

MEMBERS PRESENT

Chairman Dini  
Mr. Marvel  
Mr. Fitzpatrick  
Mr. Craddock  
Mr. Jeffrey  
Dr. Robinson  
Mr. Getto  
Mr. Bedrosian  
Mr. Bergevin

GUESTS PRESENT

See Guest List attached

\* \* \* \*

Chairman Dini called the meeting to order at 8:00 A.M.

AB 358 - REMOVES AUTHORITY OF BOARD OF COUNTY COMMISSIONERS  
OF CERTAIN COUNTIES TO ABOLISH OFFICE OF CONSTABLE

SPEAKER PAUL MAY, Assemblyman

Mr. May stated the office of Constable was an old, time-honored, traditional office based on townships with no respect to either city or county geographic lines. He stated that in Clark County there are 10 different townships. He advised the Committee that Woody Cole had been Constable of Las Vegas Township for many years, had died suddenly of a heart attack and, shortly thereafter, the County Commissioners introduced an ordinance to abolish the office and to transfer it to the Metropolitan Police Dept. He stated he felt the feeling among residents of Clark County was that the office should be retained; it serves an important position in the County; and they evidenced their feelings by petitions and telephone calls to Mr. May indicating that fact.

LOU TABAT, Constable, North Las Vegas

Mr. Tabat stated that the Civil Division of the Sheriff's Dept. in Clark County lost a considerable amount of money last year and stood to lose triple the amount if they were to assume the duties of the Constable. Mr. Tabat

had distributed to the Committee copies of an analysis of the cost of Constable functions prepared by the County Manager, a copy of which is attached hereto and made a part hereof. Mr. Tabat further indicated that last year the Las Vegas Constable's office served 21,000 Court Orders with 7 staff members and the Sheriff's Civil Division served 12,122 Court Orders with 15 staff members. He stated if they were to assume the Constable's duties they would have to hire 6 additional men and cars. Mr. Tabat advised the Committee that every paper the Constable serves costs the citizens \$4.73 while the Sheriff's costs are \$25.97. He stated it would take 3 additional secretaries, or more, a lot of paper work was involved, and when the Sheriff's Department serves papers there is a lack of incentive to do so promptly as it is a salaried position whereas the Constable serves it right away because the more he serves the more he makes - it was a commission fee basis. He stated the Sheriff's office lacks the time and manpower to perform the duties as the Constable does.

Mr. Jeffrey asked Mr. Tabat what his thoughts were to an amendment putting the Constable on a salary and do away with the objection the County has that the Constable makes more money than they should and the money should come to the County General Fund instead. Mr. Tabat said he would not mind it provided the deputies stayed on commission basis.

RICHARD DRAKE, Private Citizen

Mr. Drake informed the Committee he ran for the office of Constable last year; he had gotten a petition of over 2,000 names which he offered into the record, the first page of which is attached hereto and made a part hereof, and he stated that the petition to retain the office is the voice of the people.

FRITZ CRISLER, Constable, Henderson Township

Mr. Crisler spoke in favor of retaining the office. He elaborated on the functions of the office and stated actually they were not even Clark County employees any longer and that was not a good situation. He outlined the personal out of pocket expenses such as insurance and everything that comes out of his office. He stated that Clark County does not subsidize them in any respect.

JOHN J. HART, Constable, Reno Township

Mr. Hart testified in favor of retaining the office. He stated the Constable's office was important in relieving the Sheriff of duties he couldn't get done otherwise. He pointed out his office gives the extra service of Saturdays, Sundays, after 5 o'clock, and holidays and that was probably true in Las Vegas. Mr. Hart stated he was covered by a salary, as well as fees, and covered by N.I.C.

ROCKY ANDERSON, Constable, Dayton Township

Mr. Anderson stated he believed the law passed was unconstitutional and the Constitution states a legislative office enjoys the same right as a constitutional office to be voted on by the people, and he didn't believe the County Commissioners should have the power to eliminate the office.

FRANK SCHENCK, Civil Deputy, Lyon County Sheriff's Office

Mr. Schenck had a letter from E.L. Kingsley, Sheriff of Lyon County, which he read into the record, a copy of which is attached hereto and made a part hereof. The letter stated that in Lyon County it was not feasible to have a Constable due to the fact that they had 4 Justice Courts and each one in a different township and that it had been proven that the less expensive way to go is for the Sheriff's Dept. to handle the civil work and do it in a business-like manner.

In response to questions from the Committee as to the functions of the office in the cow counties, Mr. Schenck's testimony was that in the cow counties it was actually a losing proposition.

ED MALONEY, Chairman, County Commission, Lyon County

Mr. Maloney testified in favor of abolishing the office and putting it in the Civil Division of the Sheriff's Office. He went on to elaborate and enumerate the equipment and facilities available in the Sheriff's office to accommodate the duties and functions. He also outlined the economics involved and stated it was more than his county could have afforded.

KEN HILL, Dayton Township

Mr. Hill commented on the research he had done that the Constable is an elective office and he's got to be maintained by the elective process. He stated the Legislature did not have the power to abolish the office. He stated the Legislature does have the power to set the fees and regulate the duties through the County Commissioners of the Constable's Office but they do not have jurisdiction over the elective process just as they do not have jurisdiction over the county offices or the state. He stated he felt this was where the danger lies.

Mr. Getto questioned Mr. Hill in regard to testimony that the abolishment of the office would save money and Mr. Hill said he felt it would cost more money.

BOB SULLIVAN, Carson River Basin County Govt.

Mr. Sullivan stated he had been asked to give an opinion for Douglas and Churchill County. He stated they already had a Sheriff in those areas and perhaps the process is not as quick but it is done efficiently and the problem is when you have to make cuts, cuts are unpopular, and so it is a question of economics. He said they were trying to hold the line.

Chairman Dini announced the testimony on the Bill was concluded.

AB 379 - PROVIDES FOR FIXING MEETING PLACE OF BOARD OF COUNTY COMMISSIONERS BY ORDINANCE

ASSEMBLYMAN JOHN VERGIELS

Mr. Vergiels stated the Bill allows the County Commission to meet outside the building on Stewart and allows them to meet around the county, at the Convention Center, Boulder City, and Henderson, and it would make the meetings more accessible to people in outlying areas.

Mr. Jeffrey stated he thought the Commissioners ought to be allowed to go out and meet the people they represent. Dr. Robinson stated he thought people in a particular township should have a right to some hearing before formal action be taken on something that applies to them. He said he would not like to see a meeting held in Bunkerville on something that might apply just to the Strip and then take action on it up in Bunkerville.

RUSS McDONALD, Nevada Assn. of Counties

Mr. McDonald stated there is a statute that says that the County Seat of Clark County is in the City of Las Vegas. He suggested that what could be said is that they meet at the County Seat or close by within 5 miles if there is an accommodating structure. Mr. McDonald suggested an amendment starting on line 13 and 14 of the Bill as prepared by the Clerk of the Board of County Commissioners, Washoe County, a copy of which is attached hereto and made a part hereof.

SAM MAMET, Management Analyst, Clark County

Mr. Mamet stated the basic concern of the Board has been whether, in fact, they have the authority to hold formal Boards of County Commission meetings in other places than Las Vegas. He stated the District Attorney reviewed the statute and advised they did not and that was the reason for the requested amendment. He stated the Commissioners desire to have meetings around the counties in the various unincorporated areas several times during the year.

A discussion then ensued between the Committee members, Russ McDonald, and Sam Mamet concerning the situation in general and how an ordinance is adopted.

Chairman Dini then announced that the testimony on AB 379 was concluded.

Chairman Dini then entertained a motion for a Bill Draft Request to retain the State Board of Landscape Architects for another six years; setting a quorum at meetings for three members; and the question of fees; Mr. Jeffrey so moved; seconded by Mr. Getto, and unanimously carried.

There being no further business to come before the meeting, the same was adjourned.

Respectfully submitted,

Sandra Shatzman  
Assembly Attache

THE CLARK COUNTY BUDGET FIGURES WERE TAKEN FROM THE "BUDGET IN BRIEF" PUBLISHED FOR 1978-1979, ISSUED APRIL 4, 1978, AND THE "FINANCIAL REPORT, YEAR ENDED JUNE 30, 1978, PUBLISHED BY MAIN LAFRENTZ, NOVEMBER 28, 1978.

PUTTING THE CONSTABLE FUNCTION UNDER THE SHERIFF CIVIL BUREAU WOULD CUT PRODUCTION AND INCREASES TAXPAYER COSTS.

DUE TO THE LACK EFFECIENCY OF THE CIVIL BUREAU, CIVIL PROCESS SHOULD BE TRANSFERED OVER TO THE LAS VEGAS TOWNSHIP CONSTABLE OFFICE FOR THE TAX SAVINGS.

THE COST PER CASE SERVED TO THE TAXPAYER HAS SKYROCKETED OVER THIRTY PERCENT (TOTAL \$8.42) IN THE LAST THREE YEARS.

THIS IS A UNIQUE OPPORTUNITY TO RESTORE INCENTIVE AND INITIATIVE TO A GOVERNMENTAL FUNCTION.

RESTORING THE CONSTABLE POSITION WILL PROVIDE 24 HOUR SERVICE TO THE TAXPAYING CITIZENS OF THE LAS VEGAS AREA.

EFFECIENCY AND EFFECTIVENESS NOT BIGGNESS MUST BE THE GOAL OF THE COUNTY COMMISSION IN MAKING THEIR DECISION.

PLACING THE CONSTABLE UNDER THE CIVIL PROCESS BUREAU COULD DOUBLE THE BUDGET TO \$629,804 WITH FUTURE INCREASES YEARLY OF 10% EACH YEAR.

CIVIL PROCESS PRODUCTION COULD DOUBLE TO 24,244 CASES SERVED BUT THAT WOULD LEAVE 8,878 CASES UNSERVED USING CURRENT CLARK COUNTY BUDGET FIGURES.

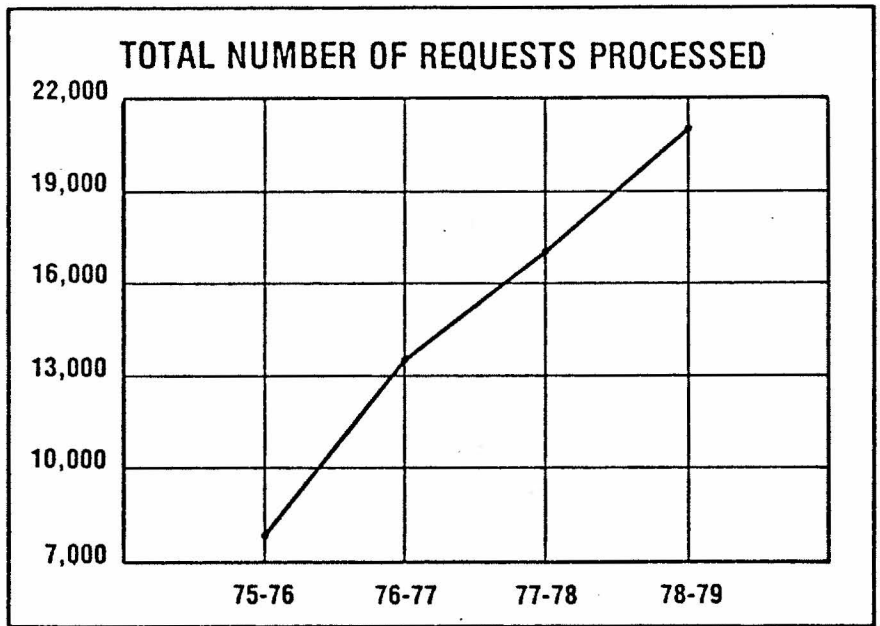
INCREASING THE SMALL CLAIMS LIMIT TO AS HIGH AS \$2,000.00 WOULD ALSO ADD TO THE TAXPAYER EXPENSE BY INCREASED CASES WHERE THE CIVIL PROCESS BUDGET MIGHT REACH A MILLION DOLLARS A YEAR.

CLARK COUNTY BUDGET FIGURES

LAS VEGAS CONSTABLE	CASES SERVED OR PROCESSED	TAXPAYER COST PER CASE SERVED
FY 1976-1977	14,000	\$4.60
\$64,408		
FY 1977-1978	17,000	\$4.92
\$83,643		
FY 1978-1979	21,000	\$4.73
\$99,515		
SHERIFF CIVIL BUREAU		
FY 1976-1977	11,846	\$17.52
\$207,553		
FY 1977-1978	11,771	\$24.04
\$283,013		
FY 1978- 1979	12,122	\$25.97
\$314,902		

**Department Description**

The Constable serves civil process documents for the Justice Court and processes all legal documents from Justice Court, such as execution documents, eviction documents, etc.



**Program Objectives**

- To effectively process all requests for the service of small claims and eviction notices and orders.
- To assist the public in problems related to civil matters, including small claims and evictions.

**Performance Indicators**

Calls for information and counter service

Hours spent on calls for information and counter service

	FY 1976-77 Actual	FY 1977-78 Estimated	FY 1978-79 Projected
Calls for information and counter service	3,816	5,016	5,016
Hours spent on calls for information and counter service	1,118	1,898	2,486

**Appropriation and Position Summary**

Fiscal Year	1977-78		1978-79	
	Adopted Budget	Estimated Expenditures	Department Request	Final Adopted
Appropriation	\$83,643	\$84,723	\$106,525	\$99,515
Positions				
Permanent	16		16	
CETA	0		0	

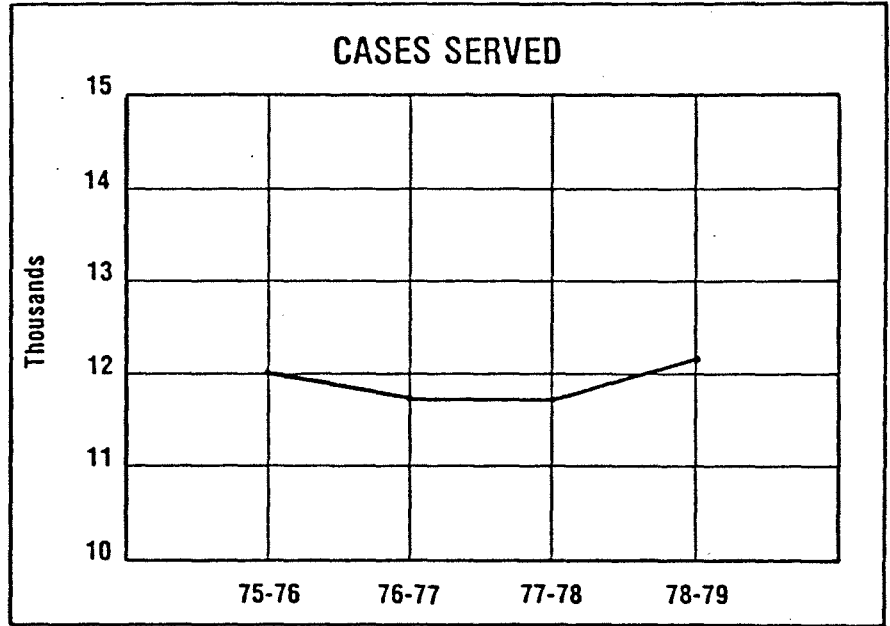
*HOLD COUNTY*



# DEPARTMENT: CIVIL BUREAU

## Department Description

Prepares and serves legal process papers submitted by local courts and by out-of-state local and State of Nevada agencies.



## Program Objectives

- Prepare 20,223 legal process papers.
- Serve 95% of all legal process papers.

Performance Indicators	FY 1976-77 Actual	FY 1977-78 Estimated	FY 1978-79 Projected
Case files prepared	19,063	19,639	20,223
Cases requiring service	11,846	11,771	12,122
Unsuccessful service attempts	953	981	1,010

## Appropriation and Position Summary

Fiscal Year	1977-78		1978-79	
	Adopted Budget	Estimated Expenditures	Department Request	Final Adopted
Appropriation	\$283,013	\$264,353	\$313,985	\$314,902
Positions				
Permanent	14		14	301
CETA	1		1	

# MEMORANDUM

## OFFICE OF THE COUNTY MANAGER

BRUCE W. SPAULDING  
County Manager

JOSEPH C. DENNY  
Assistant County Manager

JOSEPH C. DENNY, ASSISTANT COUNTY MANAGER

FROM: PATRICIA SPECKMANN, STAFF SERVICES COORDINATOR *BS*

SUBJECT: ANALYSIS OF THE COST OF CONSTABLE FUNCTIONS

DATE: FEBRUARY 14, 1979

Per your request the attached report sets forth the costs to the County for Constable functions under two systems: 1) a separate Constable Office as existed under Woody Cole and 2) a system whereby Constable functions are placed under the Civil Bureau. Under the separate office system, the County experiences a loss of revenue in the amount of approximately \$58,000 annually. Under the system whereby the Civil Bureau assumes the functions of the Constable's office it is estimated that the County will realize a revenue gain of approximately \$31,000 annually, and a total turn around figure of gain for the County of approximately \$90,070.

/mgf

CONSTABLE'S OFFICE 1978

Below are the figures for expenditures and fees collected by the Las Vegas Constable's Office under Woody Cole. This is representative of the way funds would be spent when a separate Constable's Office is maintained in the Las Vegas Township as opposed to being combined with the Civil Bureau.

EXPENDITURES

Services, supplies and miscellaneous capital outlay		\$ <u>10,000</u> )	
		)	
<u>Employee</u>		<u>Salary</u> )	
		)	
W.W. Cole - Constable		2,662 )	Paid from
T. Major - Admin. Assistant		21,352 )	County
M. Dunphy - Office Asst. II		12,653 )	General
K. Wozny - Office Asst. II		12,186 )	Fund
		)	
		\$ <u>48,853</u> )	
		)	
		<u>Salary</u>	
Barstis (Deputy)		\$ 25,354.54 )	
Watkins (Deputy)		24,606.42 )	
Tanner (Deputy)		2,382.78 )	Paid from
Atkins (Deputy)		1,046.21 )	fees
Bellen (Deputy)		2,013.50 )	collected
Thomas (Deputy)		415.00 )	by
Fanscher (Deputy)		7.50 )	Constable's
Cole (Constable)		37,210.10 )	Office
		)	
		\$ <u>93,036.05</u> )	
		)	

FEEES COLLECTED

It is currently estimated that in 1978 the Constable's Office for the Las Vegas Township collected a total of \$102,501 for fees, eviction notices and mileage. None of the fees were turned over to the County but were used solely for the compensation of the Constable and his deputies.

\*\* Total cost to the County under the "Separate Constable Office" plan is \$58,853 for 1978. County receives no reimbursement for this cost.

CONSTABLE FUNCTION IN CIVIL BUREAU, 1979

Under the current system where the Office of Constable is abolished and the functions of the Office are transferred to the Civil Bureau, a cost savings to the County can be realized. The figures below represent the estimated expenditures and fees collected for the staff in the Civil Bureau which would be carrying out the Constable function for the Las Vegas Township. As can be ascertained, no position of Constable is funded since the Director of the Civil Bureau will supervise the entire staff serving civil process.

ESTIMATED EXPENDITURES

Supplies, Services and miscellaneous capital outlay	\$ 10,000)	
Mileage	\$ 15,300)	
	)	
	)	
<u>Employees</u>	Salary & )	Paid from
	Fringe )	County
(3) Deputy Sheriff Field Officers	\$ 45,691)	General
(2) Office Assistant II	\$ 22,792)	Fund
	_____)	
	\$ 93,783)	
	=====)	

FEES COLLECTED

It is estimated that the fees to be collected for Constable function by the deputy sheriffs in the Civil Bureau for 1979 will be approximately \$125,000. All of these fees will be turned over to the County to be placed in the County General Fund.

\*\* Total revenues to the County under the plan where the "Civil Bureau" assumes Constable functions should exceed expenditures by \$31,317 for 1979.

Considering that the County under the previous system had been spending \$58,853 annually, the total turn around figure of gain for the County will be \$90,070 under the Civil Bureau plan.

WE, THE UNDERSIGNED REGISTERED VOTERS OF CLARK COUNTY, NEVADA:

FEEL THAT THE OFFICE OF CONSTABLE OF THE LAS VEGAS TOWNSHIP SHOULD NOT BE ABOLISHED.

The current proposal to make the Sheriff of Clark County the ex-officio Constable would place an additional burden on the taxpayers of Clark County.

An appointment to the post, vacant due to the untimely death of Constable Woody Cole, should be made by the Clark County Commission at the earliest possible date.

NAME	ADDRESS
1 Wilma Stephens	1962 Pommel Ave Las Vegas
2 Richard M. Drake	5516 AZULIA WLS 89122
3 Nancy Buccini	775 Langtry Dr 89107
4 Jack Lata	1092 E HARRISON DR 89115
5 Kay Lata	1082 E HARRISON DR 89115
6 Nancy Dakin	1600 E. Rockwell # 296 89109
7 Charles J. Stearns	2233 Paradise Rd. 89104
8 Charles Jackson	2201 FAIRCHILD
9	
10 Bob White	4992 AUBURN 89108
11 Reuben Harris	810 FRED P.L. WLSIDE
12 Chas Latta	4713 La Florida Dr
13 Donald M. Cott	4713 La Florida Dr
14 J.M. Reynolds	4024 Emerson L.V.
15 John Little	440 J. J Rd. PL. NE
16 Edward F. Morgan	553 Commerce St. N.V.
17 Robert J. Fletcher	824 No. 20 St.
18 Mary E. Fletcher	824 No. 20 St.
19 Frank Dague	616 Montville
20 Willie Dague	1008 Mezzok
21 Ed King	104 Thunder St 305
22 J. J. Dennis	3685 E. Niles
23 Mary J. Jones	3416 WRIGHT AVE N.L.V.

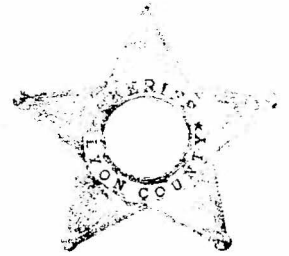


## Sheriff of Lyon County

31 S. MAIN PHONE 463-2321

YERINGTON, NEVADA 89447

March 1, 1979



E. L. "RED" KINGSLEY, SHERIFF

Nevada State Legislature  
Carson City, Nevada 89701

RE: Constables

I believe that Constables can be very beneficial in a Metropolitan area but for Lyon County it is not feasible due to the fact that we have four (4) Justice Courts and each one in a different township.

A Constable is elected in a township and his duties can only be used in that township whereas Lyon County now has a Civil Department and the Civil Deputy can serve papers for all Justice Courts and since we have had the Justice Courts alternate their court days, the Civil Deputy can also act as Court Bailiff if necessary.

It has been proven that the less expensive way to go is for the Sheriff's Department to handle the civil work and do it in a business like manner.

Sincerely,

E. L. "Red" Kingsley, Sheriff  
Lyon County, Nevada

EXHIBIT

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# OFFICE OF THE WASHOE COUNTY CLERK

COUNTY COURTHOUSE, VIRGINIA AND COURT STS.  
P. O. BOX 11130, RENO, NEVADA 89520  
PHONE (702) 785-6180

ALEX COON  
COUNTY CLERK

February 26, 1979

Mr. Russell W. McDonald  
3170 W. Plumb Lane  
Reno, Nevada

Dear Mr. McDonald:

I, Alex Coon, County Clerk and Clerk of the Board of County Commissioners, Washoe County, Nevada, do hereby certify that at a regular meeting of the Board held on February 20, 1979, the following order was made:

BCC79-319            LEGISLATION - AB 379 - COUNTY GOVERNMENT MEETING TIME

On motion by Commissioner Brown, seconded by Commissioner Stoess, which motion duly carried, it was ordered that our Legislative Consultant be directed to recommend that Lines 13 and 14 of Assembly Bill No. 379 be changed to read as follows:

"3. The first meeting of the board in odd-numbered years must be held on the 1st judicial day in January."

Very truly yours,

A handwritten signature in cursive script, appearing to read "Alex Coon".

ALEX COON, County Clerk  
and Clerk of the Board of  
County Commissioners,  
Washoe County, Nevada

pr

EXHIBIT

307

