

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

**Seventy-ninth Session  
February 22, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:06 p.m. on Wednesday, February 22, 2017, 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 Mark A. Manendo, Vice Chair  
Senator Julia Ratti  
Senator Joseph P. Hardy  
Senator Pete Goicoechea

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Heidi Chlarson, Counsel  
Suzanne Efford, Committee Secretary

**OTHERS PRESENT:**

Marilyn Kirkpatrick, Commissioner, Board of Commissioners, Clark County  
Chuck Callaway, Las Vegas Metropolitan Police Department  
Richard Forbus, Captain, Exofficio Constable, Office of the Sheriff, Las Vegas  
Metropolitan Police Department  
Jordan Ross, Constable, Laughlin Township; Chair, Southern Nevada Rural  
Constable's Alliance  
John Fudenberg, Clark County  
Robert Roshak, Nevada Sheriffs' and Chiefs' Association  
Corey Solferino, Washoe County Sheriff's Office  
Warren B. Hardy II, City of Mesquite  
Allan S. Litman, Mayor, City of Mesquite  
Bob Sweetin, City Attorney, City of Mesquite

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Burton Weast

David Ballweg, Councilman, City Council, City of Mesquite

Brenda Snell, President, Mesquite Chamber of Commerce

Rachel Dahl, President, Mesquite Regional Business

Wes Henderson, Executive Director, Nevada League of Cities and Municipalities

David Cherry, City of Henderson

Ryann Juden, City of North Las Vegas

James R. Wells, CPA, Director, Office of Finance, Office of the Governor

CHAIR PARKS:

We will open the hearing on Senate Bill (S.B.) 56.

**SENATE BILL 56**: Provides a charter for the City of Mesquite. (BDR S-434)

MARILYN KIRKPATRICK (Commissioner, Board of Commissioners, Clark County):

I am here on behalf of Clark County Commission District B, which encompasses Mesquite. This is an opportunity for the City of Mesquite to have a working structure. The Commission has a good working relationship with Mesquite. We have many interlocal agreements. The City of Mesquite regularly services many of our clients in rural areas such as Bunkerville, Moapa, Logandale and Overton. We also share some animal control venues with the City. We also participate in many of its events. I support this bill.

CHAIR PARKS:

We will close the hearing on S.B. 56 and open the hearing on S.B. 182.

**SENATE BILL 182**: Revises certain fees charged by sheriffs and constables.  
(BDR 20-607)

SENATOR DAVID R. PARKS (Senatorial District 7):

Senate Bill 182 relates to law enforcement and revises provisions regarding fees charged and collected by constables and by the Sheriff's Civil Process Section.

We have a situation where there is inconsistency with the fees being charged as well as the comprehensiveness of those fees. In addition, there has been a request for additional changes. I will address that later because we do not yet have a formal amendment proposal.

In previous sessions, I have had bills dealing with the Clark County Constables' offices and the fees charged and collected. The Sheriff's Civil Process Section and the constables' offices have a disconnect between similar functions. With the termination of the Las Vegas Township constable position, the Sheriff's Civil Process Section has taken on those duties.

We used to have the fee structure aligned but, along the way, certain chapters in the *Nevada Revised Statutes* were changed and others were not. The intent is to restore a uniform fee structure.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

The Sheriff's Office took over constable duties about two years ago when the Las Vegas Township constable position was eliminated. There are a number of constables in Clark County: Henderson, Laughlin and elsewhere. However, in other areas of the State, there may not be any constables. There is one in Incline Village. It varies whether sheriffs' offices perform some of the duties outlined in the statute or whether constables' offices perform those duties.

When our Department took over the responsibility of the Las Vegas Township constable, Captain Richard Forbus, who is over the constable section, came to me with concerns. He found that two statutes, one involving sheriffs and the other involving constables, were similar but had a few minor exceptions. Those exceptions are addressed in S.B. 182. We would like to make two modifications that would bring those two statutes in line with each other so that the sheriff fees would match the constable fees.

In S.B. 182, section 1, page 2, line 37, the first change is to add the service fee for summary eviction, which is contained in the constable statute but is not in the sheriff statute.

In section 2, page 5, line 22, we are adding the fee for mailing a notice of a writ of execution. It is in the sheriff statute but not in the constable statute. The goal is to bring those two statutes into alignment.

SENATOR HARDY:

Are the fees the same?

MR. CALLAWAY:

Yes, the intent is to make the fees the same for both. It is not the intent of the Las Vegas Metropolitan Police Department to take business away from constables who are performing their duties. It is our intent that if the Sheriff's Office has to perform those duties, it can collect the same fee the constables collect.

SENATOR HARDY:

When I said the same, I meant that nothing increased.

MR. CALLAWAY:

That is correct.

SENATOR GOICOECHEA:

What are you doing now? Do you charge a fee when you serve a summary eviction?

RICHARD FORBUS (Captain, Exofficio Constable, Office of the Sheriff, Las Vegas Metropolitan Police Department):

As the statute is written, we have to charge the fee as an order because, technically, it is an order from the Justice Court. There is a difference between fees for an eviction order and a standard order in the constable statute. A standard order is any type of order. Not being able to charge for an eviction order, we would have to charge \$15 for a regular order.

SENATOR PARKS:

I want to note that this bill requires a two-thirds majority for both sections 1 and 2. We are implementing fees in the Sheriff's Office that are consistent with the fees being charged by constables, but it is in essence a new fee. Therefore, it is an increase.

The constable for Laughlin suggested language for an amendment; however, the proposed amendment has not yet been submitted. I asked the Legal Division to determine if the suggested amendment is germane to the bill. The Legal Division has indicated that the not-yet-submitted amendments to sections 1, 2, 7, 10 and 13 would be germane, but the balance would not.

JORDAN ROSS (Constable, Laughlin Township; Chair, Southern Nevada Rural Constable's Alliance):

The proposal to which Senator Parks referred came from the members of the Southern Nevada Rural Constable's Alliance. I apologize for not submitting it earlier. There are a number of things addressed in the proposal.

I was not aware that the bill draft request focused on fees. For that reason, several of the more general application proposals technically do not pertain to the bill. There may or may not be a solution for fixing that. I am assuming that the Committee wants to wait for the Legislative Counsel Bureau's (LCB) finished product. There were some things not directly related to fees. We want to tighten up some requirements and restrictions on constable offices.

We are aware that due to issues from a prior administration in one constable's office, we need to strive more than ever to recover our reputation. Some of those issues had to do with closing loopholes in the requirements for deputy constables in rural townships and making the constable office nonpartisan. In addition, there is a technical issue regarding foreign judgment classifications. Without the finished product from the LCB, it is difficult for the Committee to give the bill full consideration.

I worked with Captain Forbus and Mr. Callaway to compare the fee schedules in *Nevada Revised Statutes* (NRS) 248 and 258. Our proposal takes the best language of each and harmonizes not only the fees but also the language itself because there are some confusing differences. In NRS 248, copying charges are \$3 per page while in NRS 258, the constable's chapter says \$3 per folio. It took two weeks for the Clark County District Attorney's Civil Division to determine that per folio meant per page. That would be an obvious thing to simplify. One chapter had better language than the other did. The proposed amendment reflects a simplification and the best language from each chapter.

A few things are kept separate such as commissions received from auctions. That does not change. It remains at 1 percent for sheriffs and 0.5 percent for constables. From a dollar perspective, constables serve most of the notices in the State. A change in that would amount to an enormous tax increase. We do not want to do that. We want things to be more orderly and more easily understood.

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JOHN FUDENBERG (Clark County):  
Clark County supports this bill.

ROBERT ROSHAK (Nevada Sheriffs' and Chiefs' Association):  
We support the bill as written and presented today. We will wait with regard to the amendments.

COREY SOLFERINO (Washoe County Sheriff's Office):  
We also support this bill. We have a constable's office in Incline Village and four sheriff's civil uniform deputies. We agree with it as it is written today.

SENATOR PARKS:  
I will follow up with Constable Jordan Ross to determine if we might be able to find common ground.

VICE CHAIR MANENDO:  
We will close the hearing on S.B. 182.

CHAIR PARKS:  
We will resume taking testimony on S.B. 56, which provides a charter for the City of Mesquite.

WARREN B. HARDY II (City of Mesquite):  
Mesquite's needs are unique for a small town. We put together a strong charter committee made up of members of the public and the City Council. It was unanimous that this is time to pursue a charter, and this is the document to bring to the Legislature for consideration.

ALLAN S. LITMAN (Mayor, City of Mesquite):  
The charter is an interesting thing in Mesquite. When I was first approached about having a charter in Mesquite, I was told there never was a consensus to put a charter together. This changed dramatically. It was accomplished through the effort of the entire community. We used a public process to involve our community. All of our meetings were public. We followed the Open Meeting Law.

Mesquite is a changing community. We have 1.3 million visitors and approximately 20,000 residents. We are no longer the stepchild of

Clark County. We are a growing community. The charter will bring us further into the twenty-first century as we continue to grow.

BOB SWEETIN (City Attorney, City of Mesquite):

The City of Mesquite is the only city in Clark County that is not a charter city. It is one of the largest cities in the State without a charter. The City of Mesquite is one of the fastest-growing communities in the State. We have many businesses and residential developments. For the long-term benefit of the city, it is a good thing to do at this time. There was broad-based support for this charter.

The charter is based on the City of Henderson's charter. When the City of Henderson drafted its charter in the early 1970s, it was the same size as Mesquite is now. It was also similarly situated as Mesquite because it was a developing community. The City of Henderson's charter has lasted for over 40 years. It has been amended, but the foundation is still there.

There are ten articles to the City of Mesquite's charter, which is not unusual. The first several articles deal with the organization of the City: the executive, legislative and judicial branches. It also covers areas such as local improvements, bonds and financing.

I attended many meetings of the charter committee. It met several times to discuss issues in depth. Several volunteers on the committee were attorneys, accountants and those who would become members of the city council. This received unanimous support.

SENATOR GOICOECHEA:

What are the advantages of becoming a chartered city?

MR. SWEETIN:

The main advantage is long-term stability for the community. Under *Nevada Revised Statutes* 266, general law cities are set up for what Mesquite was when it incorporated in 1984. It was a very small community that wanted to be a city. You do not have to put a charter together or get into the basics of how to run a city and how the city will look 30, 40 or 50 years later. Because of that, there are many variables regarding ordinances and the ability of council members to pass ordinances versus the long-term stability you get from a form of government that exists under a charter. That is the primary reason.

SENATOR GOICOECHEA:  
That gets right to it.

BURTON WEAST:

I am a resident of the City of Mesquite. I had the pleasure of serving on the charter committee. There were eight members on the committee. The City reached out and tried to get a very broad cross section of people for the committee. We had a young attorney who had practiced municipal law in Washington State, Dave Ballweg who owns a manufacturing company in Mesquite, a retired fire commissioner from New Jersey, several people who were community volunteers for many years in nonprofits and an accountant. None of us came to the process with an idea of what we wanted to do other than create a charter to stabilize the City and provide it with the ability to respond to growth.

Over a period of months, we often met weekly. Our meetings were open to the public and notice was given for all of the meetings. We called for public testimony at the beginning and end of the meetings; however, we went a little further by allowing public testimony during the meeting. If we were discussing a particular charter issue, people in the audience could chime in. It was an informal process which worked well.

While we based the charter on the City of Henderson, staff also prepared charters from 14 other cities for our review. We looked at what was in those charters. We did not take everything from the City of Henderson's charter. We might have plagiarized a particular section from another jurisdiction's charter. The charter represents existing charters in Nevada. We tried to avoid creating new sections out of existing charters that were already tried and true in Nevada.

A reporter attended all of our meetings. She wrote articles about our meetings for the Mesquite local news to keep the public informed. When we presented the charter to the City Council, it only made one minor clarifying amendment. Even though the audience had questions, no one testified against the charter and it was adopted unanimously by the City Council.

The charter committee is pleased with the outcome and it recommends S.B. 56 to the Committee.



CHAIR PARKS:

You mentioned that you used the City of Henderson's charter as a sort of template, and you did not create any new sections that were not in any of the other 14 city charters.

MR. WEAST:

We made a few adjustments to make the sections fit the City of Mesquite.

MR. SWEETIN:

Just a point of clarification, there are only 12 other city charters. The foundation of this charter is based on the City of Henderson's charter. Small variations or ideas were added, but there was nothing new. No new law is in the charter.

DAVID BALLWEG (Councilman, City Council, City of Mesquite):

All of the previous testimony is true. It was an open process with constructive discussions on all the issues. This will give us more stability and guidance to move the City forward.

I am also a member of the Mesquite Chamber of Commerce Executive Committee. The charter committee reached out to Brenda Snell, President of the Mesquite Chamber of Commerce.

SENATOR GOICOECHEA:

Will the board created by the City when it was under general law automatically transition to the charter? I do not see it addressed in the bill.

MR. SWEETIN:

Yes, it would transition. There is a provision in the bill for the continuance of the City and all of its contracts as they had been once it takes effect on July 1.

BRENDA SNELL (President, Mesquite Chamber of Commerce):

The Mesquite Chamber of Commerce supports the City of Mesquite and S.B. 56. Mr. Sweetin was invited to speak at a community luncheon to explain the charter to the public. There was also a question-and-answer period. We do not anticipate any negative effect on our tourism or business community because of the charter.

RACHEL DAHL (President, Mesquite Regional Business):

We support this charter and specifically the language that deals with and provides for economic development.

WES HENDERSON (Executive Director, Nevada League of Cities and Municipalities):

We support this bill. A charter is a way for a city to provide a blueprint not only for its current existence but also for its future. The citizens of Mesquite worked hard on this. It will become the thirteenth charter city.

DAVID CHERRY (City of Henderson):

I, too, support S.B. 56.

RYANN JUDEN (City of North Las Vegas):

We, too, support this bill for Mesquite.

CHAIR PARKS:

The bill says that it becomes effective upon passage and approval. Some factors might go into effect as of July 1. Are there any upcoming elections that would be effected by the transition from a general law to a charter city?

MR. SWEETIN:

The transition is covered under Article 10 of the charter. The intent of the bill is that it becomes effective July 1. There is not much of a transition, and there will be no effect on any upcoming elections, makeup of the Council or current governance of the City. *Nevada Revised Statutes* 266 creates a strong mayoral form of government. The City of Mesquite, because of its size and the nature of the community, has a city manager created by ordinance. The charter allows us to run the City of Mesquite the way it has been running for many years. For that reason, there will be no changes. There will be ministerial changes in the next few months regarding ordinances that we will pass to make the code consistent with the charter. Those are minor things that can be taken care of locally.

CHAIR PARKS:

We will close the hearing on S.B. 56 and open the hearing on S.B. 22.

**SENATE BILL 22:** Revises provisions relating to governmental administration.  
(BDR 31-236)

JAMES R. WELLS, CPA (Director, Office of Finance, Office of the Governor):

In the 78th Legislative Session, the Governor proposed and the Legislature approved the split of the Department of Administration. The Budget and Internal Audit Divisions were removed from the Department of Administration to create the new Office of Finance in the Office of the Governor, leaving 11 or 12 divisions in the Department of Administration.

The bill itself was only a few pages, but there was a laundry list of cleanup that needed to be done as we tried to split the duties between the two offices. We recognized that we had to keep an eye on the statutes and come back with further cleanup. That is what you have before you today. It is just a cleanup of certain sections in various statutes to ensure that the duties are placed where they were originally intended to be.

Section 1, pages 2 and 3, clarifies that the Director of the Office of Finance, instead of the Chief of the Budget Division, serves as the Clerk of the State Board of Examiners. I serve as both the Director of the Office of Finance and the Chief of the Budget Division. However, that may not always be the case. It is more appropriate for the Director of the Office of Finance to be the Clerk of the State Board of Examiners.

Section 2, page 3, and related to this is section 28, clarifies the existing practice that the Administrative Services Division of the Department of Administration prepares the statewide cost allocation plan. That is how we allocate general services to the various agencies and grants. It actually prepares that plan and submits it to the Office of Finance for review and approval.

Sections 3 through 5 relate to installment purchases and lease purchase agreements which occur mostly through the State Public Works Division (SPWD). The SPWD reports to the Director of the Department of Administration. These revisions add the Director of the Department of Administration to the processes in those three sections. Previously, the Chief of the Budget Division and the Director of the Department of Administration were the same position. Now that they are split, we needed to clarify that the reports should go to both parties.

Sections 6 and 7 on pages 5 and 6 reference contracts which project caseload for the Department of Corrections and the Parole and Probation Division of the Department of Public Safety. That contract is between the Budget Division and

the vendor and is used by the Budget Division, the Legislative Counsel Bureau Fiscal Division, the Department of Corrections, and the Parole and Probation Division of the Department of Public Safety. The statute should reference the Office of Finance, which holds that contract, not the Department of Administration.

Sections 8 through 26 clarify that the Victims of Crime Program (VOCP) and the Hearings Division remain in the Department of Administration. The Department of Administration should be responsible for the appointment of the compensation officers and the operating activities of the VOCP. These sections replace either the Chief of the Budget Division or the Director of the Office of Finance with the Director of the Department of Administration.

Section 27, page 11 adds a new section to clarify that the Director of the Office of Finance can appoint a Deputy Director. I already have a Deputy Director. This clarifies in statute that this is an allowable appointment.

Section 29, page 12, confirms that the Department of Administration creates the report of overtime. That comes from the Division of Human Resource Management's (DHRM) human resources system. The DHRM then submits the report to the Budget Division which reviews and analyzes it and then submits the report to the Board of Examiners as required by statute. This clarifies the business practices between the two departments.

Section 30, page 13, clarifies that since the Buildings and Grounds Section reports to the Director of the Department of Administration that the Director of the Department of Administration should have the authority to deem leased property as confidential for the purposes of maintaining public safety, not the Chief of the Budget Division. That is clarified on page 15, section 30.

Sections 31 and 32 clarify that any contracts, regulations or other actions made by one director or the other remain in full force and effect.

Section 33 clarifies that this becomes effective upon passage and approval.

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CHAIR PARKS:

We will close the hearing on S.B. 22. Having no further business to come before the Committee on Government Affairs, we are adjourned at 2:03 p.m.

RESPECTFULLY SUBMITTED:

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Suzanne Efford,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks,

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

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster