or substantial influence because they appoint the City Manager. They have their review process in place, but they wanted to enable the City Manager to pick his own department heads, since he is responsible for those agencies.

**Assemblywoman Spiegel:**

On page 5, in the Mayor pro tem section, lines 32-35, if the Mayor pro tem acts as the Mayor until the next general election and his position is vacant, is that vacant City Council position then filled? If so, is it by appointment?

**Richard Daly:**

If there is a vacancy in the City Council, the charter speaks to that. I believe there is a recommendation made by the Mayor, and then it has to be confirmed to fill the vacancy until the next general election.

The issue on the Mayor pro tem is an issue we brought forward. In recent Sparks history there is a chart hanging in City Hall that indicates who has been the mayor and for how long. Among our last five mayors, there have been three situations where the Mayor pro tem took over. One person resigned, one had another issue, and one passed away during his term.

There had been an unwritten tradition of the rotation of city council members on a yearly basis. They would adjust the Mayor pro tem under the old language in the charter. In the course of that, when Mr. Armstrong was getting sick and was not sure if he could complete his term of office, the existing Mayor pro tem and the next one by rotation were not the people he wanted to take over, so we ended up with this mess. We want to have a process where the Mayor pro tem is appointed by the Mayor so the Mayor and a majority of the City Council have confidence in that person. That person would serve until the next general election, and then the new council would go through the business of appointing a new Mayor pro tem. We thought this was an initiative that would require the City Council and the Mayor to appoint the new Mayor pro tem every two years, but it could be the same person if that is who the Mayor likes and he can be confirmed. That was the process we undertook.

**Assemblywoman Mastroluca:**

Mr. Daly, how would a Mayor pro tem be removed if, for some reason, the Mayor lost confidence in that person and wanted to appoint someone else?

**Richard Daly:**

He would have to wait until after the next general election.

**Assemblywoman Mastroluca:**

That would be bad.

**Chair Kirkpatrick:**

Last session, I thought it was ridiculous that we had to spell out that the Mayor pro tem takes over if the Mayor cannot fulfill his term. History has always dictated that if you are the Mayor pro tem, then you become the Mayor in the event of his or her absence. It would be like me saying, okay, Mr. Vice Chair, it is great that you are my vice chair, but if something happens to me, Mr. Stewart is taking over your position. What is the point of having the title if you cannot fulfill the position?

I come from a city where we have had more city managers than we have had council people. In North Las Vegas, we have gone through seven but have retained the same council members for many years. It is odd that a mayor would want to give up his ability to do all these things but yet wants to serve

on the regional water board up here. To me, as a constituent, this is just as important as changing the charter by letting him serve on the regional water board. If he is a nonvoting member, that means he has no term limits, correct?

**Richard Daly:**

There has been a ruling on that, and because he does get to actually vote in case of a tie, they determined that the Mayor is a voting member and is subject to term limits.

**Chair Kirkpatrick:**

Even with that, 12 years as city manager could outlast everybody. If that is what the constituents want, then that is what they will get. I would want my mayor to have more say over the fire chief and the police chief and not worry so much about the water. Without the water, you do not need the fire chief or the police chief. Where is it in here about how to get rid of the city manager? Is that done through your agreement? In North Las Vegas, we pay them for 20 years out, and then if we want to get rid of them, we have to pay them plus. I am just curious how it works in Sparks.

**Rob Joiner:**

Our City Manager serves under direct contract with the City Council and can be brought back for review at any time. It is prescribed in his contract exactly how, when, and where those reviews take place on an annual basis, but they can also take place during any council meeting.

**Richard Daly:**

I do not have the charter memorized, but I know a lot about it. The City Manager works at the pleasure of the council. I regularly look at the City of Sparks' agenda, and they have an annual review of the City Manager. If he is not performing, they can and will replace him.

**Assemblywoman Pierce:**

The nondiscrimination language that reads, "because of political or personal reasons or affiliations," does that appear somewhere else in *Nevada Revised Statutes* (NRS)? Where did you get that?

**Chair Kirkpatrick:**

We can get Ms. Scholley to have our legal division check that out for us and see what seems different.

**Richard Daly:**

Several of these issues were technical changes that I brought up when we looked at the discrimination language. We made a suggestion to adjust the language because there were some things in state law that were not in our charter and some things were out of order. My suggestion was to make our language the same as it is in NRS. We have not seen the political affiliation mentioned in any state statute.

**Assemblywoman Spiegel:**

What is the difference between religious creed and religion? Does that have a material impact, or is it just nomenclature?

**Chair Kirkpatrick:**

Ms. Scholley can get that for our homework file for next Friday. Are there any other questions? [There were none.]

**Rob Joiner:**

I wanted to apologize for Senator Washington, who could not be here today. He carried the bill for us and wanted me to send his regards and regrets.

**Richard Daly:**

Regarding the Charter Committee, we meet every two years, and we have had full participation of the 11 members. The Charter Committee works independently of the City Council. We make a report back to them, but they do not vote on it. We do not seek their approval, only a review. I can speak for myself, as I was appointed by Senator Mathews. It is truly a functioning Charter Committee with its own autonomy. We come forward with our issues, we discuss them, we have legal counsel and we have staff from the City review them and we vote on those issues. I just wanted to clarify that for everyone.

**Chair Kirkpatrick:**

I think you are one of the few Charter Committees within the state.

**Rob Joiner:**

We did a little research on that. The City of Sparks and the consolidated municipality of Carson City are the only ones that use the same format. As you mentioned, I was surprised to find that there are some that do not have a Charter Committee at all, they just take things and put them on the ballot every once in awhile. We are just one of two in the state that have a true, independent committee, which is a true commission.

**Chair Kirkpatrick:**

Now you will be consistent with Carson City and their Mayor pro tem position. Are there any other questions? [There were none.] Is there anyone else who would like to testify on S.B. 213? [There were none.] We will close the public hearing on S.B. 213. Do I have anything from the public this morning? [None.] Is there anything from the Committee? [None.]

[Meeting adjourned at 10:48 a.m.]

RESPECTFULLY SUBMITTED:

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Denise Sins  
Committee Secretary

APPROVED BY:

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Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** May 2, 2009

**Time of Meeting:** 10:02 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 396 (R1)	C	Frank Adams	Proposed Amendment to <u>Senate Bill 396 (R1)</u>