

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

**Seventy-Seventh Session
May 2, 2013**

The Committee on Government Affairs was called to order by Vice Chairwoman Dina Neal at 8:36 a.m. on Thursday, May 2, 2013, in Room 3143 of the Legislative Building, 401 South Carson St., 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 nelis.leg.state.nv.us/77th2013. 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 Teresa Benitez-Thompson, Chairwoman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblyman Elliot T. Anderson
Assemblywoman Irene Bustamante Adams
Assemblyman Skip Daly
Assemblyman John Ellison
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman James W. Healey (excused)
Assemblywoman Peggy Pierce (excused)

GUEST LEGISLATORS PRESENT:

Senator Debbie Smith, Washoe County Senatorial District No. 13



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Jim Penrose, Committee Counsel
John Budden, Committee Secretary
Jennifer Dalton, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Adam Mayberry, representing City of Sparks
Douglas R. Thornley, Assistant City Attorney, City of Sparks
Wes Henderson, representing Nevada League of Cities and Municipalities
Jacob L. Snow, representing City of Henderson
Nechole M. Garcia, representing City of Henderson
Michael Cathcart, representing City of Henderson
Fred Horvath, representing City of Henderson
Lisa Foster, representing Nevada League of Cities and Municipalities
Paul McKenzie, representing Building and Construction Trades Council of
Northern Nevada, AFL-CIO
Norman Halliday, representing Henderson Police Officers' Association

Vice Chairwoman Neal:

[Roll was taken and housekeeping matters were explained.] Welcome to Assembly Government Affairs. Chairwoman Benitez-Thompson is on her way. We are going to have two bill hearings today: Senate Bill 304, and Senate Bill 440. We are going to open up the hearing on Senate Bill 304.

**Senate Bill 304: Revises certain provisions of the Charter of the City of Sparks.
(BDR S-136)**

Senator Debbie Smith, Washoe County Senatorial District No. 13:

The City of Sparks Charter Committee is a unique situation in our state. My city is one of the few cities in Nevada that has a charter committee. It is really citizens in action. In fact, I served on the charter committee in another life many years ago. The committee is made up of citizen appointees from both city elected officials, and area state legislative officials. Our charter committee meets every two years, before the beginning of each regular session of the Legislature, and presents recommendations to this body on behalf of the City of Sparks and its citizens. Most importantly, the committee works independently of the city council. However, it usually presents its recommendations to the city council, which, in turn, endorses the committee's recommendations. Thus, S.B. 304 has the support and backing of both the

City of Sparks City Council and the charter committee. Obviously, the charter committee does not have any bill drafts, and so I have routinely carried bills for the Charter Committee.

Senate Bill 304 represents clean-up language of the city charter, and offers some changes in how the City of Sparks' Civil Service Commission functions. With me today I have Adam Mayberry and Doug Thornley who will go over the bill and provide you with a further overview of the details. Thank you for your time and consideration.

[Chairwoman Benitez-Thompson assumed the Chair.]

Chairwoman Benitez-Thompson:

I think the precedent that the City of Sparks has set with a citizen charter-review committee has ended up creeping its way into a number of different communities as their bills come up. It is a great way to get the public involved and I think it is a good thing that is spreading. Are there questions from Committee members for Senator Smith?

Assemblywoman Bustamante Adams:

Senator Smith, I know that there are recommendations for other cities to incorporate a charter committee. How long has the City of Sparks had it? I believe you said that you think it is effective because the citizens become more involved.

Senator Smith:

I will defer to one of my colleagues about how long it has been in place. However, I can tell you from my own perspective, having served on the charter committee back in the late '80s, and then my experience of being able to appoint one of my constituents to the charter committee, it is a great forum of citizens in action. People from all walks of life, representing all kinds of points of view, come together every other year to make recommendations. It really brings people up and gives them a forum to express their views and become involved in the city in a different way. I think it has been a great way for the citizens of Sparks to be able to participate. As an elected official, I now like the ability to have someone out there representing me in a very nonpolitical way.

Assemblyman Livermore:

I would like to compliment you, Senator Smith, for bringing this forth and leading, I guess you might say, the evolving age of charter committees. As a local official in Carson City, I had the pleasure to appoint people to those committees and I understand about citizens wanting to get involved. This is really a citizens' committee. The charter is owned by the citizens. It is not

really owned by the board. Although we have had some struggles with our charter, which is still ongoing a little bit here yet, I believe in the long run, most of the 12 charter cities of Nevada will be evolving eventually into something very similar to what Sparks has done. I would like to compliment the members of the charter committee who have served in Sparks. We have one member of this Committee, our Assemblyman from Sparks, who served on that committee. My compliments to both of you, and I want to thank you for your leadership on this.

Chairwoman Benitez-Thompson:

Are there questions or comments? [There were none.] I will say, as Chairwoman of this committee, I think one of the things that is very practical and very nice is that with a charter review committee that meets more regularly, we get a charter clean-up bill that is 4 pages versus 50 pages. I appreciate that.

Seeing no additional comments or questions for the bill sponsor, we will open it up to Mr. Mayberry.

Adam Mayberry, representing City of Sparks:

We appreciate the Committee hearing this bill. Particularly, we appreciate and are grateful to Senator Smith for spearheading this. We are glad you are here, Senator Smith. To respond to Assemblywoman Bustamante Adams' question, our charter committee has actually been in existence since the early '70s. I will be more than happy to get you the exact date, but it does date back for nearly 40 years now.

Senate Bill 304 really addresses three areas. As Senator Smith alluded to, it is primarily clean-up language, particularly with the first two areas. Section 1, subsection 1, paragraph (c) defines the role of the city manager. As the charter has been amended over the years, there have been some minor discrepancies that were overlooked. This is one of those. The proposed change clarifies that the city manager has authority over the appointed departments and those appointed department heads, as opposed to elected department heads. We have an elected city attorney, and two elected municipal judges, so that is all that we are addressing in that section.

The second piece of clean-up language, section 2, clarifies the role of the special counsel. It is rare, but from time to time, there may be a conflict of interest in our city attorney's office where our city council has to hire and appoint special counsel. This language clarifies that the special counsel is accountable and reports directly to the city council, and not to the city attorney.

The third area we addressed is section 3, which deals specifically with the civil service commission. The civil service commission is an appointed body. There are five members who are appointed by the city council. The purpose of the civil service commission is to provide qualified applicants for employment and to protect employees from discrimination and unfair treatment. They are required to meet monthly according to the Sparks City Charter.

Since 2008, we have reduced our workforce by a third, as many of our colleagues in local governments throughout the state have done as well. We just do not have the kind of issues and business that we need to address by having monthly meetings. We have to publicly post the meetings and our staff has to prepare minutes, or civil service commissioners have to take time away to come to the meetings. Oftentimes, these meetings are literally three to five minutes. We would like to see the civil service commission meet at a minimum of once per quarter. There is a provision in there that allows the civil service commission to meet more than that, and on an emergency basis if need be, but we are just trying to become a little more efficient with that committee.

Also, we have proposed to remove some of the charter's defined civil service rules because they already exist in the civil service regulations. Again, the civil service commission is a public process. The meetings are publicly posted. We notify all of our employees of these meetings as well as our bargaining groups. The civil service regulations are defined and adopted by the civil service commission. The city council can also weigh in on those regulations. From time to time, if we have to make minor tweaks, we can only do that every two years. Therefore, we believe having the civil service language in the charter and the civil service regulations is duplicative, and we do not want to burden the Legislature with making minor changes. I believe there are five or six sections that we have stricken from the charter. In fact, in some cases, the language is verbatim in the charter and the civil service rules. It is actually more specific and more detailed language in the civil service regulations than it is in the charter.

Those are our proposed changes, and that concludes my remarks, Madam Chairwoman. We are here to answer any questions that you may have. I appreciate your time and your service to our great state.

Assemblyman Elliot Anderson:

My only question is about the civil service section. I may be missing it, but I do not see any language on who it applies to. Could we get some clarification as to what employees that it applies to?

Adam Mayberry:

The civil service regulations apply to all of our civil service employees. They do not apply to those employees who are exempt. Those employees would include the police officers, our firefighters, and our maintenance personnel, those who perform park maintenance and road maintenance, so it is primarily our frontline employees in the city.

Chairwoman Benitez-Thompson:

Are there any additional questions for Mr. Mayberry from Committee members? Seeing none, welcome Mr. Thornley.

Douglas R. Thornley, Assistant City Attorney, City of Sparks:

I am here today purely in a support role. Mr. Mayberry has accurately covered any remarks from the City of Sparks.

Assemblyman Daly:

My question is really about section 4. Is it just a drafting thing where they have all the repealed sections? It appears that sections have been repealed over time, and are not really contained in this particular change. I do not know if that is the way they draft these things or not. Section 4 talks about several things that happened over the course of the last ten years, and then they list those repealed sections. Can someone explain that? I do not understand why it was there.

Chairwoman Benitez-Thompson:

We can have you folks explain it, or I think Mr. Penrose might have a comment as well.

Jim Penrose, Committee Counsel:

That is just the drafting ritual when we amend city charters or repeal provisions from city charters.

Assemblyman Daly:

That is the way I understood it. I just wanted to make sure. When I went back to look at those, it had been changed several times. I did not really have any other questions or issues. I am much more familiar with the City of Sparks Charter than any others. I was actually appointed by now-Senator Smith when she was an assemblywoman. I did not realize that she was on the charter committee before, but Bernie Anderson also started out on the charter committee, so it is a pattern.

Chairwoman Benitez-Thompson:

It is, and look where it brought you. Good, bad, or ugly, you are here. It is good.

Seeing no more questions, I will open up for testimony in support.

Wes Henderson, representing Nevada League of Cities and Municipalities:

We are in support of S.B. 304, and we would like to thank Senator Smith for bringing this forward on behalf of the City of Sparks. I would like to ask this Committee to favorably consider this measure.

Chairwoman Benitez-Thompson:

Are there questions? Seeing none, I appreciate your comments. Is there additional testimony in support? Seeing none, is there testimony in opposition? Seeing none, are there any comments for the legislative record in neutral? Seeing none, are there closing comments from the bill sponsor? Seeing none, we will go ahead and close the hearing on S.B. 304. Thank you so much for bringing the bill.

We will go ahead and open the hearing on Senate Bill 440, and we welcome to the table Mr. Jacob Snow and Ms. Nechole Garcia from the City of Henderson.

Senate Bill 440: Makes various changes to the Charter of the City of Henderson. (BDR S-870)

Jacob L. Snow, representing City of Henderson:

I will cut right to the chase. When I first became city manager a little more than a year ago, we were discussing where our legislative agenda would be, and one of the first things the staff brought to my attention was the need to make several changes and corrections to our city charter. We have had one since 1971. Many of the corrections and the clean-up portions that we are bringing you come from that 40-year-old charter. The last time any changes were made to our charter was more than ten years ago. In the spirit of transparency, what we decided to do was to have a city council meeting where we discussed this item. We made this bill available on our website. We discussed it with our unions, and when it came time to have the public meeting, we did not have any opposition from any of our employee groups or from the public.

We understand that within the past few weeks the concern with our proposed change to section 23 has been raised by some of our very vigilant residents. In fact, many of you have been contacted with this concern via email. [Read from prepared testimony ([Exhibit C](#)).]

The *Nevada Revised Statutes* (NRS) always trump what is in our city charter. [Continued to read from prepared testimony ([Exhibit C](#)).]

We have also had a chance to subsequently discuss this issue with our union groups, and there is an additional change that we recognize is important to make as part of this process. We feel that relationships are important. Our relationships with our employee groups are very important to us.

Nechole M. Garcia, representing City of Henderson:

As our city manager mentioned, it has been ten years since we have made any sort of changes to our charter. The primary purpose of this charter bill is to clean up and modernize our charter, as well as to ensure that no provisions within our charter are conflicting with NRS.

What I am going to do is go section by section through the changes to the charter. Madam Chairwoman, at your pleasure, I can stop after each section for questions.

Chairwoman Benitez-Thompson:

I would appreciate that. I think that is the best way for the Committee to work through the bill. We will go through section by section and you can talk about the changes, the intent of those changes, and then you can take questions from Committee members.

Nechole M. Garcia:

The first change, section 1 of the bill, is pretty straightforward. This section has to do with how the city defines its ward boundaries based on population. We have changed the language requiring us to wait every ten years for the census numbers to come in and, instead of that, we have used the numbers from our city demographer. This is an in-house demographer who does maintain regular contact with the State and its population numbers to ensure accuracy. This allows for a more dynamic change in the ward boundaries rather than having to wait ten years.

Assemblywoman Bustamante Adams:

Ms. Garcia, so it is an in-house demographer. My question would be just like an objective opinion. I do not know if that would come into play, because how would we protect from the information being accurate? I am not questioning the person's integrity, but could the numbers be inflated? How do we protect ourselves from that?

Nechole M. Garcia:

We have our human resources director, Fred Horvath here, and our finance director is here as well. Maybe Mr. Horvath can confirm what I am about to say. I believe our in-house demographer does have to confirm and verify our numbers with the State. Therefore, it is not just on our own, but we can kind of create numbers.

Michael Cathcart, representing City of Henderson:

Our population numbers are verified through the Department of Taxation. They are published in our budget document. At the end of each year, we reconcile what numbers we are using with the state demographer's numbers.

Assemblywoman Bustamante Adams:

So it is a two-step process? First, it has to be verified through the Department of Taxation, and then that is backed up with the state demographer. Is that correct?

Michael Cathcart:

Actually, I believe it is the other way around; the demographer gives the Department of Taxation the numbers. Afterward, the demographer works with our city demographer to come up with that final number. That is the official Governor's number.

Assemblyman Daly:

I was just going to try to help clear that up, at least the way I recall it, because we had the same provision in the City of Sparks. We actually used to do the wards based on registered voters and they said that was unconstitutional, so you have to go by population, which is what you people have. However, as I recall from that conversation, because the City of Sparks has the same thing with their demographer, and it is an ongoing, constant process with the demographer doing that, it overlaps with the school districts, the tax department, planning for fire, streets, maintenance, and all of these things. They are really doing the demography for a variety of other reasons; not just so anyone can play games with the ward boundary or anything like that. That is what I recall. Is that how you do it? There are a lot of checks, especially with the school district, on where schools are going to go, how many fire stations, the number of police you need, levels of service. All of those things are why you are tracking those numbers, not for the city boundaries.

Nechole Garcia:

That is correct.

Assemblyman Livermore:

Along the same line of questioning, when the demographer does his particular finding, does that alter the master plan? Or, is there a master plan amendment attached to that?

Nechole Garcia:

Honestly, I do not know the answer to that question. However, I would be happy to find out and get that information to you.

Assemblyman Livermore:

I think it might be important to the findings because eventually you are going to draw new wards and new boundaries that make the electorate a little bit different. I do not know if it is important to make that a part of the master plan.

Assemblyman Elliot Anderson:

Maybe you have already determined how you are going to say it, but with section 23, instead of "an appropriate rate," you could say "not inconsistent with NRS," or something to that effect. That is just a suggestion.

Chairwoman Benitez-Thompson:

I believe we have an amendment with proposed language ([Exhibit D](#)) on section 23 that a couple of different folks have worked on. We can cover that at section 23, but good thinking, Assemblyman Anderson.

I have a quick question on this. Right now, as it is, those ward lines can only change every decade using your in-house demographer's numbers that anytime you have a population variation of more than 5 percent, your ward lines will be redrawn. Is that right? Just for a general idea and for the legislative record, let us use this past decade as an example. Could you tell me, with this 5 percent rule, how many times the ward lines would have changed?

Jacob Snow:

Over the past decade I believe we have had three changes. [Mr. Snow provided a letter clarifying the time frame during which Henderson's City Council can modify its wards boundaries as outlined in Section 1.040 of Henderson's Charter. ([Exhibit E](#)).]

Chairwoman Benitez-Thompson:

I like the idea of it being reflective of the current population. I just wanted to get an idea of how dynamic those population changes were.

Are there additional questions on section 1? [There were none.] We will move to section 2.

Nechole Garcia:

Section 2 deals with what happens when a person who is elected to the office of mayor, council member, or municipal judge vacates his office before his term expires. What we have done is, first, we have changed the section that granted the city council and mayor the authority to appoint a qualified person to fill that position within 30 days. We extended that to 60 days. However, they now also have the option to call for a special election by resolution, and they can do that within 90 days after the vacancy occurs. The person would serve for the remainder of the unexpired term. We did have a concern brought to us about having them serve for the remainder of the unexpired term, especially if it is someone who vacates their office pretty early on in the term. We believe that, in those instances, we could call for that special election so that rather than having the mayor and council appoint someone, the people could be the ones to make that appointment.

Assemblyman Oscarson:

What is your criteria going to be to determine whether you hold a special election, or whether you just appoint?

Nechole Garcia:

I believe it is going to be how early on in to the term the candidate vacates their office. There are also some costs associated with holding a special election. If it is earlier on in the term, then the council would likely call for a special election. However, if it were later on, when they only had maybe a year or a few months to serve, then they would just appoint a person to serve for the remainder of that term.

Assemblyman Oscarson:

Are you going to have that in some policy or procedure that you will have within your department that will make that decision? I get what you are saying, but do they serve two-year terms or four-year terms?

Nechole Garcia:

Four-year terms.

Assemblyman Oscarson:

I get it. Thank you.

Nechole Garcia:

For the record, the more specific policies are in our ordinances, and so it is something that would be put into our ordinance.

Assemblyman Livermore:

As we discussed yesterday, not that I am struggling with this at all, but I find it exceptional that you are going to place above everybody else a mayor or the city council, and an office of municipal judge above any other appointments of elected people. Most elected people in the state of Nevada, if they vacate their office, especially in counties and cities that act like counties, if you do not appoint within 30 days, the Governor appoints for you. They are appointed until the next general election. Why do you find Henderson's elected positions to be subject to a higher or broader standard than what the Governor would do?

Nechole Garcia:

Actually, the language here says, "to the remainder of the unexpired term." That is going to be until our next municipal election. So, they are only going to serve until the next municipal election. Therefore, we are actually on the same level as what the Governor, the county, and the state do.

Assemblyman Livermore:

That is not what it says here. It says for the remainder of the unexpired term. If I was to read that, I do not care if the general election was six months from the appointment. If the appointment runs for three years, it would be exempt from running for that election. I just find it to be odd because we had another bill that came before this panel here dealing with a district attorney of another county, and the bill passed out of this body with the amendment to it that he would only serve until the next general election. I do not know how this will end up, but I would highly recommend that these words be modified or struck or amended in some form.

Nechole Garcia:

Thank you, Assemblyman Livermore.

Assemblyman Stewart:

Is there an option in here? Let us say a city council member dies 40 days before the next election. Would you still appoint someone?

Nechole Garcia:

In that scenario, if there were only 40 days, the council would have 60 days to make an appointment. More than likely, they would just wait and let candidates submit their names for the next election, since that is actually going to fall before the 60-day time frame. I hope that answers your question.

Assemblyman Stewart:

Is that clear in here?

Nechole Garcia:

We do not specifically address that scenario. However, we will be more than happy to put in any suggested language you may have.

Assemblyman Daly:

My question applies to existing language where you say you are going to appoint someone who has the same qualifications as required of the elected office. I know most city councils are nonpartisan with their races. I am assuming yours are as well. But everybody knows. So I was just curious if that was ever a factor in the qualifications. Or, do they just have to be from that ward and a citizen and an elector? Because I know if they are replacing someone for any other partisan race, like a county commission or the Legislature, you have to follow that party. I did not know if that was ever a factor, or if it should be. Is it a nonpartisan race?

Nechole Garcia:

They are nonpartisan races. Moreover, the qualifications are set forth in another part of our charter. It does not include political parties. Therefore, that would not be part of the consideration.

Assemblyman Elliot Anderson:

I just wanted to follow up on section 8 that we were talking about earlier. By the way, I do appreciate your coming to run through the bill with me. I was looking through NRS Chapter 238 to see exactly what would apply if we do all that. It looks like the biggest change would be getting rid of the appraisal. I am a little nervous about that, just because if there is no appraisal, a lot of games can be played with passing out land a lot cheaper than it is worth. Because we at least keep the notice with NRS Chapter 238. Can you speak to why you do not want to do an appraisal anymore? I am a little nervous about that because we had a number of bills with that last session, and I know there have been scandals in different local governments when land was given at a way cheaper value than it was supposed to go for.

Chairwoman Benitez-Thompson:

Let us just hold off on that section 8 question, because I think there are a couple of other Committee members who have similar questions, and so we will wrap up as we walk through each section. I do not want to jump too far ahead, and then we will be all over the place. Are you okay with that, Assemblyman Anderson, if I hold that until we get to section 8?

Assemblyman Elliot Anderson:

You are the Chairwoman. It does not matter if it is okay with me.

Chairwoman Benitez-Thompson:

Thank you. That is a good Committee member.

Are there additional questions on section 2? Seeing none, Ms. Garcia, will you walk us through section 3?

Nechole Garcia:

This is mostly modernizing language. Section 3 of our proposed charter changes has to do with all the appointed officers within the city. We have now changed the appointed officers' title, and now they are all known as executive officers.

Subsection 1 deals with the three executive officers that are directly appointed by and report directly to the city council. That is our city manager, our city attorney, and our city clerk.

With subsection 2 we would just be striking the word appointed and replacing it with executive. It basically states that the city council has the authority to establish any other executive officer positions that they deem necessary for the city.

In subsection 3, these are the executive officers that are actually appointed by the city manager and then ratified by the city council. Therefore, these executive officers report directly to the manager. The first one there is our police chief. In subsection 3, paragraph (b), we struck "director of public works" because that director is appointed by the city manager, but it does not have to be ratified by council. However, the assistant city manager does and that is why we replaced that language with the assistant city manager.

Paragraph (c) is our fire chief. Paragraph (d) is just a modernizing of a title; finance director is now known as the chief financial officer.

Assemblyman Livermore:

I apologize if you heard all these questions yesterday, but I think it is important to get it on the public record. I appreciate the executive office if it works for them. I did not see anything in the bill about an auditor. The city that I am familiar with has an internal auditor. I do not see that in the rankings here. You have the chief financial officer, as you described it. Do not confuse it with an external auditor. I am talking about an internal auditor. How do you do internal audits?

Jacob Snow:

We have a city auditor who reports to a committee. We did not think it was appropriate to have the city auditor internally reporting to the city manager. We thought it was better that we create a committee made up of outside financial experts and a couple of members of the city council. That is the reason why it is not included in here.

Assemblyman Livermore:

So, you do have a city internal auditor?

Jacob Snow:

Yes, sir, we do.

Assemblyman Livermore:

I just did not see it on the list. I am glad to hear that. Thank you so much.

Nechole Garcia:

As a quick follow-up to that, this is not an exhaustive list of all the officers in the city. These are just the officers that the city manager appoints and the council ratifies. There are other officers.

Chairwoman Benitez-Thompson:

In section 3, your city attorney is appointed, not elected?

Nechole Garcia:

That is correct.

Chairwoman Benitez-Thompson:

We had this conversation, but also as Assemblyman Livermore said, I think it is good to put into the minutes here that with the language change in section 3 from appointed offices to executive officers, do you see any confusion with the rest of NRS with this language change? Because I know that mostly through the language we talk about appointed offices, and other charters talk about appointed offices, and so will you talk a little bit about that? Your intent is that executive officers means appointed officers as elsewhere defined. Is that right?

Nechole Garcia:

That is correct, Madam Chairwoman.

Chairwoman Benitez-Thompson:

Seeing no additional questions on this section, we will go to section 4.

Nechole Garcia:

Section 4 has miscellaneous provisions related to the executive officers in the city. Subsection 1 basically states that all the executive officers, other than the two that are directly appointed and directly report to the city council, have to perform whatever duties are designated by the city manager. The city attorney and the city clerk do not have to report to the city manager, but all of the other executive officers do, and they perform whatever duties he or she deems necessary.

Subsection 2 is an older provision that required that each officer had to provide sufficient security, such as a bond or insurance, to protect against liability. This language is now unnecessary because the city has insurance that covers all employees. Therefore, it is not necessary to single out any specific officers or employees in the charter as needing to provide that kind of insurance or security.

Finally, the new subsection 2 states that all the executive officers are going to receive the salary that is designated by the city council.

Chairwoman Benitez-Thompson:

Are there any questions on section 4? Seeing none, we will move into section 5.

Nechole Garcia:

Section 5 is mostly modernizing language. In subsection 1, paragraph (b) we struck the word "papers" and added "documents or data." Just to give some background, this section talks about the powers of the city council in terms of calling persons before them either to testify or to produce documents that the council needs.

The same change is in subsection 2. We are saying that the person is ordered to appear or produce documents or data before the city council. If they fail to obey such order, then subsection 1 says "The Council may" and we inserted that they can direct the city attorney, since he is the chief legal officer in the city, to apply to the court for a subpoena that would order that person's presence, or that they produce the documents or data. Paragraph (b) just strikes "clerk" and inserts instead "the municipal court judge," because that would actually be the person who would issue the subpoena.

All we did with paragraph (c) was insert the word "municipal" in front of court just to clarify that it is the municipal court that would be issuing the subpoena.

Chairwoman Benitez-Thompson:

Existing statute allows for the subpoena of persons in front of the city council. This expands the scope so that it can be documents and data as well. Can you talk a little more about why the city council's ability to subpoena documents and data is going to be useful for the type of public policy the council produces?

Nechole Garcia:

Actually, as a quick point of clarification, subsection 1, paragraph (b) already allowed for the production of papers, so it is more of a modernization. However, if the council has a matter that they need to consider, maybe regarding zoning, or perhaps an ordinance change, or something where they need more information from a particular individual, but the individual is unwilling to provide it without that subpoena, with this authority, they will be able to obtain that information lawfully. Then, they will be able to make an informed decision.

Chairwoman Benitez-Thompson:

Seeing no additional questions on this section, we will move on to section 6.

Nechole Garcia:

Section 6 is a very minor, straightforward change under subsection 5. This has to do with the city clerk's duties regarding ordinances. We just inserted the words "keep a" in front of "record," and then the word "of." Then, we struck the phrase "in a book kept for that purpose, and by the publisher," because it was outdated. The clerk does not necessarily keep all the ordinances in one book. However, the intent and the meaning are still the same. They are required to keep a record of all ordinances and affidavits of publication.

Assemblywoman Swank:

I just need clarification. Are ordinances kept as a hard copy or a digital copy?

Nechole Garcia:

I believe it is both. I believe they are required to keep a hard copy, but it is also made available electronically online.

Assemblywoman Swank:

I have another question about the affidavits because, as I understand it, that is something that has to be signed on a hard copy. Are they scanned in and kept with the digital copy? Is that what happens? Then, is the actual original kept with the hard copies?

Jacob Snow:

That is correct. We keep a hard copy, and then they are available. We keep a digital copy as well.

Chairwoman Benitez-Thompson:

Are there additional questions? Seeing none, we will move on to section 7.

Nechole Garcia:

The change to section 7 is very straightforward. This section has to do with animals. We struck the language "and poultry" just because animals encapsulates poultry.

Chairwoman Benitez-Thompson:

Is anyone here a big fan of poultry and potentially opposed to this? Seeing none, we will move on to section 8.

Nechole Garcia:

With section 8, actually, I am going to address Assemblyman Anderson's concerns. This section deals with the sale, lease, and exchange of real property owned by the city. I will go through each of these sections that have been deleted and reference relevant portions of the NRS that still apply. There is a relevant portion of NRS Chapter 268, not 238, that does require the city to have a least one appraisal done. Therefore, we are not now going to be able to sell or lease property without appraisals. That was also a concern brought to us by some of our constituents that we were able to alleviate.

Nevada Revised Statutes Chapter 238, which is mentioned in subsection 2, deals with the noticing requirements. *Nevada Revised Statutes* Chapter 268 governs how the city can sell or lease its property. That first part that is stricken is under section 2, paragraph (b). That section requires that applications or offers to purchase or to lease property had to be in writing, had to be accompanied by a deposit of at least 1 percent of the purchase price, or the lease price. Also, the council could not consider or accept any of these offers until after notice of sale had been posted.

The equivalent section that deals with this issue is NRS Chapter 268. *Nevada Revised Statutes* 268.062 subsection 3 requires that any bids or offers have to conform to the terms and conditions specified in the resolution that the council passes when they decide to sell or lease property. That resolution, according to NRS 268.062, subsection 1, paragraph (c), has to be posted publicly for at least three weeks prior to their being able to consider any bids.

The area dealing with the deposit that differs from what our charter had, NRS 268.062 subsection 8, requires that the deposit be of a sufficient amount, and that it could include application, publication, and appraisal costs. We removed this language because it was more restrictive, especially in terms of the deposit amount, than what is in the NRS.

Because the council has to consider what is in the best interest of its residents when making any kind of land sales, this gives the city more flexibility when negotiating deals. Also, NRS 268.062 requires that any bids that are accepted and considered have to be done in a public meeting so that there is absolute transparency. That way there is not any backroom dealing when it comes to being able to consider and accept bids.

The next section that was struck is under paragraph (b), 1 and 2. That section deals with what happens if either the city backs out of the land deal, or if the bidder backs out of the land deal. In the charter, the city is required, if they back out, to refund the deposit. If the other party backs out, then the city can keep up to 5 percent of whatever deposit they have submitted.

In NRS 268.062 subsection 8, if the city does not accept an offer or a bid, they must return the deposit. Striking this language does not mean if the city backs out of a deal they can keep the deposit, because per NRS Chapter 268, they are still going to have to return the deposit. *Nevada Revised Statutes* Chapter 268 is silent, though, as to how much of the deposit the city can keep if the applicant backs out of the sale. Again, this is an instance where by deleting this language, the city has greater flexibility, still within the confines, of course, of the NRS, when negotiating with a party regarding their land sale.

The next part that was struck is subsection 3. That says that the noticing requirements and the requirements regarding deposits and applications in subsection 2 do not apply if it is a lease of residential property that is a term of one year or less. *Nevada Revised Statutes* 268.059, NRS 268.061, and NRS 268.062, contain language in subsection 1 of each of those sections exempting those requirements for leases of one year or less. Those are still going to be exempt, even though they have been removed from the charter.

That last part there that was struck has to do with the appraisals. In the charter, the language that was struck required an appraisal by one disinterested appraiser. *Nevada Revised Statutes* 268.059 subsection 1, paragraph (a) requires that the city obtain two independent appraisals, and that section goes into detail about the qualifications that the appraiser has to have to be considered independent and disinterested. Or, if the city elects to have an open, transparent, public hearing where the public can discuss and decide

the fair market value, then they only need one appraisal. Either way, the city is going to have to conduct at least one appraisal.

The next part that was struck is the new subsection 7, page 9, lines 34 through 41. It just talks about the distribution of money received from the land fund. The language here said that 20 percent of the money had to go to current operations; 20 percent went to the land fund; 60 percent was divided between the land fund and current operations. This is an outdated provision, and this is something governed by the city's internal policies. We do use all the money from our land fund to finance our capital construction projects.

Then we inserted paragraph (f), which allows for money received from sale or lease of property to go to any legal fees or costs that were incurred that relate to the purchase, sale, lease, or maintenance of city property.

Assemblyman Elliot Anderson:

I guess where I am coming from is the legislative history. In section 8, there is a clear citation to NRS Chapter 238, so I would feel more comfortable if, in your amendment, you would put pursuant to NRS Chapter 238 and NRS Chapter 268. That should be put in there somewhere so we make that clear. You are an attorney. Therefore, you understand when there is legislative history of a striking out in appraisal but not adding in NRS Chapter 268, and there is already a citation to NRS Chapter 238, if you were to look at this disinterestedly as a judge or an attorney doing research on what we did, it looks like we are trying to get rid of an appraisal. Would you be willing to put in that sort of provision?

Nechole Garcia:

Yes, we would be happy to cite NRS Chapter 268 so that, hopefully, any concerns regarding us trying to skirt any NRS regulations are alleviated.

Assemblywoman Neal:

I just want you to clarify something. When you were saying that the statute was silent, could you restate that? It is silent to which party?

Nechole Garcia:

It is silent as to if the applicant, the person who makes the offer to sell, who enters into an agreement with the city, basically reneges, or refuses to consummate the deal—it is silent as to how much of the deposit the city can keep.

Assemblywoman Neal:

In terms of retention, what then is going to be the prescription or idea that the city is contemplating or thinking about? If you get that type of situation, what do you think you will keep?

Nechole Garcia:

What happens in the city's land deals is we sit down, usually with the other party's attorney, and we negotiate an agreement. That agreement is going to dictate what happens if either party backs out of the land deal. It is going to have to be something that is agreeable and okay with both parties and their counsel. Removing this provision just allows us some more latitude. With this provision in here, the other party can say, "Hey, you can only keep up to 5 percent." Now, we have greater latitude. That other party is certainly going to have bargaining power on their end to determine what amount of the deposit they would be okay with the city keeping if they were to back out of the deal.

Assemblywoman Neal:

How many circumstances have you encountered where you were limited in your flexibility to contract where this deletion of the provision now is more helpful to you?

Nechole Garcia:

This provision is 18 years old. I am not exactly sure how many land deals we have had in those 18 years where we could have benefited from greater flexibility. However, I would be more than happy to find out that exact number and get it to you.

Chairwoman Benitez-Thompson:

Are there additional questions from Committee members?

Assemblywoman Bustamante Adams:

Can you tell me how this provision would have affected your recent negotiations with the stadium?

Nechole Garcia:

With that situation, that land was not owned by the city. That land was owned by the federal government. Therefore, this would not affect that at all.

I would also like to state, to follow up with what Assemblywoman Neal was asking, that again, the city council's duty, and it is something in NRS 268, and also in section 8, is to, anytime they are going to sell or lease land, do it in the best interest of the public. They are doing this with the public's interest in mind; not with any city official's interest in mind. It is really important when

the city officials speak to their constituents or when they speak to their residents, that they can tell them, "We are getting the best deal we can for you." It is something we do because we have a high rate of satisfaction from residents in our city, and we want to maintain that.

Chairwoman Benitez-Thompson:

I am glad that we got Assemblyman Anderson's suggestion about referencing the *Nevada Revised Statutes* because last session when we were looking at that leasing policy by city and state, we heard a lot of different types of comments on legislative history. Then Chairwoman, now Speaker Kirkpatrick talked about the history without a lease provision there, there was a lot of cronyism, and people getting spaces leased at \$1 per year without any really good thought put into it. I am glad we are keeping our safeguards in place there.

Are there any additional questions on section 8?

Assemblywoman Neal:

When Assemblywoman Bustamante Adams asked you about the stadium deal, you said that it was federal land. When you are in a situation where you are contracting and federal land is at issue, but the benefit is going to be to the city, what then are the impediments or framework when you deal with this retention issue if that is applied? It may not be applied if the person pulls out, but ultimately, it seems as if you are doing a transaction, regardless of whether or not the land belongs to you. If you are receiving the potential benefit, both fiscal and financial, from it, what then is at play? Do you understand what I am saying? If someone were to pull out, let us say the contract was fulfilled, right? Then somehow there was a breach later on, not before the contract is fulfilled, but the contract is in play, and there is a breach on one of the duties. What kicks in at that point?

Nechole Garcia:

I will be happy to research to see what provisions in the NRS are applicable. The language in NRS 268 has to do with backing out of consummating the deal. What you are talking about is after the fact. However, I will look that up, and I can get back to you.

Chairwoman Benitez-Thompson:

We will move on to section 9.

Nechole Garcia:

Section 9 pertains to the duties of the city manager. This is more clean-up language. We inserted, in subsection 1, that the city manager is the chief executive officer of the city. In subsection 2 we struck "clerical

administrative assistants," and put the word "employees." That section is basically saying that the city manager can appoint whatever employees he deems necessary, subject to the approval of the city council. We struck "clerical administrative assistants" because it is actually a much broader pool of employees that the city manager may appoint as he sees fit.

Assemblyman Daly:

That is the part that causes me some discomfort and concern. Not that we do not trust the benevolent city manager—but the dictatorial city manager, maybe not—where they can appoint any employee that they want and deem that to be an appointed position rather than a position that is a certified public accountant, or civil service, and various things. It is wide open. I know it says right there "subject to approval of the City Council." That also leaves it open-ended—approval to hire the person, approval to appoint the person, approval not to appoint the person—and I think it conflicts with section 3, on page 5 where you delete the line just before you insert "financial officer" and "any other person" in city council. In other words, city council used to have confirmation, or ratification. We used to say "You are going to appoint this person subject to my approval," and you struck that out. Now you are giving the city manager the ability to say "I can appoint whoever I want to the position I believe is necessary." City council cannot confirm that person, but apparently they have to approve it. I think there is some conflict in that, with that wide open, without saying who these employees are, if they were the administrative or executive, I know there is some language further in here that talks all the way down to the department heads. There has got to be some definition there because that language by itself causes me discomfort.

Jacob Snow:

My understanding of this bill the way it is written and my understanding of the current practice that the City of Henderson has in accordance with its charter, notwithstanding the changes that are in this bill, I have very limited authority with regard to whom I can and cannot appoint. I have authority with regard to the executive officers of the city, some of which need to come to the city council for ratification, some of which do not. When it comes to regular rank-and-file employees within the City of Henderson, I do not have that authority, and we are not asking for that authority because we have civil service rules and collective bargaining agreements, and there is a process for how that goes forward. I do not have the ability under this change to make all those appointments. We have our director of human resources, Mr. Fred Horvath, here and he can provide further clarification on that if desired.

Assemblyman Daly:

I appreciate that, and I understand that there could be challenges under the collective bargaining agreement, or the civil service rules, or all of these other things. I also understand current practice based on the history and the language that exists now, but I have also been at these very same types of negotiations in other times of my life, where it is said, "Yes, well that is what we said, and that is what was intended, but that is not what the words say. So I am going to take this liberty now, and you can challenge me later if you would like." I would just like to have it be a little clearer. I am going to put this stuff on the record that says, "Yes, but that is not what the words say." I have had that thrown back at me more than one time. It does need to be clearer as to what the appointed limitations are. We had this exact same argument with the City of Reno and their charter. We had difficulty getting past that. We ended up giving them a charter committee too, so that the people could figure this out.

Fred Horvath, representing City of Henderson:

There are a couple of moving pieces in that the council does approve a staff complement with its annual budget, and it is within that staff complement that the city manager has the discretion to make appointments within the positions that have been approved in the annual budget. His discretion is limited. There are civil service procedures for hiring employees covered under those rules. There are provisions in collective bargaining agreements on how we manage the staffing levels within those, as well. There is a framework in place. I will take your comments under advisement as far as how we can improve that language.

Chairwoman Benitez-Thompson:

Are there additional questions on section 9? Seeing none, we will move to section 10.

Nechole Garcia:

Section 10 deals with removal of the city manager. The change we put in now contemplates the presence of an employment agreement, because that is usually what occurs nowadays. There is an employment agreement between the city manager and the city council, and so it allows for removal for cause and appoints for any terms that are defined in the employment agreement.

Assemblyman Daly:

I do not really have any problem with this language. I just want to confirm one thing. When you negotiate these employment agreements, and we have all heard the different ones with the severance packages and various things, you have malfeasance, and all of those types of language in the employment agreement so that if somebody is coming in and just not doing their job, they

could be fired. For instance, the guy in South Carolina who is really down in South America with his girlfriend when he is supposed to be doing his job. You could fire someone for doing that, I hope, even if you are putting that in the employment agreement. As long as it is there, I am okay.

Fred Horvath:

Our language is very specific and very challenging for those subject to the for-cause and not-for-cause provisions. We have gone through great pains in the last three years to update these employment agreements, and they have very specific language on what constitutes misconduct.

Nechole Garcia:

Section 11 is purely modernizing language. This deals with the city clerk's duties. In subsection 1, we just inserted the word "records" after "books," and "historical" in front of "papers." It does not change their duties. We are just being more specific as to the type of documents they have to maintain.

Assemblyman Elliot Anderson:

Is that current practice that they already maintain those? Or, does somebody else maintain them now?

Nechole Garcia:

It is current practice. The city clerk maintains those.

Chairwoman Benitez-Thompson:

Are there additional questions? Seeing none, we will move on to section 12.

Nechole Garcia:

Section 12 deals with the duties of the city attorney. Again, this was an effort to modernize the language. Under subsection 2 we inserted the word "chief" in front of "legal officer," because he is the chief legal officer of the city. Paragraphs (a) through (c) discuss his duties. Basically, he is the legal advisor to the city council and to all offices, departments, and divisions of the city. He determines whether the city should initiate any kind of administrative or judicial action against a party. He also performs any other duties as required or set forth by the council, or that are put in our ordinances.

Section 13 is very straightforward. We just struck "city officers" and replaced that with "executive officers" to be consistent with the other language in our charter. This section just requires that all executive officers reside within the city, unless they receive some kind of waiver from the city council due to hardship.

Assemblyman Livermore:

My question goes to your definition of hardship. Do you have that defined someplace? Can you speak to that?

Fred Horvath:

We do handle it on a case-by-case basis. I would say that the definition of hardship has been the significant decrease in home values. We have hired people from outside of the City of Henderson, within the Las Vegas Valley, and we have not required them to take what would be a fairly catastrophic financial hit to move to the City of Henderson. They do have the understanding that these are done in writing, that if they do sell their home, they would have to move to the City of Henderson.

Assemblyman Livermore:

I appreciate that. I like that section 13 requires that. I think that is important when your chief executive officer is setting policy and making reports on what fees and charges should be. They should bear the burden as the rest of the population that lives within Henderson. Thank you for that.

Nechole Garcia:

Section 14 deals with the collection and disposition of any fines, fees, or forfeitures collected. What we have done here is struck the word "officer" under subsection 1, and put that any employee of the city, or other person who is responsible, or collects any fines, fees, or forfeitures that belong to the city, has to pay that to the chief financial officer. We struck "finance director," and put "chief financial officer" because it is just a more modern term. In subsection 2, we add the city manager and the city attorney to the city council. Those three entities can do, through proper legal action, what is necessary to collect any money that is owed to the city.

Chairwoman Benitez-Thompson:

Right now, the city has no ability to collect on debts? Or, do you have a process that is just not codified by the charter?

Nechole Garcia:

Currently, in the charter, the city council is empowered to do so, and they could direct the city attorney to take proper legal action to collect it. This now empowers the city manager or the city attorney to take that action on their own.

Chairwoman Benitez-Thompson:

Just for fees, correct?

Nechole Garcia:

Correct.

Chairwoman Benitez-Thompson:

Seeing no other questions, we will move on to section 15.

Nechole Garcia:

Section 15 has to do with staff interference by city council. The City of Henderson believes it is important that the city council not interfere with the day-to-day dealings or activities of staff. Subsection 1 provides that, the city attorney, the city clerk, and the city manager are directly appointed by the city council, and directly report to the city council. Any other appointments or removals are to be handled by the city manager, the city attorney, or the city clerk, unless the removal is authorized pursuant to section 3.150 of our charter. That section basically allows for the removal of officers for misfeasance, malfeasance, and nonfeasance. In those instances, the council could remove an individual. Otherwise, they cannot.

Section 2 basically states, again, that the council cannot direct the dealings of the staff of the city manager, the city attorney, or the city clerk. They can direct those three individuals, but not their staff. The city manager, the city attorney, and the city clerk are the ones who direct their staff.

Also, we struck the old subsection 2. That provision, which is from 1971, made interference a misdemeanor. Part of our charter review process was to compare the provisions of the charters of Reno, North Las Vegas, and Las Vegas to Henderson. Making it a crime or a misdemeanor was not present in any of the other city charters. This is an older, outdated provision, so we struck it. It is still prohibited, but it is not something that the city is going to prosecute a member of the council for.

Chairwoman Benitez-Thompson:

Are there questions? Seeing none, we will move on to section 16.

Nechole Garcia:

Section 16 has to do with the removal of certain officers, specifically the city manager, the city attorney, or the city clerk. This section just says that if they are found guilty of nonfeasance or malfeasance, the council can terminate them pursuant to the terms of their employment agreement, if one exists. Then, they can fill the vacancy as provided by law.

Assemblyman Livermore:

I think it is important for me to ask this with the city manager and the other people sitting here. Does the City of Henderson have a code of conduct for its executive officers?

Jacob Snow:

I am not aware of a specific code of conduct. We have a code of ethics that we have adopted into ordinance. I will say for the record that I am here in support of this bill. When I look at my employment agreement, I believe there is mention of being removed for cause. Part of that cause would be breaking the law. There is that specific mention in that employment agreement. I also would mention that there are a number of other clauses in that agreement that allow for my removal that make it easier for the city council to terminate me. As a specific example, I have been charged with making sure that I communicate with the council if there is anything that might be of deleterious impact to the city. I am responsible to communicate that to them. If I do not, then I also can be subject to termination. Therefore, I am here testifying in support of a bill that will make it easier for the city council to terminate me, ironically enough.

Assemblyman Livermore:

My question is about someone being a discredit to the City of Henderson. In other words, if you are seen publicly intoxicated, not that you have broken any laws, but your personal appearance, or your personal actions, could cause discredit on the City of Henderson.

Jacob Snow:

That is in my contract.

Assemblyman Livermore:

And the rest of the executive officers, the same?

Jacob Snow:

I cannot speak to the other employment contracts for the city attorney and the city clerk. With regard to the rest of the executive officers, they serve at will.

Assemblyman Livermore:

In your day-to-day oversight or management of these employees, would you find that a cause for a major discussion between you and your subordinates?

Jacob Snow:

Yes. In fact, there is precedent for that at the city.

Nechole Garcia:

In section 17 we are just striking an old provision. I am sure that most of the Committee is aware that a person did not have to be a licensed member of the Nevada State Bar in order to be a judge in this state. That is no longer the case. This language here just basically stated that an incumbent who had been elected at the time that requirement was not in place, and who was not a licensed member, could still serve as judge. Because this is an older provision and it is very rare that there is going to be anyone who is still serving as judge who is not licensed, we struck that provision.

Assemblyman Ellison:

Is not the lower court supposed to be the court of the people, and it is not mandatory to be an attorney?

Nechole Garcia:

I believe that it is in the NRS. I believe it was the State Legislature that determined that even the municipal court judges have to be members of the Nevada State Bar. That is something that is actually out of our control.

Assemblyman Ellison:

However, that is not the case at this moment, right?

Nechole Garcia:

I believe at this moment the municipal court judges have to be licensed members of the Nevada State Bar. They have to be attorneys.

Assemblyman Ellison:

Could you get me a copy of that NRS? I do not believe that is the case.

Nechole Garcia:

I would be happy to provide that for you.

Assemblyman Elliot Anderson:

I think in some rural counties, it is where you are a justice of the peace because it is harder to get folks to come out to the rural counties to take that sort of position. Certainly, Legal can check on that. In Clark County, there is no shortage of attorneys, unfortunately for me, since I am going to law school. However, you absolutely need to be a member of the State Bar. I am sorry. We cannot do that. That is important.

Chairwoman Benitez-Thompson:

We do have Mr. Penrose looking up that statute now, so we will wait for his clarification. Just one moment. [The Committee waited for clarification from Mr. Penrose.]

Jim Penrose, Committee Counsel:

I am looking at NRS 5.020, which is the section that governs qualifications for municipal court judges. Unless there is another provision, it does not seem to say that a municipal court judge is required to be a member of the Bar. That is not to say that it is not the law, but I am not seeing it in that chapter. There may be a provision in NRS Chapter 266, which is the chapter that governs cities. I know what you are saying, and what Mr. Ellison said. I believe the law, with respect to justice court justices, is that they are not typically required to be members of the Bar or attorneys. However, the jury is still out on this issue. If you want to proceed through the rest of the bill, I will continue to look for that.

Chairwoman Benitez-Thompson:

Let us do that, because we only have a couple of sections left and we can go from there. We will defer to our Legal Division on that. We will hold that thought.

Section 18 is just a change from "Treasury of the City" to "Chief Financial Officer." Are there any questions on that, Committee members? Seeing none, in section 19, subsection 4, you have a change, Ms. Garcia?

Nechole Garcia:

Yes, but sections 19 through 21 can all be addressed together. All these sections do is provide that, in municipal elections, if a candidate wins a majority of the vote in the primary in April, they are the winner of the election. They do not have to go to the general election in June. If they do not win by a majority of the vote, then they have to go to the general election in June. Because our charter currently is silent as to when they take office, we have some elected officials taking office in April, and others taking office in June. Therefore, people do not have that clear four-year term in office that they should have. Now, we are just stating that, regardless of whether they win the primary in April or they have to go to the general in June, they do not take office until June.

Chairwoman Benitez-Thompson:

Are there questions on that, Committee members? Seeing none, in section 20 you just have this strikeout on the same day every two years. Do you want to comment on that for the legislative record?

Nechole Garcia:

We just removed that language because we felt it was redundant. We are already saying "each odd-numbered year," and odd-numbered years come up every two years, so we did not feel that we needed to also say "every two years thereafter." We were just trying to remove that redundancy.

Chairwoman Benitez-Thompson:

Are there questions about that, Committee members? Seeing none, we will move on to section 21.

Nechole Garcia:

With that section we are clarifying that the candidate is going to take office in June.

Chairwoman Benitez-Thompson:

Are there questions on that? Seeing none, in section 22, you add to number 5 here, on line 15 just "park or recreation projects." Are there any questions about that, Committee members? Seeing none, we will move on to section 23. This is the section where I know folks down south had constituents with questions, so let us go ahead and work through this, and we can address the amendment at the same time.

Nechole Garcia:

This section pertains to municipal taxes. We struck the language "not exceeding 3 percent." There has been considerable confusion with some City of Henderson residents thinking that we were removing the 3 percent tax cap that is in the NRS. That is absolutely not the case. Our intent is definitely not to find some sneaky way to increase the council's ability to assess higher taxes. We are still governed by the NRS. We are limited by the authority in the NRS. That being said, we can understand how there could be some confusion based on the replacement language "at the appropriate rate." Because of that, part of our proposed amendment, which is on the Nevada Electronic Legislative Information System (NELIS), on the second page, we are proposing to change that language to "at the allowable rate set forth in the *Nevada Revised Statutes*" ([Exhibit D](#)). We hope that will make clear to all concerned parties that we are absolutely still subject to whatever rates are set forth by the Legislature and the *Nevada Revised Statutes*.

Assemblyman Stewart:

As the city manager knows, I am a little slow at grasping things, but I just wanted to make it crystal clear that under this amendment, now, the City of Henderson cannot increase taxes by more than the 3 percent. Is that correct?

Nechole Garcia:

That is correct. We cannot increase taxes by more than whatever is set forth in the many sections in the NRS that govern property and sales tax.

Chairwoman Benitez-Thompson:

Are there additional questions? [There were no additional questions.] Did you reference the amendment language, "The allowable rate set forth by *Nevada Revised Statutes*," with that language being more reflective that there are different rates for different types of taxes, all of those set by the NRS?

Nechole Garcia:

Yes, I did, Madam Chairwoman. Also, Mike Cathcart with the finance department prepared a handout ([Exhibit F](#)) that actually lists all the statutes that set limits on the tax rates the city can assess. We can provide that, if you like.

Chairwoman Benitez-Thompson:

Let us go ahead and do that. Then, we can put it on NELIS, since we are referencing it on the record. That way, folks with constituents in Henderson can refer their constituents to that. That would be great.

Are there additional questions on section 23? Seeing none, we will move on to section 24.

Nechole Garcia:

I am going to give you a brief overview, and then I will let our human resources director go into a little more detail. This is the section pertaining to which employees are not covered under the civil service rules. What we have done here is, we have inserted the words "executive officers"—that is all the executive officers that were mentioned earlier: the city attorney, the city clerk, and the city manager, and the other high-level officers. Then, we listed senior department directors and division heads. The city is composed of departments, and then within each department are divisions. So, the division heads are going to be the upper-level managers within the departments.

We struck "city clerk," and "city attorney" because that is now encapsulated in the executive officers' definition. Then we clarify we already have assistant city attorneys exempt. We just want to clarify that even though all of our attorneys are assistant city attorneys, any other attorneys employed by the city attorney's office are not included.

We deleted the intergovernmental relations director because that position has been eliminated. That position no longer exists.

We included the municipal court administrator. He is a department director; he runs the municipal court. We included him only because it is not clear from the title that he is a department director. We wanted to make sure that it was absolutely clear. Then, any probationary or temporary employees are excluded.

In the next sentence, because of some concerns that were very recently brought to us, we had this section about excluding union employees merely out of deference to NRS Chapter 288. Because of those concerns, we are now going to strike that language. The language starting at "Any employee to whom the provisions of a collective bargaining agreement entered into pursuant to NRS Chapter 288 apply" is now going to be stricken. However, we are going to keep the following phrase: "Any employee excluded from the system by ordinance . . ." I will let our human resources director speak a little more to this section.

Fred Horvath:

This is, again, an attempt to update our civil service rules, which have not been modified for a decade or more. We took some time to benchmark against other cities. The City of Henderson's civil service rules apply to hundreds of managers that do not have that similar-type coverage as in other jurisdictions around the state. We have chosen to modify that coverage by 53 managers, and they are senior executive managers. Therefore, we will still have a significant number of management employees covered by the civil service rules that are not covered in the City of Reno, the City of Sparks, or the City of Las Vegas.

Again, some concerns about unintended consequences about excluding the bargaining units were raised recently, and we are meeting on Monday just to make sure everyone is comfortable. There is nothing sinister or devious about it. We have taken great pains to make sure everything in our collective bargaining agreements and everything in our civil service rules are covered within our collective bargaining agreements. We are just trying to provide the proper deference to NRS Chapter 288 and our bargaining obligations therein.

We also have language that deals with the retroactive nature of these changes. That emanates from a Nevada Supreme Court decision with City of Reno. It is in our best interest not to have two classes of people: people who had civil service rules and then were promoted into positions that were not covered by civil service rules, subsequently retaining those because of when they were hired. All this does is clarify that if you are in a position that is not covered under the civil service rules, you do not have civil service protection because you once had those protections.

Chairwoman Benitez-Thompson:

Are there questions? Seeing none, I have two different comments. We have the document from the City of Henderson referencing the NRS chapters with the different appropriate rates up on NELIS. That is now available for everyone. Also, I wanted to circle back to section 17 to allow Mr. Penrose to put comments on the record regarding that section.

Jim Penrose:

As far as I can determine, the only relevant section is NRS 5.020 subsection 2, which establishes the qualifications for a municipal court judge. It requires that such a judge be a citizen of the state. It requires that, except as otherwise provided in the charter of a city organized under a special charter, which would include Henderson, the judge must have been a bona fide resident of the city for not less than one year, next preceding his or her election. The judge must be a qualified elector in the city and must not have ever been disciplined, removed, or retired from any judicial office by the Commission on Judicial Discipline. So, unless there is some other provision that I have not been able to find, there is no requirement that a municipal court judge be an attorney.

Chairwoman Benitez-Thompson:

We have that for the record. Committee members who have additional concerns, or suggestions, or who want to work with the bill sponsors on section 17 can do so. Then, we can go from there.

Are there no questions on section 24? You have some ongoing conversations, you said, regarding section 24. I will look for updates from you folks on that.

We will move on to section 25.

Nechole Garcia:

Section 25 pertains to all the repealed provisions. Again, when we were doing our comparison of all the charters of all the large cities in Nevada, these provisions were not present. Some of these provisions are from 1971, so they are quite old. The first one relates to the city clerk's performance bond. Again, this required some kind of a bond to protect the city against any liability caused because of the city clerk's actions. Because of modern insurance, we do not need to have a cutout, or special language for the city clerk. They are covered under modern insurance.

These next sections are financial sections. Again, we have Michael Cathcart here and he can answer any specific questions. I will briefly go through each section.

Section 7.030 has to do with limitations on incurring indebtedness. It is an obsolete provision. However, just because we are removing it does not mean that we are not governed, nor do we have to follow any kind of laws or regulations regarding municipal debt obligations. *Nevada Revised Statutes* Chapter 350 actually governs municipal debt obligations.

Section 8.030 discusses how a city is to disburse taxes it collects. This is also outdated because the city actually does not collect any taxes. As some of you are aware, sales taxes are collected by the Department of Taxation and then distributed to the counties and the cities. Property tax is collected by the county assessor and then distributed to the cities. Therefore, because we do not actually collect taxes, this is an older provision that we felt is no longer necessary.

Section 8.040 deals with surplus taxes and bond redemption. It has to do with certain funds. This provision is obsolete because we now have multiple capital funds project funds, and debt-service funds. Therefore, deleting this section gives the council a little more discretion in terms of allocating revenue into those funds.

Section 8.050 deals with a sinking fund, which is an old accounting term that is not used anymore. It is obsolete because Henderson typically handles any revenue accumulated in its fund balances.

Assemblywoman Neal:

My question is on section 7.030. I was curious about this section because I know you said it was outdated. What we are talking about here is the sentence that I am trying to understand. When it says that "no debt shall be created directly or indirectly, nor shall any contract be made by, or on behalf of, the City to be valid for any amount exceeding the revenue for the years in which the debt is incurred," what is the additional flexibility that you are looking to achieve where you are going to incur debt above what you receive?

Nechole Garcia:

I am going to defer to Michael Cathcart to answer that question.

Michael Cathcart:

There is no more flexibility. When we looked at other city charters, these provisions were not present. They had either never been there or had been repealed over the last 40 years. How we do debt issuance is pretty well governed by the NRS. This is not giving us any other additional flexibility. In 1971, the City of Henderson was a relatively small community with small revenue, and we are a much more complex, larger revenue-base now. Just as

a practical matter, I do not think any banking institution would debt us probably more than we have in revenue per year.

Assemblywoman Neal:

So, because you are more complex, because you have more revenue, to me this operates as some kind of fiscal restraint in terms of having parameters when you deal with debt because it says indirectly right? Indirectly leads us into another category. Correct? So, what is the category where we are going to create debt indirectly that makes you feel that particular provision in subsection 1 should be deleted? Give me examples where you no longer have indirect situations where debt is created, or there is not a need to have a discussion on what you have going in and what you have coming out?

Michael Cathcart:

Some of these things are probably the definition of debt. We are looking at the long-term indebtedness of the city, but we also have policies and procedures in place for the indirect commitment to the city of debt. The city manager has control over certain thresholds of when contracts can be signed. Department directors have a certain threshold of a dollar amount in which they can sign a contract that may indebt the city short-term. We have a lot of those things in our policies and procedures within the city through our purchasing policies.

Nechole Garcia:

Again, removing a section does not give the city carte blanche when it comes to incurring debt obligations. *Nevada Revised Statutes* Chapter 350 still limits the city. I would be more than happy to research this exact sentence that you are talking about to find the section in NRS Chapter 350 that would still limit the city's ability to incur debt.

Assemblywoman Neal:

I would appreciate that. Currently in purchasing policy, how are you now held jointly and severally liable on debt? What, now, is the provision that speaks to that within your purchasing policy for debt?

Michael Cathcart:

We would be happy to get you that policy. It really lays out the thresholds for which contracts can be signed by individuals within the city.

Assemblywoman Neal:

Here is my last question. It is on section 8.040. When I was reading the language, and I believe when it was explained, this also had a flexibility so they could use the surplus money in a way they chose to use it. So, what is

envisioned in terms of using this surplus cash that may come into the city? What would you use it for? This has several different things. It says the city council may set apart any surplus money in the Henderson general fund, or the fund for municipal capital projects, to the Henderson debt service fund. So, those things are now obsolete? That is a question. And, also, when it says, "Which must be used for the payment of bond interest, or bond principal redemption" are we no longer? What is the policy provisions that are new that now deal with the payment of the bond interest and the bond principal redemption?

Michael Cathcart:

I think the bottom line on section 8.040 really has to do with complexity and the growth of the municipal accounting field over the last 40 years. When we are describing here a capital projects fund or a debt-service fund, we now have multiple debt-service funds and multiple capital projects funds. Those funds are externally audited and reported on through our comprehensive annual financial report. We adhere to all standards from the Governmental Accounting Standards Board. So, the complexity of this whole field has gotten much larger. This one paragraph is just talking about how things were set up in 1971 with our first charter. It has grown exponentially. The way we operate now is in accordance with all accounting policies and procedures. Through the NRS and through national standards we have multiple funds, and really, when you start talking about modified accrual accounting, funds are different checkbooks. This gives the council the ability to make the determination if there is a surplus revenue and we want to retire a certain debt, to transfer those additional revenues to a specific debt-service fund. This provision just talks about a debt-service fund, which we have probably had only one of since 1971.

Assemblywoman Neal:

Why not just revise it, rather than repeal it? Because, to me, now there is no provision within your charter that deals with how you will handle surplus funds that come into play and what it is supposed to be used for.

Michael Cathcart:

We can look at NRS Chapter 354 for you, but how we do our budgeting is very well laid out in the NRS. The state budget forms are something we have to submit to the Department of Taxation on an annual basis. Those are actually reviewed by a Department of Taxation employee for compliance with the NRS. They look at how our money comes in, how our surplus is used, and how they are transferred between funds. So, all of those things are very well regulated through the Department of Taxation. I am not sure if that was the case in 1971 when this provision was put in, but, as I stated earlier, the complexity has grown. However, the Department of Taxation does monitor and regulate how

we do our budgeting, how we move money around between funds, and so we do report that on an annual basis. Then, the actuals on the other side are reported through our annual comprehensive financial report.

Chairwoman Benitez-Thompson:

I think perhaps maybe taking some time off-line to walk through NRS Chapter 350 together and seeing if that covers all of the concerns might make more sense. You can spend an evening cracking that chapter open. It could be fun.

Michael Cathcart:

Madam Chairwoman, may I clarify one other issue while I am up here?

Chairwoman Benitez-Thompson:

Yes.

Michael Cathcart:

We had a question clear back on section 1 about the demographer and whether we change our master plan, our comprehensive plan, every time we change our population estimates. We did check with our community development department. We do not change our comprehensive plan every time that we update our numbers through our population. So, we do not change that comprehensive plan on an annual basis.

Chairwoman Benitez-Thompson:

I believe that was Assemblyman Livermore's question. Assemblyman Livermore, did you have a follow-up with that new information? [He had no follow-up question.]

Perhaps along the same line of what we are doing in section 8, per Assemblyman Anderson's request, might make sense in the repealed section where it could be redundant, but it makes sense to make some kind of reference to NRS Chapter 350, or some type of reference to certain provisions in there that might make Committee members more comfortable.

Are there any additional questions? Seeing none, we are nearly done. We do have a proposed amendment regarding language for a charter committee. Ms. Garcia, will you walk us through that?

Nechole Garcia:

Absolutely. It starts on the first page of our proposed amendment ([Exhibit D](#)), and this is something we appreciate Assemblyman Daly and Assemblyman Livermore bringing to our attention. Hopefully, once this is

implemented, we will not have to come before you with such large charter bills anymore. Section 1.120 discusses the formation and who would appoint the members to the charter committee.

Each council member—we have four—would appoint a member. The mayor would appoint two members. The members of the Senate delegation, the majority of the majority party that represent the City of Henderson would appoint two members. The members of the Senate delegation representing the city belonging to the minority party would appoint one member. The same goes for the Assembly. The members of the Assembly delegation for the City of Henderson representing the majority party would appoint two members. The members of the Assembly delegation representing the city residents belonging to the minority party would appoint one member. Then the city manager, the city attorney, and the city clerk would also sit on that committee.

Subsection 2 says that each member of the committee would serve for a two-year term. They have to be registered voters in the city. They have to reside in the city during that two-year term. Also, they have to serve without compensation.

Subsection 3 says that if a vacancy were to occur in the charter committee, that it is filled in the same manner as that original appointment for the remainder of that unexpired term.

Section 1.130, subsection 1, requires the charter committee to elect a chair and a vice chair that would serve for that two-year term.

Subsection 2 requires them to meet at least once every two years and to meet if requested by the council or if the committee chair requests a meeting.

Section 3 requires them to appear before the council on a date set after their last meeting, but before the legislative session, where they could then make their recommended charter changes to the council.

Section 1.140 just deals with removal of charter committee members. Section 1 permits a member of the charter committee to be removed by the majority of remaining members for cause including if they fail, or refuse to perform, any duties of office, if they are absent from three successive regular meetings, or if they do not meet any of those other qualifications set forth in an earlier section.

Chairwoman Benitez-Thompson:

Sorry to interrupt. I am going to allow my Republicans to go ahead and leave. You know you will be missing this section on the charter committee, but we are going to continue to conduct our business. You can duck out. [The Republican Committee members left the room. The Government Affairs Committee continued without a quorum.]

Nechole Garcia:

Finally, subsection 2 states that if someone is removed from the charter committee their replacement is appointed by the officer who had appointed the removed member.

Assemblyman Daly:

I see bits and pieces of language from various places. The first comment was that not every charter has to be the same, and I understand that. So, you had two being appointed by the mayor, which gets you to six, and then six legislative appointments. I do not necessarily have issues with that. Maybe you would want to make one of those appointed by the mayor at-large, or nominated by the mayor and appointed by the council. That is up to you. Then you have the city manager, the city attorney, and the city clerk on the charter committee as voting members. That seems to change the flavor of the citizen advisory, your charter committee, or citizen committee, to make recommendations about their charter. I would like to talk to you more about that because I would probably have concerns about that—not that everybody's charter has to be the same.

Then, the other part when you were talking about going before the council, I know that is similar to the language that Reno had, but there was some additional language that was put in the Reno amendment. That language said that they wanted to make clear that they are going in front of the council to say, "Here is what we did. We are not really asking for permission, but we are asking for a blessing. But not permission." Then, if the city council does not like it, that is fine. The charter committee can go forward with their recommendation, find a legislator, bring it down here, and each side can lobby their bill and see how it comes out. I would like to see that be made a little more clear. If you want to comment on those two, I would appreciate it.

Nechole Garcia:

To your first question regarding adding the city manager, the city attorney, and the city clerk to the committee, first, there are only 3 of them to the other 12 members. It is not like they are going to be the majority who could overrule the committee. We do want citizen input as it is very important to us. However, these three officials work very closely with each other in the city.

When it comes to knowledge of the inner workings of the city, you are not going to find any other people within the city who have more knowledge that they can contribute to the committee. We felt it was important to have these people with this knowledge and experience on the committee to be able to assist the members, and to be able to offer their input. Again, there are only three of them, to the remainder of the committee, so the citizens are still most certainly going to be able to have their input.

To address your second issue, when we considered language allowing the committee to proceed without the council's consent, we were made aware of circumstances in the past where then you had council members lobbying against members of the charter committee. Honestly, we do not necessarily want that. We think that might create a lot of confusion and controversy. Also, our council people are elected by the people. Therefore, they speak for the people, as the State Legislature does. Therefore, we believe they still should have the final say as to what does or does not go into the charter, at least until the charter bill is brought to the Legislature.

Assemblyman Daly:

I appreciate your answer. I know the history in Sparks versus Reno. Of course Reno has not had it for very long. Carson City had a different issue, which is why Assemblyman Livermore brought his bill, and it had to do with the makeup, the appointment, and various things. I know with Sparks we had these questions asked of our city attorney and came up with the amendment. Now we have staff. They have staff. The city manager can show up or send an assistant city manager to answer questions. The city attorney usually sends staff. So, you have staff there taking the minutes and you have to notice that it is an open meeting. So, all of this gets done, but the citizens review the charter, they read it, they ask questions. Usually, they do get input without having a voting member. I would have to say you have to trust your citizens a little. They are usually smart people. You are appointing people that you know, and these are people that then learn more about the city. They are not there to damage the city. They are going to get more insight. It changes the flavor on that.

The whole thing comes down to, Whose charter is it? You could argue that it is the Legislature's charter. But it is not. It is, but it is not. You know what I am saying? So, if the citizens are doing something that the city council may not necessarily like, that is their prerogative. That is why you have the charter committee. That is why they meet every two years. That is why they get input from the city. They are appointed by their people, so there is some degree of influence there, but as much as possible, we did not want to have it be politicized. They are going to make reasoned, tempered, and informed

decisions. I do not know that you are going to sell me on the city manager and the city attorney there, when they can be there as staff. Most of them have not served on a civil service commission, and they ask questions about how does it work, why does it work, and what is the problem we are trying to resolve. I have not seen anyone come maliciously and say, "I want to change this," because of some crazy reason that they can get 12 people, if you do not have the other three, to agree to and make that type of a change. I am just not seeing the need for it. I think it can be addressed through staff.

The other half of that on the autonomy part, you are always going to go to the city council and say, "Here is what we are thinking about doing, and we are hoping for your blessing." It is not really a permission thing. Are you going to be able to get a bill? I suppose if there is a majority of the people and the city council says, "Yes, but we are not going to do it because we voted it down," that is not going to stop them from going to a legislator and saying, "We are not getting what we need out of the city council." So, those things really do not come into effect either, as far as that goes because you are going to have those problems first, rather than second.

Nechole Garcia:

Thank you, Assemblyman Daly. I would just agree with your very first point that every city is different. The issues of the City of Henderson are different than those of the City of Sparks. In creating this, we are attempting to formulate what works best for our city. We do trust our citizens, and that is why we are allowing citizen input by an overwhelming majority. However, we are also asking that the executive officers in the city also have a voice in the process.

If we continue to keep this language allowing the council to have the discretion to accept or reject the changes, any changes discussed will be discussed in a public meeting, because we have to follow the Open Meeting Law. Members of the public are going to be welcome to come down and voice their opinions. Our citizens will be put on record, and that is most certainly going to influence the council's decision as to whether or not to accept or reject those changes. Even though it is coming before the council again, it is not going to be like a backroom thing where they can just dismiss whatever the charter committee says. It is going to be done with a lot of deliberation and a lot of transparency.

Assemblyman Daly:

I do not have any more questions. I do not know that we agree, but I do not have any more questions.

Chairwoman Benitez-Thompson:

For the moment you are agreeing to disagree. Then you will keep talking afterward, right?

Assemblyman Anderson:

I have a question about the Senate/Assembly delegation language. Is that the overall majority party of the Senate and Assembly? Or, is that the majority party of the delegation to Henderson?

Nechole Garcia:

The overall party. The language actually says, "and belonging to the majority party of the Senate." So, it is the majority party of the Senate, or the majority party of the Assembly.

Assemblywoman Swank:

I just had a technical question. It seems to me that as this is worded, you are going to be replacing all of the appointed people on the charter committee every two years. I was wondering if it might be better to stagger those, or have some that fill a one-year position, just so that you do not have a full replacement of all those appointed people.

Nechole Garcia:

Thank you, Assemblywoman Swank. That is something we had not previously considered. We think that is a good idea, and we will definitely look into adding some language where we stagger terms.

Assemblyman Daly:

With the two-year terms, they can be reappointed. There is no prohibition in here about reappointment. Maybe you will want to put that in because I know that usually if a person gets reelected, the only time you really have change is if there is a newly elected person, and they want to put a new person there. If they have a person with whom they are satisfied, they stay on there because then you start to build that experience, if the person is willing to serve. I think maybe putting language in that they could be reappointed might address the Assemblywoman's question.

Nechole Garcia:

That is something we are willing to put in there so that it is clear that members can be reappointed.

Chairwoman Benitez-Thompson:

Are there additional questions from the two and a half of us who are here? Seeing none, we will go ahead and open up for testimony in support.

Lisa Foster, representing Nevada League of Cities and Municipalities:

I simply want to say that the League supports our member's effort to modernize their charter and bring it up with their current practices and current law.

Paul McKenzie, representing Building and Construction Trades Council of Northern Nevada, AFL-CIO:

This is normally not a bill that I would get involved in, but we got drawn into the parade surrounding section 24 of the bill and the effect it would have on collective bargaining. Before the amendment that Henderson made this morning, we were fairly sure that there was going to be no effect on collective bargaining agreements, but we understand that there is at least one agreement out there that we failed to concur with when we were working on resolving the issues around section 24. That happens to be one that includes provisions concerning the civil service commission and their agreement.

We are sure they are going to be able to work those issues out and iron that out, just as they have worked with us in the beginning to iron out the issues with the other collective bargaining units. Therefore, we support the measure. I would be happy to answer any questions.

Chairwoman Benitez-Thompson:

Are there questions for Mr. McKenzie? Seeing none, thank you for your testimony. I appreciate that. Are there additional comments in support? Seeing none, we will move to comments in opposition.

Norman Halliday, representing Henderson Police Officers' Association:

We oppose this bill on section 24, with a soft opposition. I will caveat that, saying we have made an agreement with the city, and we will be negotiating and discussing this on Monday. We hope to have the information back and have a resolution to you by Tuesday.

Chairwoman Benitez-Thompson:

Great. We will look forward to it. I will put that on my calendar: Tuesday, resolution day. You all will come knocking on my door, right? Thanks.

Just for the minutes, John, we will note that when I excused the Republican Committee members, at that point we lost our quorum, but Committee continued on with no interruption in business. We will just make note of their absence there.

Seeing no questions, thank you for the testimony, and we will look forward to the follow-up. Are there additional comments in opposition? Seeing none, we

will open up for comments in neutral. Seeing none, does the bill sponsor have any closing arguments? Are you all talked out? Okay. In that case we will go ahead and close the hearing on S.B. 440, and I will open up the microphones for public comment. Seeing none, we will go ahead and adjourn this meeting of Assembly Government Affairs [at 10:43 a.m.].

RESPECTFULLY SUBMITTED:

John Budden
Committee Secretary

APPROVED BY:

Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: May 2, 2013

Time of Meeting: 8:36 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 440	C	Jacob Snow / City of Henderson	Prepared Testimony
S.B. 440	D	Nechole Garcia / City of Henderson	Proposed Amendment
S.B. 440	E	Jacob Snow / City of Henderson	Letter
S.B. 440	F	Michael Cathcart / City of Henderson	Prepared Testimony