

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

**Seventy-Seventh Session
February 22, 2013**

The Committee on Government Affairs was called to order by Chairwoman Teresa Benitez-Thompson at 9:15 a.m. on Friday, February 22, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at 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 James W. Healey
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblyman James Oscarson
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Heidi Swank (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Crescent Hardy, Clark County Assembly District No. 19

Minutes ID: 276



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Jim Penrose, Committee Counsel
Bonnie Hoeffcker, Committee Manager
Maysha Watson, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Warren B. Hardy II, representing Virgin Valley Water District
Aaron Bunker, Assistant General Manager, Virgin Valley Water District
P. Michael Murphy, representing Clark County

Chairwoman Benitez-Thompson:

[Roll was taken. Protocol reiterated.] Today we are going to be hearing two bills: Assembly Bill 131 and Assembly Bill 135, both presented by Assemblyman Crescent Hardy. Something that is different for this session at Government Affairs is that we will not be seeing a tremendous amount of water issues, but we do have a water board here today. I want to thank State Engineer Jason King for making himself available in case the Committee has any technical questions about water, the basin, or the district.

With that I will welcome up Assemblyman Hardy.

Assemblyman Crescent Hardy, Clark County Assembly District No. 19:

Thank you, Madam Chairwoman, and members of the Government Affairs Committee. I appreciate the opportunity to come here today. I am here to introduce A.B. 131, which proposes to change the Virgin Valley Water District Charter by requiring that all board members be elected from the service area of the water district rather than some elected and some appointed.

Assembly Bill 131: Revises provisions governing the Board of the Virgin Valley Water District. (BDR S-634)

By existing law the Board of the Virgin Valley Water District consists of five members. [Continues to read from prepared text ([Exhibit C](#)).] Thank you for your time. With that I would like to, if you would not mind, let Warren Hardy discuss something that we missed in this that we need to take care of through amendment to this bill before we even start.

Warren B. Hardy II, representing Virgin Valley Water District:

I appreciate Assemblyman Hardy introducing this bill. If I could just give you some brief background on the process we went through. One of the things that I tried to enact when I had the honor of serving as the chairman of the Senate Government Affairs Committee was that, when an entity requested a charter change, they held a series of public hearings and the governing bodies that were impacted vote favorably before they brought that to the Committee. I asked my client to do that in this case. I just wanted to advise the Committee that, in fact, there were two posted public hearings—one at the Virgin Valley Water District and one at the City of Mesquite—to provide public input into this change. They were posted meetings where both entities voted. I believe the Bunkerville Town Advisory Board voted in favor of this, as well. They were all unanimous.

This is, as Assemblyman Hardy indicated, a desire of the Board to make sure that the voters have a say in every person that is elected to serve on the Board rather than appointed members. It is an indication of how old I am that I actually did this bill in 1993 to create the water district, and I am pleased to report back to the Legislature that it has been a very positive thing for the residents of the City of Mesquite and the Bunkerville Town Advisory Board.

As Assemblyman Hardy indicated, I was going through the bill last night with the legal counsel for the Virgin Valley Water District, matching the bill up with what the water district board voted for, and we did come across one inconsistency. I apologize, Madam Chairwoman, that we will need one amendment to this before we move forward. The intent of the Virgin Valley Water District, as well as the City of Mesquite, was to have these all be four-year terms rather than two-year terms and four-year terms. The transitory language in section 3 indicates that all the terms expire, then everybody is elected, and by lot they select the members who will be four-year and the members who will be two-year. Our intent would be to have them all be four-year terms. They will still stagger because the initial term will be two years by lot. I am very grateful to see your counsel nodding his head. That does not always happen. Anyway, that would be the only change that we would request, Madam Chairwoman. I apologize to you personally for not having that, but we just discovered this last evening.

Chairwoman Benitez-Thompson:

Will you be able to get something to us in writing?

Warren Hardy:

Absolutely. We will follow up.

Assemblyman Ellison:

I like the amendment, as long as it staggers them off two and two. I think that is a great idea. That way they are not always running for a position. With these positions, are they paid salaries? Are these nonpaid positions? What are these positions? Also, just a comment, this goes along with home rule. One of the reasons we have home rule is so that some of these things could be done within the boundaries of the districts.

Warren Hardy:

Like many rural water district boards, they do receive a salary of \$80 per meeting. With regard to the home rule, certainly, if the Legislature was to elect to provide some level of home rule, depending on how the bill is drafted, it is something they could probably take care of by themselves.

Assemblywoman Neal:

I was reading through the testimony, and I am trying to understand why we are shifting from appointed to elected and what the change in water service has to do with that. Clearly, it is a control issue, but help me understand the demand for water services in this increased usage.

Assemblyman Hardy:

The biggest reason for this change is that it has appeared and seems to be a community problem with the appointment of individuals. The Mesquite City Council and the water district are two separate entities, but they have opportunity to appoint individuals. Sometimes they do not feel that a person necessarily has the continuity, the expertise, or the ability to govern that water district. This is something that has happened from both ends. The community has unanimously, I believe, supported this change. It has everything to do with how a good, functioning board makes a good, quality water district, and the direction that it goes for the future is probably the best answer I can give you.

Assemblywoman Neal:

Does Clark County have a position on that Board, or is there a relationship?

Assemblyman Hardy:

There is no relationship between the two. It is not that they do not work together on issues of water within basins, but the Las Vegas Valley Water District has no jurisdiction, nor does the Southern Nevada Water Authority have any jurisdiction within their service district.

Assemblywoman Neal:

Okay. I do not really know how it works, and the demand and usage threw me off.

Warren Hardy:

Assemblyman Hardy is absolutely correct. We do not have a formal relationship. We are not members of the Southern Nevada Water Authority. There has been some conversation about that in the past. We have not felt that was necessary. We have an extraordinarily good working relationship with both the Southern Nevada Water Authority and the Las Vegas Valley Water District.

With regard to the reason: there has been a prevailing mentality in the district, out in the City of Mesquite, that it is better to have every one of the members of the Board directly accountable to the people rather than be in an appointed position.

Assemblyman Livermore:

My question is more about the duties and responsibilities of the Board. Will they function almost like a general improvement district (GID)? Evidently, they set rates. They balance a budget. They do capital improvements. What are the limits of this elected board once it is duly elected?

Assemblyman Hardy:

The duties will be the same as they are right now. Basically, the water district functions with all of those in mind. They can go out to bid for projects. They work on setting the rates for the management positions. They approve positions that are recommended by the management as time goes by. They look at the long-term capital project issues and anything that has to do with that district to make sure that service area functions. They provide quality water based on the requirements of the statutes.

Assemblyman Livermore:

Do they hire a general manager?

Assemblyman Hardy:

Yes.

Assemblyman Oscarson:

The people I spoke with felt like this bill would make the Board much more transparent. The people who really wanted those opportunities to serve would run for office, would be knowledgeable, and would have to really express their qualifications to be able to sit on that Board. That is why I signed onto this bill,

and I feel it is important that the transparency of people being elected to the Board exist.

Assemblyman Hardy:

That is exactly what the community wants: to be able to elect the people that serve them. That is the direction they desire.

Assemblywoman Bustamante Adams:

In your testimony, you said that the Mesquite City Council and the Bunkerville Town Advisory Board supported this bill. Not that I want to question your integrity, but is there anything in their minutes, a letter, or something that they have actually put in writing, that shows their support?

Assemblyman Hardy:

I do not have anything with me, but I am sure those are within the minutes. They were both at town board, water district, and city council meetings.

Assemblywoman Bustamante Adams:

I would like to see that just so that we could make it part of the record.

Assemblyman Stewart:

I think this brings the decisions on water issues closer to the people. Is the final bill, then, going to have so many people from Mesquite and so many people on the Board from Bunkerville? I could not quite understand where the division was on the river.

Assemblyman Hardy:

That is correct. It will maintain the same number of positions from both sides, two elected from Bunkerville and three from the Mesquite area. It used to be one appointed from Bunkerville, one appointed from Mesquite, one elected from Bunkerville, and two elected from Mesquite.

Assemblyman Stewart:

Is the source of your water from the Virgin River entirely, or is it also from the wells?

Assemblyman Hardy:

The source of water in the Mesquite area is all from wells. Some of them are over 3,000-feet deep.

Assemblyman Daly:

I am not exactly familiar with the area. Obviously, we have had the Virgin Valley Water District for a period of time. I know I have seen it in statute

for a long time. Mesquite and Bunkerville are both involved. We have two appointed Board members and three elected. Does the service area—or the voting district, if you will—for the Virgin Valley Water District encompass both areas? Does it split? You just answered Assemblyman Stewart's question that there will still be three elected from one side and two from the other, but my question is about making sure if you have fair representation controlling, why you came up with the appointments from the two cities. I am curious as to what is broken and why it needs to be changed now. Who gets to vote in that area? There are people from the unincorporated areas, people outside of Mesquite and outside Bunkerville. I am just trying to understand the district and the breakdown.

Assemblyman Hardy:

Let me go back and give you a little history on what happened in the area. Originally, both the Bunkerville township and the Mesquite township had what they called farmstead water districts. There was a certain amount of water given to both service districts. They were two separate districts at the time, and were functioning within the same basin. When we created the district, they felt like it was a better opportunity to have one functioning district for the purposes of saving ratepayers' dollars. What happened was that the Bunkerville area had a much smaller population, but they had a large quantity of water that was given to them. I believe it was about 6,500 acre-feet, if I am not mistaken. I think the Mesquite area had around 7,500 acre-feet. I might be off by 1,000 acre-feet, one way or the other.

With that, even though Bunkerville has the smaller population—more water per capita, I guess you would say—they want at least two members on that Board. That is the reason it is set up that way. I support that. There has been a power play by the Mesquite area, I will tell you. They would like to have more because Mesquite has 16,000-plus people and Bunkerville has 700 people, but because of the original legislation, I think it is the way it needs to stay in that portion. However, everybody is in agreement that it is better to have elected officials than to have somebody appointed to that Board who may have different views leaning one way or the other. The people want to elect individuals to get the balance of what the people want, not what individuals want within municipalities.

Assemblyman Daly:

Explain to me a little bit about all of this with Mesquite. They vote for the city council. I do not know what the governance of Bunkerville is. Are those election districts the same? Are there extra areas that are in the Virgin Valley Water District where citizens get to vote that are not either in

Mesquite or Bunkerville? Would you explain that a little bit more if you know? If you do not, then you can get back to us.

Chairwoman Benitez-Thompson:

That is a really good question and one that I was going to ask. I do not know if you want to answer it, Assemblyman Hardy, or if this might be appropriate for Mr. King. In section 1, we talk about electing folks from the service area district and then two who come from the geographical area of the district. Not being from this community, it left me with the question about how much of an overlap there is with the service area versus the geographical area of the district.

Assemblyman Hardy:

There is a larger area of service for people outside the Virgin Valley Water District, but it is not Nevada. Everybody within the state of Nevada that is in that service district is encompassed. We do not have any influence outside of that district. It is a large service area that expands for miles. We have Arizona next door, which is another service area that has no water district. It has no regulation. It is nothing we can control on that side.

Chairwoman Benitez-Thompson:

I would be remiss if I did not mention the news article that was published today. I do not understand water issues all that well. I am looking for clarity around some of the conflict in this local issue that looks to be around issues with Basin 222 and wells. I am trying to wrap my head around it. Perhaps a map distinguishing between the water basin area, the service area, and the district area might help. If we are going to have all elected folks and there are also areas outside of the state that are going to be impacted by that, I think it might be something for the Committee to consider.

Warren Hardy:

That is something that I have been involved with since 1991 when I first started representing the area. Basin 222 is a shared basin with two other states. Currently, Nevada considers that a management area where the state engineer controls how much water we take out of the basin. Arizona does not consider that an active management area. That can be problematic. I do not know if they have changed that, but last time I checked, it was not an active management area. In Arizona, all you have to do is go in and pay your permit for the well, and you can pretty much take as much water out of it as you want. Nevada regulates that basin, yet it is a shared basin with the two districts. This issue that you are reading about in the paper revolves around the necessity to, at some level, come to an agreement with our neighboring states about how we are all going to treat Basin 222. The conflict that you are

reading about refers to how the manager wanted to have the water district fund a study regarding the water that is Basin 222. The Board wanted to have the other stakeholders, the other impacted areas, participate in that study. The manager wanted to move forward independently, or unilaterally. That is what that conflict is about. It really has nothing to do with the bill that is before us. It is an ongoing issue. We have been concerned about it for many years. We share that basin with another state. We are regulated; they are not.

I was remiss in not mentioning that Aaron Bunker, who is the assistant general manager of the water district, is in Las Vegas, in case there are any questions.

Chairwoman Benitez-Thompson:

Feel free to respond to any of the questions that you are hearing, Mr. Bunker.

Aaron Bunker, Assistant General Manager, Virgin Valley Water District:

In regards to the service area of the Virgin Valley Water District and how it interacts with the basin, our service area is very large, and it borders other service areas and water districts. To the southwest, it goes from the Moapa Valley Water District up to the county line of Lincoln County and then to the state line of Arizona. Anyone that we can service would fall between the City of Mesquite and the town of Bunkerville. All residents between those two areas would have the opportunity to vote on behalf of who they would like to elect to the Board of the Virgin Valley Water District.

At one time, we did service part of Arizona that did not have any other means to purvey water. Since the mid-2000s, I do not remember the exact date, that connection has been severed. We no longer provide water to any Arizona residents. Hopefully, that sheds some additional light on that. If you have additional questions, feel free to ask me. Thank you.

Chairwoman Benitez-Thompson:

Would it be possible to get the maps of the geographical area versus the basin area versus the service area? It would help me and some other Committee members to get a visual of what types of areas we are talking about and to be able to better pinpoint where elected board members are coming from in those areas.

Assemblywoman Neal:

Assemblyman Hardy, you were explaining the acreage-feet and how Bunkerville has fewer people but more water than Mesquite, and then Assemblyman Daly asked the question on how the elected officials would be spread out. Is there an implication that somehow Mesquite will have more authority over the acreage-feet because they have more population to elect someone to serve?

Assemblyman Hardy:

Back when the district was developed, that was the point. That Mesquite wanted to grow but Bunkerville has never wanted to is an issue. They knew they had more water. They wanted to make sure they always maintained at least two members on that Board, and Mesquite could have three. I think, based on the original legislation, they feel that is their protection, and we want to maintain that protection. We want to be able to elect two individuals by the voters of the Bunkerville area, and three individuals by the voters of the Mesquite area.

Chairwoman Benitez-Thompson:

Additional questions? Seeing none, I will take testimony in support of A.B. 131. [There was none.] I will take testimony in opposition. [There was none.] I will take testimony in neutral. [There was none.] I will close this hearing on A.B. 131.

I will open up the hearing on Assembly Bill 135.

Assembly Bill 135: Revises provisions relating to town advisory boards.
(BDR 21-128)

Assemblyman Crescent Hardy, Clark County Assembly District No. 19:

Today I am introducing A.B. 135. This has to do with town boards that are 25 miles outside of the Las Vegas area in Clark County and their opportunity to have their board members elected. Last session this was approved unanimously by this body and then sent over to the Senate, where it was stuck in committee for the rest of the session.

As you know, an unincorporated town is a unit of local government that provides certain municipal services for citizens who reside outside of an incorporated city. [Continued to read from prepared text ([Exhibit D](#)).]

With that being said, there are certain things that go on within communities that are important to those individuals within those communities. Sometimes when individuals are appointed they do not necessarily have the opportunity to direct where and when funds are spent.

Assemblyman Ellison:

How many people are appointed to fill that position under section 3.30.050 of the *Clark County Code of Ordinances*? Is it just one, or are there three?

Assemblyman Hardy:

Typically, in most town advisory boards, there are upwards of five board members who are appointed by those county commissioners.

Assemblyman Ellison:

Are all of them appointed by the Clark County Board of Commissioners?

Assemblyman Hardy:

In every town advisory board, it is usually five. I do not know of any that are fewer.

Assemblyman Ellison:

I know of a couple where it is three. I completely agree with this bill. When elected, you are the voice of the people, and I think that is important. I did not have any idea that they appointed by a body that far away. Where are we on the issue of unincorporated towns? Last session, we looked at that. You looked at incorporating the city. Could you give us an update on where we are with that?

Assemblyman Hardy:

The town of Laughlin, one of the small rural communities that had the desire to try to have a vote of the people to see if they wanted to become an incorporated city, has gone through that vote process. The members decided they wanted to stay in the county. With that said, they still have a great desire to have their own elected town board versus an appointed one.

Assemblyman Livermore:

These communities all sit within the district of one of the county commissioners. Is that right? Which one would that be?

Assemblyman Hardy:

That would be incorrect. There are three different commissioners who have unincorporated municipalities.

Assemblyman Livermore:

Within this?

Assemblyman Hardy:

Yes.

Assemblyman Livermore:

Okay. I was concerned, first of all, that maybe one commissioner was doing the appointment with people of his choice.

Assemblyman Hardy:

You have Indian Springs on the north end of Clark County, which has one commissioner. You have the unincorporated towns of Bunkerville, Moapa, Moapa Valley, Glendale, and others that are on the eastern portion of Clark County. On the southern portion, we have Laughlin, Searchlight, and a couple of others. Pardon me if I do not remember all of them that are unincorporated municipalities.

Assemblyman Livermore:

Would the only fiscal note be the election? Does the Board currently serve with no compensation?

Assemblyman Hardy:

That is correct, Assemblyman Livermore.

Assemblyman Livermore:

Would the new Board serve continually?

Assemblyman Hardy:

They would probably have no compensation for that at this time either. The bill is not asking for compensation. It is asking that they be elected, and it would be done on those general elections and primaries that are already presently in place.

Assemblywoman Bustamante Adams:

I am sure that we will hear from Clark County. I am assuming they are going to come to the table. Is there still some kind of middle ground that could be reached? I am not sure how the County feels, but I am sure they might be feeling some pain on maybe the lack of accountability or interdependence that could happen with this move being made.

Assemblyman Hardy:

There is definitely discomfort with the County Commission in this move. They have no desire to give up their authority to be able to appoint. That is part of the issues that these small rural communities have. The individuals that generally get appointed are not people that the citizens would prefer to have represent their communities. This is an opportunity for people to use their constitutional rights to vote for leaders in their communities, even though they have no authority over budget or appropriations. That is completely done by those county commissioners; they have that power and authority over those town boards. Hopefully, they have a voice to be able to say where funds go that are directed to their communities.

Assemblyman Daly:

I am not familiar with some of the areas. What are the populations of the biggest and smallest of these towns? Is Clark County's system that they currently have different from the other 16 counties? Of course, some of the other counties do not have the issue at all, such as Carson City. I am curious if Clark County is substantially different from the other counties in the population bases.

Assemblyman Hardy:

As far as the counties and their function, I am not exactly sure what their situations are. Some of the communities have substantial size. There is the Moapa Valley area, which averages somewhere around 7,000 to 8,000 people. You have the Moapa community further north, which probably has 2,000 to 3,000 residents. You have Glendale, which has 1,500 to 2,000 residents. You have Laughlin, which is a community of 7,000 or 8,000. Searchlight probably has a maximum of 900 residents. I am just guessing. Indian Springs is probably a community of about 2,000 or 3,000 people.

Assemblyman Daly:

You mentioned budget issues. Your public safety and those services are provided by Clark County. What jurisdiction do the town boards have? What are some of the issues that they would tackle? Can they do ordinances?

Assemblyman Hardy:

They have no governing authority other than what is given to them by the Clark County Commission. The County Commission has complete authority over those town boards. In the past, other commissioners have always let the communities have a straw poll and elect their people. In the last six to eight years, that has changed at great offense to those areas. To get into the weeds a little bit, some of the communities have had problems with county commissioners doing improvements of no necessity. The communities believe it might be because of favoritism sometimes. I am not saying that is so, but those are issues that they keep bringing up. These improvements, when they do allocate money, do not go where the communities deem they need to be. That is one of those rumors you hear.

Assemblywoman Pierce:

What is the population of Bunkerville?

Assemblyman Hardy:

I am guessing that Bunkerville has probably 800 or 900 people.

Assemblywoman Pierce:

Has Bunkerville ever held a vote to incorporate?

Assemblyman Hardy:

Not to my knowledge. Of all of those communities out there, I would say that Bunkerville is the one that has the least desire to elect their town board.

Assemblywoman Neal:

I understand the need for A.B. 135. I understand wanting to have the option to choose people from your own town, but because this is a home rule issue, it opens the door to other things. Let us say this passes. What next for an unincorporated town? What else do they want? That is my hesitancy.

Assemblyman Hardy:

I do not know that there is anything else. This has been an issue with the folks. I guess this bill has been packed before, not only by me but in prior sessions. I do not know that it opens the door to anything else because they do not have the power. However, they do have the power to incorporate if they go through the process that we did last session for Laughlin. Laughlin someday will probably incorporate, but the voters chose not to at this time.

Assemblyman Stewart:

With this bill it would give the residents of an unincorporated rural area some power, but the county commission would still have most of the governing powers. It is just giving them a little taste of democracy. Is that correct?

Assemblyman Hardy:

Digging down into the weeds, everything that I tell you would be assumption. I am trying to do what constituents and others have asked. There will be no power that comes with this other than power of recommendation by the members of those communities.

Assemblyman Ellison:

I have served on several of these boards where we appointed different positions like this in the past. Even though the county of origin, which in this case would be Clark County, would still have control over the budget, the town positions could look at the day-to-day issues. The other commission would be bogged down with everything they have, and this gives residents the right inside their boundaries to make the small decisions. Not financial decisions, but decisions of operation. Is that correct?

Assemblyman Hardy:

I think that pretty well addresses what they want. They just want to be able to have the authority to say, if any funds come in that direction from the County Commission, this is where they would like them to go.

Assemblyman Oscarson:

I come to this with a unique perspective, having lived in the Logandale-Overton area and still having a place there. This has been fairly contentious over the period of time I lived there, and still one of the things we heard over the summer when we were visiting there was that they would like to be able to choose those people. When I lived there, Assemblyman Hardy, it was a straw poll. It at least gave the people some independence and freedom to make those choices.

At that point in time, if I am not mistaken, the Commission was not bound by appointing based on the straw poll, but generally, they kept to it. I think that it is just a matter of people being able to be transparent and have a choice of the people that represent them. Even though it is an advisory board in nature, there is a continuity from the community that they ask to have elected people who are representatives. Again, since it is advisory in nature, there are not a whole lot of choices they have to make except to advise the County Commission and be able to make some of those recommendations based on their constituency.

Assemblyman Hardy:

I believe that is basically it. They feel like it is their constitutional right to be able to vote for those whom they want to lead their community.

Assemblyman Livermore:

I will pose this to the Legal Counsel. Are there term limits to the appointed board, as there would probably be with an elected board?

Jim Penrose, Legal Counsel:

I am sorry to say I do not know the answer to that question. I apologize.

Assemblyman Livermore:

I think that goes back to Assemblyman Oscarson's point about home rule and choice of people. I do not know how long these people have served on these town boards. I can only imagine. It is easy to keep reappointing if people do not go through the process of application. I think that the elected position of a town board would probably function better in the long term, giving a lot of individuals an opportunity to serve their community.

Chairwoman Benitez-Thompson:

Seeing no additional questions, I will open up for any testimony in support. [There was none.] Seeing none, I will open up for opposition.

P. Michael Murphy, representing Clark County:

As you can imagine, we are in opposition of this particular bill, and I would like to explain why. I think Assemblyman Hardy and I have a great amount of respect for each other. We have known each other for a number of years, and I appreciate his position. I must respectfully disagree with some of the things that he said. One of them that I will agree with is the concept of home rule. Clark County Commission has had the ability for decades to make a decision either to have elected boards or appointed boards, and we have stayed with the appointed board position for all of this time. We feel that it works very well for us. I would like to remind you that these boards are advisory in nature. They do not have any authority to ultimately make decisions but advise the County Commission. The commissioners' opinion is that these individuals whom they appoint, and they are specifically appointed from the community in which they serve, are appointed and are considered to be a conduit of information from the citizen through the advisory board to the commissioners. The belief is that the commissioners appoint these individuals to represent them and to be their representatives. Our commissioners are elected and then they appoint these particular individuals to represent them in the community and to funnel information back to them in the form of a recommendation.

The process has been working well. There are straw polls done in many of the communities to find out who the community members would like to have as members of these advisory boards, and traditionally, the commissioners will go with that straw poll. I am not going to tell you that it has always been done that way, but generally speaking, that is what has happened in most of the communities.

Back to the issue about home rule, I think that, in reality, this is the ability for Clark County to govern as they see fit within their boundaries, and their elected officials are governing as they see that they should. They are asking that we continue to be able to have the ability to do that. We feel that the commissioners should be able to retain that ability and to appoint their representatives so that they act as that direct conduit, that they are comfortable with those representatives, and that we always remember that these advisory boards are just that, advisory in nature. Their authority is to advise only, not to actually dictate the information.

I would stress again that they are from the community. It sounded to me like there was some confusion whether the folks that serve on these advisory

boards are members of the community. They are absolutely members of that specific community. As a result of that, we are opposed to A.B. 135, and I will try to answer any questions that you may have.

Assemblyman Stewart:

In my experience of living in Clark County, the county commissioners are not usually elected by these rural communities. They are elected by the urban areas that are included in the district the commissioner represents. For example, say there is a community that is opposed to the county commissioner who got elected for their district. When the commissioner has the ability to appoint people from that small community, he appoints those who supported him rather than the majority who did not support him. Is that sometimes the case?

Michael Murphy:

I cannot answer that question directly because I do not know that to be a fact. I have heard rumor of that. Assemblyman Hardy has referenced that, but in all honesty, I cannot address it because I do not know the answer. However, I can certainly get you that answer, if you need it.

Assemblyman Livermore:

I asked Assemblyman Hardy how many commissioners serve in that area, and there are three of them. The Clark County Commission has seven members, is that correct? If you look at Assemblyman Stewart's question regarding representation, you would think that the population of this location is so diluted amongst the three County Commission voting members that the vote almost makes no significance to the election of the county commissioners. I believe it is in the community's best interest to look to elect someone to whom they feel they have some ability to communicate their concerns, wishes, beliefs, et cetera. The guy that lives on the farthest street down at the end of the block in this town does not believe that his voice is heard. I think this is an attempt to find out how their voices could be heard. I think it is a much fairer process to be able to go to a ballot box and elect someone you have confidence will serve you.

Assemblyman Ellison:

I could not have said it any better. That is what it is about: the free election process. Even though they are advisory in nature, at least they have the voice of the people who can rally and send a message up based on what they feel they need. I think it is so important that the Commission look at this. If this bill does not pass, which I hope it does, maybe Clark County will allow that to take place—elected versus appointed.

Chairwoman Benitez-Thompson:

Just for clarification, Mr. Murphy, when I read the roles and responsibilities of the town advisory board, in section 2 the town advisory person who is appointed serves just as a liaison to the Clark County Commission. Those powers are limited in just being a voice from their community to the Clark County Commission. I think that the difference between A.B. 131 and A.B. 135 is that in A.B. 131 you elect a water board in a local community and you deal with water issues in a local community. That is unique and a very powerful thing in and of itself, but a town advisory liaison to the County Commission, if elected by their own folks, does not seem to be as threatening because it is only a liaison position.

I wanted your reaction on section 2, subsection 7, paragraph (b). Currently, the liaison to the Clark County Commission serves at the will of the County Commission and so can be appointed and unappointed at will with the change of this bill. Obviously, the person who is elected is who the community wants, and that person would stay through their term. Do you know if there have been appointments made in which the appointment was then rescinded?

Michael Murphy:

I am not sure where to start answering your question, but let me see if I can break it into pieces. In answer to your first question, again, these individuals, these advisory boards, are in fact liaisons. Their job is to provide, via conduit, information from the community to the commissioners. I think the commissioners rely heavily on the information that they get. I would like to tell you that I think all of our commissioners value every constituent within their districts, and they make an effort to be in those areas on a regular basis and communicate regularly with their constituents, whether it is in the intercity areas or out in the rural areas.

In answer to the question about appointment, generally speaking, as I understand it, the appointments are made and then they serve their terms. I am not aware of any situations where an individual has been removed from an advisory position, but I cannot with fact tell you whether that has occurred or not.

Chairwoman Benitez-Thompson:

Any additional questions for Mr. Murphy? [There were none.] Is there any other testimony in opposition? [There was none.] Seeing none, I will move to neutral. Any neutral testimony? [There was none.] Seeing none, I will close this hearing on A.B. 135.

I will now open the microphones for public comment. [There was none.]

This meeting is adjourned [at 10:15 a.m.].

RESPECTFULLY SUBMITTED:

Maysha Watson
Committee Secretary

APPROVED BY:

Assemblywoman Teresa Benitez-Thompson, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Government Affairs

Date: February 22, 2013

Time of Meeting: 9:15 a.m.

| Bill | Exhibit | Witness / Agency | Description |
|-------------|----------------|--|--------------------|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 131 | C | Assemblyman Cresent Hardy, Assembly District No. 19 | Handout |
| A.B. 135 | D | Assemblyman Cresent Hardy | Handout |