

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

**Eighty-First Session
March 4, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:03 a.m. on Thursday, March 4, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Selena Torres, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Susie Martinez
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Judith Bishop, Committee Manager
Zachary Khan, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

Matthew Walker, representing Southern Nevada Home Builders Association
Nat Hodgson, CEO, Southern Nevada Home Builders Association
Dan Morgan, CEO, Builders Association of Northern Nevada
Joshua Hicks, representing Nevada Home Builders Association
David Cherry, Government Affairs Manager, City of Henderson
Elizabeth Ghanem Ham, Attorney, EHB Properties, Las Vegas, Nevada
Tick Segerblom, Private Citizen, Las Vegas, Nevada
Tonja Brown, Private Citizen, Carson City, Nevada
Dagny Stapleton, Executive Director, Nevada Association of Counties
Annemarie Grant, Private Citizen, Quincy, Massachusetts
Brigid Duffy, Chief Deputy District Attorney, Director, Juvenile Division, Clark County District Attorney's Office
Ron Cordes, Chief Deputy District Attorney, Clark County; and representing Clark County Prosecutors Association
David Watts-Vial, Assistant District Attorney, Civil Division, Washoe County District Attorney's Office
Leonardo Blundo, County Commissioner, District No. 4, Nye County
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office
Jennifer Noble, representing Nevada District Attorneys Association
Alexis Motarex, Government Affairs Manager, Associated General Contractors, Nevada Chapter

Chair Flores:

[Roll was called. Procedures were explained.] Today we have Assembly Bill 87 and Assembly Bill 147. Both will be presented by Assemblywoman Nguyen, and she asked that I please make it a point to say that we all win with Assemblywoman Nguyen. We are excited to have you in this Committee this morning, Assemblywoman. I would like to open it up to Assembly Bill 87, whenever you are ready.

Assembly Bill 87: Makes various changes to provisions governing the vacation or abandonment of certain easements. (BDR 22-460)

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10:

It really is a win-win situation for everyone here, as will be my presentation on Assembly Bill 87. I should say that Mr. Walker will be presenting A.B. 87, but just to give you a little background on this, I know that for many of you it is very technical. It is very technical for me. I have been working with builders, utilities, and counties across this state over the past year, and I still think I have questions about my true understanding of all the language. I am reliant on a lot of our experts who practice and work in this area, and they will be available to testify and present on my behalf. With that, I am going to turn it over to Mr. Walker.

Matthew Walker, representing Southern Nevada Home Builders Association:

I am honored to be 50 percent of Assemblywoman Nguyen's day, today in the Committee, and I will go ahead and kick it over to Nat Hodgson, CEO of the Southern Nevada Home Builders, for some opening remarks about the intent, and then I will do a very brief section by section and be prepared to answer any questions the Committee might have today.

Nat Hodgson, CEO, Southern Nevada Home Builders Association:

Assembly Bill 87 is enabling legislation that allows for local government to adopt an ordinance to streamline procedures for the vacation or abandonment of certain publicly owned or controlled easements that are not currently eligible for administrative vacation [reading from prepared testimony, [Exhibit C](#)]. When people ask me all the time about affordability of housing, I often remind them that house prices are a simple mathematic problem—the price of land, price of material, price of labor, regulatory costs, carry costs—which equates into time. Assembly Bill 87 seeks to speed product to market, saving time, and ultimately, money for the home buyers. This bill saves local government employees time and allows their time to be spent on areas of greater public concern.

This policy was the result of a working group of Chairwoman Kirkpatrick and industry representatives to identify ways to increase efficiencies with the planning department processes. Like many local governments, Clark County has more retirements and fewer experienced hands to allow processing times to keep up with our ever-increasing number of applications. The group identified a handful of changes, one being an administrative processing of technical easement applications, where all relevant parties agree to these applications and which were approved 100 percent of the time, so it made obvious sense to start with this one. When the planning department attorneys reviewed this proposal many years ago, they found a statutory obstacle, *Nevada Revised Statutes* (NRS) Chapter 354. It only allows utility easements to be vacated administratively, not a traffic easement or any other type of public easement. When identifying commonsense vacation types for this bill, it was important to protect property rights and public participation when an easement is not appropriate for administrative vacation.

That is why A.B. 87 does not apply to (1) vacation or abandonment of any street, which Mr. Walker will go into detail about in a minute; (2) vacation of easements that are not supported by all neighboring owners and impacted utilities; and (3) vacations of easements that are not supported by the local government that owns or controls the easement. I think that it is very important to understand that the owner of the adjacent property and control of the easement would have to agree on this vacation. This enabling legislation can save up to 20 weeks of processing time, many hours saved by city and county staff. This law will still have the key protections for property owners and the public. The association would like to sincerely thank Assemblywoman Rochelle Nguyen for sponsoring A.B. 87. And with that, I will kick it over to Mr. Walker with the great details of this bill. [[Exhibit D](#), a PowerPoint presentation on Assembly Bill 87, was submitted.]

Matthew Walker:

I will quickly run through the bill section by section as amended by Assemblywoman Nguyen [[Exhibit E](#)]. Section 1, subsection 6, clarifies that when a street is vacated by a local government, the local government must ensure necessary utility easements are recorded prior to the vacation or abandonment becoming effective. For clarity of the record, this bill will not authorize any change to the way streets are vacated under the current statute. This is simply cleanup language at the request of our utility partners that codifies existing best practice for street vacations.

Going down to subsection 11 of section 1, the introductory language for that subsection clarifies that this new enabling language does not in any way limit the existing authority of NRS 278.480 for local governments to administratively vacate easements for public utilities they own or control. That is existing statute and would not be interfered with in this bill, should it pass. This bill simply proposes an additional authorization for local governments to adopt an administrative process. It also requires that any local government seeking to utilize the enabling language of [A.B. 87](#) must adopt a new administrative process by an ordinance at a public hearing. This is a key feature that will allow local governments to customize the process for the unique needs of their community in an open forum.

Section 1, subsection 11, outlines key guardrails to protect property owners, utilities, and the public when local governments adopt an ordinance pursuant to this bill. Section 1, subsection 11, paragraph (a), requires local governments that adopt an ordinance pursuant to this bill to require all applicants to provide proof of support from adjacent property owners and utilities. Section 1, subsection 11, paragraph (b) requires local governments that adopt an administrative ordinance pursuant to this bill to ensure that the easement is in the public interest before processing administratively. Section 1, subsection 11, paragraph (c) requires the administrative process adopted pursuant to [A.B. 87](#) to include a process by which an aggrieved party can appeal an administrative decision. Section 1, subsection 11, paragraph (d) clarifies that this administrative vacation ordinance cannot authorize the administrative vacation of a street, sidewalk, or any pedestrian right-of-way.

In closing, I would like to thank Assembly members Nguyen and Roberts for helping lead this important safety conversation and commonsense streamlining of easements. I would also like to thank representatives of the laborers unions, Clark County, Las Vegas, Henderson, North Las Vegas, Nevada Association of Counties, the Nevada League of Cities, NV Energy, Southwest Gas, Cox Communications, and AT&T. They are all very important easement stakeholders that provided feedback to help improve this concept, and we appreciate their efforts. The sponsor is also working with the City of Henderson on an amendment to section 1, subsection 6, that captures their existing practice, while still providing protection sought by utilities. The sponsor is also working with Truckee Meadows Water Authority (TMWA) to clarify that this new administrative vacation procedure adopted by local governments can only be used to vacate easements under control by the local government, which we think is an existing limitation of statute, but we are more than happy to provide that clarity if it provides comfort for our friends at TMWA.

Easements, while not a great topic for conversation for a cocktail party, are vital for the delivery of essential services, like power, Internet, gas, and water. Assembly Bill 87 would speed the delivery of these vital services, reduce the cost of infill development and redevelopment, and create efficiencies for local government, while ensuring that easement vacations of general public concern still receive an open public hearing. We thank the Committee for taking the time to hear A.B. 87 and urge your support for this commonsense, enabling legislation to help local governments who are doing more with less during these tough budgetary times [Written testimony was also submitted, [Exhibit F](#)]. I would also like to direct the Committee's attention to a presentation [Exhibit D](#) that is on the Nevada Electronic Legislative Information System (NELIS) that provides some additional background information and some commonsense examples of how this might be implemented by local governments. With that, Mr. Chair, thank you for the opportunity, and I stand ready for questions.

Chair Flores:

I think what the Committee heard was not fun for cocktail parties, but if you want to host a cocktail party, you might want to help this bill.

Assemblyman Ellison:

I do have a few questions. I have a little knowledge about the abandonment and vacated property. Most of the cities come up with a policy over the years, and pretty good policies, and there are always utilities meant to go to the cross set. But this bill does not say there would be no notification; it does not say anything in here about contacting the property owners if they have any interest whatsoever. I will give you an example. A lot of them back up to abandoned alleys, or whatever, where they could actually use maybe five feet of it to have access into the back side of their property by gates or an entrance, and it creates a property tax area versus a dead zone.

Matthew Walker:

I will start by saying that the existing process that local governments have for abandoning or vacating easements that they do administratively, whether that is the privatization of a sewer or abandonment of a water utility easement that they no longer use, remains in place and is not interfered with by the language of A.B. 87. Assembly Bill 87 would take that tried and true structure in statute and authorize the local government to vacate and abandon other types of easements that they own or control, but which are not public utility easements.

In your example, we attempted to ensure proper protections. If it is going to interfere with anybody's access, and if the neighboring and adjacent property owners and utilities have not affirmatively stated their support for this application, it does not go through administratively. I can say that in the existing and robust process that southern Nevada jurisdictions have for administrative easement vacations, there is an electronic process for notifying property owners. At the time that the county receives an application, the public works department will scrub it for any concerns that they might have on behalf of the local government as well as notify any utilities, and once everybody has signed off, that administrative process can continue on its path. We are really talking about the 80 percent of easement vacations that

are technical and where utilities and adjacent property owners agree. Those are simply the only parties that would ever want to provide meaningful input at a public hearing. We do recognize that it is important that property rights are respected and that access to property is preserved. We think that the bill strikes that appropriate balance while still streamlining and expediting those commonsense easement vacations. I am happy to walk the Committee through an actual example of how that would look, and there is one in the presentation [[Exhibit D](#)] if that would be okay with the Chair.

Chair Flores:

Mr. Walker, please do.

Matthew Walker:

Sometimes providing an example is the easiest way to understand what this bill is hoping to accomplish. There is a traffic easement located at this intersection [page 5, [Exhibit D](#)]. It used to be a four-way stop at Las Vegas Boulevard and what is now Link Lane. The county knows that they are never going to signalize that intersection again, and where the property owner wants to do some additional signage and do some unique things that require the sidewalk to move, they first have to vacate the old traffic easement that still exists. Because that traffic easement is owned or controlled by Clark County and not a public utility easement, Clark County cannot vacate that easement through an administrative process.

Under this bill, the owners of that property, with the consent of their neighbors and with all utilities, can come forward with that administrative vacation. Instead of taking the 20 weeks to go through a town board hearing, a planning commission hearing, and then a county commission hearing, where there was no meaningful dialogue or public comment, they could simply do that notification and process this administratively in a matter of 2 or 3 weeks. We think it is a commonsense way to speed through those technical easements and clear them out from the local government agendas. The public really does want to spend their time weighing in on issues of public concern, and it is a way to get the folks that were working on the resulting project to work a little bit faster, which we always think is a good thing.

Assemblyman Ellison:

I totally agree with what you are trying to do, and I appreciate that. My biggest concern is, of course, the property rights. It is going to be in or around areas, but it says, "without conducting a hearing," and I agree because it bogs it out and runs it out forever. I just want to make sure that it is on the record that the property owners adjacent to every one of these would be notified. That is the only thing I have.

Matthew Walker:

Assemblyman Ellison, especially in the case of undeveloped parcels, where only the property owners might know the ultimate use they intend for that property, it is critical they get notice and have the opportunity to weigh in. And where they are not willing to verify by their signature that they support this application, we feel it is vital these applications go forward to a public hearing. I very much would support your comments and concerns that you expressed.

Assemblywoman Considine:

I understand easements. In my district, which is fairly old, there are a lot of easements for ingress and egress to people's properties. There are easements on people's backyards where there has been a wall built for utility poles to be put in, which is a significant amount of their property. I understand that conception of easements. Just to clarify my understanding of what this does, those two examples would not be eligible for this streamlined process, it would only be in new areas? I think I got a little confused when you said utilities would not be included in this, and then you said something about including utilities. If you could clarify so I understand.

Matthew Walker:

There is an existing statutory process for administrative vacation of public utility easements that are owned or controlled by the local government. Where the local government, say City of Henderson, owns its own water utility, they are able to vacate under existing statute those easements that they no longer intend to use, through an administrative process. Again, we are seeking to capture that tried and true process and extend it to other easement types that a local government owns or controls, but they are not public utility easements that are owned or controlled by the local government. Where a private utility, maybe NV Energy, has an easement, that also would not be the subject of this process. This process intends to administratively vacate easements that are owned or controlled by a local government. Again, we are referring to traffic easements and other types of commonsense easements that may need to be moved or otherwise adjusted to facilitate infill development or redevelopment.

In the case that it is the backyard of one of your constituents, the constituent would need to be the initiator of that application and all the neighboring utilities and property owners would need to be notified of that intent to vacate that easement and affirmatively signify their support of that application by notarized signature in order for that to move forward. Certainly, it should not be a surprise. And again, the rule that we are trying to capture here really is the 80 percent of applications where everybody agrees that this is a good thing and have those move forward a little bit quicker.

Assemblywoman Considine:

So then a homeowner in that situation could reach out to the local government to find out whether or not the easement on their property is owned by the local government, or can someone who has the easement on their property just contact their local government and find out what all of their options are?

Matthew Walker:

With any planning application, typically the first step that I encourage everybody to take, whether that is a business or a private homeowner, is to contact the planning department for their local government and find out what is there, who owns it, and what the process might be to vacate that. I am not 100 percent sure of a scenario in which a private property owner

who is just a homeowner would want to vacate an easement for their home, but the first step would definitely be picking up the phone and calling the local government or consulting some of the online tools that are available to southern Nevada residents.

Chair Flores:

I am looking around to ensure that I have not accidentally skipped anybody wishing to ask a question. Members, at this time, please feel free to unmute yourself and state your name for the record if you have a question. [There was no one.] I believe we are good for now. Members, if you have any questions at the conclusion of hearing, in support or opposition, I encourage you to ask questions again. I understand that we are having a rather technical conversation, and sometimes it takes us a few minutes to process everything we are going through. I know that we read things a certain way, but then after we hear the presentation, we start to interpret things differently.

With that, at this time I would like to invite those wishing to speak in support of A.B. 87. My understanding is we do not have somebody wishing to testify via video. If we could please go to the phone. Those wishing to speak in support of A.B. 87, please limit your remarks to two minutes.

Dan Morgan, CEO, Builders Association of Northern Nevada:

The Builders Association of Northern Nevada is northern Nevada's largest representative organization of the homebuilding and development community. In the construction industry, time is money, and the Builders Association consistently looks for improvements in efficiencies and expedited processes within our local governments. The vacation and/or abandonment of old and unneeded easements can take weeks or even months—even when there is no disagreement or any dispute regarding the easement. This bill proposes an expedited and very much simplified process to vacate or abandon those uncontroversial and unnecessary easements, allowing for the construction process to progress without undue delays. We thank our colleagues very much at the Southern Nevada Home Builders Association and the bill's sponsor for bringing this bill forward and view it as a commonsense and useful tool in the development and construction process.

Joshua Hicks, representing Nevada Home Builders Association:

The Nevada Home Builders Association is a statewide homebuilding advocacy group that is governed by members of the Southern Nevada Home Builders Association and the Builders Association of Northern Nevada. The Nevada Home Builders Association engages on issues of statewide importance to the homebuilding industry, and this is one bill that we see as very positive for the industry throughout the state. You have heard already what this bill does, and I would just reiterate our understanding that this is a bill designed to put in place a process to get rid of unnecessary public easements as quickly and efficiently as possible. That lowers costs and expedites building, and at the end of the day, that keeps costs down for buyers of homes. We support this bill. We thank the Southern Nevada Home Builders Association for bringing this forward, we thank the bill sponsors for carrying it, and we stand in support of the bill.

David Cherry, Government Affairs Manager, City of Henderson:

The City of Henderson supports A.B. 87, and we appreciate the willingness of the sponsor to work with city staff to address the issues identified by Mr. Walker in his opening testimony. We also believe that the conceptual amendment [[Exhibit E](#)] offered by Assemblywoman Nguyen will bring needed clarity to A.B. 87, particularly in subsection 11.

Chair Flores:

Could we please go to the next caller wishing to speak in support of A.B. 87? [There was no one.] At this time, I would like to invite those wishing to speak in opposition to A.B. 87.

Elizabeth Ghanem Ham, Attorney, EHB Properties, Las Vegas, Nevada:

We are opposed to A.B. 87. While we believe it may be intended to streamline the process in certain circumstances, we also believe it has the unintended consequence of interfering with private property rights, specifically in regard to certain easements that are controlled by the government but run through the land of private property owners. By allowing abutting property owners to interfere with property rights and opening the door to litigation by allowing appeal processes of those rights, we believe that A.B. 87, as written, is vague in some circumstances as it references only property of property owners and no one that actually has an interest in the property. Of particular concern are drainage easements that may run through the entirety of the land, and now you may have hundreds of neighbors that would be in opposition to the development and can utilize this statute to hold up the development process altogether and eventually seek court intervention.

I do agree that, when in development, time is money, and while this is intended to streamline the process, we find that, in actuality, it may extend the process. As it sits now, there is no longer than a three-to-four-month period in which a vacation, abandonment, or relocation of an easement takes place. The statute already authorizes the local governing bodies to establish local ordinances for a simplified procedure. By forcing into this statute the terminology that the simplified procedure must require certain things to happen, or else the governing body shall prohibit the vacation or abandonment of these easements unless it is found that the vacation or abandonment will not substantially, unduly, or unreasonably impair the access of any owner of property—that is the vague portion—that does not have an interest in the easement or the private property, opens the door to litigation. We would ask that this be declined as it sits right now. The local governing body can already establish and has established by local ordinance a simplified procedure. Additionally, if you are still inclined to grant it, we would ask that you add to the section that is now being asked for an amendment that you exclude any easement that runs through the private property of landowners. [[Exhibit G](#) was also submitted.]

Chair Flores:

Members, at some point we may have questions and there may be folks who want to reach back out to you. I will be sure to provide your information to different members in case they want further explanation. Could we continue with opposition on A.B. 87? [There was no one.] Could we please go to those wishing to testify in the neutral position for A.B. 87? [There was no one.] Assemblywoman Nguyen or Mr. Walker, would either one of you like

to come back and perhaps touch on some of the points brought up by opposition via phone. I do not know if either one of you had the opportunity to briefly review the letter that was submitted and attached now as an exhibit [[Exhibit G](#)], also stating some opposition, concerned that, in the efforts of trying to streamline, we may actually create some more barriers. Perhaps you could address that for the purposes of the Committee's understanding?

Matthew Walker:

I want to thank this Committee for their time and consideration of this measure. Speaking to some of the opposition comments, I will first remind the Committee that the bill requires not only notice to adjoining property owners, but it requires express consent of the property owners as documented by a notarized signature in order for the administrative vacation application to proceed. For well over a year, we have been reaching out to Ms. Ham and Mr. Waters, who have provided the opposition testimony today. We have that documented via several attempts. I think what is typical here is that it is sometimes difficult to understand what a bill proposal does if you are not willing to have dialogue with the bill's sponsor. While certainly that is frustrating and may cause some confusion for the purpose of today's hearing, we are still ready and available to meet with representatives of EHB and have that conversation.

More specifically to Mr. Waters' comments in the letter [[Exhibit G](#)], I think there is some confusion that somehow this new process that allows for administrative vacations of new easement types somehow modifies the existing statutory authority of local governments to vacate public utility easements of public utilities that they own or control and somehow say that that would hold up development. In the example given by Ms. Ham, where there is a drainage easement where hundreds of neighbors are concerned about that drainage easement, that easement application is left to what is in existing statute, which means it would go to a full public hearing. We absolutely want it to, because those neighbors have concerns that they want vetted on the record at a public hearing. Those who have had dialogue with the bill's sponsor and come to an understanding of what the bill does should have a high level of comfort with the requirements associated with this administrative vacation process, where again, not only is notice given to adjacent property owners and utilities, but their verified consent must be documented in order for a local government to move forward.

Lastly, I will say that for local governments that say this easement process is not a good fit for their community, they do not have to do any of this enabling legislation associated with [A.B. 87](#). We are really talking about local jurisdictions that see some value and would like to adopt an administrative process. That administrative process would be through an ordinance, which again, is publicly discussed and put forward in a public forum where property owners, like Ms. Ham's development company, can come forward and make comments on the record and suggest adjustments to ensure their rights are protected in their unique set of circumstances where they are redeveloping a golf course.

Chair Flores:

Thank you, Mr. Walker and Assemblywoman Nguyen, for presenting this bill today. To the EHB Companies, I encourage you to reach out directly to our committee manager, Judith Bishop; she can then provide you with our information so we can facilitate a conversation. It has been clearly stated on the record that they have tried to reach out to you on multiple occasions. It is not procedurally correct to not have a conversation first with the bill sponsor, and then expressing your opposition, especially when they have given you an opportunity to sit down and have a conversation about what the issue is. Please, in the future, reach out to the sponsor, have a conversation with the sponsor, and then come forth with your opposition. That is how we would like to proceed here.

With that, I am going to go ahead and close out the hearing on A.B. 87, and I would like to briefly provide a one-minute recess so we can allow one of our presenters to come on. [The Committee recessed at 9:40 a.m. and reconvened at 9:41 a.m.] It is great to see you, Mr. Segerblom. At this time, I would like to open the hearing on Assembly Bill 147, and we will come back to Assemblywoman Nguyen.

Assembly Bill 147: Authorizes a board of county commissioners to create the office of county counsel. (BDR 20-119)

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10:

Although I have never been in this Committee before and I did not have the pleasure of serving on it last session, I feel like I may need some more theatrics in my presentations, especially coming after that fascinating easement discussion. Unfortunately, I do not have time to arrange for a horse parade through the streets of Carson—maybe next time—or post a viral TikTok video, like your Vice Chair. I can barely figure out how to open Facebook. I do not have quite the Twitter game that my copresenter, former Senator and current Clark County Commissioner Tick Segerblom has, and I do not have a blog, but I hope that this will be a lively and productive policy conversation because I think that this is important.

With that, for some background, for those of you who were on this Committee last session, you may recognize this bill. It is the same bill that was heard about mid-May in 2019. It was Assembly Bill 539 of the 80th Session. If people want to go back and view that previous hearing [Assembly Committee on Government Affairs, May 23, 2019], and see some of the questions, I really would encourage everyone to do that. It was originally presented by Clark County Manager Yolanda King. It received bipartisan support on the Assembly floor. Unfortunately, because of the late introduction of the bill, it did not go further in the legislative process. To avoid some of those pitfalls of the late introduction, I did prefile this bill in July of 2020 and immediately started to reach out in an attempt to gather support and work on any possible amendments with stakeholders. I am still committed to working with any opposition to make policy that benefits everyone. We have started some of those conversations. I believe that we will continue to have those conversations because I think there is room to work within this enabling language that is contained within Assembly Bill 147. In addition to reaching out to my local district attorney's office, the Clark County District Attorney, I believe Ms. Duffy will be on the line. I have spoken to her

multiple times about this. I also reached out to Dagny Stapleton, the executive director of the Nevada Association of Counties (NACO), who will also be testifying in support on behalf of their organization that represents the interests of Nevada counties. Previously in 2019, I think, because of the late introduction of the bill, they only came in neutral, and I am happy to have their support this go-round.

For some background, I am not going to go line by line on this bill. I believe it is 73 pages. I am going to highlight some of the things that are my intention in pursuing this bill. I will give you information on how county counsel works from the perspective of Clark County because that is my local jurisdiction. It does work similarly in other counties across the state. The county counsel for the board of county commissioners, the county manager, and all of the officers that are currently in place are, pursuant to NRS Chapter 252, under the direction of the office of the district attorney, which is an elected office. The office of the district attorney is also a department of the county. The district attorney, through the county counsel, is the legal advisor for the board of county commissioners, the county manager, and all county departments, and is also responsible for defending them at all civil actions across the county, its officers, its boards, its commissions, and its employees.

I know that, for most of us, when we think of the district attorney's office, we think of prosecuting crime, but in fact, their reach is far more encompassing than just prosecuting crime. The county counsel is the legal advisor for county departments, the commissioners, and the county manager. It is my intention with this bill that counties should have the ability to hire independent counsel for any of their county departments, including the county commissioners. Under NRS Chapter 266, the cities will also have this authority to create a city attorney's office that acts in this much conflict-free way. What this bill would do is allow the same permissive authority to counties to create a county counsel office under the county manager/commissioner's office. Counties currently do not have the authority to create a county counsel office, because that authority sits under the district attorney's office. I am sure many of your Assembly members on this Committee might have experienced this conflict in their local county and city governments. This always happens when you have different elected officials working together. For example, you might see this conflict arise with county commissioners who are elected in their own right, as well as district attorneys who are also elected, and sometimes there is conflict. I know we have former city council people on this Committee; you might see this with a conflict of interest between an elected prosecutor or city attorney and a city council member or a mayor.

And with that, I am going to go into how the bill is outlined and what language in the bill would give the counties the authority to create this county counsel under a county manager/commission department. It would be separate from the district attorney's office and it would allow independence of county counsel. Obviously, there is an inherent independence issue when you have a department that represents county departments that also resides within another separate elected official. I would hope that our district attorneys' and county managers' offices as well as the commissioners have a great working relationship, and I would assume and I would know from experience that, in many counties, in many jurisdictions, they do have that great symbiotic working relationship, and there are no issues.

However, the fact is, if issues do arise and there is a change in the elected official or elected office between the district attorney's office or even the county commissioners or city council, that there are different individuals that might have different views on the office of the district attorney, and what kind of issues and things they would support.

I can go into specific details in sections 5 and 6, if you think that would be helpful for your members, but at this time, I do have Clark County Commissioner Tick Segerblom, my neighbor, also my county commissioner, as well as one of our former colleagues in the Legislature, here to present some testimony. At this time, I will turn it over to him and I will move back. Chair, I would like to turn this over for Commissioner Segerblom to present.

Chair Flores:

Absolutely. I know our Vice Chair, who has been very active on TikTok, wanted me to make a point that you are the original Tick Tok.

Tick Segerblom, Private Citizen, Las Vegas, Nevada:

I want to make it clear that I am testifying today on my own behalf. I am not testifying on behalf of the Clark County Commission. We have not seen this issue or taken a vote as to whether to support it. As you will recall back in 2017 when I was Chair of the Senate Committee on Judiciary, I had a similar bill dealing with the city attorney in Reno. The same issue came up there, where in Reno they have an elected city attorney. In Clark County and the other counties, we have an elected district attorney. The problem is you have an inherent ethical conflict when you have one elected official who is responsible for the attorney or the other elected body. Essentially, that is what we are having here. We have a district attorney who is elected on his or her own, has their staff, who is then the attorney for the county commission, which we are elected on our own. I think that creates an impossible ethical condition that this bill would rectify. Let me just read a little bit from this letter from John Jones, the Clark County Chief Deputy District Attorney whom I know well and really respect, and this really is a philosophical debate. Here is what his letter says:

Historically, civil deputies have been pressured to rubber-stamp contracts and programs. They have been pressed to approve uses of funds in ways that may conflict with existing law, operate against the best interests of Clark County and its residents, and violate the spirit of ethics laws. Making the civil attorneys answerable to a separately elected official gives these deputies an important measure of impartiality to ensure unbiased legal advice.

So, they are on the record saying, basically, that at the end of the day they report to their boss, the district attorney, as opposed to us, the Clark County Commission. And again, this is supposed to be our attorney. As you know, if you are an attorney, you would never want to have your attorney actually be responsible to somebody else. Your attorney is the person that you hire, you fire, you work with, but they should not have somebody that they report to other than their client, which in this case would be the Clark County Commission. That is essentially the ethical issue involved.

I appreciate Assemblywoman Rochelle Nguyen, my coach I wanted to call her, for bringing this bill. Again, I want to make a point that I am not here on behalf of the county commission, but I do know this issue very well, and it is something that is not going away. I appreciate your hearing it, and if anyone has any questions, I would be happy to answer.

Chair Flores:

Mr. Segerblom, I do not mean to put you on the spot, and if the answer is, I just do not know and I cannot answer, it is fine. I am just confused why the county commission has not engaged in a formal conversation in this bill. It was here two years ago, it was prefiled, and understandably we know there is a concern by some that there is an ethical dilemma that we are in. At times, I question how the commission did not have an opportunity to have this conversation. Now, I understand we are also in the middle of a pandemic, so that may be the out, but I am just trying to understand why we did not engage in this conversation.

Tick Segerblom:

Truthfully, I cannot answer that. Assemblywoman Nguyen may have a better idea, but it came on my radar, I think, earlier in the week or last week. If that is something that would be of concern, I think we could bring it to the commission's attention.

Assemblywoman Nguyen:

I think I might be able to help clarify some of the conversations that took place. The county commission is under open meeting restrictions. They cannot have these kinds of conversations; it has to be something that takes place individually. I did reach out to the lobbyists and the government affairs team for Clark County in particular. I know that when I introduced the bill, and most of the members of this Committee are aware, we had an election that was not even certified until pretty late, so, there were a lot of new members to the Clark County Commission. I think they were trying to figure out where they stood on this particular bill. Obviously, it is a different makeup on the county commission than it was in 2019. I think that is some of the difference in how we were able to get people on board. But, as I said before, I will continue to have these kinds of conversations. I would encourage people who have concerns, ideas, or solutions to fix some of these conflicts to reach out to me.

Tick Segerblom:

And, Mr. Chair, if I could add, I do not want this to reflect at all on Mary-Anne Miller, our county counsel. Truthfully, she has been great. But it is just a basic inherently ethical conflict that I think we need to address. I appreciate Assemblywoman Nguyen for bringing this forward.

Chair Flores:

Thank you, again, Mr. Segerblom. It was not my intent to single you out specifically or your commission. I was just curious to understand if the conversations were happening and/or if not, why.

Assemblywoman Nguyen:

I think the other thing is, we did reach out to the Nevada Association of Counties (NACO). I thought that, because there are so many different counties, there are so many different people that are potentially involved in the discussion. One of the first groups that I reached out to was Dagny Stapleton of NACO. I asked her to bring this to her members of NACO, because I knew that they would have a representative voice. Previously, in 2019, they were in neutral on this bill, but after taking a vote, convening, and fully discussing this as a membership and as an organization, they decided to come in and support. She will be on the line to provide support testimony.

Chair Flores:

Understood. And I know, the nature of the questions was really triggering from pages 5 and 6, where I see that we have some conversations about populations, which were trying to capture certain governments but not others. Let me go to Assemblywoman Anderson first.

Assemblywoman Anderson:

Thank you so much, Assemblywoman Nguyen, I feel like I am on the winning team today, as well as Commissioner Segerblom. It is always nice to see you. I have two questions. The first one has to do with section 5, subsection 2, where all of those roles are being defined. I was not here last session in this role, so I was not paying attention to this bill in May. Does the current district attorney (DA), or their appointee, maybe it is Ms. Miller, as referred to in Mr. Segerblom's comments, attend all of the county commission meetings and perform all these other duties as well, or are there other designations that are necessary, that the county commissioner actually has to privately hire individuals to be a part of this?

Assemblywoman Nguyen:

I can tackle some of it, and maybe Commissioner Segerblom might have it. Section 5 of the bill authorizes the board of county commissioners to create an office of county counsel to perform many of those non-criminal duties that would otherwise be assigned to the district attorney's office. I will tell you this, the civil DAs who are performing a lot of these county counsels are actually housed in the Clark County building currently. The district attorney's office and their employees and staff are all county employees currently. It is the elected district attorney and there is the county counsel. It authorizes the county manager, with the confirmation of the board of county commissioners, to appoint county counsel. For example, they do this with the public defender's office. The public defender is not an elected position; it is appointed by the county commission. They set forth the qualifications for appointment of that county counsel, or that is what section 5 does. That is what they do similarly anyway, which are similar to the qualifications required of a candidate for office for the district attorney. Our current district attorney was initially appointed by the county commissioners in Clark County to serve in that position. He later ran for that office, but he was appointed by Clark County, and they looked at some of these things that they would use normally, and that is what is the intent in incorporating that into this statute. Does that make sense?

Assemblywoman Anderson:

It does. I wanted to make sure that is what the current role is, that this allows for the county commissioners to be the ones to be the client more than the district attorney's office.

Assemblywoman Nguyen:

Yes. Existing law requires the district attorney to perform certain legal duties for the county, including legal opinions to the board of county commissioners, the county township, as well as district offices. They are currently required to attend meetings as a board of county commissioners and, in fact, they are required to attend those even if some agencies have hired private counsel in addition to that. I think the school board is one of the agencies where they have independent counsel, but also the district attorney's civil division should probably be there as well. They are responsible for reviewing all contracts under consideration for the board as well as drafting ordinances. I imagine when things are outside the scope of the knowledge of the civil district attorneys, they have a process to contract out with experts in that area as well. I am sure Commissioner Segerblom might have some more information on how much of that that they do contract out.

Tick Segerblom:

Her answer was perfect. I just wanted to acknowledge Assemblywoman Anderson. As you know, [former Assemblyman] Bernie Anderson taught me everything I know, so I have gone full circle. Now I am here before you; it is an honor. Your father was the best man, ever, in history.

Assemblywoman Anderson:

Thank you. That is so kind. I always love when Dad is brought up here in the room, but then I also think, Oh my gosh, now he is looking over my shoulder. I am so happy that you brought up the school district, Assemblywoman Nguyen, because I was going to ask that very question. In Washoe County, we currently have a difference of opinion between two of our local governmental entities. Really quick—in Incline Village, there is a tax issue. The school district is being charged a large amount of money, so there is an issue between that. When there are two entities such as that, is the district attorney currently the one who makes that decision or is it the county commissioners who make that decision of how to proceed? I guess what I am asking is, when two different bodies are having a problem and they both are being represented by individuals from the district attorney's office, who makes the decision as to how to move forward? Does it go to some sort of arbitration, does it go to any sort of public hearing, how is that handled at this time?

Assemblywoman Nguyen:

I think that is part of the conflict. I will give you an example. It is not necessarily in that, but it is more my wheelhouse. I am an attorney. I understand conflict. I know that many on this Committee may not be as familiar, but I know most jobs in most professions have similar conflict issues that they have to be aware of. We eliminate conflict because it protects due process. I am a criminal defense attorney, both protecting the *Constitution* and making sure that everyone has his or her due process rights, and that is one of the foundations of our justice system. So, for example, in my professional capacity, I cannot be a lawyer for a

criminal defendant and also be that same lawyer for an alleged victim in a crime. I cannot come into court and say, My client X is innocent and it is Y client, and then use information that I know about my representation of client Y to help the other client in the case. This is exactly what is happening under our current system. To give you an example, the district attorney's office represents an agency, the Clark County Department of Family Services [DFS]. The DFS gets involved a lot of times if children are taken away from home. They have very strict federal and state guidelines during that family reunification effort. They have strict guidelines that have specific requirements that aid in making sure that when they are reunifying parents with their children, that those parents are getting appropriate counseling, and that their supervision aids in a safe and continued safe reunification of families. The conflict that we see arise a lot of times is that same district attorney is simultaneously arguing in a criminal court against this reunification effort, against their own agencies. So, their actions, at times, are in direct conflict with the federal guidelines for reunification. These two things cannot occur in the same office. I am not saying they cannot occur simultaneously. If a district attorney with their authority and their information and investigation believes that someone should be prosecuted for child neglect or other crimes, and they are protecting the interest of the state and they are protecting the interest of those victims and families, they should be able to do so without being in a position where they are in direct conflict with their other attorney in their same office. That is kind of an example of where this currently exists. With the creation of a county counsel office, they would obviously not have that conflict any longer.

Assemblywoman Thomas:

I just have a question for clarity. Is this position, county counsel, an elected position or an appointed position?

Assemblywoman Nguyen:

It would be an appointed position. Like I imagine, this is not mandatory; this is no mandate. This is just enabling language to allow counties that would like to create this division to do so. I do not see it as being an added cost because these already exist, and a lot of times these already exist in the county building and the county structure. They are already county employees; they are already existing in that space. I imagine it would be an appointed process, much like other appointed processes where you have to get the full majority vote from the full county commission.

Tick Segerblom:

If I can just follow up on that, that is the exact problem with Reno, because Reno has an elected city attorney. That city attorney goes out to the voters on his own, but then he comes and gives advice as the attorney for the city council who are elected on their own. That is where the conflict is. In my opinion, the county counsel or the city attorney should be picked by the people who are his or her clients, who are the elected officials. If they are elected, that creates an inherent conflict right there.

Assemblywoman Torres:

I want to just begin by saying any day we can see the original Tick Tok and a presentation from Assemblywoman Nguyen is a double win for me. I am just wondering if you could talk a little bit about whether this was a unique model. My understanding is that this model has been implemented in other states. This is not like we are reinventing the wheel; this is something that has been done before around the nation.

Assemblywoman Nguyen:

That is correct. Again, we are not reinventing the wheel here. A lot of states have this. In fact, most of our neighboring states have this. I am trying to get my notes here so I can give you an example of the states that were doing this but, of course, I cannot find it. But I do have that information. This is not a situation unique to Nevada. This is not something that we do not do in other states, and it is something that would be fairly easy to implement. As I said, it is an efficient way to ensure that all elected officials and all divisions and agencies are conflict-free and their due process rights are protected as well. I can get the Committee some of that additional information about how this is done in other states. I do not have it offhand.

Assemblywoman Torres:

I think from the presentation, because I did review the presentation from Assembly Bill 539 of the 80th Session, I think these states were Colorado, Washington, California, and Oregon. Definitely there are other Western states that have served as a good model of this and have shown its efficacy.

Tick Segerblom:

Apologies, if I could follow up. Assemblywoman Torres, truthfully, this is a great legal question. Lots of law review articles have been written about it, and it is a trend over the country to go ahead and make these independent, because it is just an inherent conflict. It is not illegal, but it is unethical.

Assemblyman Matthews:

I have a question just on the fiscal side of this; I know that there is no fiscal note on this. Presumably, that is because the assumption would be that as these new functions would be brought into this new position, as those roles grow they would be simultaneously removed from the district attorney's office; that is why it is assumed that this would be cost-neutral. It seems to me that there would be at least some new costs entailed, because we are creating this new position and we are not eliminating the district attorney's position. I am just wondering if you could speak to that and clarify why this is assumed to be cost-neutral.

Assemblywoman Nguyen:

Just through my conversations with NACO as well as my current representative, obviously in the Clark County Commission, and my knowledge of how it is, I know these already exist. They are already paid for by the county; they already exist in county buildings. You are a county employee if you are a district attorney or you are a staffer or investigator or any one of these staff people that are in these agencies. I cannot imagine how this would have some added costs because they would be absorbed into what they are already doing as well, and

I imagine that there would not be a changeover for a lot of these people's positions. They would be going about their business, and instead of being called a district attorney, they would now be called county counsel. Their job responsibilities to their clients would not change; there would be no disruption to that. I do not know how that would be the case. I am sure if there were added costs, we would see additional fiscal notes that would be attached to this, and I have not seen any of those so far. And just to point out again, it is not mandated, it is enabling language. It is something that the counties and cities can choose to do if they want to. This gives them the structure and the ability to create a conflict-free environment for both elected officials.

Tick Segerblom:

I would just say, going back to history, it is pretty amazing to see you on this side, and I am on the other side. Roles do flip over a lifetime.

Assemblyman Matthews:

You never know where life is going to take you, do you?

Tick Segerblom:

Going back to the question of the fiscal note, the truth is not that we want to do this, but right now, we cannot hire or fire anyone. That is our district attorney's job. So, this would give us the ability to reduce salaries, raise salaries, move people around, hire people, fire people, which we do not have currently.

Assemblyman Matthews:

I certainly understand the arguments you are making to that topic of conflict. On the other hand, just to come at it from the other perspective, arguably there is value in these functions being left to the district attorney in the sense that we have, as a result of that, an independent oversight, or you have, separately, an elected individual who is in that function. Arguably, that helps to strengthen what we all recognize as the system of checks and balances, rather than bringing it all into one governmental body. I am wondering if a solution might be that in the event of a clear and identified conflict of interest for a district attorney on a particular issue, maybe independent counsel would be brought in. I am just wondering if there is any concern about losing the potential oversight that may result from having this function being performed by an independent body.

Assemblywoman Nguyen:

I do not think so. I think you have your checks and balances system there. If you were going to go out and hire an attorney and we had a case against each other, you would not want to have my attorney represent both you and me in that conflict between us. I think we do need to remove that, and that is what this bill would do. Or it would allow enabling languages for the counties and the district attorneys to decide whether or not their relationship was working. This just gives them the option to do so when that conflict does arise. As I said before, I am definitely open to coming up with other potential solutions that correct this conflict and still maintain the integrity of the representation that people are receiving from the district attorney's office, or conversely, a county counsel office.

Tick Segerblom:

Just imagine if the Governor hired the Legislative Counsel Bureau (LCB) attorneys. That is what we are talking about here. You work enough with the LCB attorneys to realize how important it is that they give you advice that is in your best interest. But to answer your question, if the Governor could hire them and could fire them, you might question that advice.

Chair Flores:

Members, do you have any additional questions? At this time, I do not think I have any. However, please feel free to unmute yourself and state your name for the record if you have an additional question if I accidentally skipped you. [There was no one.] Members, feel free to ask questions at the conclusion of opposition, support, and neutral, as I am confident that more questions will come from that. At this time, I would like to invite those wishing to speak in support of A.B. 147.

Tonja Brown, Private Citizen, Carson City, Nevada:

We, the Advocates for the Inmates and the Innocent, are in support of A.B. 147, and thank you, Assemblywoman Nguyen, for bringing this forward. We would like to see section 5, subsection 2, include paragraphs (k) and (l). Paragraph (k) starting with "If the county counsel receives information that pertains to any public officials having committed an act of possible wrongdoing that has been brought to the commissioners by way of another public official or private citizen, the county counsel must inform the county commissioners of their responsibilities and his or her legal duties." And paragraph (l), "If the county commissioners and/or the county counsel receive information by way of another public official and/or private citizen of a possible wrongdoing committed by any public official, the county counsel must inform the county commissioners during the public's meeting that the county counsel will be asking the Nevada Attorney General and/or the United States Department of Justice to conduct an independent investigation." You might say that you could file ethics complaints with the state bar, whatever the case may be, but there are times where they have come back and said they lack jurisdiction, whether with the ethics, state bar, or the courts. I provided you with some documentation, and why I am asking this, in part, is based on that documentation I submitted [[Exhibit H](#) and [Exhibit I](#)]. I would like you to look at paragraphs 31 through 58, 88 through 90, 103, 104 through 108, paragraph 117, pages 65 through 66, 69, 120, 125, and 126. I think we need more transparency in government and not less. By adding these two, I believe we would have more transparency.

Dagny Stapleton, Executive Director, Nevada Association of Counties:

Thank you so much for allowing me to provide testimony in support of A.B. 147 on behalf of Nevada's counties. Assembly Bill 147, as you heard, would enable county commissioners to have a choice in the type of legal support that they get for the critical decisions they make. Many of our members express their sincere satisfaction in the help, support, and legal expertise they receive from their respective district attorneys (DA). However, they also agree that there may be instances where they would need the ability to hire an independent staff attorney to support them on civil matters. As the Committee is aware, district attorneys are separate, county-elected officials with a wide range of responsibilities including, and

importantly, criminal prosecuting. In addition to those duties, district attorneys also provide legal advice to each of their county commissions on everything from complying with the Open Meeting Law, legal review of the many contracts that the counties enter into, and representing the county in court proceedings. As Assemblywoman Nguyen outlined, it is possible that there could be conflict between the interests of an elected district attorney and the needs of the county commission. We have heard concerns from our members about some of those examples that she cited. We have also heard from some of our smaller counties that while their elected district attorney may have expertise in criminal law, it is possible that he or she has no expertise or interest in the other areas of the law where the county commission may need legal support. If because of that, a district attorney was not willing to provide the counsel that a commission needed or if the county commission felt that they needed their own or different legal counsel, this bill would provide them that option.

I would also like to share that in some of our very small counties there are no county managers and there may be limited staff. In those counties, the DA plays a really important role, helping provide administrative and managerial support, and those counties truly depend on their DAs and they will tell you how much they value their help and expertise. Conversely though, if in one of those counties, the elected DA was someone who was not willing to provide the broad range of support that the county commission needed, the commissioners may then also want the option of finding another attorney to support them on noncriminal matters. The commission, of course, would do this so they could have the support they need to do their jobs and provide all the important services that the counties do. I think that it is this sentiment of county commissions being able to carry out their duties and ensure that they have all the options available to get the legal support and advice that they need in any situation is really what motivated our members across the state to support this bill. I would add that our members did discuss this bill in a recent public NACO Board meeting and voted in consensus to support it. And finally, I would echo what Assemblywoman Nguyen and Commissioner Segerblom said, the bill is enabling the counties to make the choice based on the fiscal impact to have this, and already, some counties are paying for similar services in-house.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

I am in support of the bill. I do believe, as the previous caller, Ms. Brown, stated, it should have an amendment. If the counsel becomes aware of either illegal action by way of a public official, by way of a private citizen, or another public official, I think the bill needs an amendment that mandates said counsel to put in a request for an investigation by the Office of the Attorney General and/or the Department of Justice.

Chair Flores:

If I could have you hold for a second, I want to clarify that you are speaking in support of the bill as it is. I want to make sure that the record is properly reflecting where you stand on this bill. If the bill were to move as it is now, are you in support of it?

Annemarie Grant:

Yes, I am just making a suggestion. And the reason I make this suggestion is because on July 16, 2019, I attended a police accountability event. On July 17, 2019, I personally helped Ms. Brown file a complaint with the Reno Police Department against Reno City Manager Karl Hall. Ms. Brown brought this information before a joint meeting at the county commission on August 6, 2019, and provided them a copy of the police complaint we filed [[Exhibit H](#)]. The Washoe County District Attorney's Office, via attorney Paul Lipparelli, was present, along with Karl Hall, Reno City Attorney, who the complaint was filed against. The complaint detailed an ongoing battle with the Washoe District Attorney's Office, Reno Police Department, and other law enforcement agencies on their cover-up of wrongdoings and protection of public officials. Karl Hall had publicly admitted on July 16, 2019, that he sat on a perjury complaint against now Reno Judge Shelly T. O'Neill until the statute of limitations ran out. July will be two years since this complaint was filed, and current legal counsel for the Washoe County Commissioners have been made aware of a multitude of illegal acts. County commissioners' counsel should be mandated to act when information regarding illegal activity is brought before the board.

Chair Flores:

Could we go to the next caller wishing to speak in support of A.B. 147? [There was no one.] Next, we are going to go to opposition on A.B. 147. I do see Ms. Duffy, who will be joining us via video. We will start the opposition with you.

Brigid Duffy, Chief Deputy District Attorney, Director, Juvenile Division, Clark County District Attorney's Office:

I would first like to thank Assemblywoman Nguyen and Commissioner Segerblom. I have had some opportunity to discuss with both of them the reason I am coming in opposition, specifically to section 5, subsection 2, paragraph (i). I am hoping that we can get to some sort of resolution in this matter, but as of today, I have not given them my proposed amendments, but I will continue to work with them. I understand there is a perception problem with conflict between my division and the criminal division. And by my division, I am talking about the Juvenile Division for the Clark County District Attorney's Office. In Clark County there is a deputy district attorney who is assigned to the civil division to represent the Department of Family Services in lawsuits, contracts, memorandums of understanding (MOUs), and personnel matters for employees. That deputy district attorney does not work under my leadership. In my division, I have 21 deputy district attorneys who prosecute petitions of abuse and neglect that result from investigations of Child Protective Services, and that is to what section 5, subsection 2, paragraph (i), would pertain, which is that reference to NRS Chapter 432B. In the Juvenile Division, I also have nine deputy district attorneys who prosecute petitions involving acts of juvenile delinquency, or what some would call crimes children commit—I do not call them that—but it is easier for you to understand it, and that is under NRS Title 5. Specifically, NRS Title 5 says they are not criminal cases, so they cannot land under my Juvenile Division. There is also one civil deputy district attorney who represents the Clark County Department of Juvenile Justice Services for those same issues of contracts, lawsuits, MOUs, and personnel matters for employees. That civil district attorney does not report to me.

Assembly Bill 147 would fragment my juvenile division, leaving a portion to be absorbed under the criminal division, those cases being prosecuted under NRS Title 5, and a portion of my division to go under county counsel, which would be those cases under NRS Chapter 432B. I took my position as chief of the juvenile division in 2012, under the appointment of District Attorney Steve Wolfson, and at that time I reported to the assistant district attorney for the criminal division. But in 2014, then-County Manager Don Burnette and the County Commissioners saw fit to create my own position, so that I directly reported to the district attorney, and got me out from underneath that criminal division, which makes sense because you really need a leader of a juvenile team who understands the nuances of children and families, not criminal cases. I have never been a criminal prosecutor. I just like to say that for the record, as well. I have always handled cases involving children and families. Now I am my own assistant department head, reporting directly to the elected district attorney, and that did definitely recognize that need for independent leadership for these specialized cases. I am one of the original founders of The Harbor. I work closely with the school district for kids in foster care and juvenile delinquency systems, all our kids of our school district. I have dedicated myself to ending the school-to-prison pipeline through diversionary practices in school justice partnerships. I have a team of amazing deputy district attorneys whom I have led to share the same values that I share of looking at children and families in a unique way.

I want everybody to be clear, this perceived conflict is not attorneys from my division that go to the criminal division and prosecute the same cases. They are two separate deputy district attorneys. We do have some protections in place already. We have an MOU with the county that allows for a conflict resolution that goes all the way up to the assistant county managers for the DFS. We also offer civil protections to the families in family court, but anything they say in our cases, in NRS Chapter 432B, will not be used against them in the criminal case. We do have some things in place already. I look forward to working with the sponsors of this bill to see how I can improve on that and address any of these negative perceptions that we have with the conflict. I thank you all for your time allowing me to testify via video. It is very important to me. My opposition, again, is based on the negative impact to juvenile cases that I would see if my division were fragmented.

Chair Flores:

Thank you again, Ms. Duffy, for calling in. Please answer at least one question that we have from Madam Vice Chair.

Assemblywoman Torres:

I know that I have not had the opportunity to see you too frequently in the Assembly Committee on Government Affairs, but I did have the pleasure of working with you in the Interim Legislative Committee on Child Welfare and Juvenile Justice. Could you give us an example of what that reunification looks like? Also, you mentioned there is a curtain between the role of the district attorneys of the DFS and their role in the prosecution against child abuse cases and neglect cases, so if you could just talk about and give an example of what that would look like—a step by step for a case.

Brigid Duffy:

I think my understanding of your question, Vice Chair Torres, is NRS Chapter 432B cases, and I am using that reference because that is what is in A.B. 147, so those would be the cases brought forth based upon the investigations of a child protective service agency, not investigations of a police agency. Those cases have very fast timelines. We move very quickly. Our goal is reunification, and that goal remains, no matter the abuse or neglect.

We have cases with child homicides. My attorneys in the juvenile division handle child sexual abuse cases, child homicide cases with surviving siblings, so we handle very parallel cases to the criminal division, but our cases have expedited timelines. Criminal cases could take a year or more to prosecute, especially on the more serious cases such as child homicide, so we move very quickly. But we also always start with the step over unification. We start first with getting the family to at least admit that we could prove the case, but in order to do that, we offer them protection. We say we are not going to use our case against you in a criminal case, and that is just any civil case. Anything you say in a civil case can be used. So if they start talking about what caused the abuse, their frustrations, the parent's own trauma, we try to protect that already through that firewall.

Now, what goes on in the criminal case is, while there is this perception that we are very involved with those cases, honestly, we do not really know what is going on most of the time because there is not a really good flow of communication. But when we get to a part where there could be an internal conflict between the criminal deputy district attorney and my deputy district attorney for the NRS Chapter 432B case, we have an internal resolution process for which I then go to the equivalent of me, who would be the assistant district attorney on the criminal side. We then take that up to District Attorney Wolfson, and then if District Attorney Wolfson cannot resolve that conflict, we have an agreement that we can go to an assistant county manager. Now, I think we could better formalize that process if that makes everybody feel stronger. I think that is easily done to formalize that process, but we are just two different tracks of cases; although, the evidence is still the same. I hope that answers your question.

Assemblywoman Torres:

I think so, and I guess maybe I am not understanding completely, but I am not seeing any reason why this would not help formalize that process.

Brigid Duffy:

It would take us out from under the same department head; that is absolutely for sure. I do not know that it would end what still goes on. The criminal attorney can still get a no-contact order while we are working on reunification. The conflict is we all report to the same department head. However, we do have a conflict resolution process in place. Just to be clear, I am only speaking on behalf of my division. The bill, as a whole, has some other opposition that is coming from the Nevada District Attorneys Association, but you are talking about fragmenting, taking a delinquency team, and putting them back under criminal. There has been a lot of work that has gone on in the past eight to ten years to get that out

from under a concept of being criminal and into a concept of being juvenile delinquency, diversion, and assistance. That fragment and that taking apart the division is, in my opinion, after having done it a long time, not going to be good for children and families. We need both divisions to report to the same person, however that may look.

Chair Flores:

Members, any additional questions for Ms. Duffy? I want to take this opportunity, as we do have her via video, for you to ask questions if you have any clarifications that you would like on the record. Seeing none, please go to the phone lines and continue with the opposition on A.B. 147.

Ron Cordes, Chief Deputy District Attorney, Clark County; and representing Clark County Prosecutors Association:

I am one of the deputies assigned to Brigid Duffy's division, and I have been in the Office of the District Attorney since 2004, assigned to child welfare cases. On behalf of the Clark County Prosecutors Association, there is an opposition to the bill as it relates to the perception that the child welfare deputies would be removed from the Office of the District Attorney and removed from the association. There is concern that I think everybody would be familiar with, given the current state of affairs that have taken place over the last year. The deputies are very concerned about their jobs and their ability to continue to work on the very important child welfare cases. It is a stressful environment that the child welfare deputies work in—the global pandemic that has taken place over the last year, the changes to the job requirements, the uncertainty of where the deputies will land—and it is causing a lot of anxiety and concern moving forward.

I have been in the office since 2004 and served under several different elected district attorneys as well as the county commissioners. While I have been in the office, there have been opportunities to work through the conflicts identified by the speakers in support of the bill as well as the Assemblywoman who drafted the legislation. It has been worked through to avoid the conflicts that have been identified by creating the MOUs that were mentioned by Ms. Duffy and addressing conflicts on specific cases. As an attorney, it is important for this Committee to know that the attorney is responsible for handling potential conflicts and identifying their ability to proceed on cases. Each of the attorneys assigned to the juvenile division, child welfare, are very versed in whether or not to proceed on cases, and what information to provide. Therefore, I think it is important that the group of attorneys stay under the district attorney's guidance. We have already been able to work through most of the concerns that have been expressed on cases, and I think that the removal of the 21 attorneys from the current association would negatively impact the overall association of the prosecutors in Clark County to handle the needs of the community as well as protect the victims here. I think it is important that, going forward, there is some stability provided for these deputies who are doing the best they can under these very trying circumstances. Anytime that you have any questions, I would be willing to answer those for you.

David Watts-Vial, Assistant District Attorney, Civil Division, Washoe County District Attorney's Office:

We oppose this bill because it threatens the independence of judgment the county attorneys must have to provide unbiased and objective legal advice to their clients and because it disenfranchises voters by removing their ability to choose the attorney who will represent, not just the board of commissioners, but all of the officials, many of whom are similarly elected by the voters. Removing the civil division from the district attorney's office will increase the risk that advice provided by county counsel is affected by the specter of termination by the manager or the board if they do not like the advice the county counsel gives to the manager or to the board, or even if they do not like the advice that is given to other elected officials.

The role of the district attorney in the civil division is to review the law, the facts of individual situations, and then provide the client with unbiased legal advice to assist in making those decisions. The client might disagree and may not like the opinion, but the district attorney must be free to give that advice without the fear of losing his job simply because a client does not like it. And it should be noted in circumstances where the law is not black and white or where the client disagrees with the attorney, a client is always free to disregard the advice that has been provided. The advice guides decisions, but the decisions are made by the client, not the attorney. This law will increase the likelihood that attorneys will be working with the knowledge they could be fired simply for providing advice the manager or the board does not want to hear. That increases the possibility that the attorney will provide what the client wants to hear, even if it is not the best advice.

While we do not believe this is an immediate concern in Washoe County, this bill also makes it possible for a board or manager to seek out an attorney who is more amenable to providing them cover for the actions they take, rather than providing objective legal advice. It also increases the risk of hiring an attorney based on political favoritism. The job could get awarded to an attorney or a firm that politically supports the majority of the board of commissioners, or maybe someone who has a relationship with the manager, rather than a district attorney who is elected by the people. As for the stated concerns about ethics, as a general rule there is no conflict with the district attorney representing other officials or the boards of county commissioners. The fact that there is no inherent ethical conflict with that representation can be found in the fact that the district attorney has been doing so by law for decades. The concerns and conflicts created by having a board of commissioners appoint their own attorney and the attorneys for their fellow elected officials are certainly greater than any that are presented under the current law.

Generally speaking, there is no conflict until the interests of the attorney and the interests of the client clash or the interests of two clients clash, and when that happens, the ethics rules require the attorney to notify the client and the client be given the opportunity to hire another attorney. There is a process to handle conflict when it does arise, and the attorneys all have the same ethical duties. This bill also disenfranchises voters from electing the attorney who they want to provide advice to all of the counties' elected officials and departments.

The civil division of the District Attorney's Office provides advice and guidance to more than 60 clients made up of elected officials, boards, commissions, county departments—all in addition to the board of county commissioners and the office of the county manager. This bill will increase the possibility that a board could choose an attorney in an effort to wield undue influence over other government officials, including other elected officials such as the assessor, the treasurer, the sheriff, and others. The new law will now allow the manager and/or a board of commissioners to choose the attorney or law firm that provides the advice to their fellow elected officials and presents the same conflicts which are the claimed basis for this bill. This increases the risk that the attorney chosen by the board will once again be looking over his or her shoulder in concern if the board or manager not only does not want the advice that they receive, but they do not like the advice the attorney is giving to other elected officials. The better policy is to allow the taxpayers to decide who their attorney will be and who the attorney for the county, not just the board, will be.

This Legislature went through great pains just a few months ago to assure that every citizen in Nevada who is eligible to vote is able to vote. This law disenfranchises those same voters by removing their ability to choose the county's attorney and giving that power to the county boards of commissioners and managers. The better policy is to allow the taxpayers and the voters to decide who their attorney will be.

We oppose this bill because it disenfranchises those voters and because it increases the risk that elected officials would no longer receive independent legal advice. The advice affected by the risk that the attorney's clients, who hired the attorney to represent other elected officials, will not like that advice and will potentially terminate that attorney. This bill will work to the detriment of those officials and to the citizens who formerly elected their attorney. While the bill does not require the creation of the office of county counsel, the mere threat that a board can eliminate the civil division of the district attorney's office will increase the risk of advice infected with the knowledge that the attorney could be discharged. All the board will have to do is pass an ordinance or threaten to pass an ordinance.

Chair Flores:

Members, we do not have any questions, correct? I do not see any on chat, but I want to make sure that if you do have a question, feel free to unmute yourself and state your name for the record. Seeing none, we will go to the next caller wishing to speak in opposition to A.B. 147.

Leonardo Blundo, County Commissioner, District No. 4, Nye County:

I am a Nye County commissioner representing myself in my duly elected position. My thoughts and comments are of my own and of District No. 4. I share an opposing view to this bill. I am opposed as it takes a constitutional power, checks and balances, and oversight away from an elected district attorney. The district attorney is elected by the people, for the people, representing the people, and representing the county commission. I understand that in larger counties, potentially even in Washoe, but primarily in Clark County, they have a massive district attorney's office, and you have a board of county commissioners who are very active in doing a variety of things. However, these checks and balances need to remain

with the district attorney's office, no matter the size of your county. This particular bill will create a bureaucratic position and will force that position to have to weigh the propriety of the information that they bring forward, the legal opinions that they give their very employers, their clients, against their employment. If there is an unfavorable position that is given now, suddenly an inherent influence/conflict is created where their employment can be seized and terminated. I noticed that there is no fiscal note; however, I would like to share that, even though it is proposed that you are going to take those civil attorneys from the district attorney's office and implement them into this new department created under the commission and/or county management, the district attorney's office still would have a requirement to have civil attorneys because they represent a variety of other interests for the county, as a whole. It is not just about the interests of the board of county commissioners.

Although we have the authority and powers over the whole county, they still must have those individuals there. I believe a fiscal note of just in the ballpark of half a million dollars here in Nye County would have a detrimental effect. We do not have a strong ending fund balance. I know everyone has been affected by COVID-19, but in a typical year, we just do not have the funds, and I think that would have a massive financial impact to us here locally. I do want to point out again that I am speaking from District No. 4 in Nye County, and it is just a perspective I would like to share in opposition. I can appreciate larger counties like Clark County needing different requirements, and if you do choose to proceed, I would ask that you respect what works for the rural counties and make those determinations.

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office:

I want to start off by thanking Assemblywoman Nguyen. She and I have had many conversations on this bill over the last few months, and I truly appreciate her bringing our office into the discussion. I also want to thank Commissioner Segerblom's kind words and, despite our numerous policy battles over the years, I do think highly of him as well. But our opposition to this bill is rooted in our belief that a public attorney providing legal advice be accountable to a separately elected official. That provides a measure of independence that better ensures legally and ethically sound advice. I want to point out that we provide our best legal advice to the commission and to the various agencies, and it is up to the clients, the commissioners or agencies themselves, to decide whether or not they want to follow the legal advice that we provide. This advice, free from threat of reprisal, ensures that the representation is in the best interest of the county and its residents. The reasoning is simple. Officials who are better informed of the consequences of their proposed actions make better-informed decisions. Even though it is just enabling legislation, A.B. 147 could be used as a hammer against district attorneys providing unvarnished advice. If a county does not like the advice they are given, they can threaten to create the office of county counsel, thus causing a crack in the independence that we feel provides the best, most unbiased opinions. The Clark County District Attorney's Office specifically is more than willing to have conversations with our commissioners and others to discuss any problem they feel that arises with the current model. We are committed to making this representation model

work and are asking for the opportunity to work through these problems prior to the passing of this legislation. We made that commitment last session during Assembly Bill 539 of the 80th Session, and we make that commitment again today. If you have any additional questions about this bill, I am more than happy to meet with you individually.

Jennifer Noble, representing Nevada District Attorneys Association:

The Nevada District Attorneys Association (NDAA) opposes A.B. 147, and I will try not to go too much over ground that has already been covered. If a private client makes a poor decision regarding their litigation options when they are given those options, it is only the client that suffers. But if a public entity makes ill-advised decisions, the people of Nevada bear the brunt. That is why public officials, boards, and agencies not only need good legal representation, but they also need frank, objective advice from their attorney. When public attorneys answer to an independently elected official, they are more likely to provide that kind of advice, that realistic sound advice about legal options, rather than just telling a client what they think is going to please the client. Ensuring our county entities get the most candid legal advice, uninfluenced by some fear of reprisal, is not only good for the client but good for the taxpayers of the state because it is going to promote the best litigation outcomes. Attorney general employees represent many state entities, but they are all employees of the Executive Branch. Sometimes the agencies they represent have contrary interests, but deputy attorney generals' staff are trained to erect and honor ethical screens and follow the Nevada Rules of Professional Conduct to navigate those types of situations when they do come up. County attorneys are no different. State attorneys follow the rules and so do we. District attorneys have separate divisions and teams within those divisions. No deputy district attorney represents two different clients on the same matter when there is an actual or apparent conflict. We follow the Rules of Professional Conduct, client confidentiality, and ethical screens. The NDAA members are always willing to meet with any agency whose concerns might underlie this piece of legislation, and we are, of course, committed to working with Assemblywoman Nguyen and stakeholders to find common ground, and I am willing to meet with any one of you individually to discuss your concerns.

[[Exhibit J](#) was submitted but not discussed and is included as an exhibit of the meeting.]

Chair Flores:

Members, do you have any questions?

Assemblywoman Torres:

I am wondering if you could talk a little bit about who is required to complete the conflict resolution process, because my understanding would be that the district attorney would be responsible for doing that, and I feel like that, in and of itself, is a form of conflict.

Jennifer Noble:

I understand your point of view and that is a good question, but you have to understand that at a law firm or any kind of legal shop, whether it is public or private, determining conflict is inherent in the legal profession. We do it all the time and that is what we are trained to do.

All attorneys are under a duty to avoid conflicts, no matter where they work, to notify clients of conflicts, and to allow the client to get another attorney if that is what the client wants to do.

Assemblywoman Torres:

If you could give a little bit of further clarification, at a private law firm would they be able to handle both cases if there was that conflict?

Jennifer Noble:

There are situations, and I worked in the private sector many years ago, where there might be what we call an "apparent conflict" but not an actual conflict. In those cases, there are specific rules that we follow to erect what is called an "ethical screen." I have also done that in my division when things come up. In the appellate division that does criminal matters it does come up because we have had defense attorneys who later became prosecutors, and that is something that we do and we make sure that the attorneys representing each respective client do not access information or have discussions about attorney-client strategy or anything the client might have disclosed in the course of the representation. Every attorney in Nevada must do that.

Assemblywoman Torres:

I do not mean to dominate the discussion, I just want to make sure I have enough clarification on this issue, since it is such a complicated piece of legislation. I want to make sure that we do it due diligence as a legislative body. You had mentioned in the case of a private law firm that if a client wanted another attorney, he or she would go out and get a different attorney. But in this instance, would that be possible? We are looking at cases that are managed by this division; would that be possible, to go out and get a different attorney?

Jennifer Noble:

Yes, it is possible for the clients to go and get another attorney.

Assemblywoman Anderson:

Listening to that answer, I want to make sure that I am understanding this correctly. If we are speaking about the county commission and, let us just use the example that was used earlier in the hearing, you have a child who is with the child welfare area, who would the county commission report that to, who would the district attorney member report it to, that there is a need for a different attorney, and that attorney would have to be outside the district attorney division? Or am I misunderstanding that answer that you just gave?

Jennifer Noble:

If you have an attorney who perceives an apparent or actual conflict, the course of action is to notify the client of that and also, at least in our office, you would notify your supervisor so we can make sure the appropriate ethical screens are erected. Or if the client chooses, he or she can seek independent representation.

Assemblywoman Anderson:

It would be at the supervisor level where that would happen, but what if a parent felt that there was an inherent bias? Who would he or she report that to? Would that again be the supervisor and done in a private setting, or would that be done in a public forum, since again, it is an elected official who is able to do that? I need some clarification on that, because I feel like there is a conflict here that is not clearly being defined and/or being put on the record if the client feels there is a possible conflict of interest.

Jennifer Noble:

The client can certainly notify whomever they want, including the district attorney, but you can also have an attorney-client session with the board, which is not public. In that instance, the client could be notified, they can discuss and disclose the conflict, and the board could decide to have separate representation.

Assemblywoman Considine:

Just to follow up on Assemblywoman Anderson's question and what was said, does that mean that the DFS, in the situation like she presented, could go out and get their own attorney, or are they not allowed to do that?

Jennifer Noble:

It is my understanding that they would be able to get their own attorney with approval within their department. But in Washoe County we do not represent the DFS.

Assemblywoman Considine:

Would that be a specific question I should ask Clark County?

Jennifer Noble:

I think they may be better suited to answer your question. Yes, Assemblywoman Considine.

Assemblywoman Considine:

Thank you. I will follow up with Clark County.

Chair Flores:

Sounds good. And Ms. Duffy, I believe you wanted to intervene?

Brigid Duffy:

Maybe I am better suited to answer the Assemblywoman Considine's question. In Clark County, by MOU, my attorneys represent the child welfare agency. We do not represent individual case managers; we represent the policies and procedures of the agency. Somebody raised the issue of the parent. We are talking about if a DFS case manager wants to reunify a child who has been the victim of sexual abuse, physical abuse, or neglect, my attorneys would go in, they would advise them, and they would go in front of the family court judge, and they would say, We would like to move forward for reunification. At the same time, that same case may be criminally prosecuted by a separate deputy district attorney in a criminal case. And so, let us just say this is a child sexual abuse case, and that child still

has not testified in the criminal case. That criminal district attorney is now saying they want a no-contact order so that the child is not reunified into the home because their testimony may be influenced. That is the fear from the criminal perspective. But our cases, again, move much faster and we have different standards. District attorneys report up to their individual assistant district attorneys, me and the criminal one, and then up to District Attorney Wolfson. Because District Attorney Wolfson has moved towards an agency representation model, the conflict would be does the criminal case's request of a no-contact order conflict with the client DFS? That is where our conflict resolution comes into play, and we go up to the boss and talk about what the issues are. But ultimately, the judges oversee these cases. In the cases of child welfare law, our district court judges will reunify that family and have this criminal case proceed at whatever path it is going down. That is ultimately the conflict. But then the question is, can DFS then get their own attorney? Yes, statutorily, if the district attorney's office refuses to prosecute a case for the DFS, they can go to the Office of the Attorney General and ask for representation. There is already the ability in statute that if there is a disagreement between the district attorney's office and DFS, the Office of the Attorney General can step in.

Assemblywoman Considine:

That does mean that you are saying the DFS itself can go out and get another law firm to represent them if there is a conflict with the district attorney in a child welfare situation?

Brigid Duffy:

The statute already allows DFS to go to the Office of the Attorney General if there is an issue with the district attorney prosecuting the case, under NRS Chapter 432B.

Assemblywoman Considine:

So then that would be another elected attorney, but not like a law firm outside that elected area?

Brigid Duffy:

No. However, on the district attorney civil side, if there is an issue of prosecuting a lawsuit, Child Protective Services gets sued when children have unfortunate events in foster care, district attorney civil often gets outside counsel to handle those cases as well. There are mechanisms for the civil division to get outside counsel for more complex cases already, which I assume they could add something in there if there was a specific conflict on a case.

Assemblywoman Anderson:

I think I understand exactly what you are saying. I will just be very candid. The issue that I am having is the district attorney's office is, for lack of a better term, it might be very large, but it is one office. And yes, you are moving up to your supervisors, but that impression which is something that everybody tries to not allow happen according to the last speaker, that impression is present, when there is a possibility of information being shared. How often, from your recollection, is that NRS statute utilized where discussions have happened where it is better to go outside of the district attorney's office for situations such as this that you have just described.

Brigid Duffy:

I came over from the Office of the Attorney General in 2004. Prior to that, I handled foster care cases from 2000 to 2004 over there. I have been around in the county since 2004. I have never had a circumstance where it has been requested that the Office of the Attorney General take over a case because of a disagreement between the district attorney's office and DFS. We have had the Office of the Attorney General take over cases where there have been allegations of abuse and neglect by somebody who was employed by DFS, on their own children. That is a conflict because I could not prosecute a case manager who is a part of DFS; we have asked the Office of the Attorney General to step in when they are having allegations of county employees who have had abuse and neglect in their lives.

Assemblywoman Anderson:

Thank you for that clarification. I might reach out to you individually to have another conversation as well, but I do want to say thank you. I am an educator, and I can just imagine what some of these child abuse cases are like, and it takes somebody with a great deal of strength to handle reading the information and protecting the kids. Thank you for the work that you are doing in that realm. I understand where you are coming from, but I still have some other questions I might reach out to you individually about.

Chair Flores:

Members, if you have any questions, feel free to unmute yourself and state your name for the record. I do not see any on chat. [There were none.] Again, thank you for the conversation, Ms. Duffy. Thank you for coming back into the conversation. At this time, I would like to continue with those wishing to speak in opposition to A.B. 147.

Alexis Motarex, Government Affairs Manager, Associated General Contractors, Nevada Chapter:

We are here in opposition to A.B. 147. After speaking with the Washoe County DA and learning that they and most of our neighboring counties have discrete civil and criminal divisions and policies in place to handle conflicts, we feel this measure is unnecessary. Associated General Contractors feel that creating a new duplicative division of government and an added layer of bureaucracy is not the best and highest use of taxpayer dollars, especially when local governments are struggling to meet their existing obligations.

Chair Flores:

At this time, I would like to continue with those wishing to speak in opposition. [There was no one.] Now I would like to invite those wishing to speak in the neutral position for A.B. 147. [There was no one.] Again, I appreciate those who called in support, opposition, and neutral. At this time, I would like to have Assemblywoman Nguyen come back with any closing remarks she may have.

Assemblywoman Nguyen:

Thank you for this lively conversation. I know that my copresenter, Commissioner Segerblom, is enjoying his new role on the county commission, but I am sure he misses this banter and this policy discussion, as they can become very lively. I appreciate his taking

some time to come and help me present this in his personal capacity. I would encourage people and I encourage the opposition to continue to reach out to me. As I said, I have been available for quite some time. I appreciate the efforts of NACO and all the counties around the state of Nevada that have come in, had these conversations with their members, and decided to support this piece of legislation.

Just briefly, I am going to touch on a couple of things that came up during the opposition. I am not sure I understand this argument that the county commission would fire their counsel and why the reverse would not be the same. If the district attorney gave an elected district attorney advice that they did not agree with, the district attorney could still fire them under this reasoning. This whole reverse assumption is crazy. This whole assumption that the district attorneys have to oversee elected county commissioners or city councilmen and councilwomen, and they are not independent elected officials in their own right, is something I do not understand but I will welcome the conversations to still have that. I probably should be personally offended by the representations made in the opposition that, as a private attorney, somehow I am not held to the same ethical standards as district attorneys. I will assure you, and I am sure other members of the legal community all hold ourselves out to the same ethical standards, whether we are county counsel or whatever our title is. With that being said, I will continue to have these conversations to get this policy right. This is done across the country. It is time for Nevada to grow up and have a process that ensures due process for all individuals within the elected system.

Chair Flores:

Thank you again, Assemblywoman Nguyen, for taking on this conversation, and I appreciate your having preemptively reached out and had conversations prior to today's hearing. Understandably, there is a whole host of perspectives and I know the Committee is committed to helping you find resolution through this bill to address some of these issues of conflict that have been raised. I would like to close out the hearing on A.B. 147. Mr. Segerblom, again, thank you for joining us today. Welcome back to your house, as always.

At this time, I would like to open it up for public comment. I want to remind those wishing to speak in public comment that we are no longer hearing A.B. 147. This is not a time to reopen any hearing dialogue, discourse, and/or debate on that bill. We have closed that out. This is a time and opportunity for you to speak on general matters that relate to this Committee, and I ask that you please limit your remarks to two minutes. [There was no one.]

I want to thank the members. We had some good, lengthy discussion this week, and I appreciate everybody's participation and attentiveness and willingness to engage in dialogue that, at times, we may or may not agree with. I know that everybody is going to be in horrible pain at the announcement that we shall not be meeting tomorrow. I know that it is horrible for everybody, but I think our staff needs a break and all of you deserve it too. I see Assemblyman Ellison in tears, but feel free to give me a call and I will greatly entertain a 45-minute conversation on easements or some other great stuff that you would like if you feel the need to do so. Thank you, members.

Please pay close attention to next week's agenda and that we are still making some last-minute modifications. That is not purposeful to the public and, members, I wanted to give you a heads-up on why we are doing it this way. There are bills that we were trying to get scheduled, but by the request of the sponsors, they are still working with stakeholders and do not feel prepared and/or want to give the opposition an opportunity to echo some of those concerns and see if they can reach some kind of amicable agreement prior to having the presentation. I am trying to be as respectful of that as possible.

We are still in the process of making some slight modifications to the agenda, which is why you have not seen something posted yet. But we are working diligently, and you should see something posted soon. With that, members, I appreciate the work again. This meeting is adjourned [at 11:23 a.m.].

RESPECTFULLY SUBMITTED:

Zachary Khan
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony dated March 4, 2021, submitted by Nat Hodgson, CEO, Southern Nevada Home Builders Association.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "A.B. 87 – Makes Various Changes to Provisions Governing the Vacation or Abandonment of Certain Easements," dated March 4, 2021, submitted by Assemblywoman Rochelle T. Nguyen, Assembly District No. 10.

[Exhibit E](#) is a proposed conceptual amendment titled "Conceptual Amendments to A.B. 87," dated March 4, 2021, submitted by Assemblywoman Rochelle T. Nguyen, Assembly District No. 10, presented by Matthew Walker, representing Southern Nevada Home Builders Association.

[Exhibit F](#) is written testimony dated March 4, 2021, submitted and presented by Matthew Walker, representing Southern Nevada Home Builders Association, regarding Assembly Bill 87.

[Exhibit G](#) is a letter dated March 3, 2021, submitted by Kermitt L. Waters, on behalf of EHB Companies, in opposition to Assembly Bill 87.

[Exhibit H](#) is a Reno Police Department report, dated July 17, 2019, submitted by Tonja Brown, Private Citizen, Carson City, Nevada.

[Exhibit I](#) is an affidavit of Tonja Brown, dated February 16, 2021, submitted by Tonja Brown, Private Citizen, Carson City, Nevada.

[Exhibit J](#) is a letter dated March 4, 2021, submitted by John T. Jones, Jr. and Jennifer Noble, Nevada District Attorneys Association, in opposition to Assembly Bill 147.