

MEMBERS PRESENT

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

GUESTS PRESENT

See Guest List attached

* * * * *

Chairman Dini called the meeting to order at 9:00 A.M.

AB 426 - EXTENDS TIME FOR PREPARATION OF BUDGET
IN CERTAIN COUNTIES AND FOR COLLECTION
OF CERTAIN TAXES

MARVIN LEAVITT, Dir. of Financial Management,
City of Las Vegas

Mr. Leavitt advised the Committee the Bill was initially proposed by Clark County and it decided to withdraw its support of the Bill as now written. He stated the Bill provides that the tentative Budget, for entities within Clark County, now filed on February 20th would be filed on April 20th; the final Budget which is now filed on April 10th would be filed on June 10th. He further advised because of the delay, the first tax collection would be made on the 1st of September instead of July 1st; instead of being paid in four installments they would be paid in three installments. He stated the net affect would present a severe cash flow problem for all governments receiving property taxes. He stated he would like to propose some deletions and amendments to the Bill. He stated almost all local governments have had problems with the February 20th date because it falls so many months before the actual beginning of the fiscal year. Mr. Leavitt handed out a Schedule indicating his proposal which would move everything back about three weeks, a copy of which is attached hereto and made a part hereof.

AB 727 - GIVES SCHOOL DISTRICTS FIRST OPPORTUNITY
TO ACQUIRE FOR SCHOOL SITES STATE LANDS
PROPOSED FOR SALE

ASSEMBLYMAN BOB WEISE, A.D. 23

Mr. Weise advised the Committee the Bill was a request generated from some of the hearings had in Taxation regarding school districts and their problem of acquiring school sites. Mr. Weise stated there was a substantial amount of state land in Carson City not being utilized and possibly these lands should be put up for sale by the State. He advised the Committee he was looking at a resource that exists in certain areas that might be utilized to help out some school districts in a financial bind at this time.

JACK SHAW, Admin., Div. of State Land

Mr. Shaw advised the Committee he had nothing against the Bill in motive but the State actually owns nineteen hundredths of one per cent of the land in Nevada and is not a very sizable amount, and most of it is in one or two counties. He stated it probably was true all school districts need land for schools but the land that is owned by the State belongs to all the citizens of the State, and if one county could acquire two or three school sites at no cost, using the product of the whole state to their school district advantage, it didn't seem fair to him. He advised the Committee there is a moratorium on any sale of State land and it would take concurrent approval of the Legislature before any State land can be sold. He stated the school districts should take the initiative to ask for the land. Mr. Shaw stated it was his feeling the Bill was inequitable, both from the standpoint of patronizing a certain area at the expense of the State and saying they have to offer to the school districts.

CLIFF LAWRENCE, Supt. of Schools, Carson City

Mr. Lawrence stated he was in support of the Bill for obvious reasons. He stated one of the things they are facing now is trying to find sufficient school sites to meet their needs. He said they were looking at BLM sites for a possible junior high school if the Bond issue passes. He stated they had looked at private land but, needless to say, it is scarce and expensive.

AB 728 - PROVIDES FOR LOCAL AUTHORITIES TO INSPECT
INSTALLATION AND MAINTENANCE OF MOBILE
HOMES

ASSEMBLYMAN JACK JEFFREY, A.D. 22

Mr. Jeffrey advised the Committee the Bill arose as a result of a problem in Clark County due to the fact there was only one person handling inspections. He stated a man had tried to set up a mobile home in a Park and had tried for about six weeks to get an inspection. He stated there was a difficult time in reaching the person doing the inspections as he only had an answering service. Mr. Jeffrey also stated if the Bill is passed, he would like an amendment to remove lines 16-20, sub-section 2 of section 2; the Bill is permissive now and it hasn't done the job.

BOB CAMPBELL, City Mgr., Henderson, Nevada

Mr. Campbell advised the City of Henderson made a decision not to take over the inspection of mobile homes because of the tremendous burden it would place on them. He stated with the transient nature of mobile home owners, it would require them to employ additional inspectors to maintain the quality of inspections necessary.

Mr. Dini inquired how many new mobile homes they get a week in Henderson, and Mr. Campbell responded he did not know the weekly amount but they had around 2500-3000 mobile spaces in the City, and another 1600 on the drawing board.

*
WAYNE TETRAULT, Mobile Home Admin., State Commerce Dept.

Mr. Tetrault advised the Committee besides five State inspectors they have in the neighborhood of ten contract inspectors plus others. He stated he hasn't heard of any complaints in delays of inspections.

BRUCE ROBB, Nevada Mfg. Housing Assn.

Mr. Robb advised the Committee that Section 42.2 of Senate Bill 173 handles the problem and will guarantee that there will be adequate inspectors throughout the State. He stated they were concerned with sub-section 3 calling for periodic inspections of mobile homes and reasonable fees to be charged for those inspections. He stated they feel under the Health and Safety Laws and the police powers of governmental agencies they can already protect the safety of people residing in the mobile home.

* See Exhibit

CHARLES ZOBELL, representing City of Las Vegas

Mr. Zobell went into the background of the existing law. He advised the Committee the City of Las Vegas wants to conduct its own inspections of mobile homes through its Building Inspectors but, to do so, they would like to enforce their own local codes as long as they are at least as stringent as the state regulations. He said they would also want to charge an inspection fee. He stated in existing law there is also a question of whether the local entity has the authority to inspect the accessory buildings (such as storage sheds, attached patios, garages, room additions, etc.), and the City feels it should be their responsibility to inspect all accessory buildings to mobile homes.

AB 730 - MAKES VARIOUS AMENDMENTS TO CHARTER
OF CITY OF RENOMICHAEL ROWE, Ass't. City Attorney, City of Reno

Mr. Rowe advised the Committee the amendments, which had been distributed to members, a copy of which is attached hereto and made a part hereof, would allow them to set up proceedings and procedures that would be consistent with the Sweikert vs. Briare decision concerning the way a civil service employee can be dismissed. He stated the Supreme Court held that an employee who has become a vested employee could be dismissed only for cause, and must have a pre-termination hearing prior to being removed from civil service employment. He stated they can no longer have the City Manager walk in and say to someone they are fired. He advised the City Manager will have to recommend to the Civil Service Commission the termination of an employee, and if the employee does not choose to appeal the decision then it will become final; but if he does choose to appeal, according to the decision, he must remain on his job unless there are extraordinary or unusual circumstances.

Mr. Rowe proceeded to a second problem concerning the Truckee Meadows area which he stated has exploded in population. He stated in the Charter they now have two Municipal Court Judges provided for; however, those two departments are swamped at this point and they feel the growth in the area will necessitate having a third or fourth Municipal

Court, and the second letter distributed to the Committee, a copy of which is attached hereto and made a part hereof, provides for an amendment which gives the power to the City Council to appoint as many additional Judges as they feel is necessary.

AB 732 - REMOVES REQUIREMENT OF ACTUARIAL EXPERIENCE FOR CHAIRMAN OF NIC

ASSEMBLYMAN DOUG WEBB, Dist. 32

Mr. Webb advised the Committee as a member of the Ways & Means Committee that Committee did not feel it was a valid criteria and felt it was more important to have an administrator do the job rather than have that one specific requirement.

Mr. Jeffrey commented he had heard it said that this Bill was meant to specifically get at Reiser, and Mr. Webb responded that he had heard those rumors too but didn't think it was to get at Reiser, specifically, as much as to get the department in order.

COMMITTEE ACTION:

AB 727 - Mr. Bergevin moved NO FURTHER CONSIDERATION; seconded by Mr. Marvel, and unanimously carried.

AB 728 - Mr. Jeffrey stated if the Committee had appetite for the Bill, he would like to take care of the problem the City of Las Vegas raised, and he would delete subsection 2 and 3 of section 2.

AB 730 - Mr. Bedrosian moved AMEND and DO PASS; seconded by Mr. Getto, and unanimously carried.

AB 732 - Mr. Marvel moved DO PASS; seconded by Mr. Jeffrey, and unanimously carried.

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

Respectfully submitted,

Sandra Shatzman
Assembly Attache

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BUDGET DATES

March 15 - File Tentative Budget

Budget Hearings:

3rd Monday	in April - County	(30 days)
3rd Tuesday	in April - Cities	to
3rd Wednesday	in April - School Districts	(37 days)
3rd Thursday	in April - Other Local Govts	
May 1	- Submission of Final Budget	(16 days)
May 5	- Chairman of County Commission calls Meeting (if there is a tax rate dispute)	(4 days)
May 25	- Certification of Tax Rates	(24 days)
July 1	- Beginning of Fiscal Year	(37 days)



State of Nevada

ROBERT LIST
GOVERNOR

NEVADA DEPARTMENT OF COMMERCE
MOBILE HOME AGENCY

CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

(702) 885-4298
(702) 885-4296
Capital Complex

EXHIBIT

JAMES WADHAMS
DIRECTOR

A. WAYNE TETRAULT
ADMINISTRATOR

April 18, 1979

M E M O R A N D U M

TO: Assembly Government Affairs Committee
FROM: A. Wayne Tetrault, Administrator
SUBJECT: Suggested Amendments to AB 728

Amend Section 2, page 3, lines 9 through 27 as follows:

1. In every county and city in which a building inspector has been appointed, the building inspector, under cooperative agreement with the department;

(a) May perform all inspections required by regulations adopted pursuant to this chapter which pertains to the installation and tiedown of mobile homes and commercial coaches;

(b) May enforce all such regulations as adopted; and

(c) Shall not require any other test or procedure than that provided for by regulations adopted pursuant to this Chapter.

2. If any county or city building inspector elects not to perform the inspections and enforce the regulations, the department shall perform the inspections or engage an independent inspector to do so and if the building inspector elects not to enforce the regulations, the department shall enforce them.

3. The governing body of any county or city may, by ordinance;

(a) Require periodic inspections of mobile homes except where the ordinance would conflict with this chapter, regulations adopted pursuant thereto or with the standards adopted under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 5401 et seq).

(b) Prescribe reasonable fees to be charged to owners of mobile homes for initial and periodic inspections;

(c) Require owners of mobile homes and mobile home parks to repair or improve their facilities as may be necessary to ensure the safety of the occupants of the mobile homes and other persons.

AWT:lm

OFFICE OF THE CITY ATTORNEY EXHIBIT

ROBERT L. VANWAGONER
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*Amend line 36 page 2
after large to insert ex judges.*
April 17, 1979

Committee on Government Affairs
Nevada State Legislature
Carson City, Nevada 89701

Dear Committee Member:

As everyone is aware, the Truckee Meadows area has, in the last five years, been subjected to a rapid and unprecedented growth. As a result of this growth, more and more demand is being placed on the municipal government to provide services to the increasing population.

In particular, the city municipal court has had to handle a rapidly increasing caseload. For example, the City Attorney's office has, in the past two years, had the number of cases processed for trial increase by nearly 300%, and the number of cases presented for trial to this office is still increasing.

As a result of the increase in population, the City Council provided for the creation of a second department in municipal court to handle the increase in the number of cases to date. The City Charter, as it is currently written, has no provision for the establishment of additional departments in municipal court, which will be necessary in the foreseeable future. Therefore, the following Charter changes are recommended.

"Section 1.060 Elective offices. 1. The elective officers of the city consist of:

- (a) Seven councilmen.
- (b) One municipal judge, except the city council may provide for [a second municipal judge] *as many additional judges as the city council in their discretion deem necessary* in accordance with the provisions of section 4.010.

"Section 4.010 Municipal court. There shall be a municipal court of the city to which the provisions of chapters 5 and 266 of NRS, relating to municipal courts, as amended from time to time, shall apply. The municipal court may consist of [two departments in the discretion of the city council] *as many additional departments as the city council in their discretion deem necessary.* If the city council deter-


Committee on Government Affairs
April 17, 1979
Page Two

mines to create [two] *additional* departments, it shall do so by resolution and may appoint an additional municipal judge to serve until the next municipal election."

After discussions held with the City Council and members of the administration of the City of Reno, it was felt that these changes would be necessary prior to the next session of the Legislature, as the increase in the caseload may become too burdensome for the two departments currently created.

Sincerely,

ROBERT L. VAN WAGONER
CITY ATTORNEY

BY 
MICHAEL S. ROWE
ASSISTANT CITY ATTORNEY

MSR:km

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April 17, 1979

Committee on Government Affairs
Nevada State Legislature
Carson City, Nevada 89701

Dear Committee Member:

In a case recently decided by the Nevada Supreme Court entitled State ex rel. Sweikert vs. Briare, 94 Nevada 588 P.2d 542 Adv. Op. 221 (December 20, 1978), the Court held that an employee with a property interest in his job is entitled by due process to a pre-termination hearing by a Civil Service employer. A property interest arises when an employee becomes confirmed and may be dismissed only for cause. This decision necessitates amendments to Article IX of the Reno City Charter "Reno Civil Service Commission".

Currently, the Charter provides for post-termination hearings which, because of Briare, appear to be unconstitutional unless extraordinary or exigent circumstances exist. Based upon that decision, the following language is recommended.

A.B. 730 Sec. 5. Section 9.260 of the above-entitled act, being Chapter 662, Statutes of Nevada 1971, as amended by Chapter 553, Statutes of Nevada 1973, is hereby amended to read as follows:

Sec. 9.260 Duties and authority of city manager.

1. All employees in the civil service, other than those employed by the commission, shall hold their assigned duties under his direction, subject to the provisions of this article. No employee in the civil Service shall be suspended, demoted, dismissed or disciplined except as provided in this article.

2. The city manager or his delegate may [suspend, demote, dismiss or otherwise discipline] *bring disciplinary action against any employee* in the civil service who:

(a) Is unable to or fails for any reason to perform his duties properly and efficiently.

(b) Is guilty of any actions which reduce his effectiveness as an employee or bring discredit on the city service.

(c) Has violated any provision of this article or of commission rules.

3. The city manager shall immediately report [any such action] *any suspension of greater than three (3) days or any action of demotion or termination* to the secretary of the commission and at the same time deliver to the secretary and to the affected employee copies of a complaint setting forth the action taken and the reasons for that action, with the name of the original complainant if other than the city manager.

4. Whenever a written complaint against any employee in the civil service is made to the city manager he shall immediately communicate it to the secretary of the commission.

5. The city manager or his delegate shall have the authority to adjust an employee's salary within the salary range for the class on the basis of quality and quantity of the employee's work. The commission shall by rule provide for appeals from such adjustment on a showing that it was made principally for disciplinary purposes.

Sec. 6. Section 9.270 of the above-entitled act, being Chapter 662, Statutes of Nevada 1971, as amended by Chapter 553, Statutes of Nevada 1973, is hereby amended to read as follows:

Sec. 9.270. Appeals to the commission.

1. An employee in the civil service who has been suspended [demoted, dismissed or disciplined by the city manager] *for a period of greater than three (3) days or who is the subject of an action by the city manager to demote or terminate* may appeal such action to the commission by serving the secretary of the commission with a written notice of appeal within ten days of such action. The commission shall set the time for hearing such appeal not less than [ten (10)] *five (5)* nor more than [thirty (30)] *fifteen (15)* days from the date of service of the notice of appeal.

2. The commission shall provide by rule for hearing such appeals and making any investigations it deems appropriate. Such hearing may be closed at the request of the accused or on the commission's own motion. In all appeals to the commission, the office of the city attorney shall represent the interest of the city.


3. In connection with any hearing or investigation contemplated by this article each member of the commission shall have the power to administer oaths, secure by subpoena the attendance of witnesses residing within fifty miles of the City of Reno, the production of books and papers relevant to such hearing or investigation and to compel witnesses to answer, and to punish for contempt in the same manner provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing. All witnesses shall be under oath. The accused shall have full opportunity to be heard in person and by attorney in his own defense and shall be entitled to secure the attendance of witnesses within the reach of the commission's subpoena necessary for his defense at the expense of the city. Upon a showing of necessity an accused may secure from the commission an order requiring the taking of depositions of witnesses necessary to his defense and who are not within reach of a subpoena. The commission shall determine to what extent the expense of such depositions shall be paid for by the city. Hearings on appeal shall be reported and transcribed. The commission shall render its decision within seven days from the date [of receipt of such transcript] *from the date of the hearing.*

4. The action taken by the city manager shall stand unless modified or revoked by the commission. If the commission finds that the reason for which the action was taken was insufficient it shall modify or revoke the action.

5. The commission shall provide by rule for the hearing and disposition of appeals against examination content or procedures.

Sincerely,

ROBERT L. VAN WAGONER
CITY ATTORNEY

BY 
MICHAEL S. ROWE
ASSISTANT CITY ATTORNEY

MSR:km

