

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Seventh Session
April 26, 2013**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 12:21 p.m. on Friday, April 26, 2013, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Pat Spearman, Vice Chair
Senator Mark A. Manendo
Senator Pete Goicoechea
Senator Scott Hammond

GUEST LEGISLATORS PRESENT:

Assemblyman Cresent Hardy, Assembly District No. 19
Assemblyman James Oscarson, Assembly District No. 36

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Heidi Chlarson, Counsel
Martha Barnes, Committee Secretary

OTHERS PRESENT:

Warren B. Hardy II, Virgin Valley Water District
Rosemary Munger, President, Laughlin Economic Development Corporation
Terrence Yurick, Board Member, Laughlin Economic Development Corporation
P. Michael Murphy, Clark County
Daniel R. Sweeney, Town Manager/Fire Chief, Round Mountain
Arthur D. Jones

Chair Parks:

We will open the hearing with Assembly Bill (A.B.) 131.

ASSEMBLY BILL 131 (1st Reprint): Revises provisions governing the Board of the Virgin Valley Water District. (BDR S-634)

Assemblyman Crescent Hardy (Assembly District No. 19):

I have written testimony ([Exhibit C](#)) for A.B. 131 that addresses the Board of the Virgin Valley Water District, which consists of five members. One member is appointed by the Mayor of the City of Mesquite, one member is appointed by the governing body of Bunkerville Township and three members are elected from the service area of the District. One of the three elected members must live in the geographical area of the District located south of the Virgin River, and the other member must be elected from the area located north of the Virgin River from the City of Mesquite.

The Virgin Valley Water District was created in 1993 with the aforementioned structure for determining members to serve on the Board. It has remained unchanged for 19 years; however, the demand for water services in the District has changed considerably. In 1990, the population in the communities of Mesquite and Bunkerville totaled approximately 2,700 people. Approximately 16,600 permanent residents now live in the area.

In 1993, there were about 1,000 water connections, and now there are approximately 8,000 connections. Water usage has increased almost 500 percent. Both the Mesquite City Council and the Bunkerville Town Advisory Board would like to have all Council and Board members elected instead of having some members elected and some appointed. The ratio of Council and Board members would remain the same, as two would come from south of the Virgin River in the area of Bunkerville and three would come from north of the Virgin River, the Mesquite area.

Assembly Bill 131 makes changes to the Virgin Valley Water District Charter to require that each of the five members of the Board of the Virgin Valley Water District be elected and not appointed.

Section 1 requires that all five board members be elected to 4-year terms and two members be from the geographical area south of the Virgin River. Section 2 deletes language requiring members to be appointed. Section 3 sets

the time frame for the election of Board members. Section 4 sets an effective date of January 1, 2014, for candidate filing purposes and January 1, 2015, for all other purposes. Making these changes provides a much-needed update to the Virgin Valley Water District Charter.

Senator Goicoechea:

I support the bill but have a concern about filling vacancies on the Board. Does the bill require the Board to appoint the new member when there is a vacancy?

Assemblyman Hardy:

Yes.

Warren B. Hardy II (Virgin Valley Water District):

The last version of the bill that came out of the Assembly correctly dealt with the transitory language and this version does not. We will need to request an amendment. The intent of the legislation is for all seats to be elected and all seats to be 4-year terms. The missing transitory language deals with the staggering of those four seats. The last mock-up had a process where all members would be elected at the same time and then lots would be drawn to determine which seats would be 2-year seats for the first election cycle. Going forward, all members would serve 4-year seats. In this version of the bill, that language was left out, so I would like to work with Committee Counsel to address the transitory language needed in the bill.

The issue raised by Senator Goicoechea is a concern that needs to be addressed through an amendment. The intent of the legislation is that all five members will be elected to 4-year seats, but we need transitory language to ensure those terms are staggered.

Senator Goicoechea:

I am not comfortable with board members being able to fill their own vacancies. Board members can make it hard enough on one member so he or she will resign and the members would have the ability to stack the board. If you amend the language, maybe the appointment should come from the City Council. I understand the service area goes beyond the City of Mesquite itself, so maybe in the event of a vacancy, it will fall to the Board of County Commissioners to appoint someone.

Mr. Hardy:

I will talk to the leadership of the Board of County Commissioners to express your concern. They should not have a problem with a conceptual amendment. If a vacancy arises, the Board members will appoint someone internally. We will find what other similarly situated boards do in an incident like this and mirror that information in the bill.

Senator Spearman:

Tell me why we are changing from appointing and electing some members to electing all members.

Assemblyman Hardy:

It is the desire of community members to elect their officials rather than having them appointed by municipalities or board entities.

Mr. Hardy:

This issue came up from people in the community when they approached both the Virgin Valley Water District and the City of Mesquite with their desire to have all of these member seats be elected rather than appointed. The community would like more input into the selection of these Board members.

When I had the honor to chair the Senate Committee on Government Affairs, it was my practice to ensure sufficient input before making any charter changes. I always required the entity to have a venue for public input, and I also requested that in this instance. I required the Virgin Valley Water District, the City of Mesquite and the Bunkerville Town Board to hold a series of public hearings so the public could provide input on this subject. That requirement was completed in all three instances. During the public hearings, members of the public expressed their desire to have all of these as elected seats. We also received unanimous votes from the Bunkerville Town Board, the Virgin Valley Water District and the City of Mesquite requesting this change on behalf of the residents.

Senator Manendo:

Are members of the Virgin Valley Water District Board paid?

Assemblyman Hardy:

Yes, they receive \$80 per meeting.

Senator Spearman:

How much would that be annually?

Assemblyman Hardy:

The board is required to hold two meetings a month.

Senator Spearman:

If you hold an election, those running will be spending all of their money just trying to get elected.

Assemblyman Hardy:

That has not been the case in the past and it should not be in the future.

Senator Spearman:

Why do you think that is true?

Assemblyman Hardy:

Usually, people will file for a Board seat because it is a small Board in an area with less than 20,000 people.

Senator Spearman:

Elections are competitive processes. What if you have two or three people vying for the same seat and instead of ordinary people being appointed, now members will spend \$160 a month getting elected?

Assemblyman Hardy:

It would be similar to the process of being a Legislator. We spend a lot of money to get elected. Many people would like to serve on the Virgin Valley Water District Board because they think they can do a better job than those who are serving. The City of Mesquite and the Bunkerville Town Board have decided this is the way to go because this is what the community wants. The community wants to elect Board members.

I served when Virgin Valley was a farm district before it became a water district. Warren Hardy and I were integral in developing the charter for the Virgin Valley Water District. At the time, it was important for the City of Mesquite and the Bunkerville Town Board to know what was going on in the Water District. Now both are involved on a continuing basis and feel this bill will give more

power to the people by allowing them to elect people to the seats on the Virgin Valley Water District Board.

Senator Goicoechea:

Typically, when we deal with irrigation districts and/or general improvement districts across Nevada, those board members are elected. I can understand residents in the Virgin Valley Water District wanting to have that representation on their Board. We would all like the opportunity to choose rather than having it set up by someone else. In this case, where part of the Board is elected and part is appointed, it would be problematic. Are people going to run for the seat from the District at large, or will they have to run from a piece of the District?

Mr. Hardy:

The distinguishing line is the Virgin River which separates the City of Mesquite from Bunkerville Township. Two of the members will be elected at large from Bunkerville. Three of the members will be elected at large from Mesquite. No districts exist in the area except the geographic requirement in the bill language.

Senator Goicoechea:

Two people running for a seat would have to be from the Bunkerville area and three would be from the Mesquite area, but would they be elected at large from the District?

Mr. Hardy:

My understanding is they would be elected by the voting residents of the area they will represent. As I read the bill, it looks as though the members are elected at large, but they do have to come from those geographic areas.

Chair Parks:

For those who understand the geography of the area, three would represent north of the Virgin River and two would represent south of the Virgin River. Are most people living north of the river within the corporate boundaries of the City of Mesquite? Could there be someone outside of the corporate boundaries?

Mr. Hardy:

North of the Virgin River would be the incorporated City of Mesquite.

Assemblyman Hardy:

South of the Virgin River would be the Bunkerville Township, which is a substantially larger service area.

Chair Parks:

Similar models in Overton and Moapa are probably quite close to what you are seeking to accomplish.

Assemblyman Hardy:

This municipality was established by the Legislature in 1982.

Chair Parks:

I will close the hearing on A.B. 131 and open the hearing on A.B. 135.

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

Assemblyman Crescent Hardy (Assembly District No. 19):

I would like to submit my written testimony ([Exhibit D](#)) in support of A.B. 135 which revises the statutory provisions governing unincorporated towns. An unincorporated town is a unit of local government that provides certain municipal services for citizens who reside outside of an incorporated city. In Clark County, these unincorporated towns include densely populated communities in the Las Vegas metropolitan area such as Paradise, Spring Valley Enterprise, Winchester, Sunrise Manor and Whitney.

Also included are small rural communities like Bunkerville, Glendale, Indian Springs, Laughlin, Moapa, Moapa Valley, Mount Charleston and Searchlight. Assembly Bill 135 addresses these small rural communities in Clark County that are located some distance away from the county seat in Las Vegas.

Nevada Revised Statutes (NRS) 269 provides for two distinct forms of unincorporated town government. One form of the governing town board is elected by the residents of the community. In the other, the board of county commissioners acts as the town board. Because Clark County has a population of more than 700,000, the Board of County Commissioners is the governing town board. The Clark County Board of County Commissioners is assisted in its duties by town advisory boards. Under the provisions of NRS 269, the County can choose to provide by ordinance for the members of a town advisory board

to be either elected or appointed. The Clark County Board of Commissioners has chosen to appoint members to the town advisory boards.

Section 3.30.050 of the *Clark County Code of Ordinances* states, "The members of the town advisory board shall be appointed by the board of county commissioners and shall serve at the pleasure of the board of county commissioners." Herein lies the problem. The town advisory boards are creatures of the County Commissioners. A board has no autonomy, no independent voice and does not truly represent the people of the communities. Assembly Bill 135 will provide that the members of the town advisory boards within the unincorporated towns of Clark County will be elected by the voters in the towns. If there are any seats still vacant following the election, the County Board of Commissioners could make appointments to fill the seats.

From our history, America's governing institutions were founded on two fundamental principles, home rule and democratic representation. Home rule requires each community be allowed to tend to its own affairs, and the principle of democratic representation requires those who govern us be freely chosen by the electors. Assembly Bill 135 is an important step toward bringing Nevada's local governments into harmony with these fundamental principles.

In the past, the Clark County Board of County Commissioners provided the opportunity for straw votes in these rural communities. This bill requires the town to come within 25 miles or more of the Las Vegas Valley. For anything outside of that area, indications are the people would like to vote for these advisory board members. This seems to be a necessary principle. Oftentimes, with representatives serving on the advisory boards, the County Commissioners have complete control of what happens in those communities relative to the financial benefit. The people in these communities want to choose their own representatives and determine how any money is spent rather than at the whim of appointed officials and their ideals.

Senator Manendo:

A vote of the people to become an incorporated city during the last election cycle failed. Do you think the same folks who pushed for the incorporated city are now saying let us try to elect our town board members? Is something going on I may not know about?

Assemblyman Hardy:

It is not just the Laughlin area, it is also Searchlight, Moapa Valley and Indian Springs. All of these areas have expressed a desire to elect their town boards. I have not heard any opposition to this request. This was brought forward during the last Legislative Session, and the bill made it through the Assembly but died in the Senate.

Senator Manendo:

I have served on town boards. I have attended town board meetings regularly for 25 years. I am a junkie and go to Sunrise, Paradise, Winchester and Whitney. I love going to town board meetings in order to hear what is going on in these neighborhoods. I cannot imagine the people who want to fill these seats having to go out and campaign to earn these positions. As far as the Whitney board is concerned, we had trouble filling the five board seats. We had a three-member board for almost 2 years. We were begging people to serve on the board. I am concerned this could be a disincentive for people to serve if they know they have to campaign for this volunteer position. We want people to participate, and this may move people in a different direction.

Assemblyman Hardy:

This bill addresses that if people do not run for all of the vacant seats, the County Commissioners can appoint someone to fill the vacancies. People have continued to fill vacant seats following straw votes. The philosophy over the past 10 to 15 years has been to only appoint people to fill these vacant positions. People in the rural communities vote differently than they do in the densely populated areas, and residents in the rural communities feel they are not being represented by appointed persons as they would by those they can elect themselves.

Senator Goicoechea:

I served as a county commissioner, and we technically had two town advisory boards in one jurisdiction. We allowed people to stand for election and we had a hard time getting enough candidates. We ultimately ended up appointing a couple of members to fill the vacancies. People are not willing to spend the \$100 filing fee to seek the position. It was not because it was a contested race. It gives the constituents in the community the opportunity to seek the office. If no one stands for a seat, the board of county commissioners can still appoint someone to fill the vacancy. It is a positive step to give the people an opportunity; if they choose not to access it, the county commissioners are the

ultimate authority. These town boards are only serving in an advisory capacity, but I am assuming most of them do have at least a small tax rate.

Assemblyman Hardy:

Yes. Most people receive a tax rate. The people really want an opportunity to help decide the direction of their own communities.

Senator Goicoechea:

It is a key point that a tax rate is being paid. Sometimes the county commissioners will appropriate funding for a project, but ultimately how a budget is expended is up to the board of county commissioners legally and statutorily. If we tax the people, they deserve the right to stand for election.

Senator Manendo:

Has the appointment process not worked? It sounds like the county commissioners are going to appoint most of the people for the seats and maybe all of them. Someone may say for \$100 I will guarantee myself a seat on the advisory board because I will not get appointed by the county commissioners. For \$100, the person will get the seat, so it costs the person money to stand for election in order to run for an unpaid position. I am thinking about what has gone wrong that we need to spend \$100 for a person to get on an advisory board, which is a voluntary job anyway.

Assemblyman Hardy:

Testimony will follow about what has happened in the past. I know people who want to be involved, but because of opposing political opinions, those people have not had the opportunity to serve.

Senator Manendo:

How many members are on the Bunkerville Advisory Board?

Assemblyman Hardy:

The Town of Bunkerville has a five-member board.

Senator Manendo:

Are the seats always filled, and are plenty of applications waiting? Is it a popular seat where you might receive ten applications and can only accept five? We do have term limits as far as alternating the chair position. We did that

a few sessions ago. Are there term limits in general on the town board for a rotational purpose?

Assemblyman Hardy:

In some communities it is very popular. I cannot say that all town advisory boards could be filled. In Moapa Valley, Bunkerville and Laughlin, people will be seriously competing for those seats.

Rosemary Munger (President, Laughlin Economic Development Corporation):

I will provide a short and tortured history of what happens when people do not have the right to vote for their representatives. In July 2007, my husband and I retired to Laughlin, a community that was very pleased with the representation it received locally and from Clark County. Commissioner Bruce L. Woodbury was our Commissioner, and he was a firm believer in the straw poll. Laughlin had a straw poll every 2 years when the residents of Laughlin were allowed to vote for their Town Advisory Board members. His recommendations every 2 years to the Board of County Commissioners were the members of the community who won the straw poll.

In November 2008, Commissioner Woodbury vacated his seat on the Board due to term limits and Steve Sisolak became our new Commissioner. We also had a straw poll in 2008; however, when the announcement was made of who would become the town board members, several of those people had not won the straw poll. This upset the voters of Laughlin because they were used to having their votes respected by their County Commissioner. The residents were so upset that the person who received the most votes in the straw poll and had been appointed to the board resigned in protest.

In the summer of 2010, a notice was posted for applications for Town Board members. There were 17 filings for the five positions on the Laughlin Town Board. Out of those 17, and prior to the election, one person passed away and one person withdrew from the race. Since the ballot had already been printed, their names remained on the ballot.

After the straw poll was announced, the sitting Town Board members met with Commissioner Steve Sisolak and asked to be reappointed as a body. Commissioner Sisolak made a recommendation to the Clark County Board of Commissioners to have those Laughlin Town Board members reappointed. Two of those members had not won the election and one had withdrawn from

the election prior to November. This member indicated she had no interest in serving on the Town Board. Following the election, her name was thrown back in the ring.

The summer prior to November 2012, a notice was posted for applications to serve on the Town Board. At that time, we received nine applications of people who wanted to fill the five seats on the Laughlin Town Board. This is relevant because the number dropped from 17 when people thought the voters' wishes would be honored to only nine applications when the Commissioners decided. I asked people why they did not put in their applications, and the response was that they would not be appointed even if they won the straw poll.

The person who runs the election in Laughlin was informed there would be no straw poll. Following this notification, the Laughlin Democratic Club and the Laughlin Republican Women's Club wrote a letter to all of the County Commissioners and the County Manager asking to allow Laughlin to hold a straw poll in order to select town board members. They also requested the poll be honored by the County Commissioners. There was no response from the County Commissioners or the County Manager. The appointment went forward and the announcement was made in January. Three of the sitting Town Board members were appointed, and two of those members had never won a straw poll. One member had actually withdrawn from the straw poll and another member was appointed but had never won. Two new members were appointed. One of these new members withdrew prior to taking the oath of office. Members took their seats in January without a clear majority. In February, there was no new appointment and still no clear majority. In March, the County Commissioners appointed a replacement, but this person also withdrew prior to taking the oath of office. In April, there was not a new appointment and no clear majority. A zoning issue was on the Town Board agenda and the Board voted on the zoning issue twice. The vote was 2 to 2. The zoning issue went to the Clark County Commissioners without the residents of Laughlin being represented.

I am a firm believer in people's right to vote. The United States is founded on that. I do not understand anyone who has gotten into a position by being voted in and then opposing people voting for their representatives. I cannot speak for Bunkerville or Moapa or the other rural communities. I do not believe that what has happened in Laughlin is an anomaly. Are the other communities having the

same problems as Laughlin because residents do not have the right to vote for their representatives?

The Laughlin Economic Development Corporation voted in support of A.B. 135. Members stated they thought if people had to run for seats on the Town Board rather than turning in applications and being appointed, they would be less likely to resign from the positions. A person would put something into being once elected for the position. It is important to us to have this right because it will be a matter of reconciliation. The residents of Laughlin feel isolated from the Board of County Commissioners and our own Town Board because the members were not elected by the residents. If this bill is not passed, it will likely further isolate these rural communities. People are losing interest. Laughlin has a history of a high voter turnout, and the residents do not seem to be as interested now as they have been in the past.

Senator Spearman:

You indicated Laughlin has a history of high voter turnout. Is that still true?

Ms. Munger:

During the incorporation issue, about 74 percent of the registered voters turned out to vote. We have had a higher voter turnout in the past. I hear about apathy from the residents because they were used to voting for their Town Board members and having the straw poll honored by the County Commissioners. When we were not granted the straw poll, many residents did not know the people who were appointed to the positions. I sat on the Town Board for 2 years, and I never met any of the County Commissioners when I was appointed. The Commissioners did not know me, but the voters had voted for me and I had rightfully won my seat.

Senator Spearman:

If history has shown high voter turnout and you all participate in the election of a commissioner, would it be true the voters do have an implicit vote via pass-through? You elect the commissioners, and then the commissioners appoint members to the town board.

Ms. Munger:

That would probably be true if Laughlin had a huge population, but in the election of 2008, Commissioner Sisolak was not the winner from Laughlin. Not

having a Commissioner appoint our chosen Town Board members who were supported by the voters of Laughlin disenfranchises the population even more.

Senator Spearman:

In elections at every level, every precinct may not support the winning candidate, but the candidate represents all of the people. In the Presidential election, not everyone supported the winning party, but the winning party still represents the people. Why would it not still be true for Laughlin that there is a pass-through because you all participate in electing the Clark County Commissioners?

Ms. Munger:

The Town Board is supposed to represent the interests of Laughlin. By denying the voters of Laughlin the right to vote for their Town Board members, the feeling is that they are representing the Board of County Commissioners more than the residents of Laughlin. The members are appointed by the Board of County Commissioners, and if the Commissioners do not like political leanings or a Board member's position on something, they do not reappoint the member. That seems backward to the political process, which is for the people to vote for their representatives and the representatives express their desires. In this case, our representatives are the Town Board members who were not elected. They are representing the Board of County Commissioners rather than the residents of Laughlin.

Terrence Yurick (Board Member, Laughlin Economic Development Corporation):

I also serve on the Board of the Laughlin Economic Development Corporation and am a resident of Laughlin. I am here in support of A.B. 135. In the primary election last year, we talked about the incorporation vote. I was one of the members who went door-to-door, talking to residents to get them to vote either for or against incorporation. I wanted to make sure all residents had an opportunity to vote. Most of the people I spoke with want Laughlin to develop, and they want services in Laughlin. They do not want to have to go to Arizona to buy food, get their prescriptions filled or do their banking. They do not think the current Laughlin Town Advisory Board is doing anything toward making that happen. The residents are tired of hearing excuses and want action. The residents want an Advisory Board that is proactive in pursuing those goals. The Advisory Board is focused on building another bridge about a mile down from an existing bridge which will cost millions of dollars. I believe the people should be governed by the people they elected. I am a Vietnam veteran, and I have seen

the sacrifices. Some of my friends did not make it back. It is the right thing to do in passing A.B. 135.

Senator Spearman:

The list you just gave us does not sound like it is in the realm of authority of an Advisory Board. It sounds more like the realm of an incorporated entity. Is that correct?

Mr. Yurick:

A proactive Advisory Board would encourage businesses to come into the area and relocate instead of encouraging people to go across the river to shop in Arizona by spending millions of dollars on a bridge. We need to retain the tax dollars here in Nevada to support our schools and our public services. Much of those tax dollars are being spent in Arizona by Nevada residents.

Senator Spearman:

Are you referencing Kingman, Arizona?

Mr. Yurick:

Bullhead City, Arizona.

Chair Parks:

I am in receipt of an email from Joseph Bailey expressing his support for the bill ([Exhibit E](#)). We are discussing advisory boards to unincorporated towns. In Nevada, an unincorporated town is no more than a taxing district that establishes both a town tax rate as well as enumerated services to be provided within the boundaries of the unincorporated town. A township in NRS is a judicial district. As an example, the Township of Laughlin, which has a justice of the peace and a constable, is coterminous with the boundary of the unincorporated Town of Laughlin. In some cases, a township expands well beyond the unincorporated town.

One of my concerns is that we have a separate portion of NRS 269.500 to the end of the chapter, that deals strictly with Clark County. The first half of the chapter deals with all the rest of the State. With respect to the advisory boards to unincorporated towns, they are considered to be the eyes and ears of the elected officials in the county. The County Commissioner who represents Laughlin needs to receive feedback from the Advisory Board on situations that apply. That is how the process has worked. From 1984 until 1990, part of my

duties dealt with being a liaison to both urban and rural unincorporated towns. Laughlin was one of the towns to which I was assigned, and I worked closely with members of the Advisory Board. During those years, I remember for the elections of 1984, 1986 and 1988, we had a process where we informed the residents of the various unincorporated towns and asked them to submit letters of interest to serve on the town boards. In the rural areas, we typically had straw polls that would alphabetically list the individuals who had submitted letters of interest to serve on the town boards. The straw polls were separate from the election process.

If this bill passes, it will require someone who wants to serve to go to the registrar of voters, pay a \$100 filing fee and fill out all of the forms to run for office. Throughout their unpaid terms, they would be required to file all of the election-related forms and campaign donation forms like those of us serving on this Committee. As it is now, a person serving on a town board only fills out a financial disclosure statement that goes to the Secretary of State's Office and must be filed once a year by January 15. Assembly Bill 135 will significantly change the process if it passes.

It is certainly a concern. The years I worked in the Clark County Manager's Office, the Commissioners routinely appointed the highest vote-getters from the straw polls. The straw polls were held at the same time the elections were held; however, they were always separate from the official electoral process. In other words, tables would be set up at the polling locations—most towns have only one location—where residents would vote the regular ballots and then were offered the opportunity to cast ballots for the advisory boards. This allowed the elections to be kept separate from the official ballots. To sum this up, the whole idea of a town advisory board came about as a result of these taxing districts and the naming of the requirement that the county commissioners needed to obtain information from a particular unincorporated town.

Senator Manendo:

Is anyone speaking neutral on this bill? We have bills that have to do with the appointments of constables, yet we want to elect town board members. Constables are responsible for a whole office as well as money and payrolls.

Senator Spearman:

I was speaking to your question of what happens when you run for an office and remembering that S.B. 49 just passed out of the Senate. The requirements

for candidates are much more stringent. I gleaned from your comments that if a salary is not involved and you require people to run for an office, it seems counterintuitive.

SENATE BILL 49 (1st Reprint): Revises provisions relating to public officers.
(BDR 24-382)

Senator Goicoechea:

I thought we passed legislation stating that members of boards and commissions who received a compensation of less than \$6,000 a year did not have to complete campaign-reporting requirements. I thought a variance applied when the stipend or threshold of the salary amount was a certain level. I may have this confused with something else.

Chair Parks:

I think the person would still have to complete a financial disclosure statement.

Senator Goicoechea:

That is appropriate, but I am not sure the person would have to go through the whole reporting process. I will defer to our Committee Counsel.

P. Michael Murphy (Clark County):

Clark County opposes this bill in its entirety and wants to retain the system as is ([Exhibit F](#)). This bill is directed at the following; Bunkerville Township, Moapa, Moapa Valley, which includes Logandale and Overton, Searchlight and Laughlin. If this bill passes, it creates multiple systems of operation within Clark County, and we consider this to be onerous at best. The town boards are advisory in nature and this would send a mixed message. If board members were elected, they would in some way be acting in a different capacity than advisory board members and have a different control over the township. The town advisory board member is selected by the commissioner of that district to act as an advisor, a trusted representative and a conduit of information to the people and the commissioner. The process has worked for decades and still does to this day.

The new process may reduce the already stressed number of members who would serve. In some towns, we struggle to find members to serve and have had more than one go without members for as long as 6 months. These vacancies put a strain on the boards trying to find persons willing to serve. This

may require filing fees, reporting and all the requirements of any other elected position. In many of these towns, we used straw polls outside of the voting areas to get a feel for their desire to have certain persons fill these positions. The sitting commissioner still retains the right to appoint and make the decision of who represents that commissioner in that area as the conduit of information. This system works well, and it works without adding to the burden of the possible town advisory board member to actually spool up a campaign and spend money to be elected to an advisory board. We disagree with this law and request the bill not be approved by the Committee.

Senator Goicoechea:

You said one commissioner represents the district making the selection, but clearly he or she has to have the majority of the board to approve it.

Mr. Murphy:

Yes. It is ultimately presented to the Board of Commissioners.

Senator Goicoechea:

You indicated one commissioner will represent Moapa and another commissioner will represent Laughlin, so are two commissioners involved in selecting the members for the town advisory board for the areas you named?

Mr. Murphy:

Yes, you are correct.

Chair Parks:

The process usually takes place at election time, and the appointments are made at the first meeting of every odd-numbered year. The members serve for a 2-year term in most cases. The full Commission votes on the appointments to the boards.

Senator Spearman:

How many other entities have town boards within Clark County?

Mr. Murphy:

There are 13 town advisory boards within Clark County and six citizen advisory boards. The citizen advisory boards are in nontaxing districts, and the town advisory boards are in taxing districts. There are a total of 19 boards if you include all of them.

Senator Spearman:

How many of those have the process of elections versus appointments?

Mr. Murphy:

All of the members are appointed. If this bill passes, the towns I provided in my testimony would be the only ones affected.

Chair Parks:

The citizen advisory councils are in small communities that do not have a specific tax rate but are included in the countywide tax rate. Mountain Springs is an example of a community with a citizen advisory council.

Senator Goicoechea:

That is specifically why I feel these particular entities should have the ability to elect boards because they are taxing districts paying separate taxes. It does separate them a little bit.

Chair Parks:

I will close the hearing on A.B. 135 and open the hearing on A.B. 231.

ASSEMBLY BILL 231 (1st Reprint): Revises provisions regarding local governing bodies. (BDR 20-1039)

Assemblyman James Oscarson (Assembly District No. 36):

Assembly Bill 231 provides that a vacancy in the membership of a governing body of a town board or a town advisory board must be filled by appointment by the applicable board of county commissioners. Additionally, the board of county commissioners shall appoint to fill a vacancy on a board of directors for a local improvement district if the board of directors of the local improvement district fails to do so within 30 days. The bill clarifies it is the responsibility of the county commissioners of those entities to appoint someone to a vacancy on the town board. For example, many of the rural communities have three-member boards. If a member becomes sick, dies, resigns, moves away or if for any other reason can no longer serve, it puts the boards at a disadvantage when voting or conducting the business of the entity and constituents they represent. I can speak specifically to the town boards in Nye County, Pahrump, Round Mountain and some other areas. We have had some significant time lapses in the appointment process. We want to ensure the process is clear. I have spoken to people in the Governor's Office who have actually made some

of these appointments in the past, and Governor Brian Sandoval is comfortable with the language. The point of the bill is to make sure the boards of county commissioners in those areas make new appointments to town boards in a timely manner to fill vacant positions.

Senator Goicoechea:

I am confused: we are dealing with NRS 269, which deals with town boards and appointed boards. Section 5 deals with NRS 309. What type of district are we talking about in this section of NRS? The way I read this section, it allows for the board of directors to appoint someone to fill the vacancy. Section 5, subsection 7 states: "Any vacancies in the offices of directors must be filled from the division in which the vacancy occurs by the remaining members of the board." This is the same problem I had with the first bill we heard today because I struggle with any board being able to appoint to itself.

Assemblyman Oscarson:

I have a proposed amendment to A.B. 231 ([Exhibit G](#)) and a letter of support from the Nevada Rural Electric Association ([Exhibit H](#)). We set this up so the boards identified in NRS 318, such as general improvement districts, can appoint someone to fill a vacancy within a 30-day time period. If that 30-day period expires, then the board of county commissioners will fill the vacancy.

Senator Goicoechea:

This bill refers to NRS 309, not NRS 318. The entities are called 318s because they are covered by NRS 318.

Assemblyman Oscarson:

According to the information I just accessed, the general improvement districts are also covered under NRS 309.

Senator Goicoechea:

I am always concerned about a board being able to appoint to itself.

Assemblyman Oscarson:

I understand your concern, and we received pushback from the entities covered under NRS 318 because they believe they manage their boards well. The boards have successfully filled vacancies in the past and requested they be amended out of the bill.

Senator Goicoechea:

They are elected bodies which is different from the town boards.

Daniel R. Sweeney (Town Manager/Fire Chief, Round Mountain):

I have been serving for 20 years, and we have had to ask the Governor to appoint someone to fill a vacancy several times. The process has worked in the past, but this brings government back to the people and back to the county commissioners. We support the bill. Because we are a mining community with transient residents, it took 9 months the last time we had to fill a vacancy. I have one board member who is leaving on Tuesday and another who will be leaving on July 1. That leaves three members on a five-member board.

Senator Spearman:

You are advocating for bringing government back to the people so the county commissioners can appoint someone to fill the vacancy.

Mr. Sweeney:

Yes.

Arthur D. Jones:

I have been a 21-year resident of Pahrump. I moved to Pahrump in 1992 from the City of Chicago. I enjoy politics and attending Town Board meetings. Out of the 21 meetings held in Pahrump, my wife and I only missed about 8 meetings when the Board met twice a month. I would like to see this bill pass because more than once we have lost a member of the Town Board. When there is an even number of members on the Board with a 2 to 2 tie, the Board cannot take care of business. There must be a way to have a majority, and that means an odd number of members for a majority to win. Many people will put their name in the hat for appointment to the Town Board.

Some years ago, my wife ran for a seat on the Town Board, and out of nine candidates she came in third. She did not get appointed, but we do not have a problem in Pahrump as in other towns. We have active people who attend Town Board meetings. When we are missing a Town Board member, the County Commissioners know who is good for the town. The Commissioners can find a candidate who will do a good job because the person has already done work for the residents. If you are active in the Town of Pahrump, the whole town and the County Commissioners will know about it. I wish you would let the commissioners do their jobs in order to keep the Town of Pahrump happy.

Chair Parks:

I will close the hearing on A.B. 231.

Heidi Chlarson (Counsel):

The question brought up during the discussion of A.B. 135 was whether candidates vying for a seat on a town board would have to file statements of financial disclosure and campaign finance reports. Candidates would have to file the campaign finance reports which are the reports of contributions and campaign expenses required by NRS 294A. There is no income threshold, so a candidate, by virtue of being a candidate, would be required to file all of these reports.

With regard to the statements of financial disclosure, when the person is a candidate, there is a threshold limit of \$6,000. As a candidate for an office with an annual compensation of \$6,000 or more, a statement of financial disclosure must be filed.

In the case of the town board, it does not appear the candidates would have to file the statement of financial disclosure. However, if they are elected to the public office, upon becoming public officers they would have to file the statement of financial disclosure at that time. If you are a public officer, regardless of the financial compensation, you have to file the report.

Senator Goicoechea:

At least I was partially right.

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Chair Parks:

Since there is no further business to come before the Senate Government Affairs Committee, I will adjourn the meeting at 1:48 p.m.

RESPECTFULLY SUBMITTED:

Martha Barnes,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	5		Attendance Roster
A.B. 131	C	5	Assemblyman Crescent Hardy	Written Testimony
A.B. 135	D	4	Assemblyman Crescent Hardy	Written Testimony
A.B. 135	E	1	Joseph Bailey	Email in Support of A.B. 135
A.B. 135	F	1	Clark County	Points in Opposition of A.B. 135
A.B. 231	G	6	Assemblyman James Oscarson	Proposed Amendment for A.B. 231
A.B. 231	H	1	Nevada Rural Electric Association	Letter of Support for Proposed Amendment to A.B. 231