

## Assembly

GOVERNMENT AFFAIRS COMMITTEE  
MINUTES OF THE MEETING  
APRIL 9, 1973

MEMBERS PRESENT:       CHAIRMAN DINI  
                          VICE-CHAIRMAN ULLOM  
                          ASSEMBLYMAN MAY  
                          ASSEMBLYMAN SMITH  
                          ASSEMBLYMAN GETTO  
                          ASSEMBLYMAN GOJACK  
                          ASSEMBLYMAN YOUNG  
                          ASSEMBLYMAN FORD

MEMBERS ABSENT:       ASSEMBLYMAN BROOKMAN

ALSO PRESENT:   SEE ATTACHED LIST.

\* SB 333 - Designates state land use planning agency and requires development of statewide land use planning process and land use program.

Senator Wilson told the committee that this bill was a result of a joint meeting with Bureau of Land Management officials and members of the ecology committees. It is intended as a statement of legislative intent. It was purposely written in general terms; it will make the State eligible to apply for federal funds and start land planning when the Jackson Act is passed on the federal level. It has much of the language of the Jackson Act incorporated in it and will coordinate with that act. Mr. DeRicco will have two years to make a study and report back to the next Legislature on just what is needed on the state level for land use planning and a land use program. The study will include as much local input as possible. Each and every county in the state will have members on the Council and public hearings will be held in all parts of the state.

The chairman suggested that perhaps the language was too broad. Assemblyman Ullom stated his only fear was that local governments would not have enough input into planning.

Mr. DeRicco assured the committee that he planned to work with all agencies, both state and local and to make use of the State Planning Coordinator. His budget for the next two years only provides for one person to be added to his staff in a planning capacity and one clerical position.

SB 481 - Redefines contents of master plan and zoning regulations.

Senator Wilson told the committee that this bill would make local planning boards make judgements instead of findings. He pointed out that the Supreme Court has ruled that this is their duty. The bill has two parts 1) defines a master plan 2) the approval of subdivision maps. The bill would make it easier to withhold approval

\*Exhibit #1

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of subdivision, but it would also make the board state the reasons for disapproval.

Mr. Midmore told the committee that he felt that it was time that the problem of local financing was discussed and some way to provide for it was found. His organization supports both bills.

Mr. Warren said his organization supported both bills.

Mr. Meder said he felt that it should be clearly understood that the subdivider pays for the studies. He told the committee that his organization thought AB 647 was a better bill.

SB 173 - Creates hearing officer in personnel division of department of administration.

Mr. Wittenberg told the committee that the number of cases brought before the Personnel Advisory Board was increasing to the point that the Board could not function anymore. As it is made up of citizens who do not have the time to meet every week, he felt that a hearing officer who was directly under the Board was the solution. An employee could appeal to the hearing officer and then if not satisfied and the board decided, he could appear before the board.

Assemblyman Dryer appeared before the committee to ask for a committee introduction of a bill to give regulatory powers to the Real Estate Division on land promoters. He explained that the power had been given to the counties last session and that they had not been doing the job. The money received would help finance the Real Estate Department.

AB 798 - Permits early retirement of public employees generally.

Mr. Morgan told the committee that his group favored the bill, they saw it as a help to both the management and the employees of a school district.

Assemblyman Young moved "DO PASS".  
Assemblyman Gojack seconded the motion.  
The motion carried unanimously.

✓ Assemblyman Jacobsen presented the committee with an amended version of AB 734, which would make it mandatory that every county have a ordinance dealing with public gatherings, but not state what the ordinance should contain.

Assemblyman Ford moved that the action on AB 734 be rescinded.  
Assemblyman Gojack seconded the motion.  
The motion carried unanimously.

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AB 914 -Specifies that services which may be provided under Interlocal Cooperation Act includes law enforcement.

Mr. Meder explained to the committee that this was requested by the Douglas County Sheriff's office in order for them to enter into an agreement with the Tahoe City Police Department.

Assemblyman Young moved "DO PASS".  
Assemblyman Ullom seconded the motion.  
The motion carried unanimously.

A.J.R. 41 was moved "DO PASS" by Assemblyman Getto.  
Assemblyman Gojack seconded the motion.  
The motion carried.

ACR 43 was moved "DO PASS" by Assemblyman Gojack.  
Assemblyman Getto seconded the motion.  
The motion carried unanimously.

Assemblyman Young moved "DO PASS" on AB 941.  
Assemblyman May seconded the motion.  
The motion carried unanimously.

Assemblyman Gojack moved "DO PASS" on AB 942.  
Assemblyman May seconded the motion.  
The motion carried unanimously.

Assemblyman Ford moved "DO PASS" on SB 173.  
Assemblyman May seconded the motion.  
The motion carried unanimously.

Assemblyman Getto moved "DO PASS" on SB 506.  
Assemblyman May seconded the motion.  
The motion carried unanimously.

Assemblyman May moved "DO PASS" on SB 561.  
Assemblyman Ullom seconded the motion.  
The motion carried unanimously.

Assemblyman Ford moved "AMEND, DO PASS" on AB 734.  
Assemblyman Gojack seconded the motion.  
The motion carried unanimously.

AB 514 was moved "DO PASS" by Assemblyman Ullom.  
Assemblyman May seconded the motion.  
The motion carried.

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AB 418 was moved "AMEND AND DO PASS" by Assemblyman Getto.  
Assemblyman May seconded the motion.  
The motion carried unanimously.

SB 340 - 2 attachments

SB 161 - attachments



AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

APRIL 9, 1973

PM JOURNMENT

ROOM 214

- SB 333                   Designates state land use planning agency and requires development of statewide land use planning process and land use program.
- SB 481                   Redefines contents of master plan and zoning regulations.
- AB 561                   Authorizes certain counties to establish scholarship funds for medical students who need assistance and who agree to return to such counties for professional practice.
- SB 173                   Creates hearing officer in personnel division of department of administration
- SB 506                   Authorizes treasurer of Mineral County to convey certain real property to Milton D. May and Thelma E. May.
- SB 515                   Concerns state securities by amending the State Securities Law.
- SB 518                   Concerns public securities and other public obligations by amending chapters 349 and 350 NRS.
- AB 914                   Specifies that services which may be provided under Interlocal Cooperation Act includes law enforcement.
- AJR 41                   Memorializes Congress to provide that Veterans' Day will again be celebrated on November 11.
- ACR 43                   Memorializes health and care facilities in the state to designate "No Smoking" areas and rooms.
- AB 941                   Creates annexation commission for City of Elko.
- AB 942                   Prohibits interments in a portion of Hillside Cemetery in Reno, Nevada, requires removal of human remains therein and reinterment in another location.

COMMENTS OF ELMO J. DeRICCO MARCH 9, 1973

# 1  
/ ✓  
BEFORE ECOLOGY AND PUBLIC RESOURCES COMMITTEE

S.B. 333 (A.B. 449) HAS BEEN DRAFTED FOR THE PURPOSE OF LAUNCHING THE STATE OF NEVADA INTO A COMPREHENSIVE LAND USE PLANNING PROGRAM.

IT WAS MENTIONED BY GOVERNOR O'CALLAGHAN IN HIS MESSAGE TO THE 57TH SESSION OF THE LEGISLATURE AND I WOULD LIKE TO QUOTE HIS COMMENTS:

"BEFORE EXAMINING THE SPECIFICS OF MY BUDGET PROPOSAL I RESPECTFULLY INVITE THE ATTENTION OF THE LEGISLATURE TO A RECOMMENDATION TO CREATE A NEW DIVISION OF LAND USE PLANNING IN THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

"THIS IN MY VIEW, IS AN ITEM OF CRITICAL IMPORTANCE. THE STATE HAS HIRED A STATEWIDE PLANNER AND ALSO HAS IMPLEMENTED LONG-RANGE PLANNING IN WATER RESOURCES. IT IS ESSENTIAL THAT WE HAVE A COMPANION EFFORT WITH RESPECT TO LAND."

IN DRAFTING THIS LEGISLATION IT WAS NECESSARY TO ANTICIPATE THE IMPACT OF THE PROPOSED FEDERAL LEGISLATION ON THE PROGRAM. AS A RESULT, THE LEGISLATION IS BRIEF BECAUSE TO MAKE IT COMPREHENSIVE COULD RESULT IN A PROGRAM WHICH WOULD BE IN CONFLICT WITH ANY FEDERAL LEGISLATION THAT MAY BE PASSED. WE CANNOT AFFORD TO BE IN CONFLICT WITH THE FEDERAL LEGISLATION BECAUSE:

(1) FEDERAL LEGISLATION PROPOSES SUBSTANTIAL GRANTS TO

4.  
STATES AND LOCAL GOVERNMENTS TO ASSIST IN THIS PROGRAM.

(2) FEDERAL LEGISLATION MAY PROVIDE CROSSOVER PENALTIES WHICH COULD RESULT IN PENALTIES TO STATE HIGHWAYS, AIRPORT, AND LAND AND WATER FUND GRANTS.

(3) THE STATE OF NEVADA IS 87 PERCENT FEDERALLY OWNED; COORDINATION AND PLANNING, COMPATIBILITY WITH FEDERAL GOALS IS MANDATORY OR OUR EFFORTS WOULD BE INEFFECTIVE.

THIS BILL IS THE FIRST STEP IN INCEPTING THE LAND PLANNING PROGRAM. ITS FOCUS MUST BE TO COMPLY WITH THE FEDERAL ACTS, BUT WE CANNOT IGNORE THE STATE AND LOCAL NEEDS. IRREGARDLESS OF THE FEDERAL ACTS, WE MUST COMMENCE THE EFFORT TO PLAN THE PROPER USE OF OUR BASIC RESOURCES: LAND, AIR AND WATER, NOW.

THE PROPOSED PROGRAM AS REFLECTED IN THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES' BUDGET IS SMALL. WE ARE ASKING FOR AN ADMINISTRATOR AND A SECRETARY TO BE INCLUDED WITH EXISTING PERSONNEL IN OUR STATE LAND OFFICE. THE OFFICE IS PRESENTLY COMPOSED OF A DEPUTY STATE LAND REGISTER AND A PRINCIPAL CLERK TYPIST. ON THE SURFACE, THE PROGRAM MAY APPEAR TOO SMALL BUT THE LOW-LEVEL STAFFING IS INTENTIONAL BECAUSE WE ARE CONFIDENT THAT FEDERAL FUNDING WILL BE AVAILABLE TO BOLSTER THE PROGRAM DURING THE COMING BIENNIUM. AND,

(1) THE INITIAL PHASE OF THE PROGRAM WILL BE TO DEVELOP A LAND PLANNING PROCESS AS REQUIRED UNDER THE FEDERAL ACT:

(2) TO IDENTIFY THOSE AREAS OF CRITICAL CONCERN WHICH CAN BE FACTUALLY SUPPORTED AS AREAS OF STATE CRITICAL CONCERN;

(3) A BASIC NATURAL RESOURCES INVENTORY MUST BE DEVELOPED.

THROUGH THE DIVISION OF WATER RESOURCES WATER AND RELATED LAND RESOURCE PLANNING PROGRAM, WE HAVE ALREADY MADE AN EXCELLENT START IN THE BASIC WORK WHICH WILL BE NEEDED.

AND LAST, BUT NOT LEAST, EXISTING FEDERAL LEGISLATION DOES NOT PROVIDE RETROACTIVE PRIVILEGES IN MATCHING FEDERAL FUNDING. IF WE ARE TO INCEPT A LARGE PROGRAM NOW, IT IS ENTIRELY POSSIBLE THAT NONE OF THE FUNDS APPROPRIATED TODAY WOULD BE MATCHED WITH FEDERAL FUNDING WHEN IT BECOMES AVAILABLE. WHEN WE CONSIDER THAT MATCHING FUNDS WILL BE A MINIMUM OF ONE TO ONE, WITH A MAXIMUM OF NINE TO ONE, WE CANNOT AFFORD TO TAKE THIS GAMBLE.

THE LEGISLATION ALSO PROVIDES THAT THE GOVERNOR MAY DESIGNATE OTHER AGENCIES TO ASSIST IN THE LAND PLANNING PROCESS. YOU CAN APPRECIATE THAT THE MAGNITUDE OF THIS PROGRAM WILL REQUIRE NOT ONLY THE ASSISTANCE OF OTHER GOVERNMENTAL AGENCIES BUT THEIR ACTIVE PARTICIPATION IF IT IS TO BE EFFICIENTLY ACHIEVED.

WE ANTICIPATE THAT, IN ADDITION TO A FULL REPORT ON WHAT HAS BEEN ACHIEVED DURING THE NEXT BIENNIUM, IN THE NEXT SESSION OF THE LEGISLATURE YOU WILL RECEIVE EXTENSIVE PROPOSALS FOR LEGISLATION WHICH WILL ESTABLISH THIS PROGRAM IN ACCORDANCE WITH FEDERAL LAW. COMPLETION OF THE PLANNING PROCESS SHOULD BE WELL ON ITS WAY BY THEN, AND WE WILL BE ABLE TO PROVIDE YOU WITH A STATE STRUCTURE TO ACHIEVE COMPREHENSIVE LAND USE PLANNING THROUGH A GOVERNMENTAL STRUCTURE WHICH WILL PROVIDE FOR THE GREATEST EFFICIENCY AND BEST RESULTS.

I WOULD NOW LIKE NORMAN HALL, ASSISTANT DIRECTOR OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, WHO HAS EXERTED GREAT EFFORT ON THIS PROGRAM, TO GO BRIEFLY INTO SOME OF THE DETAILS OF THIS BILL.

###

DATE 2-1

NAME

BILL #

TESTIFY  
YES NO

REPRESENTING

JERRY GRAY Duo Crosby			✓	CCCTA / NSEA State Hwy Dept.
Joe Midmore	333	✓	✓	Builders Assoc. N.J.
D. Michael Clasen	481	✓	✓	Deputy Atty. Gen. for State Environmental Protection
ELMO DE RICCO	333	✓	✓	DEPT OF CONSERVATION

SB 340-

LAW ENFORCEMENT CONSOLIDATION STUDY COMMITTEE'S

PRELIMINARY RECOMMENDATIONS

TO THE

LAS VEGAS CITY COMMISSION AND CLARK COUNTY COMMISSION

10/5/72

X SB3407

1973



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## INTRODUCTION

The Law Enforcement Study Committee on Consolidation of Services was formed in January of this year as a result of a resolution issued on January 5 by the Local Government Study Committee, an arm of the 1971 Nevada Legislature, requesting the Las Vegas City Commission and the Clark County Commission to negotiate, and if possible, implement the Consolidation of Law Enforcement agencies in Clark County.

On December 27, 1971 the Las Vegas City Commission discussed consolidation and concluded that there should be some consolidation of law enforcement services in Clark County. They subsequently issued a resolution to this effect stating that they preferred to accomplish this through annexation, however, agreeing to work towards the consolidation of Law Enforcement through negotiations.

On January 5, 1972 the Clark County Commission passed a resolution pertaining to the Consolidation of Law Enforcement in Clark County. Each of the Commissions subsequently appointed members to a Law Enforcement Consolidation Committee. The members of that committee are: Mr. WILLIAM E. ADAMS, Assistant City Manager; GEORGE W. ALLEN, JR., Assistant Chief of Police; AMOS A. ELLIOTT, JR., Deputy Chief of Police; Captain LARRY L. KETZENBERGER, and Sergeant JOE MC DONNELL as representatives from the City, and Mr. LLOYD BELL, Undersheriff; RAY GUBSER, Chief Deputy; BARTON JACKA, Chief Deputy, and LARRY LARSON, Budget Director for Clark County, as representatives of Clark County.

The Law Enforcement Study Committee on Consolidation of Law Enforcement began its deliberation in January by investigating the feasibility of consolidating certain functions presently being performed by each of the two (2) agencies. The discussion centered primarily on the consolidation of Criminalistics, Civil Identification, Communications, Detention facilities and Records Bureaus. As the meetings progressed it became increasingly apparent that the consolidation of these particular functions, while each agency retained its own separate identity, would be impractical due to the number of differences in personnel, salaries, titles, duties, etc., within the two (2) departments.

As the negotiations continued it was also apparent to the members of the Committee that the efforts of the Committee should be directed towards a total merger of the two (2) departments into one (1) department. After studying the

main obstacles to such a merger, it was apparent to the members of the Committee that merger of the two (2) agencies in their entirety would be preferable to partial consolidation of certain services.

The Committee directed its attention towards the Administrative organization of such an agency, employee integration, method of funding, and governing a combined law enforcement agency. The results of these negotiations are contained within the report under the separate headings of Administration, Organization Government Structure, and Personnel. The recommendations contained in these pages were not reached without considerable negotiations in Committee, and they represent a combination of the Committees belief in the proper operation of a law enforcement agency and in some cases a compromise by members of the Committee in order to effect agreement on certain items so that the discussions could proceed further.

The members of the Committee believe that it is feasible and practical to merge the operations of the two (2) largest Law Enforcement agencies in the State of Nevada into a single law enforcement agency. We do not believe that such a merger would effect a monetary savings to the tax payers through a reduced budgetary expenditure, however, the citizens should, through a merger, be able to expect increased efficiency from their law enforcement agencies brought about by increased communication and lower costs in purchasing as well as better coordination of law enforcement throughout the metropolitan area.

The recommendations which are included in this report do not reflect a solution to all of the problems which will be encountered in an attempt to merge the two (2) law enforcement agencies into a single department. However, we do believe that the major issues confronting the law enforcement agencies themselves have been resolved.

The members of the Committee have felt from the beginning that the 1973 Session of the Legislature will in all probability force some consolidation of governmental services in Clark County, and it has been the intent of the members of this Committee to guarantee that in the event such a merger of law enforcement is required, Clark County will receive the best law enforcement program that we as law enforcement officers can provide.

STUDY COMMITTEE'S PRELIMINARY RECOMMENDATION TO THE GOVERNING BODY

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We therefore submit to you, the members of the Las Vegas City Commission and the Clark County Commission, the results of our negotiations to date for your consideration and hopefully, your approval.

Most members of the Committee are of the opinion that if the local governing bodies approve the concept of the merger, as we have laid it out, should the Legislature pass a bill in the next session requiring consolidation or merger of certain governmental functions, such as Law Enforcement, we will be in a position to effect such a merger by July, 1973.

STUDY COMMITTEE'S PRELIMINARY RECOMMENDATION TO THE GOVERNING BODY

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## ORGANIZATION IN GOVERNMENT STRUCTURE

The Law Enforcement Study Committee on Consolidation of Law Enforcement Services for the Clark County Sheriff's Department and the Las Vegas Police Department recommends:

1. That the Las Vegas Metropolitan Police Department shall be composed of the Clark County Sheriff's Department and the Las Vegas Police Department, merged as one (1) Department.
2. That a joint advisory board made up of representatives of the City and County Commissions be established and that this Board be known as the Metropolitan Police Commission which shall have administrative control over the newly formed Las Vegas Metropolitan Police Department.
3. That the membership of the Board be comprised of five (5) members with representation from each of the governing bodies proportionate to population (this would initially mean three (3) members from the City Commission and two (2) from the County Commission).
4. That total membership on this Commission be limited to a maximum of seven (7) members. This limit to be reached only if other municipalities eventually merge their law enforcement agencies into the Las Vegas Metropolitan Police Department, in which event the municipality would be entitled to representation on the Metropolitan Police Commission based on the percentage of the total population of the jurisdictions being served by the merged agency.
5. That the members of the Civil Service Board for the Las Vegas Metropolitan Police Department be appointed by the members of the Metropolitan Police Commission. Terms of the members shall be staggered in such a manner as to maintain a continuity of direction by the Board.
6. That the Metropolitan Police Commission be the approving authority for the budget of the Las Vegas Metropolitan Police Department and that upon approval by this Commission, said County and City Commissions shall fund the agency budget as approved, each entities share to be based upon a previously agreed to formula or ratio. Supplemental appropriations shall be based on the same ratio.

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7. That this Commission be the body with whom negotiations by representatives of the Las Vegas Metropolitan Police Department Employee Protective Association be conducted.
8. That the terms of the five (5) members of the Metropolitan Police Commission be for two (2) year periods, staggered in such a manner as to maintain a continuity of direction by the members of that board.
9. That funding of the Las Vegas Metropolitan Police Department be accomplished by the City of Las Vegas and the County of Clark, based on a formula submitted by the Finance Department of the two (2) governments subject to agreement by the respective Commissions (Appendix A). The merged department's budget shall be administered by Clark County. No appropriations transfers from the department's budget shall be accomplished without the approval of the Police Commission.
10. The further duties and authority of the Police Commission be described at a later time after consideration of this entire proposal by the respective City and County Commissions.

STUDY COMMITTEE'S PRELIMINARY RECOMMENDATION TO THE GOVERNING  
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## ADMINISTRATION

The Law Enforcement Study Committee on Consolidation of Law Enforcement Services of the Clark County Sheriff's Department and the Las Vegas Police Department recommends:

1. That the Las Vegas Police Department and the Clark County Sheriff's Department be merged into one (1) agency as quickly as Legislative, Technical and Administrative requirements allow, assuring that no personnel, sworn or civilian, suffer any loss in pay, pension, fringe benefits, or other job benefits.
2. That those appointed personnel above the rank of Captain may be subject to a change in title and duty assignments, but shall otherwise fall under the requirements of recommendation, one (1) above.
3. That the Las Vegas Police Department and the Clark County Sheriff's Department be terminated as agencies of government upon the merger of the two (2) departments and that the new department resulting therefrom be known as the Las Vegas Metropolitan Police Department.
4. That the newly formed Metropolitan Police Department be responsible for those Law Enforcement functions presently being performed by each of the two (2) agencies individually, and that the Metropolitan Police Department be responsible for all of the law enforcement functions in the incorporated City of Las Vegas and the unincorporated area of Clark County.
5. That the Chief Law Enforcement Officer for the Las Vegas Metropolitan Police Department be the elected Sheriff of Clark County.
6. That qualifications for the office of Sheriff of Clark County be legislated to include the following minimum standards:

- ...Citizen of the United States
- ...Graduate of a four (4) year university with a Bachelor's Degree in Police Science, Police Administration, or a related field, and five (5)

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years full time experience in an administrative capacity in a municipal police department or county sheriff's department serving a population in excess of 100,000 people, or in lieu of educational requirements, a candidate for Sheriff must have fifteen (15) years full time law enforcement experience, five (5) years of which must have been in an administrative capacity in a municipal police department or county sheriff's department serving a population of more than 100,000 people.

7. That the Chief of Police of the Las Vegas Police Department be designated as the Undersheriff for the Metropolitan Police Department, being second in command of that agency, and that the present Undersheriff and the Assistant Chief of Police for the Clark County Sheriff's Department and the Las Vegas Police Department respectively, be designated as Assistant Sheriff's, both reporting to the Undersheriff in the chain of command.
8. That those personnel presently holding the title of Deputy Chief or Chief Deputy retain their present ranks, although title, as well as work assignments, shall be subject to change in the merged department.
9. That all personnel mentioned in seven (7) and eight (8) above, hold their present rank in the Las Vegas Metropolitan Police Department at least until the expiration of the present term of office of the Sheriff in December of 1974, except that any appointed officer may be removed only for cause prior to December 31, 1974.
10. That all personnel mentioned in seven (7) and eight (8) above, be granted the permanent Civil Service rank of Captain upon the merger of the two (2) departments into the Las Vegas Metropolitan Police Department.
11. That the appropriate statutes relating to the powers of the Sheriff shall be revised where they are in conflict with the intent of this proposal for merger.
12. That the policy manual presently utilized by the Clark County Sheriff's Department be adopted as the policy manual for the Las Vegas Metropolitan Police Department with the exception of those items which are in conflict with the new Civil Service Rules and Regulations.

STUDY COMMITTEE'S PRELIMINARY RECOMMENDATION TO THE GOVERNING BODY

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## PERSONNEL

The Law Enforcement Study Committee on Consolidation of Law Enforcement Services for the Clark County Sheriff's Department and the Las Vegas Police Department recommends:

1. That all employees, sworn and civilian, of the Las Vegas Police Department and the Clark County Sheriff's Department shall be authorized to transfer to the Las Vegas Metropolitan Police Department, and their duties, responsibilities, tenure, retirement benefits and salaries shall not be diminished or reduced, except that area and division of assignment may change at the discretion of the administrative officers of the Las Vegas Metropolitan Police Department.
2. That there be established a Civil Service System for the members of the Las Vegas Metropolitan Police Department identical in concept and operation to the Civil Service System presently employed by the City of Las Vegas and that the rules governing this commission and employees be those presently in force in the Las Vegas Civil Service System, except as previously revised by the Law Enforcement Study Committee.
3. That the Personnel Officer for the Las Vegas Metropolitan Police Department be appointed by the Civil Service Commission and that he shall serve at their pleasure. The Sheriff shall exercise functional supervision only over the personnel officer.
4. Promotions within the classified positions in the Las Vegas Metropolitan Police Department shall be conducted in accordance with the policies and procedures presently governing conduct of examinations in the Las Vegas Police Department.
5. That until a board can be appointed for the merged department, the existing Civil Service Board for the City of Las Vegas shall be the Civil Service Board for the merged Las Vegas Metropolitan Police Department.
6. That no member of the department shall suffer the loss of any fringe benefits and to this end the Las Vegas Metropolitan Police Department shall adopt those benefits

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of each of the agencies which guarantee this provision.

7. That the Protective Associations of the Las Vegas Police Department and the Clark County Sheriff's Department be allowed to merge into a new unit to represent the employees similarly as is done by each of the two (2) Protective Associations presently. The organization thus formed shall conform to the requirements of the Nevada Revised Statutes.

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## SUMMARY

The foregoing is a summary of the agreements which have been reached as a result of the negotiations which have been conducted weekly by the members of the Law Enforcement Study Committee on Consolidation of Services, since January of this year. The members of the Committee believe that the major problems facing the two (2) agencies, in a merger of the two (2) departments, have been resolved, at least from the viewpoint of the Law Enforcement agencies themselves.

While there is much work yet to be done before an actual merger can be effected, the Committee members believe that these remaining considerations can be worked out with relative ease, by either the Committee itself or by the Committee working in conjunction with the Subcommittees appointed from the various operational areas, within the two (2) departments, who would be charged with effecting operational plans for a merged work force in each area of operations.

The Committee has previously agreed that the Communications Bureaus of the two (2) departments should be consolidated and located in the new City Hall facility. This has been agreed to by the respective governing bodies. However, there has been no indepth study to determine the best location for the other divisions and bureaus within the two (2) departments. It is generally agreed that the operations will be located in both the City and County facilities, i.e., Administrative Offices, Patrol Bureau, Traffic Bureau, Detective Bureau in the City Hall complex and Criminalistics, Civil Identification, Detention Bureau, Property Storage, etc. in the Courthouse, but no concrete decisions have been reached on these subjects.

It is felt by the Committee members that it is best to wait until the respective governing bodies have had a chance to review the aforementioned report and have expressed their views on the contents of the report, along with any suggestions or criticism of the report, before proceeding further into these areas. After approval is granted on the major concepts offered in this report, the Committee will begin to consider the details of implementation and will submit the results of their findings for the respective Commissions approvals at a future date.

STUDY COMMITTEE'S PRELIMINARY RECOMMENDATION TO THE GOVERNING BODY

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Respectfully submitted,

\_\_\_\_\_  
WILLIAM ADAMS, CHAIRMAN

\_\_\_\_\_  
W. L. BELL

\_\_\_\_\_  
RAY GUBSER

\_\_\_\_\_  
LARRY LARSON

\_\_\_\_\_  
AMOS A. ELLIOTT, JR.

\_\_\_\_\_  
GEORGE W. ALLEN, JR.

\_\_\_\_\_  
JOSEPH MC DONNELL

\_\_\_\_\_  
BARTON JACKA

\_\_\_\_\_  
LARRY L. KETZENBERGER

STUDY COMMITTEE'S PRELIMINARY RECOMMENDATION TO THE GOVERNING  
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APPENDIX A

TO : LAW ENFORCEMENT CONSOLIDATION COMMITTEE  
FROM : M. A. LEAVITT, L. E. LARSON  
SUBJECT : LAW ENFORCEMENT MERGER - BUDGET CONTRIBUTIONS

The following formula development is proposed as a means of establishing the future budget contributions of the City of Las Vegas and the County of Clark toward a completely merged Law Enforcement Agency.

This formula is derived from the premise that our law enforcement services are completely people oriented and therefore it is based on the proportion of law enforcement effort that is devoted to not only our permanent population but to our transient or tourist population as well. It also assumes that the present level of service as determined by approved staffing and budgets is the approximate level at which initial contributions will be made by the two agencies.

1. The respective budgets of the Police Department and Sheriff's Office are to be prepared on a parallel basis essentially along the lines presently employed by the City of Las Vegas.
2. An initial determination is to be made by each agency as to what percentage of its total budget is devoted toward enforcement in the permanent and transient populations.
3. The weighted figures obtained by applying the estimated percentages to the various budget divisions are to be accumulated and then the total for permanent population is to be expressed as a per capita figure based on permanent population and the total calculated for transient is to be expressed as a per capita figure based on total motel and hotel rooms and camping spaces available. Population and camping spaces are to be furnished by the Regional Planning Council and the number of motel and hotel rooms from the respective Business License Divisions of both City and County.
4. These per capita figures can then serve as the basis for future budget contributions and would reflect annual increases or decreases depending on what happens to the area's economy. Increases in permanent population or tourist room facilities would of course be reflected in a proportionally larger police agency budget.

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APPENDIX A

Law Enforcement Merger - Budget Contributions

Page Two

This material is presented on the basis that it fairly represents a means of arriving at initial budget contributions for each entity and that the indicators selected are as free from external control as any available.

Sincerely,

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M. A. LEAVITT

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L. E. LARSON

STUDY COMMITTEE'S PRELIMINARY RECOMMENDATION TO THE GOVERNING  
BODY

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Note: This proposed amendment has been prepared from the first reprint.

IT IS RECOMMENDED THAT THE FOLLOWING SECTIONS OF SB 340 BE

AMENDED TO READ AS HEREINAFTER SET FORTH: \* Any reference to Police Commission change to Police Advisory Commission

Sec. 4. "Board" means a civil service board appointed as provided in subsection 2 of section 33 of this act.

Sec. 12. 1. The law enforcement agencies of any participating county and each participating city in such county shall merge into one metropolitan police department.

2. Any nonparticipating city may merge into an existing metropolitan police department with the consent of the sheriff of such department and subject to such rules and regulations as such sheriff may promulgate, which merger shall become effective on the following July 1.

3. If the charter of a nonparticipating city provides for the appointment of a chief of police and his duties of law enforcement, the governing body of the city may by ordinance provide for the merger authorized by this section and;

(a) The charter provision for appointment of a chief of police shall be deemed repealed.

(b) The duties of law enforcement shall devolve upon the metropolitan police department.

Sec. 18. 1. The police<sup>advisory</sup> commission shall elect, at its first regular meeting in July of each year, one of their number as chairman of the commission.

2. The police<sup>advisory</sup> commission shall elect, at its first regular meeting in July of each year, a clerk who shall be either:

(a) The county clerk, or

(b) The city clerk of a participating city;

~~and may employ other clerical personnel necessary to discharge its duties. The clerk shall be secretary for the commission.~~

Sec. 19. 1. The police<sup>advisory</sup> commission shall meet at least once a month on a regularly scheduled day in the chambers of the governing body of the participating county and the clerk of such county or the clerk of the police advisory commission shall meet, in such chambers, more often upon the call of the chairman.

2. The clerk of the police<sup>commission</sup> shall give written notice of each special meeting to each member of the police<sup>commission</sup> at least 1 day before the meeting by mailing the notice to each member's place of residence in the county.
3. The notice shall specify the time and purpose of the meeting. ~~If all of the members of the police<sup>commission</sup> are present at a special meeting, lack of notice shall not invalidate the proceedings.~~ } OUT

Sec. 20. The sheriff of the department shall:

1. Cause to be prepared, with the advice and counsel of the police<sup>commission</sup>, the funding apportionment plan provided for in section 21 of this act prior to October 1 in the year the merger becomes effective and submit such plan to the governing bodies of the participating political subdivisions and the Nevada tax commission for approval. The Nevada tax commission has the final right of approval for such plan and shall act as an arbitrator if the local governing bodies cannot agree on the funding apportionment.

2. Cause a new funding apportionment plan to be prepared, with the advice and counsel of the police<sup>commission</sup>:

- (a) Every 10 years upon ascertaining the results of the national decennial census taken by the Bureau of the Census of the United States Department of Commerce;

- (b) If the law enforcement agencies of additional cities are merged into an existing department; and

- (c) At intervals of not less than 4 years upon request by a majority vote of each of a majority of the governing bodies of the participating political subdivisions. If only one city is participating in a department, the sheriff of such department shall prepare a new plan under the provisions of this paragraph only upon request by a majority vote of ~~any~~ of the governing bodies of the participating political subdivisions.

3. Cause to be prepared an annual operating budget for the department.

4. Submit such budget to the police<sup>commission</sup> prior to January 1 of each year.

5. Submit such budget, together with the recommendations of the police<sup>commission</sup>, to the governing bodies of the participating political subdivisions prior to February 1 of each year for funding for the following fiscal year.

Sec. 23. Upon merger, the county auditor or county comptroller of a county which has a department shall:

1. Create a metropolitan police department fund in the county treasury for the exclusive use of the department.
2. Receive all monies from the county, participating cities and any other source on behalf of the department and deposit such monies in the department fund.
3. Issue warrants against the department fund in the manner provided in NRS 244.200 to 244.220, inclusive.

DELETE SECTIONS 24 TO 27 INCLUSIVE

- Sec. 32.
1. Employees of the respective law enforcement agencies of the participating political subdivisions, who are so employed at the time of merger, may obtain employment with the department and shall hold positions of rank and grade comparable to their positions prior to merger.
  2. Such employees, sworn or civilian, are entitled to suffer no loss in pay, pension, fringe benefits or other job benefits by reason of a merger.
  3. Sick leave, longevity and vacation time accrued to such employees in the service of their respective law enforcement agencies shall be credited to them as employees of the department. All rights and accruals of such employees as members of the public employees' retirement system pursuant to the Public Employees' Retirement Act shall remain in force and shall be automatically transferred from the respective law enforcement agencies to the department.
  4. The duties and responsibilities of such employees shall not be diminished by reason of the merger, but their area and division of assignment may be changed at the discretion of the sheriff of the department or his designated administrative representative.

*OUT* { ~~5. Upon merger, the employee benefits for such employees shall be identical to such benefits as are in effect on the date such merger becomes effective for employees of the sheriff's office of the county in which the department is located.~~

Sec. 33. 1. Each department shall have a system of civil service, applicable to all governmental employees of the department except elected officers and such other positions as designated by the sheriff of the department pursuant to sub-

2. The system of civil service shall be governed by a board composed of five civil service trustees, two members of which shall be appointed by the board of county commissioners of the county, two members of which shall be appointed by the governing body of the largest city in the county and a fifth member, who shall also be chairman of the board, shall be selected by the first four members so appointed. If such first four members shall fail to agree upon the selection of such fifth member, such member shall be selected in accordance with the rules of the American Arbitration Association. The terms of the initial members of the board shall be as follows:

(a) One member appointed by each the county and the largest city in the county shall serve for 2 years.

(b) One member appointed by each the county and the largest city in the county and the member selected by the first four members so appointed shall serve for 4 years.

Thereafter all members of the board shall serve for terms of 4 years.

3. The board shall prepare rules and regulations governing the system of civil service to be adopted by the board of county commissioners of the county, but in the case of a county having a population of 200,000 or more which is required to comply with the provisions of this chapter by July 1, 1973, pursuant to section 11 of this act, the initial civil service rules shall be those governing the police department of the largest city in the county, except to the extent that such rules may be inconsistent with the provisions of this chapter, as such rules are modified and approved for such purpose by the law enforcement consolidation committee organized and operating pursuant to resolution of the special committee created by chapter 613, Statutes of Nevada 1971, to study the problems of local government in Clark County.

Such rules and regulations shall provide for:

- (a) Examination of potential employees;
- (b) Recruitment and placement procedures;
- (c) Classification of positions;
- (d) Procedures for promotion, disciplinary actions and removal of employees;

and

- (e) Such other matters as the board may deem necessary.

4. Copies of the rules and regulations of the system of civil service shall be distributed to all employees of the department.

5. The board shall appoint a personnel officer to administer the personnel functions of the department according to the policies, rules and regulations of the board, including but not limited to the items enumerated in subsection 3. The personnel officer shall be subject to the administrative supervision of the sheriff of the department.

Sec. 34. 1. A department is a local government employer for the purpose of the Local Government Employee-Management Relations Act.

2. The board of county commissioners of the county or its designated administrative representative shall represent a department in negotiations arising under the provisions of chapter 288 of NRS.

Sec. 36 1. Upon merger, the title to and possession of all personal property which is:

(a) Owned or held by, or in trust for, any of the participating political subdivisions, or by their officers of agencies in trust for public use; and

(b) Exclusively devoted at the time of merger to the uses and purposes of law enforcement,

shall be vested in and transferred to the county.

2. Property which is required to be transferred to the county under the provisions of this section shall be inventoried and appraised before such transfer in a manner which satisfies the accounting requirements of each participating political subdivision, in order that values may be determined as of the date of transfer.

Sec. 37. 1. Upon merger, the county may possess all real property owned or held by any of the participating political subdivisions for the uses and purposes of law enforcement.

2. Upon a showing of good cause and a two-thirds vote of the board of county commissioners of the county, the political subdivision which holds title to such property may repossess such property for public use if the department no longer needs such property for law enforcement purposes.

3. Any jail facility owned or held for and used as a detention facility shall be the county jail for the purpose of state law and county ordinances and a city jail for the purpose of city ordinances.

40. NRS 244.345 is hereby amended to read as follows:

244.345 1. Every person, firm, association of persons or corporation wishing to engage in the business of conducting a billiard or pool hall, dancing hall, bowling alley, theater, [soft drink] soft drink establishment, gambling game or device permitted by law, or other place of amusement, entertainment or recreation, outside of an incorporated city or incorporated town, shall:

(a) Make application by petition to the license board, as provided in subsection 2, of the county in which any such business is to be engaged in, for a county license of the kind desired. Such application shall be in a form prescribed by the regulator of the license board.

(b) File the application with the required license fee with the county license collector, who shall present the same to the license board at its next regular meeting.

The board may refer the petition to the sheriff, who shall report upon the same at the following regular meeting of the board. The board shall then and there grant or refuse the license prayed for or enter such other order as is consistent with its regulations. Except in the case of an application for a license to conduct a gambling game or device, the sheriff may, in his discretion, grant a temporary permit to an applicant, valid only until the next regular meeting of the board. In unincorporated towns and cities governed under the provisions of chapter 269 of NRS, the license board shall have the exclusive power to license and regulate the businesses herein set forth.

2. The board of county commissioners, the sheriff and the district attorney of [the county] any county which does not have a metropolitan police department under the provisions of sections 2 to 37, inclusive, of this act, and the board of county commissioners and the district attorney of the county and the sheriff of the department in any county which has such a metropolitan police department, shall constitute the license board, and the county clerk or other person designated by the license board shall be the clerk thereof, in the respective counties of this state.

3. The license board is empowered and commissioned to act for the purposes of this section (without further compensation to the board or the clerk thereof) as a license board to:

*P-6 missing*  
*-7-*

- (a) Fix, impose and collect license fees upon the businesses herein mentioned.
- (b) Grant or deny applications for licenses and impose conditions, limitations and restrictions upon the licensee.
- (c) Adopt, amend and repeal regulations relating to licenses and licensees.
- (d) Restrict, revoke or suspend licenses for cause after hearing. In an emergency the board may issue an order for immediate suspension or limitation of a license, but the order shall state the reason for suspension or limitation and shall afford the licensee a hearing.

4. The license board shall hold a hearing before adopting proposed regulations, before adopting amendments to regulations, and before repealing regulations relating to the control or the licensing of the businesses mentioned in this section. Notice of such hearing shall be published in a newspaper published in and having general circulation in the county at least once a week for a period of 2 weeks before the hearing.

5. New regulations shall be adopted after public hearing by a vote of at least two-thirds of the members present. Upon adoption of new regulations the board shall designate their effective date, which shall not be earlier than 15 days after their adoption. Immediately after adoption a copy of any new regulations shall be mailed to the address of each licensee and each practicing attorney in the county.

6. Except for the adoption of new regulations a majority vote of the members of the license board present shall govern in the transaction of all business. A majority of the members thereof shall constitute a quorum for the transaction of business.

7. Any person, firm, association of persons or corporation who shall engage in any of the businesses herein mentioned without first having obtained the license and paid the license fee therefor as herein provided shall be guilty of a misdemeanor.

8. In any county having a population of 200,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, the license board shall not grant any license to a petitioner for the purpose of operating a house of ill fame or repute or any other business employing any female for the purpose of prostitution.



• 1991. 11. NRS 244.350 is hereby amended to read:

244.350 1. The board of county commissioners, [the district attorney and the sheriff in each of the several counties] the sheriff and the district attorney of any county which does not have a metropolitan police department under the provisions of sections 2 to 37, inclusive, of this act, and the board of county commissioners and the district attorney of the county and the sheriff of the department in any county which has such a metropolitan police department. are empowered and commissioned, for the purposes of this section, to act jointly, without further compensation, as a liquor board, to grant or refuse liquor licenses, and to revoke [the same] such licenses whenever there is, in the judgment of a majority of the board, sufficient reason for such revocation.

2. It is hereby declared to be the power and duty of the liquor board in each of the several counties to enact ordinances:

- (a) Regulating the sale of intoxicating liquors in their respective counties.
- (b) Fixing the hours of each day during which liquor may be sold or disposed of.
- (c) Prescribing the conditions under which liquor may be sold or disposed of.
- (d) Prohibiting the employment or service of females or minors in the sale of or disposition of liquor.
- (e) Prohibiting the sale or disposition of liquor in places where, in the judgment of the board, such sale or disposition may tend to create or constitute a public nuisance, or where by the sale or disposition of liquor a disorderly house or place is maintained.

3. All liquor dealers within any incorporated city or town are to be exempt from the force and effect of this section, and are to be regulated only by the city government therein.

DELETE SECTION 42

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Amendments to SB 258 -

4/11/11

SUMMARY--Authorizes counties with a population of 200,000 or more to collect, dispose of and treat sewage and waste water throughout the county and to acquire and operate improvements, contract and issue bonds therefor; provides for correlative powers of other public entities. Fiscal Note: No. (BDR 20- )

AN ACT designated as the County Sewage and Waste Water Law; authorizing certain counties to collect, dispose of and treat sewage and waste water and acquire, improve, operate, maintain and dispose of facilities therefor, and to furnish services, to make contracts and to sell water and products pertaining to such undertakings; specifying powers, rights, privileges, immunities, duties, liabilities and limitations pertaining to the state and public entities thereof and prescribing other details in connection therewith; making provisions pertaining thereto and relating to finances, loans, securities, fees, special assessments and general and other taxes; repealing chapter 616, Statutes of Nevada 1971; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~25~~, inclusive, of this act.

Sec. 2. Sections 2 to ~~25~~, inclusive, of this act may be cited as the County Sewage and Waste Water Law.

Sec. 3. Sections 2 to ~~25~~, inclusive, of this act shall apply to any county having a population of 200,000 or more according to the latest decennial census or other census taken by the federal or state government. Such sections shall continue to apply to any such county exercising any power, right or privilege hereunder, notwithstanding any decline thereafter in its population to less than 200,000 according to any subsequent census.

Sec. 4. It is hereby declared as a matter of legislative determination that:

1. It is essential to the maintenance of the public health and orderly local government that each county to which sections 2 to ~~25~~, inclusive, of this act pertain be empowered to become the master agency within its territory for the collection, disposal and treatment of sewage and waste water.

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2. Granting to such counties the purposes, powers, rights, privileges and immunities provided in sections 2 to 7, inclusive, of this act will serve a public use and will promote the health, safety, prosperity, security and general welfare of the inhabitants thereof and of the state.

3. The acquisition, improvement, equipment, maintenance and operation of any project herein authorized is in the public interest, is conducive to the public health, and constitutes a part of the established and permanent policy of the state.

4. The necessity for such sections is a result of the large population growth and intense residential, commercial and industrial development in the incorporated and unincorporated areas and of the ensuing need for extensive coordinated sewage and waste water collection and treatment.

5. The legislature recognizes the duty of such counties as instruments of state government to meet adequately the needs for such facilities within their boundaries, in cooperation with the state and municipalities and districts within the county and in satisfaction of federal and state requirements and standards relating to pollution.

6.

The legislature approves the final written report of  
2 the Las Vegas Valley water district made pursuant to chapter 616. Stat-  
3 utes of Nevada 1971, and filed with the governor and the legislative com-  
4 mission on December 1, 1972, under the title, "Report to the Governor  
5 and the Legislative Commission, Pollution Abatement Project, Las Vegas  
6 Wash and Bay."

7. The legislature finds that the <sup>course of a</sup> ~~solution~~ <sup>13</sup>  
~~recommended in the above report is a~~ <sup>measure necessary</sup>  
~~measure which contains acceptable solution~~  
for the protection and preservation of a  
natural resource of the state, within the  
meaning of the second paragraph of Section  
of article 9 of the constitution of the  
State of Nevada.

8. The legislature also realizes that there  
may be alternative solutions to the pollution

(3)

lake head area. It is the intention of the legislature that those charged with the responsibility of correcting the problem be able to avail themselves of all assistance that may develop through advances in technique and changing circumstances and regulations Federal or state that impact on the situation. In construing the powers, authorities and responsibilities conveyed by the legislature in this statute, the economic burden on the citizens of this state and the ultimate feasibility of the projects undertaken shall be carefully weighed in the light of the state of the art and the regulations given at the time undertaken. Among the factors which will determine the ultimate resolution of the problem, protection and fullest beneficial use of the resource represented by the water shall be given top priority.

Again the legislature finds that the alternative courses of action that may be developed to find satisfactory solutions to the problem are necessary for the preservation of this valuable natural resource of the state shall be within the meaning of the second paragraph of Section 3 of article 9 of the constitution of the State of Nevada.

8. 2. For the accomplishment of these purposes the provisions of sections 2 to 3, inclusive, of this act shall be broadly construed.

9. 2. The notices herein provided are reasonably calculated to inform each interested person of his legally protected rights.

10. 2. The rights and privileges herein granted comply in all respects with any requirement imposed by any constitutional provision.

Sec. 5. Except as otherwise provided in sections 2 to 3, inclusive, of this act or where the context thereof otherwise requires, terms used or referred to herein are as defined in the Local Government Securities Law, as from time to time amended; but the definitions in sections 6 to 7, inclusive, of this act, except where the context

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otherwise requires, govern the construction of sections 2 to 39, inclusive, of this act.

Sec. 6. "Advisory committee" means the county sewage and waste water advisory committee described in section 20 of this act.

Sec. 7. "Board," when not otherwise qualified, means the board of county commissioners of the county.

Sec. 8. "Bond requirements" means the principal of, any prior redemption premiums due in connection with, and the interest on designated bonds or other securities.

Sec. 9. "County" means any county within the limitations and provisions of section 3 of this act.

Sec. 10. "County securities" means the securities authorized to be issued by sections 2 to 39, inclusive, of this act.

16 SEC. 11. "District" means the Las Vegas Valley water district or its  
17 legal successor.

Sec. 12. 1. "Facilities" means the facilities of the county or other designated public body used or suitable for use for the collection, disposal and treatment of sewage and waste water and consisting of all properties, real, personal, mixed or otherwise, acquired by the county or the public body, as the case may be, by one or more projects through purchase, condemnation (subject to the provisions of paragraph (c) of subsection 2 of section 27 of this act), construction or otherwise, and used in connection with such purposes and related services or in any way pertaining thereto and situated within the county, whether within or without or both within and without the territorial limits of the public body.

Also

18 ~~9. Sec. 11.~~ "Facilities" means those facilities for elimination of water  
19 pollution problems substantially of the type and scope described in the  
20 "Report to the Governor and the Legislative Commission, Pollution  
21 Abatement Project, Las Vegas Wash and Bay," dated December 1, 1972,  
22 including without limitation all trunk sewers, conduits, pumps, pumping  
23 plants, storage facilities, treatment plants, water reclamation plants, out-  
24 falls, disposal facilities, electric substations, and related works to be

1 constructed, installed and acquired for the purpose of collecting, trans-  
2 porting, treating, reclaiming and disposing of sewage effluents, waste  
3 water, industrial waste and other liquid pollutants within Clark County,  
4 Nevada.

3. Facilities also means those facilities for the elimination of water pollution problems of the type and scope necessary to implement any alternative plan to that mentioned above.

4. ~~4.~~ The county shall not acquire as a part of its facilities any properties which at the time of their acquisition compete in any area with then existing facilities of a public body providing the same or a similar function or service therein without the consent of such public body, but the facilities of the county, without such consent, may complement such existing facilities of a public body by providing in such an area supplemental functions or services if such existing facilities provide inadequate functions or services.

5. ~~5.~~ The county may acquire properties of any public body situate in the county as a project of the county or an interest therein.

Sec. 13. 1. "Hereby," "herein," "hereinabove," "hereinafter," "hereof," "hereunder," "herewith," or any term of similar import, refers to sections 2 to 39, inclusive, of this act and not solely to the particular portion thereof in which such word is used.

2. "Heretofore" means before the adoption of this act.

3. "Hereafter" means after the adoption of this act.

Sec. 14. "Newspaper" means a newspaper printed in the English language at least once each calendar week.

Sec. 15. 1. "Project" means an undertaking pertaining to such part of the facilities of the county or designated public body as the board or governing body determines to acquire, improve or equip (or any combination thereof) and authorized at one time.

<sup>Also</sup>  
5 ~~2.~~ "Project" means the construction, installation and acquisition  
6 of the facilities by the state, acting through the district.

Sec. 16. 1. "Publication" or "publish" means 3 consecutive weekly publications in at least one newspaper having general circulation in the county, the first publication being at least 15 days prior to the designated time or event.

2. Any notice or other instrument published shall not necessarily be made on the same day of the week in each of the 3 weeks; but not less than 14 days, excluding the day of the first publication but including the day of the last publication, shall intervene between the first publication and the last publication.

3. Publication shall be complete on the day of the last publication.

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4. Any publication herein required shall be verified by the affidavit of the publisher and filed with the county clerk.

Sec. 17. "Service charges" means the fees, rates and other charges for the use of the facilities of the county or designated public body, or for any service rendered by the county or public body in the operation thereof, or otherwise pertaining thereto, including without limitation any minimum fees, standby charges and charges for availability of service:

Sec. 18. "System" means the facilities of the county.

Sec. 19. The action and decision of the board or governing body as to all matters passed upon by it in relation to any action, matter or thing provided herein shall be final and conclusive in the absence of fraud.

Sec. 20. If the state or the Federal Government heretofore or hereafter notifies any public body within a county of a violation of water quality standards and the existence of a water pollution problem by reason of inadequate or other improper treatment of sewage effluent and waste water through facilities of the public body, the county shall proceed forthwith to provide the means to eliminate such water pollution problem by the construction, other acquisition, improvement, equipment, operation, maintenance or repair (or any combination thereof) of such facilities therefor as the board shall deem necessary or advisable, and shall require such public body to connect its facilities to such facilities of the county unless such public body, subject to the approval of the board, so eliminates such water pollution problem.

Sec. 21. 1. Within 30 days after the effective date of this act there shall be appointed a technical advisory committee to be designated as the county sewage and waste water advisory committee.

2. The advisory committee shall consist of 2 members appointed by the board, 3 members appointed by the governing body of each city in the county having a population of 65,000 or more, 2 members appointed by the governing body of each city in the county having a population of 30,000 or more but less than 65,000, 1 member appointed by the governing body of each city in the county having a population of 5,000 or more but less than 30,000, and 1 member appointed by the governing body of each water district, sanitation district or water and sanitation district in the county having within its boundaries a population of 15,000 or more, all such population determinations to be according to the latest decennial census or other census



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3. Each such appointee shall be an employee of the municipality the governing body of which is so required to make such appointment and shall at the time of such employment be actively engaged in the operation or management of sewer or water facilities within such municipality (other than the county prior to its operation of facilities hereunder).

4. Each such appointee shall serve without additional compensation or fidelity bond for his duties as a member of the advisory committee and shall remain a member until death or resignation or his termination as a member, with or without cause, by the governing body of the appointing municipality and its appointment of his successor. The governing body of an appointing municipality shall in any case terminate the membership on the advisory committee of any of its appointed members within a reasonable time after such member ceases to be employed by the municipality in sewer or water work and shall appoint a successor with such qualifications.

5. The committee shall elect such officers from within its membership, fix such time and place of meetings, adopt such rules of procedure and keep such records all as in its sole discretion it shall determine consistently with the purposes of sections 2 to 39, inclusive, of this act.

6. No member of the advisory committee shall be interested in any contract or transaction with the county under consideration by the advisory committee except in his official representative capacity or in his capacity as a public officer or employee.

7. The advisory committee shall proceed immediately upon appointment and at all times thereafter diligently to inform itself as to all laws, matters and things which may be of significance in maintaining the quality of collection, disposal and treatment of sewage and waste water in the county and the consequent purity of water within the county. The advisory committee shall also advise the board of conditions which in the judgment of the advisory committee



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make necessary or desirable action by the board of further study by the county or its officers and to make recommendations in regard thereto.

8. It is the intent of sections 2 to 7, inclusive, of this act that the existence and activities of the advisory committee shall in no way diminish the responsibility of the board or the officers of the county in fulfilling the legislative declaration expressed in section 4 of this act and in performing its duties as the master agency of the county in such matters, but that it shall bring to bear on the problems the expertise of the major municipalities having extensive knowledge and experience in the areas of sanitation and water pollution.

Sec. 22. 1. The county, acting by and through the board, may construct, otherwise acquire, improve, equip, relocate, repair, maintain and operate the facilities or any part thereof for the benefit of the county and the inhabitants thereof, after the board has made such preliminary studies and otherwise taken such action as it determines to be necessary or desirable as preliminaries thereto.

2. When a comprehensive program for the acquisition of facilities for the county satisfactory to the board is available, such program shall be tentatively adopted. The program need only describe the proposed facilities in general terms and not in detail.

3. A public hearing on the proposed program shall be scheduled, and notice of the hearing shall be given by publication. After the hearing and any adjournments thereof which may be ordered, the board may either require changes to be made in the program as the board shall consider desirable, or the board may approve the program as prepared.

4. If any substantial changes to the comprehensive program are ordered at any time, in the original acquisition of the facilities or in any improvement thereto, or otherwise, a further hearing shall be held pursuant to notice which shall be given by publication.

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5. Such a comprehensive program may consist of one project or of more than one project. A public hearing need not be held on each such project if it implements such a comprehensive program on which a public hearing has been held.

Sec. 23. 1. Before the county shall construct, otherwise acquire, improve or equip (or any combination thereof) any works or other real property for the facilities of the county (but excluding repairs, major renewals and major replacements), the county shall submit plans, specifications or other instruments or other documents (or any combination thereof) pertaining thereto for the approval of such acquisitions, improvements and equipment to:

(a) The health division of the department of health, welfare and rehabilitation.

(b) The county board of health.

(c) The county regional planning body.

2. Each such governmental agency may require the county to submit additional information to the agency pertaining to any such request for such approval and may require reasonable modifications to such instruments or documents as a condition of the agency's approval.

3. Upon the receipt of each agency's approval in writing of such works or other property, the county may so construct, otherwise acquire, improve or equip (or any combination thereof) such works or property in conformance with such approval.

4. The county board of health shall not require any modification with which the health division of the department of health, welfare and rehabilitation does not concur.

Sec. 24. The county shall also have the following powers in relation to the facilities:

1. To borrow money and to issue county securities, without an election, <sup>unless a petition signed by a number of electors equal to 5% of the</sup> evidencing any loan to or amount due by the county, to <sup>return</sup> provide for and secure the payment of any county securities and the <sup>of the</sup> rights of the holders thereof, and to purchase, hold and dispose of county securities, as hereinafter provided.

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2. To fund or refund any loan or obligation of the county and to issue funding or refunding securities to evidence such loan or obligation, as hereinafter provided, without an election.

3. To levy and cause to be collected taxes on and against all taxable property within the county as hereinafter provided, subject to the limitations provided in the Constitution of the State of Nevada.

4. To fix, from time to time increase or decrease, collect and cause to be collected rates, fees and other service charges pertaining to the facilities of the county, including without limitation minimum charges and charges for availability of the facilities or services relating thereto, to pledge such revenues for the payment of county securities, and to enforce the collection of such revenues by civil action or by any other means now or hereafter provided by law, as hereinafter provided.

Sec. 26. The county shall also have the following powers in relation to the facilities:

1. To hire and retain officers, agents, employees, engineers and any other persons, permanent or temporary, necessary or desirable to effect the purposes hereof, to defray any expenses incurred thereby in connection with its facilities, and to acquire office space, equipment, services, supplies, fire and extended coverage insurance, use and occupancy insurance, workmen's compensation insurance, property damage insurance, public liability insurance for the county and its officers, agents and employees, and other types of insurance, as the board may determine; but no provision herein authorizing the acquisition of insurance shall be construed as waiving any immunity of the county or any director, officer or agent thereof otherwise existing under the laws of the state.

2. To pay or otherwise to defray the cost of any project.

3. To pay or otherwise to defray and to contract so to pay or defray, for any term not exceeding 50 years, ~~without an election,~~ the principal of, any interest on, and any other charges pertaining

(11)

to any securities or other obligations outstanding or otherwise existing for a period of at least 2 years of the Federal Government, the state, any public body or any person incurred in connection with any property thereof subsequently acquired therefrom by the county and relating to its facilities, subject to the provisions of section 13.

4. To establish, operate and maintain facilities within the county across or along any public street, highway, bridge, viaduct, or other public right-of-way, or in, upon, under or over any vacant public lands, which public lands now are, or may become, the property of the state or a public body, without first obtaining a franchise from the state or the public body having jurisdiction over the same; but the county shall cooperate with the state and any public body having such jurisdiction, shall promptly restore any such street, highway, bridge, viaduct, or other public right-of-way to its former state of usefulness as nearly as may be, and shall not use the same in such manner as permanently to impair completely or unnecessarily the usefulness thereof.

5. To adopt, amend, repeal, enforce and otherwise administer such reasonable ordinances, resolutions, rules, regulations and orders as the county shall deem necessary or convenient for the operation, maintenance, management, government and use of the county's facilities and any other like facilities under its control.

6. To adopt, amend, repeal, enforce and otherwise administer under the police power within the territorial limits of the county such reasonable ordinances, resolutions, rules, regulations and orders in relation to the collection, disposal or treatment of sewage and waste water (or any combination thereof); but no ordinance shall be adopted under this subsection except by action of the board on the behalf and in the name of the county after a public hearing thereon is held by the board, in connection with which any public body in the area involved or otherwise exercising powers affecting the functions and

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services therein of the county and persons of interest have an opportunity to be heard, after mailed notice of the hearing is given by the clerk to each such public body and after notice of such hearing is given by publication by the clerk to persons of interest, both known and unknown.

7. To provide that any violation of any ordinance adopted under subsections 5 and 6 shall be a misdemeanor.

8. To sell and otherwise dispose of any by-products resulting from the operation of the facilities.

Sec. 26. The county shall also have the following powers in relation to the facilities:

1. To accept contributions or loans from the Federal Government for the purpose of financing the planning, acquisition, improvement, equipment, maintenance and operation of any enterprise in which the county is authorized to engage, and to enter into contracts and cooperate with, and accept cooperation from, the Federal Government in the planning, acquisition, improvement, equipment, maintenance and operation, and in financing the planning, acquisition, improvement, equipment, maintenance and operation of any such enterprise in accordance with any legislation which Congress may have heretofore adopted or may hereafter adopt, under which aid, assistance and cooperation may be furnished by the Federal Government in the planning, acquisition, improvement, equipment, maintenance and operation or in financing the planning, acquisition, improvement, equipment, maintenance and operation of any such enterprise, including without limitation costs of engineering, architectural, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other action preliminary to the acquisition, improvement or equipment of any project, and to do any and all things necessary in order to avail itself of such aid, assistance and cooperation under any federal legislation now or hereafter enacted.

2. To enter, without any election, into joint operating or service

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contracts and agreements, acquisition, improvement, equipment or disposal contracts or other arrangements, for any term not exceeding 50 years, with the Federal Government, the state, any public body (or any combination thereof), concerning the facilities, and any project or property pertaining thereto, whether acquired by the county, by the Federal Government, by the state or by any public body, and to accept grants and contributions from the Federal Government, the state, any public body or any person in connection herewith.

3. To enter into and perform, without any election, when determined by the board to be in the public interest, contracts and agreements, for any term not exceeding 50 years, with the Federal Government, the state, any public body or any person for the provision and operation by the county of any property pertaining to such facilities of the county or any project relating thereto and the payment periodically thereby to the county of amounts at least sufficient, if any, in the determination of the board, to compensate the county for the cost of providing, operating and maintaining such facilities serving the Federal Government, the state, such public body or such person, or otherwise; but no such service contract shall be entered into with any such party who at such time is being lawfully served by another public body without the prior consent of such presently serving public body.

4. To enter into and perform, without any election, contracts and agreements with the Federal Government, the state, any public body or any person for or concerning the planning, construction, lease or other acquisition, improvement, equipment, operation, maintenance, disposal and the financing of any property pertaining to the facilities of the county or to any project of the county, including but not necessarily limited to any contract or agreement for any term not exceeding 50 years.

5. To cooperate with and act in conjunction with the Federal Government, or any of its engineers, officers, boards, commissions



or departments, or with the state, or any of its engineers, officers, boards, commissions or departments, or with any public body of any person in the acquisition, improvement or equipment of any facilities or any project authorized for the county or for any other works, acts or purposes provided for herein, and to adopt and carry out any definite plan or system or work for any such purpose.

6. To cooperate with the Federal Government, the state or any public body by an agreement therewith by which the county may:

(a) Acquire and provide, without cost to the cooperating entity, the land, easements and rights-of-way necessary for the acquisition, improvement or equipment (or any combination thereof) of any project.

(b) Hold and save harmless the cooperating entity free from any claim for damages arising from the acquisition, improvement, equipment, maintenance and operation (or any combination thereof) of any facilities.

(c) Maintain and operate any facilities in accordance with regulations prescribed by the cooperating entity.

7. To provide, by any contract for any term not exceeding 50 years, or otherwise, without an election:

(a) For the joint use of personnel, equipment and facilities of the county, the Federal Government, the state or any public body (or any combination thereof) including without limitation public buildings constructed by or under the supervision of the board or the governing body of the other party or parties to the contract concerned, upon such terms and agreements and within such areas within the county as may be determined, for the promotion and protection of health, comfort, safety, life, welfare and property of the inhabitants of the county, the Federal Government, the state, any such public body and any persons of interest, as the case may be.

(b) For the joint employment of clerks, stenographers and other employees pertaining to the facilities or any project, now existing or hereafter established in the county, upon such terms and conditions as may be determined for the equitable apportionment of the expenses therefrom resulting.

8. In connection with any facilities of the county or any part thereof, acquired or proposed, or with any project, to consult with the health division of the department of health, welfare and rehabilitation, with the county board of health and with the county regional planning body and to submit plans, specifications or other instruments or documents (or any combination thereof) to each such governmental agency for its review, recommendations and other comments.

Sec. 27. 1. Except as otherwise provided in this act, the county may purchase, acquire by gift, or otherwise acquire properties, including without limitation existing sewage or waste water systems or parts thereof or interests therein, of the Federal Government, the state, any public body or any person as a project of the county or an interest therein.

2. The county, in connection with any such acquisition, without any election:

(a) May agree to assume existing obligations pertaining to the properties so acquired as provided in subsection 3 of section 24 of this act and elsewhere herein; and

(b) May acquire such properties subject to any mortgage, deed of trust or other lien on the acquired properties to secure the payment of any obligations pertaining thereto.

Sec. 28. The county shall also have the following powers:

1. To enter upon any land, to make surveys, borings, soundings and examinations for the purpose of the county, and to locate the necessary works of any project and any roadways and other rights-of-way pertaining to any project herein authorized; to acquire all property necessary or convenient for the acquisition, improvement or equipment (or any combination thereof) of such works, including works constructed and being constructed by private owners, and all necessary appurtenances.

2. To acquire property by agreement, condemnation by the exercise of the power of eminent domain or dominant eminent domain, or



otherwise, and in case any street, road, highway, railroad, canal ditch or other property subject or devoted to public use and located within the county, whether within or without or both within and without the territorial limits of any public body, shall become subject to interference by reason of the construction or proposed construction of any works of the county, the right so to interfere with such property, whether it be publicly or privately owned; but:

(a) If such right is acquired by condemnation proceedings and if the court finds that public necessity or convenience so require, the judgment may direct the county to relocate such street, road, highway, railroad, canal, ditch or other property in accordance with the plans prescribed by the court.

(b) If, by such judgment or agreement, the county shall be required to relocate any such street, road, highway, railroad, canal, ditch or other property subject or devoted to public use, the board shall have the power to acquire in the name of the county, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with the agreement or judgment of condemnation, and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, ditch or other property as may be proper to comply with the agreement or judgment.

(c) No property, except for easements and rights-of-way, shall be acquired by condemnation, eminent domain or dominant eminent domain if at the time of the proposed exercise of such power such property is utilized by a public body for the collection, disposal or treatment of sewage or waste water.

3. To carry on technical and other investigations of all kinds, make measurement, collect data, and make analyses, studies and inspections pertaining to the facilities and any project.

4. To make and keep records in connection with the facilities and any project or otherwise concerning the county.

5. To arbitrate any differences arising in connection with the facilities and any project or otherwise concerning the county.

6. To have the management, control and supervision of all business and affairs pertaining to the facilities and any project herein authorized, or otherwise concerning the county, and of the acquisition, improvement, equipment, operation, maintenance and disposal of any property pertaining to the facilities or any such project.

7. To enter into contracts of indemnity and guaranty, in such form as may be approved by the board, relating to or connected with the performance of any contract or agreement which the county is empowered to enter into under the provisions hereof or of any other law of the state.

8. To obtain financial statements, appraisals, economic feasibility reports, and valuations of any type pertaining to the facilities or any project or any property relating thereto.

9. To adopt any ordinance or resolution authorizing a project or the issuance of county securities, or both, or otherwise pertaining thereto, or otherwise concerning the county.

10. To make and execute an indenture or other trust instrument pertaining to any county securities herein authorized, except as otherwise provided in section 27 and elsewhere herein.

11. To make all contracts, execute all instruments and do all things necessary or convenient in the exercise of the powers granted herein, or in the performance of the county's covenants or duties, or in order to secure the payment of county securities.

12. To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein, which specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent hereof.

13. To exercise all or any part or any combination of the powers herein granted.

Sec. 27. The governing body of any public body, upon its behalf and in its name, for the purpose of aiding and cooperating in any

project herein authorized, upon the terms and with or without consideration and without an election, shall have power hereunder:

1. To sell, lease, loan, donate, grant, convey, assign, transfer and otherwise dispose to the county any facilities or any other property, or any interest therein, pertaining to any project (or any combination thereof).

2. To make available to the county for temporary use or otherwise to dispose of any machinery, equipment, facilities, and other property, and any agents, employees, persons with professional training, and any other persons, to effect the purposes hereof. Any such property and persons owned or in the employ of any public body while engaged in performing for the county any service, activity or undertaking herein authorized, pursuant to contract or otherwise, shall have and retain all of the powers, privileges, immunities, rights and duties of, and shall be deemed to be engaged in the service and employment of such public body, notwithstanding such service, activity or undertaking is being performed in or for the county.

3. To enter into any agreement or joint agreement between or among the Federal Government, the state, the county, and any public bodies (or any combination thereof) extending over any period not exceeding 50 years, which is mutually agreed thereby, notwithstanding any law to the contrary, respecting action or proceedings pertaining to any power herein granted, and the use or joint use of any facilities, project or other property herein authorized.

4. To sell, lease, loan, donate, grant, convey, assign, transfer, or pay over to the county any facilities or any project herein authorized, or any part or parts thereof, or any interest in personal property or real property, or any funds available for acquisition, improvement or equipment purposes, including the proceeds of any securities previously or hereafter issued for acquisition, improvement or equipment purposes which may be used by the county in the acquisition, improvement, equipment, maintenance and operation (or

any combination thereof) of any facilities or project herein authorized.

5. To transfer, grant, convey or assign and set over to the county any contracts which may have been awarded by the public body for the acquisition, improvement or equipment of any project not begun or if begun, not completed.

6. To budget and appropriate, and each public body is hereby required and directed to budget and appropriate, from time to time, the proceeds of taxes, service charges and other revenues legally available therefor to pay all obligations, which may be either general obligations or special obligations, arising from the exercise of any powers herein granted as such obligations shall accrue and become due.

7. To provide for an agency, by any agreement herein authorized, to administer or execute that or any collateral agreement, which agency may be one of the parties to the agreement, or a commission or board constituted pursuant to the agreement.

8. To provide that any such agency shall possess the common power specified in the agreement, and may exercise it in the manner or according to the method provided in the agreement. Such power is subject to the restrictions upon the manner of exercising the power of any one of the contracting parties, which party shall be designated by the agreement.

9. To continue any agreement herein authorized for a definite term not exceeding 50 years, or until rescinded or terminated, which agreement may provide for the method by which it may be rescinded or terminated by any party.

Sec. 30. All of the powers, privileges, immunities and rights, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of the county or any public body when performing their respective functions within the territorial limits of the respective public agencies shall apply to

them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially hereunder.

Sec. 30. In addition to the other means for providing revenue to defray the costs of the activities and projects authorized by sections 2 to 39, inclusive, of this act and to meet general obligation bond requirements, the board shall have power and authority to levy and collect general (ad valorem) taxes on and against all taxable property within the county.

Sec. 31. 1. The county may fix, modify and collect or cause to be collected service charges for direct or indirect connection with, or the use or services of, the facilities of the county, including without limitation minimum charges and charges for the availability of the facilities or services relating thereto.

2. Such service charges may be charged to and collected in advance or otherwise by the county at any time or from time to time from the Federal Government, the state, any public body or any person owning real property within the county or from any occupant of such property which directly or indirectly is or has been or will be connected with the facilities of the county from which property originates or has originated rainfall, sewage, liquid wastes, solid wastes, night soil or industrial wastes, which have entered or may enter such facilities, or to which is made available untreated water, potable water or water in any other state (or any combination thereof), as the case may be, and such owner or occupant of any such real property shall be liable for and shall pay such service charges to the county at the time when and place where such service charges are due and payable.

3. Such service charges of the county may accrue from any date on which the board reasonably estimates in any ordinance authorizing the issuance of any securities or other instrument pertaining thereto, or in any contract with the Federal Government, the state, any public body or any person that the facilities or the properties of any project relating thereto will be available for service or use.

Sec. 32. The legislature has determined and does hereby declare that the obligations arising from time to time of the state or any public body to pay service charges fixed in connection with the county's facilities shall constitute general obligations of the state or the public body charged with their payment; but as such obligations accrue for current services and benefits from and use of such facilities, the obligations shall not constitute an indebtedness of the state or the public body within the meaning of any constitutional, charter or statutory limitation or other provision restricting the incurrence of any debt.

Sec. 34. 1. The county may enforce the collection of service charges made thereby to any public body which fails to pay such charges within 90 days after they become due and payable, in addition to any other remedy fixed by contract or otherwise, by an action in the nature of a writ of mandamus or other suit, action or proceeding at law or in equity in any court of competent jurisdiction to compel the levy without limitation as to rate or amount, except for the limitation in section 2 of article 10 of the state constitution, by the governing body of the public body and the collection of taxes on and against all taxable property therein sufficient in amount to pay such delinquent charges, together with penalties for delinquencies, court costs, reasonable attorneys' fees and other cost of collection.

2. The governing body of the public body may so levy such taxes sufficient for the payment of such charges as they become due and payable. The governing body may also apply for that purpose any other funds that may be in the treasury of the public body and legally available therefor, whether derived from any service charges imposed by the public body for the use of or otherwise in connection with its sewer system, or from any other source.

3. Upon such payments being made, the levy or levies of taxes for the payment of the service charges so imposed by the county may thereupon to that extent be diminished.

4. Except to the extent specified in subsection 3, each such public body shall annually so levy taxes as provided in subsection 1 sufficient in amount to pay such service charges of the county promptly as they become due and payable.

Sec. 36. Subject to the provisions herein, for any facilities, any interest therein, or any project herein authorized, the board, as it may determine from time to time, may, on the behalf and in the name of the county, levy assessments, borrow money, otherwise become obligated, and evidence such obligations by the issuance of bonds and other county securities, and in connection with such facilities, interest therein, or project, the board may otherwise proceed as provided in the County Improvements Law and Local Government Securities Law, as from time to time amended.

Sec. 36. 1. The payment of county securities or any other obligations of the county shall not be secured by an encumbrance, mortgage or other pledge of property of the county, except for its pledged revenues, proceeds of taxes, proceeds of assessments, and any other moneys pledged for the payment of the securities or such other obligations.

2. No property of the county, except as provided in subsection 2 of section <sup>27</sup> 25 and in subsection 1 of this section, shall be liable to be forfeited or taken in payment of any county securities or other obligations of the county.

Sec. 37. No recourse shall be had for the payment of the principal of, any interest on, or any prior redemption premiums due in connection with any bonds or other county securities or other obligations of the county evidenced by any other contract or for any claim based thereon or otherwise upon the ordinance or resolution authorizing <sup>105</sup> the issuance of such securities or the incurrence of such other obligations or other instrument pertaining thereto, against any individual director or any officer or other agent of the county, past, present or future, either directly or indirectly through the board or <sup>70</sup>



the county, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the endorsement of any penalty or otherwise, all such liability, if any, being by the acceptance of the securities and as a part of the consideration of their issuance or by the making of any other contract specially waived and released.

Sec. 38. The faith of the state is hereby pledged that sections 2 to 19, inclusive, of this act, any law supplemental or otherwise pertaining thereto, and any other act concerning the bonds or other county securities, taxes, assessments or the pledged revenues, or any combination of such securities, such taxes, such assessments and such revenues, shall not be repealed nor amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding county securities, until all such securities have been discharged in full or provision for their payment and redemption has been fully made, including without limitation from the known minimum yield from the investment or reinvestment of moneys pledged therefor in federal securities.

Sec. 39. The officers of the county are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this act.

Sec. 40. 1. Sections 2 to 5, inclusive, of this act, without reference to other statutes of the state, except as herein otherwise expressly provided, shall constitute full authority for the exercise of powers herein granted, including without limitation the granting of contractual powers to the county and the other public bodies and the financing of any project herein authorized wholly or in part and the issuance of county securities to evidence such loans.

2. No other act or law with regard to the making of contracts, the authorization or issuance of securities, other than the provisions of NRS 350.001 to 350.006, inclusive, or the exercise of any other power herein granted that provides for an election, requires an



approval, or in any way impedes or restricts the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto, except as herein otherwise provided.

3. The provisions of no other law, either general, special or local, except as provided herein, shall apply to the doing of the things herein authorized to be done; and neither the state nor any public body shall have authority or jurisdiction over the doing of any of the acts herein authorized to be done, except as herein otherwise provided.

4. No notice, consent or approval by the state or any public body or officer thereof shall be required as a prerequisite to the sale or issuance of any county securities or the making of any contract or the exercise of any other power hereunder except as herein provided.

5. The powers conferred by sections 2 to ~~29~~, inclusive, of this act shall be in addition and supplemental to, and not in substitution for, and the limitations imposed by sections 2 to ~~29~~, inclusive, of this act shall not affect the powers conferred by, any other law.

6. No provision contained in sections 2 to ~~39~~, inclusive, of this act shall repeal or affect any other law or part thereof, it being intended that sections 2 to 39, inclusive, of this act shall provide a separate method of accomplishing its objectives and not an exclusive one; and sections 2 to 39, inclusive, of this act shall not be construed as repealing, amending or changing any such other law.

Sec. ~~41~~. 1. Chapter 616, Statutes of Nevada 1971, at pages 1389 to 1391, inclusive, entitled "An Act relating to water pollution in the Lake Mead - Las Vegas Wash area of Clark County; designating the Las Vegas Valley water district as the agency to undertake elimination of such pollution; creating a professional and technical advisory board, designating its membership and duties; providing for financing of investigations and initial construction; and providing other matters properly relating thereto," approved April 28, 1971, is hereby repealed.

2. Clark County shall succeed to all of the powers, rights, privileges, immunities, duties, liabilities and limitations of the Las Vegas Valley Water District arising under or pertaining to chapter 616, Statutes of Nevada 1971, including without limitation all reports, written solutions, recommendations and other documents pertaining to water pollution in the Lake Mead - Las Vegas Wash area of Clark County and any grants-in-aid, other moneys, facilities and other properties pertaining thereto.

42. In addition to any other powers conveyed by this act the board <sup>in solving the Las Vegas Wash-Lake Mead problem</sup> is hereby authorized to

8 issue bonds or other securities, for the purposes and within the limitations  
9 prescribed in this act, in the name of and on behalf of the State of Nevada  
10 in accordance with the provisions of the State Securities Law.

43.  
11 Sec. 75, 1. The ~~board~~ on behalf of and in the name of the state,  
12 may:  
13 (a) Acquire, hold, operate, maintain and improve the facilities described in section

12. subsection 2<sup>3</sup> of this act;

~~and this act, and to dispose of the facilities described in subsection~~

(b) Acquire, hold, operate, maintain, improve and dispose of properties appertaining to the facilities described in section 12, subsection 2<sup>3</sup> of this act,

16 including without limitation water and water rights, for the benefit and welfare of the people of the state;

17 (c) Acquire the facilities, described in section 12, subsection 2<sup>3</sup> of this act,

18 wholly or in part, directly by construction  
19 contract or otherwise, or indirectly by contract with the Federal Govern-  
20 ment, or any combination thereof, as the district may from time to time determine;

(d) Borrow money and otherwise become obligated in a total principal amount of not more than \$65,000,000 to defray wholly or in part the cost of acquiring the facilities, described in section 12, subsection 2<sup>3</sup> of this act, and issue state securities to evidence such obligations.

25 2. The power to issue securities under this section in a total principal  
 26 amount of not more than \$65,000,000 under paragraph (d) of subsection  
 27 1 shall decrease to the extent that the Federal Government, pursuant to  
 28 the Federal Water Pollution Control Act Amendments of 1972 (Public  
 29 Law 92-500) or any other law, appropriates funds by ~~grant~~ ~~to~~  
 30 ~~pay~~ to pay all or any portion of the costs of the project,  
 31 but such power to issue securities shall not be decreased because of any  
 32 moneys due under such contract from the state to the Federal Govern-  
 33 ment in the nature of interest charges to compensate it for moneys  
 34 advanced by it until their repayment by the state. Further, the

power to issue securities shall ~~be~~ ~~limited~~ ~~to~~  
 be effective unless the amount of money available  
 from the Federal Government equals at least  
 50% of the overall project cost, should it  
 develop that ident. feasible phases of project  
 or alternate projects to create the facilities  
 described in section 12 subsection 2 & 3 of  
 this act ~~are~~ <sup>become</sup> feasible they may be the funding  
 for such phases may be considered authoritative  
 to the extent that ~~the~~ Federal Government  
 monies are available to the extent of a  
 least 50% of the cost to be incurred.

3. No project or phase of a project for  
 the facilities described in section 12 subsection  
 2 & 3 of this act will be authorized for funding  
~~under~~ under subsection 2 above until such  
 is approved by the Governor and, <sup>independently</sup>  
 by the Interim Finance Committee of the  
 legislature.

4. Under this same section the advisory  
 committee may recommend to the board the  
 implementation of design, engineering, <sup>specific</sup>  
 development or pilot plant studies for the <sup>see</sup>  
 furtherance of any project or phase ~~of~~  
 a project to accomplish the development  
 of the facilities described in section 12  
 subsection 2 & 3 of this act. Such  
 recommendation may be authorized by the  
 board ~~with~~ <sup>if</sup> approved by the Governor  
 1111

and, independently, by the Interim Finance Committee of the legislature.

35 SEC. 244 Although the ~~district~~ is empowered on behalf of the state to  
36 issue general obligation securities under this act, the ~~district~~ shall assess  
37 the costs of the project against the users ~~of~~ of the sewer service  
38 charges collected by or on behalf of the ~~district~~ at such times and in such  
39 amounts as will enable the state to pay in timely manner all principal  
40 of and interest on any state securities issued, sold and delivered to pay for  
41 all or any portion of the project, ~~and to make such payments if necessary it~~  
42 ~~is required to make to the Federal Government money therefor,~~  
43 ~~pursuant to any contract by which the Federal Government made a loan~~  
44 ~~to the state for payment of any of the cost of this project.~~ This section  
45 constitutes full and complete authority for the ~~district~~ to levy, collect and  
46 enforce such sewer service charges in such manner and in such amounts  
47 as the district deems appropriate from time to time.

48 SEC. 245 Any contract, except a construction contract, entered into  
49 pursuant to the provisions of this act is not binding upon the state until  
1 executed or otherwise approved by the governor, including without limi-  
2 tation the execution of securities by the governor in the manner and as  
3 otherwise provided in the State Securities Law.

4 SEC. 246 The powers conferred by this act are in addition to and  
5 supplemental to, and the limitations imposed by this act do not affect,  
6 the powers conferred by any other law, general or special; and securities  
7 may be issued under this act without regard to the procedure required  
8 by any other such law except as otherwise provided in this act or in the  
9 State Securities Law. Insofar as the provisions of this act are inconsistent  
10 with the provisions of any other law, general or special, the provisions of  
11 this act are controlling.

Sec. 47

Should the board determine that an  
an ~~other~~ alternate alternative method of accomplishing  
the facilities described in Section 12 subsection 2  
appears desirable such alternate plan ~~will~~ be  
developed within 1 year from the effective  
date of this act. The Governor and the  
Interim Finance Committee of the legislature  
shall be notified of such determination within  
60 days of the effective date of this act.  
The board shall report to the Governor  
and the Interim Finance Committee on the  
progress of the development of any  
alternate plan on a periodical basis no  
less frequently than every three months  
until the final alternative project plan is  
developed.

(28)

Sec. <sup>48</sup>48. If any provision of this act or the application thereof to any person, thing or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. <sup>49</sup>49. This act shall become effective 7 days after its passage and approval.

SB 161

April 7, 1973

To the Honorable Members of the  
Committee on Government Affairs  
and Committee on Ways and Means

Re: Forthcoming senate retirement bills in closing  
days of session.

Dear Committee Members:

It appears probable that senate bills, vitally affecting the Public Employees Retirement System, will not be cleared to the assembly until the closing days of the session. The heavy pressures of the closing days often precludes the usual methods of hearings and consideration. I am consequently taking this method of presenting viewpoints which I consider to be pertinent to a full review of the subject although we cannot as yet know the final shape of the senate proposals.

Officials of the retirement system have been aware for some years that the steadily increasing size of the fund would attract efforts to change the organization that had brought the fund from zero to 200 million. Efforts were made in 1964 to take over direction of the investments of the fund but such efforts were defeated. The possibilities in such direction are self-evident. During the past two to three years there have been numerous changes concerning the stability of the fund. These changes have been incorrect as our modified "pay as you go" system is completely capable of meeting all obligations for the foreseeable future. Such changes have culminated in the past few days in a vicious personal attack on the current secretary of the fund.

Many of the suggestions for major changes in the fund will presumably be based on conclusions and recommendations of the Harris, Kerr, Forster report. Harris, Kerr, Forster (HKF) received a contract for the study of the retirement system in competition against 5 other bidders. The officials of HKF stated, at the time of bidding, that the concern had no experience or background in retirement questions and problems. To the best of my knowledge the only bidder with a retirement background was Martin Siegle & Company who have been in the retirement field for years and are nationally known for their work in the field.

HKF bid \$89,750 for the study. Martin Siegle & Co. bid \$47,000. Despite the self-acknowledged inexperience of HKF and the fact that they were the highest bidder of all 6 competing companies, they were awarded the bid. Later grants to the company brought the total cost of the study to approximately \$150,000. NRS 332.080 states that awards must be made to the lowest responsible and responsive bidder unless certain alternate factors are present. There was a confessed lack of expertise in HKF but the firm was distinguished by the fact that Alton C. Bingham, a son-in-law of Senator Lamb, is a partner therein.

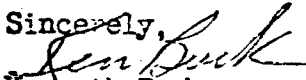
During a recent hearing before the Senate Committee on Finance statements were made concerning the effective use of common stock in retirement investments. I pointed out that the retirement board had tried since 1967 to increase the permissible investments in common stocks. I was gavelled down by Senator Lamb with the statement that the committee was not interested in such "crap".

The requests for increases in common stocks were killed by the Finance Committee in 1967, 1969, and 1971. I very definitely oppose any statement that facts which establish investing handicaps imposed on the board are without point. It is worthy of note that it was the retirement board in 1959 that conducted studies and drew the bill that brought Nevada into modern investment concepts. The investment record has been excellent despite statutory limitations and handicaps in secondary control as by the State Board of Finance which, at one time, prohibited investments in common stocks and Canadian bonds.

There is a perfectly legitimate argument as to the desirability of continuing with the present modified "pay as you go" system or attempting to switch to a fully-funded actuarial position. It is self-evident that the more money you put into a system the stronger it will be financially. The great question is whether or not the additional millions and millions of dollars are necessary to meet obligations. I am attaching a statement concerning the current position of the system.

The question is not one to be lightly disregarded. In illustration let me point to the California Highway Patrol Retirement System. This is a fully-funded system. The California system grants benefits roughly comparable to the Nevada system. I believe our retirement benefits are better but that California has better survivor benefits. In Nevada our police and fire members (who are the only ones concerned in this comparison) pay 6.5 percent of salary and the public employer (taxpayer) pays the same amount. In California the highway patrolmen pay 3 percent and the employer (taxpayer) pays 27 percent.

Full-funding contemplates that the organization will go out of business at some future date and that all obligations, including those accrued but not as yet due, will become immediately payable. I do not believe that we need to fear the dissolution of the State of Nevada and I fully believe that, in such eventuality, a fully-funded system would also share in the dissolution.

Sincerely,  
  
Kenneth Buck  
2210 Ward Place  
Reno, Nevada 89503

P. S. The two crying needs of the retirement system are for tying benefits to the Consumers Price Index, as contemplated in SB 358, and for a revision of survivor benefits which have also been untouched since 1963. The Assembly, in 1969, passed an increase in "post-retirement" allowances but the measure was killed in Finance. A 1971 bill never got out of Finance. I am, nevertheless, enclosing a comment on SB 358.

SB 161 - Creates new administrative head and new retirement Departments.

The Public Employees Retirement Board as presently constituted has created the best retirement system in the United States; one that has consistently been in a leadership position among all states (post-retirement allowances, survivor benefits, modernized investment concepts); and a system fully capable of meeting all of it's obligations for the foreseeable future. Harris, Kerr & Forster studied 23 systems in their recent report and found Nevada to be in the lead. It has also been widely admitted that the system has been handicapped in many respects by statutory restrictions on investments and by placing other agencies in supervisory authority.

In my opinion this bill is primarily an effort to justify the very expensive and questionable study of the retirement system by Harris, Kerr & Forster. The actuarial information therein has been before the legislature at every session since 1949. The study did serve one useful purpose in focusing attention on immediate investments in short term treasury notes, etc. and the board moved promptly in this field and is now functioning accurately and efficiently, in such investment.

This bill compounds the handicaps under which the board has operated. It interposes statutory restrictions in personnel matters and in office organization. The board should be given full and complete responsibility for the administration of the system and the board should then be held fully and completely accountable. Personnel and organizational restrictions should not be imposed.

In the instant case the requirements for executive officer were reported to be part of the recommendations by Mr. Don Hurtado in the employ of Harris, Kerr & Forster. Mr. Hurtado has indicated to the retirement board that he would qualify under the proposed requirements and would be available. Mr. Hurtado has had previous experience with the State of Nevada having headed the Ernst and Ernst force that began work on Nevada's computerized data processing system some 4 years or so ago. The controller's office is still struggling to escape the quagmires of it's early involvements. Mr. Hurtado's most recent contribution has been a vicious personal attack on the current secretary of the retirement system.

The futility of organizing an office by legislative fiat is best illustrated by the designation of an "in house" investment man. This job can only consist of contacting investment counsel with information as to money available if necessary financial informational services and reports were secured for the retirement office the costs could run from \$100,000. to \$150,000. per year. It is equally futile - and very expensive - to ordain an annual actuarial survey. This would be absolutely waste motion and the costs for a full actuarial survey can run from \$30,000.

I will repeat that the best interests of the public employees and the public will be served by permitting the retirement board to administer the system and then to hold the board fully accountable. The best interests of the system will not be served by imposing strait-jackets in organization and personnel.



FINANCING PHILOSOPHY AND CURRENT STATUS OF THE RETIREMENT FUND.

(Figures derived from the Retirement Board report for the period of July 1, 1972, through Dec. 31, 1972. Figures doubled for use on fiscal year basis)

The retirement system is not an actuarially funded system. It has always been regarded as a modified "pay as you go" system and should be so continued. Every legislature since 1949 has considered and continued this policy. We might note that Massachusetts has operated on a modified "pay as you go" system for close to 60 years and is one of the better systems and in excellent shape. Since 1937 when Social Security began operation you have read at least 4 predictions a year that OASI was going broke because it was not "actuarially funded". There is now a serious move in Washington to limit OASI reserves to 1 year of benefits owing to the tremendous size of the fund. There is a further realization that the welfare of the fund is dependent upon the continuation of the United States and not upon actuarial funding which would also go up the flus with the United States.

We believe the abolishment of the State of Nevada to be sufficiently remote to be without consideration.

The following figures concern only Employer contributions and investment income. Employer and investment income is immediately available for benefits.

Total Fund as of December 31, 1972 \$190,996,473.32

Available Income for 1972-73

Employer Contributions	15,101,011.84
Investment Income	9,999,659.46
Total Available Income	25,100,671.30

Disbursement for Benefits in 1972-73 7,781,235.38

Margin of Disposable Income over Benefits 17,319,435.92

Number of Active Employees in System (Approx.) 29,000

No. of Persons Receiving Benefits (Approx.) 3,000

Our actuaries have stated that we must expect an 18 to 20 percent retirement roll. Our experience indicates the possibility of a lesser figure but we will use the maximum 20 percent figure. If our membership remained static we would eventually have 5800 persons on retirement, an increase of 93 percent. Using only the disposable income figures for 1972-73 we could increase payments by such 93 percent and still have a \$2,319,000 margin in disposable income. This does not take into consideration the growth of the fund (\$55 million in the last 2½ years) and consequent increase in investment income. Nor does it consider the fact that the employees pay 10 percent of their retirement which is an added safety margin of 10 percent. Salaries and consequently average retirements will increase but contributions on such salary increases and investment income increases will also be received.

ELY, NEVADA 89301  
MARCH 30, 1973

Hon. Joe Dini  
Chairman - Govt. Affairs  
Nevada Legislature  
Carson City, Nevada 89701

Dear Mr. Dini and Committee Members:

We take this means to solicit your support in opposing SB 161 because we believe the Retirement Board, as presently set up, is a good board not only for the benefit of the system's members but for the taxpayer as well.

The present Retirement Board has been a responsible board and the office staff should be given more credit than what they have been getting. They have kept up to date on finances (there may be some - let's say too aggressive persons outside the system - who are interested in their own desires rather than for the good of the members, who think otherwise). The Board knows what is going on and what is being done and they have been "watch dogging" the system. There are many who would love to get their "fingers in the pie" but we are the ones - members of the system - who stand a lot to lose and we don't really care for someone to be "playing with what is ours". We believe an elective board would be benefit oriented.

Each session of the legislature we seem to have some of the "interested" legislators (for their own good - not ours, really) trying to straighten out the Retirement System. We know we have a good system and it was set up for a retirement plan not an annuity and we would like to keep it that way.

Rather than make any rash decisions which you might be pressured into, we would like to have you look into the system over the next two years but please KILL SB 161 now.

Thank you for your consideration and again we earnestly solicit your support for the defeat of SB 161.

Yours very truly,

*Adelle Rattazzi*  
*Sandra Jordan*  
*Carl F Baker*  
*John J Marichek*  
*Frederick Shaver*  
*Lawrence Brooks*  
*Alan K. Halley*

Robert A. Bonovich  
Richard C. Norton  
Wayne M. Quinn  
Douglas H. Olson  
Jack W. Fields  
James E. Douthett Jr.  
Frank Schulte  
Paul C. Gibson  
L. M. Ford  
Bruce Adams  
Jerry Robison  
Herbert W. Melby  
C. F. Wood  
M. L. Harrison  
Jack W. Sarboon  
Tony Bratos  
Lyle W. Jayman  
Lee Beeger  
Lawrence J. Tapp  
Geo. Muscato  
Jimmy Fugere  
Ally Proutos  
Eugene Selin  
Robert Christman

Lyons J. Merrill  
Peter J. Smith  
Merrill H. Hubler  
Charles E. Wallace  
Anthony S. Thompson  
Ronald Clark Jensen  
Delbert Venturino  
James Rock  
Itass Jensen