

MEMBERS PRESENT

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

GUESTS PRESENT

See Guest List attached

\* \* \* \* \*

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

SUE WAGNER, Assemblywoman, Washoe A.D. 25

Miss Wagner stated she was present concerning her Sunset Bill, and advised the Committee they should be aware if they did not do something on the Bill there would be something done on the Senate side. She requested the Committee to reconsider their action; that unit number one might be most acceptable and would have most impact, namely, consumer affairs, mobile homes, banking, and savings and loan.

A general discussion ensued between Committee members and Miss Wagner, and Chairman Dini advised Miss Wagner they would try to get action on it either today or tomorrow.

AJR 1 (59th Session) - PROPOSES TO REMOVE REQUIREMENT  
THAT COUNTY CLERK BE EX OFFICIO  
CLERK OF COURT

MIKE GRIFFIN, District Judge, Carson City & Storey Co.

Judge Griffin advised the Committee he was present in support of the Bill. Judge Griffin stated they now have 5 to 6 Clerks in Carson City who work full time for the Court but he has no control over their working hours, how records are kept, or what happens to cases.

\*AB523

JAMES GUINAN, District Judge, Washoe Co.

Judge Guinan advised the Committee the resolution originally came from him; he requested that it be drafted and arranged the introduction at the last session. He stated they are very concerned what the County Clerk does as Court Clerk because it governs the courts' operations. He stated all of their records and files are in the possession of the County Clerk and if the County Clerk is uncooperative or unqualified, as has been the case, it can make it very difficult for them to operate. He advised the Committee one of the problems was that the County Clerk would take court personnel and put them on other jobs such as elections and in the Marriage License Bureau. He stated sometimes they were left without a Calendar Clerk which meant none of the attorneys could set cases with the courts.

JOHN MENDOZA, Chief Judge, 8th Judicial Dist. Ct.,  
Clark County

Judge Mendoza advised the Committee he was present to speak in favor of the Bill. Judge Mendoza commented that all guidelines available on court administration have recommended against the system in Nevada; that the system is horse and buggy and has to come into the 20th Century. He stated the system needs change and the only way it can be done is through this particular vehicle. He advised Justices of the Peace, by legislation, have control of their own clerks and their own records; likewise the Municipal Court, the Supreme Court, and the Federal Courts of Nevada. Judge Mendoza then elaborated on some of the problems; documents are never in the file, cases are misfiled, clerks are constantly running into the court when in session with additional files which were not calendared. He said they had no way to correct the problems except by issuing a Court Order.

Chairman Dini questioned Judge Mendoza concerning a budgetary change or fiscal impact and Judge Mendoza responded they did not anticipate any budgetary change. He stated the equipment is in place; the chairs and tables, files, are in place and in the same building.

ZEL LOWMAN, Court Administrator, 8th Jud. Dist. Ct.  
Clark County

Mr. Lowman distributed to Committee members copies of his testimony before the Assembly Judiciary Committee, copies of which are attached hereto and made a part hereof.

ARDEL KINGHAM, Budget Analyst, Clark County

Miss Kingham's testimony was presented in the form of a Report prepared by her regarding the costs of splitting Clerk of the Court functions from the County Clerk's Office, dated February 13, 1979, and submitted to the Assembly Judiciary Committee, a copy of which is attached hereto and made a part hereof.

LORETTA BOWMAN, Clark County Clerk

Mrs. Bowman's opening remarks rebutted several of the statements made by prior witnesses, and she stated she felt there should be more understanding. She advised the Committee if the Judges had recommendations to make the system better then they should come forward with their ideas. She stated one of the major problems has been no communication with the courts even though she has requested the Judges to come to her office to discuss the situation.

In response to a question from Mr. Bedrosian as to how she can better serve the people now as opposed to the courts, Mrs. Bowman responded it was her feeling the Judges were elected to dispense justice and administration is not the job or function of the Judges. She stated she felt an elected official is more responsive to the public.

Mr. Craddock asked Mrs. Bowman how many Orders she had received over the years and she responded probably ten or twelve.

PAUL S. GOLDMAN, District Court Judge, 8th Jud. Dist.  
Clark County

Judge Goldman reiterated the problems recited by prior testimony and elaborated on the problems he has had personally with the manner in which the system now functions. He stressed how vital it was that the court have control of its own records and personnel and urged the Committee to take all of what had been related into consideration.

DAVID HOWARD, former Deputy County Clerk, Washoe Co.

Mr. Howard advised the Committee he was a former Registrar of Voters, Washoe County, and currently Chief Deputy Secretary of State. He stated his remarks were personal and would not reflect the Office of the Secretary of State. Mr. Howard stated the situation was not an administrative one but rather of personalities. Mr. Howard took exception to the remarks made by Judge Guinan concerning the County Clerk. Mr. Howard commented it was

his view on the problem that the Legislature should not aid the Judicial Branch on the encroachment of the Executive Branch, and the Committee would do that if they passed the Bill.

Chairman Dini advised the Committee because additional information was requested from the Judges they would hold up taking action on the Bill today.

Chairman Dini then proceeded to issue Floor assignments to Committee members.

SB 299 - PERMITS LOCAL GOVERNMENTS TO ESTABLISH TRUST FUNDS WITH RESPECT TO CERTAIN EMPLOYEE GROUP INSURANCE

SAM MAMET, representing Clark County

Mr. Mamet advised the Committee the Bill was recommended by the Risk Manager and the District Attorney's Office. He stated it was their intention to co-mingle county contributions along with the employee contributions and felt to protect themselves, and to protect the funds, they ought to seek clear statutory authorization to both an amendment to the local Government Budget Act and an amendment to N.R.S. 287.010 allowing them to establish a trust fund as defined in the local Government Budget Act and to allow them to co-mingle the contributions in the Trust Fund.

A general discussion ensued between Committee members concerning self-insurance.

Assemblyman Jim Banner advised the Committee that in a trust the moneys are co-mingled and you buy insurance from that trust but the trust doesn't necessarily mean it would be self-insurance although that would be the objective.

COMMITTEE ACTION:

SB 299 - Mr. Jeffrey moved AMEND AND DO PASS; 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



EXHIBIT

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY COURTHOUSE

LAS VEGAS, NEVADA 89101

COURT ADMINISTRATION

702/386-4011, Ext. 278

February 15, 1979

Assemblyman Karen Hayes, Chairman  
Assemblyman Jan Stewart, Vice-Chairman  
Assemblyman Jim Banner  
Assemblyman Steve Coulter  
Assemblyman Jack Fielding  
Assemblyman Nick Horn  
Assemblyman John Polish  
Assemblyman Nash Sena  
Assemblyman Bill Brady  
Assemblyman Paul Prengaman  
Assemblyman Mike Malone

Dear Members of the Assembly Judiciary Committee:

Thank you for the opportunity to respond to the February 14 letter of Commissioner Robert M. Broadbent on A.J.R. 1 of the 59th session. Although Commissioner Broadbent's letter is on stationary of the Board of County Commissioners it does not appear he speaks for anyone except himself with support memos he can command from County employees. This response is on behalf of and with the support of the full Court of the Eighth Judicial District.

Since the Court is not privy to the records of the County Clerk, no detailed analysis can be made of Ardel Kingham's figures on which Commissioner Broadbent leans so heavily in his letter. However, a number of assumptions and comments are made which do not hold up under analysis.

For example, a breakdown of "Separation Costs" appears to us entirely out of line. We see no necessity of having an employee "responsible to two different employers" (see page 5) but would anticipate that work could be so divided, that logical division of employees could be made.

If this logical step were taken, there would be no necessity for double bonding and no difficulty in placing the responsibilities for the "District Court's investment trust account". Transfers of responsibilities for fiscal accounts are easily accomplished. Since the County Clerk's testimony at your A.J.R.1 hearing on January 26 indicates that 89 of 110 employees are doing work directly court related, the "large duplication of efforts", for microfilming and data processing services, in item 4 of Ms. Kingham's memo seems to miss the point entirely. If 81% of the personnel and machinery are being used for Court functions, it would be logical to transfer them to this Court. Less than 20% remaining could then be made available "for other uses now being served". Item 5 of the memo is one of the problems of the current operation and the Court is convinced that a less-than-cost-effective operation is currently being run in the use of the "costly equipment". It is difficult to determine the derivation of figures used in that item. If they are guesses, as we suspect, then a guess in the opposite direction is as valid as the one made.

We note the scaling down of the original 89 mentioned by the County Clerk to 70 personnel "along with the microfilm and data processing equipment". A further retreat indicates that 16 of that 70 personnel perform "overlapping duties" and will require replacement. There is no justification for the assertion that additional will be required. As the Court has repeated again and again, there is no necessity for additional employees with either jurisdiction. If the Clerk's court responsibilities are reassigned to the District Court, duties can easily be reassigned so that there is a logical separation of personnel.

Under the "Equipment Requirements" section of Ms. Kingham's memo, the duplication of equipment appears to be entirely unnecessary, especially if less than 20% of the time on the microfilming equipment is for "many county departments and agencies". Those costs would obviously be small as compared to the needs of the Court, but could be satisfied by Court equipment so long as time is available on that equipment. If "legal requirements attached to original court and county documents" requires the use of separate equipment, how is the Clerk now managing this requirement? No justification is presented for the statement that reads, "the system as it currently exists represents the best use position for equipment and personnel" (see page 7).

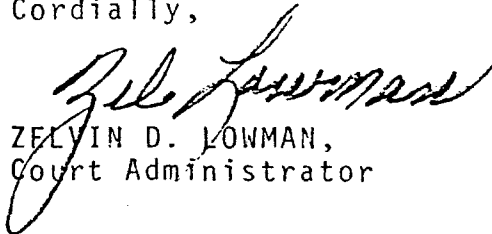
If data processing operations for other county departments total less than 20% of the time currently used, we see no reason why this can not be handled by Court personnel as well as Clerk personnel, especially if they are the same personnel merely transferred to different supervision.

In summary to this memo, no satisfactory case is made for expenditures of "anticipated first year separation costs" of \$906,963. We see no reason why there should be any costs at all, merely a separation of office space for Clerk personnel and equipment and these transferred to the supervision of the Court.

Commissioner Broadbent's letter indicates that during the January 26 hearing "the Judges of the Eighth Judicial District stated that employees of the District Court were in fact regular county employees and were employed in conformance with policies and procedures governing such employees". Following this, a great deal of his letter and a supporting report from Pat Speckmann is attached to prove that the Court handles employment and termination procedures in a different manner from the Executive Branch employees. My memory and research of the minutes of the January 26 meeting do not indicate that either of the District Eight Judges appearing on behalf of A.J.R.1 made the statement that Court employees are merit system employees in the sense that Executive Department employees are. On the other hand, the fact that Court employees receive the same benefits and the same working conditions as other County employees would seem to make the long discussion in Ms. Beckmann's memo entirely beside the point. I find no evidence that the employees of the Court have been "led to confusion" on their rights and benefits as claimed in Commissioner Broadbent's letter.

In overall summary, the letter and its attachments are built on the false premises that A.J.R.1 would result in additional costs and that employees working for the Court would be done a dis-service if A.J.R.1 is adopted. The letter does not prove either of these points but appears to be an attempt to cloud the issue with extraneous and voluminous information and innuendoes. The constitutional issue of separation of powers in the three branch system of government remains at stake as does the fundamental issue of the Court's administrative ability to control the preparation and security of records for which it is responsible. We again urge you to vote for the passage of A.J.R.1.

Cordially,

  
ZELVIN D. LOWMAN,  
Court Administrator

TESTIMONY ON AJR 1 OF THE FIFTY-NINTH SESSION EXHIBIT

BY ZELVIN D. LOWMAN, COURT ADMINISTRATOR  
EIGHTH JUDICIAL DISTRICT COURT  
BEFORE THE ASSEMBLY JUDICIARY COMMITTEE  
March 23, 1979

Madam Chairman and Members of the Judiciary Committee:

As a result of the letter written to this committee by Commissioner Robert Broadbent on February 14, my office was requested by Assemblyman Nick Horn to prepare a budget on which it would expect to operate the functions of the Clerk's office, which are directly related to the court if AJR 1 is passed by this legislature and voted affirmatively by the electorate.

It has been extremely difficult for me to find the information necessary to prepare such a budget. I have finally determined that the Clerk's office has two Time and Attendance reports monthly, one for personnel supporting the court functions and another for other employees of the office. The Time and Attendance for "Court Services" carries only 64 people as compared to the 70 named by Mr. Broadbent's letter and the 89 mentioned in this capacity by County Clerk Loretta Bowman's testimony before this committee on January 26.

We have analyzed this Time and Attendance report in my office and have found there are ten grant employees whose functions we have been unable to determine. Consequently we removed them from our budget entirely; set up an organization chart which makes administrative sense to us, applied the present pay schedule and step as paid by the Clerk's office and now give you the budget attached to your copy of this testimony. I should like to briefly explain this budget to you.

Please note that no new personnel are anticipated to do the job. In fact, we would expect our present Administrative Assistant to take on additional accounting and personnel functions, becoming the Accounting Supervisor. All of the other section supervisory jobs, including that of Chief Court Clerk, would be filled by personnel currently assigned to "Court Services", and you can see by the attached organization chart that we have analyzed the job to be done and the availability of qualified personnel and matched as necessary. In two instances there are more people



reporting to one supervisor than I would prefer, but we propose to work this out with the 54 people available if AJR 1 becomes a reality.

As you can see, we do not propose additional personnel cost impact on the County Clerk. If she has 110 employees, as her testimony indicated on January 26, the removal of 54 for "Court Services" would still leave her with 56 to carry out the other work of her office.

We would expect to have the desks, typewriters and other office equipment presently assigned to the 54 employees in "Court Services", but there should be no reason for the Clerk to replace them since the functions and space would be assigned to the Court. We would also expect that the microfilm machines, printers and viewers currently being used for court related functions would be released for court use. However, I have determined that there would be no need for the court to have the data processing machines currently in the Clerk's office, since we can achieve the data processing functions with less expense and in a more efficient manner by arrangement with the county-wide data processing system.

Thus it seems incongruous to us that an additional \$500,000 will be required to replace the 85% of the Clerk's present equipment to run her other "state mandated responsibilities". Another incongruity is the \$906,963 as the "first-year separation cost" in the budget analyst's report. Nor does there seem to be any justification for the continuing \$447,393 per year following that. Perhaps there would be some minor remodeling in the Clerk's present office spaces to separate the two functions, but it is adjacent to the Court Administrator's office and with proper supervision could begin functioning shortly after AJR 1 might take effect. At today's prices we would estimate a need for approximately \$1,000 to do this minor remodeling.

Overall, it appears that we could save \$75,433 annually in personnel costs to those presently being spent on "Court Services" (please see budget). Adding the \$1,000 estimated for remodeling, we would expect to save money rather than incur the enormous cost proposed by the budget analyst in Commissioner Broadbent's letter.

PROPOSED PERSONNEL BUDGET FOR COURT SERVICES  
EIGHTH JUDICIAL DISTRICT

EXHIBIT

		<u># Positions</u>	<u>Salary</u>
Chief Court Clerk	Sch. 23	1	\$ 15,568
Account Clerk II	Sch. 11	3	\$ 27,720
Clerk Typist	Sch. 9	1	\$ 10,927
Courtroom Clk. Supv.	Sch. 19	1	\$ 14,969
Courtroom Clk. II	Sch. 16	13	\$161,160
Courtroom Clk. I	Sch. 13	3	\$ 30,346
Calendar Clk. Juv.	Sch. 13	3	\$ 34,680
Calendar Clk. Supv.	Sch. 13	1	\$ 10,519
Calendar Clk.	Sch. 11	2	\$ 20,375
Legal Filing Supv.	Sch. 19	1	\$ 15,568
Evidence Clk.	Sch. 13	1	\$ 9,716
Appeals Clk.	Sch. 13	1	\$ 9,716
Sr. Legal Process Clk.	Sch. 11	5	\$ 51,358
Legal Process Clk.	Sch. 9	2	\$ 17,672
Index Clk.	Sch. 9	3	\$ 27,745
Micro Film Supv.	Sch. 11	1	\$ 10,519
Micro Film Clk.	Sch. 9	4	\$ 39,718
Jury Commissioner	Sch. 13	1	\$ 12,788
Deputy Commissioners	Sch. 9	3	\$ 30,856
Family Support Supv.	Sch. 13	1	\$ 12,291
Clk. Typist	Sch. 11	3	\$ 28,434

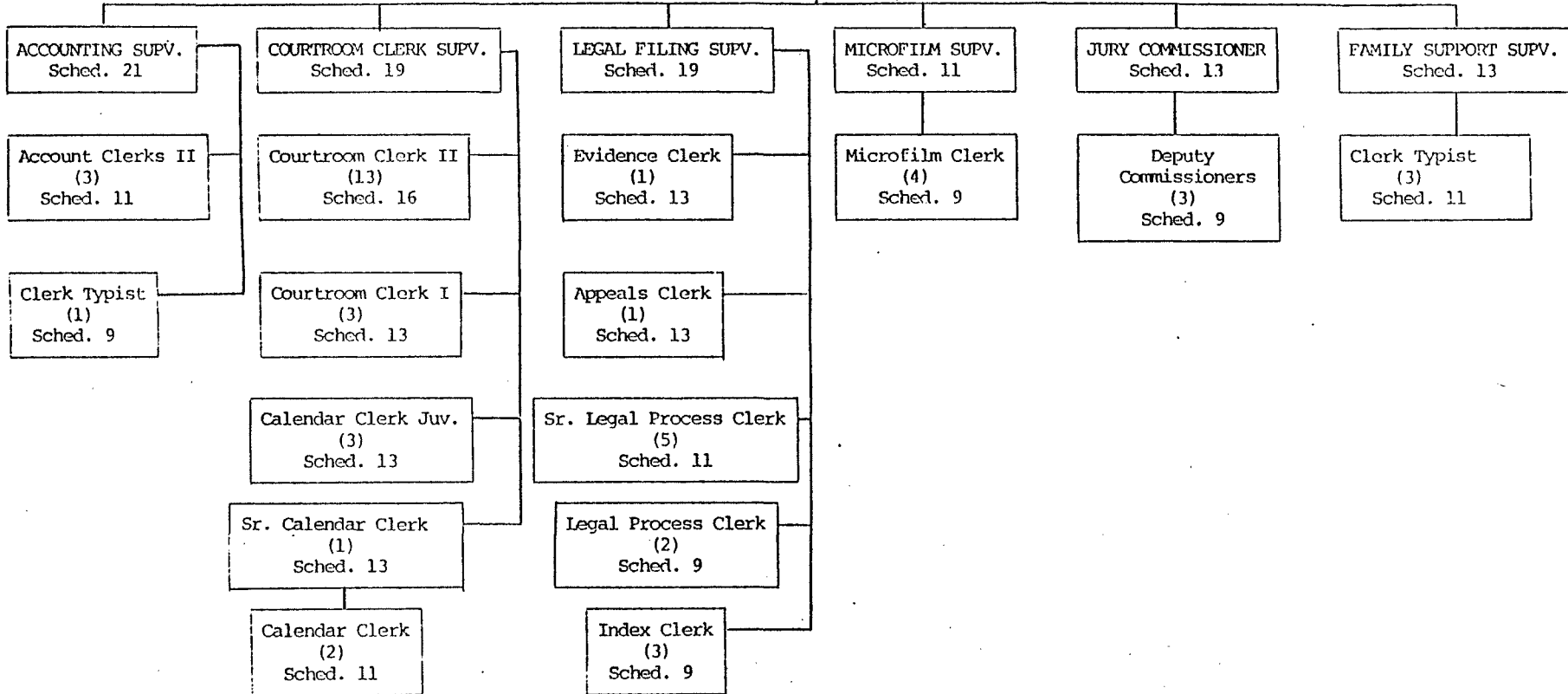
Persons	54	\$592,645
Fringe	23%	\$136,308
TOTAL		\$728,953

Present Court Services Payroll for 64 persons		\$653,972
Fringe	23%	\$150,414
TOTAL		\$804,386

Difference \$ 75,433

COURT ADMINISTRATOR

CHIEF COURT CLERK  
Sched. 23



TESTIMONY ON AJR 1 OF THE FIFTY-NINTH SESSION  
BY ZELVIN D. LOWMAN, COURT ADMINISTRATOR  
EIGHTH JUDICIAL DISTRICT COURT  
BEFORE THE ASSEMBLY GOVERNMENT AFFIARS COMMITTEE  
APRIL 24, 1979

Mr. Chairman and Members of the Committee,

Bulletin 77-3 published by the Legislative Commission in September, 1976, was a report of the sub-committee composed of Assemblyman Robert Barengo, Chairman, Senator Lee Walker, Vice-Chairman, Senator Carl Dodge and Assemblymen Tom Hickey, Lloyd Mann, Jim Schofield and Sue Wagner. This sub-committee recommended a constitutional amendment to remove the County Clerk from the status as ex officio Clerk of the District Court, and AJR 1 is the result.

As you know, there has been considerable testimony in two hearings before the Assembly Judiciary Committee before referral to Government Affairs. The District Eight Judges whom I represent are overwhelmingly in favor and have sent a letter to the Legislature to that effect. The new Clark Region Judicial Council made up of representatives of the new District, Justice and Municipal Courts in Clark County have gone on record in favor of it. At the request of Assemblyman Horn in Judiciary, I have presented a proposed budget pointing out that the Eighth Judicial District expects to save money if the change is made rather than costing extra as has been represented by the opposition.

I have spent nearly twenty-five years in private industry before coming to the District Court in Clark County on January 1 of this year. You will not find in private industry anywhere the assignment of responsibility for records without commensurate authority over these records. We do not in the Eighth Judicial District have any say, under present conditions, on the form, preparation or maintenance of the courts' records. This makes no administrative sense at all. Obviously a system is no system without control of its records.

April 24, 1979

TESTIMONY

PAGE TWO

My office is currently in the middle of an evaluation of a case-tracking system installed two years ago to reduce the backlog of cases in the court. Despite the installation of a computer, the present County Clerk's office cannot provide us with the statistics necessary to evaluate what has been done during these two years. All our Judges have found it difficult. There are errors in filing. There is a low priority for micro-filming records which we need. There is no commitment to the case flow problem, only to the record-keeping function. Above all, the Court has poor cooperation from the County Clerk's office, and it has no control over quantity, quality, time or cost of case processing.

Contrary to what has been said by the opposition, there are no plans to lay off present employees. No employee will have his benefits affected if this change takes place. The smoke screen of fear raised is not in the best interests of the employees and is totally false. We hope you will report out AJR 1 with a do pass recommendation.



ROBERT N. BROADBENT  
COMMISSIONER

*Board of County Commissioners*

VALLEY BANK PLAZA  
SUITE 1111  
300 SOUTH FOURTH STREET  
LAS VEGAS, NEVADA 89101  
702 386-1200

February 14, 1979

The Honorable Karen W. Hayes, Chairman  
Assembly Committee on the Judiciary  
Nevada Legislature  
6010 Euclid  
Carson City, Nevada 89701

Re: AJR 1 of the 59th Session

Dear Mrs. Hayes:

On January 26, 1979, testimony was presented by Clark County Clerk Loretta Bowman regarding the costs of splitting Clerk of the Court functions from the County Clerk's Office. Miss Bowman presented documentation to demonstrate that additional costs to the county in needed equipment and personnel would total approximately \$750,000 per year, of which \$250,000 would be for twenty additional personnel. At this time, I suggested that the Committee on the Judiciary should request the preparation of a fiscal note delineating the additional costs to counties if the Clerk of the Court function was split from the County Clerk's Office. Also, I recommended that any additional cost resulting from such a bifurcation of functions be borne by the state.

We were asked by the Committee on the Judiciary to review Miss Bowman's cost projections and submit a detailed report on what we project the costs to Clark County to be if this proposed split in functions were realized.

Ms. Ardel Kingham of our budget staff has completed a detailed analysis (see attachment "Fiscal Analysis") of possible costs involved. Her study finds that the total anticipated one-time cost for the separation would be approximately \$960,963 with

Honorable Karen W. Hayes

-2-

February 14, 1979

yearly repetitive expenses in a minimum amount of \$447,393. Her study indicates that there will be a need for sixteen (16) additional personnel. Costs are summarized as follows:

TOTAL ANTICIPATED SEPARATION COSTS

I. First year costs	
Personnel	\$260,637
Services	155,051
Capital equipment	446,850
Miscellaneous unrepeatd	<u>44,425</u>
TOTAL FIRST YEAR	<u>\$906,963</u>
II. Recurring costs second year, etc.	
Personnel @ 8% merit increase	\$281,488
Services @ 7% cost of living	<u>165,905</u>
TOTAL SECOND YEAR	<u>\$447,393</u>

During the January 26, 1979 hearing on AJR 1, the judges of the 8th Judicial District stated that employees of the District Court were in fact regular county employees and were employed in conformance with the policies and procedures governing such employees. I asked our staff to look into this assertion and prepare a report determining the validity of these comments. Attached is a report prepared by Patricia Speckmann, Staff Services Coordinator to the County Manager delineating the specific problems encountered by the County Department of Personnel in attempting to deal with employees of the District Courts. (Please refer to attachment "Personnel Review.")

Her report clearly demonstrates that the judges have developed and operated a personnel system subject to their own rules, regulations, and procedures. Specifically, in the areas of employee classification, compensation, selection, and grievance procedure, it is clear that the District Court Judges have determined that they will operate under a separate personnel system. Thus, any representation by the judges that they operate within the framework of the county's personnel policies, practices, and procedures, is misleading. Attached to Ms. Speckmann's report are a number of letters and memorandums from the 8th Judicial District Court demonstrating their utilization of a separate personnel system and their disregard of the county-wide system.

Honorable Karen W. Hayes

-3-

February 14, 1979

The continual efforts on the part of the District Court Judges toward establishing personnel policies and procedures separate and distinct from the county system have not only resulted in a duplication of effort for this basic service, but more importantly have led to confusion on the part of county employees as to just exactly what are their employee rights and benefits.

An effort on the part of the District Court Judges to split Clerk of the Court functions from the County Clerk's Office would exacerbate the problems substantially in that an additional seventy (70) employees would be subject to a different personnel system than is currently conducted by the county. The rights, benefits, salaries, and classification schedules of the employees transferred to the District Court would be in jeopardy if past practices of the District Court Judges were to continue.

We are pleased to have the opportunity to present this fiscal and personnel information relative to AJR 1 to the Committee on the Judiciary for their review. If we can be of any further assistance, please do not hesitate to contact us.

Sincerely,

ROBERT N. BROADBENT  
Commissioner

RNB:bp  
Attachments



# MEMORANDUM

BRUCE W. SPAULDING  
County Manager

JOSEPH C. DENNY  
Assistant County Manager

## OFFICE OF THE COUNTY MANAGER

TO: JED D. CHRISTENSEN, BUDGET OFFICER  
FROM: ARDEL KINGHAM, BUDGET ANALYST  
SUBJECT: SEPARATION OF COUNTY CLERK FUNCTIONS  
DATE: FEBRUARY 13, 1979

EXHIBIT

It has been proposed that the functions of the County Clerk be divided such that Court Services be transferred to and supervised by the District Court and District Court Administrator.

In analyzing the County Clerk's anticipated expenditures, which would be required if the Court and County functions are bifurcated, the total costs for personnel requirements could not be wholly substantiated while equipment costs appear to be accurate. However, there are several expenditure requirements that were not addressed by the County Clerk. The total anticipated one time costs for the separation will be approximately \$906,963 and the yearly repetitive expenses will be a minimum of \$447,393. Should such a move take place, an absolute separation of function and location is a necessity for a variety of reasons:

1. An employee who performs overlapping duties <sup>should not</sup> cannot be held responsible to two different employers. This creates an obvious morale problem. <sup>an efficiency problem. could</sup>
2. For an employee to perform overlapping duties would require double bonding. This in itself may not be a problem. However, should a problem arise with regard to an employee's honesty and integrity, such double bonding may cloud the issue as to responsibility. Currently, one bond covers an employee involved in both County Clerk Services and Court Services.
3. Responsibility for the District Court's investment trust account cannot rest with the County Clerk while authority rests with the District Court Administrator.
4. A very large duplication of efforts will arise as a result of the need for microfilming and data processing services. Currently, one operation performs both functions.
5. A fifth consideration is the probability of under-utilization of costly capital. Where currently one operation will perform both functions at 100% capacity of capital, it is conceivable that two operations will perform their respective functions at 60% of capacity, leaving a potential under-utilization of 80% (40% in each operation). This under-utilization of capital can be very costly. The capital investment of under-utilized equipment within the County Clerk's operation may possibly be

Jed D. Christensen  
February 13, 1979  
Page 2

\$414,100. The 40% translates into \$165,640 and assuming an exact duplication within the operation of Clerk of the Court, the 80% translates to \$331,280.

Aside from the obvious problems with segregation of functions, a not so obvious consideration is the monetary impact of the physical separation itself.

Court Services requires a complement of 70 personnel, office equipment, microfilming and data processing equipment. Of the 70, however, 16 persons (14 Clerk Services; 2 Court Services) perform overlapping duties between Court and County and will be required within the County function.

It is assumed that the separation will require the County function be moved from its physical location to a rental facility. The County has no owned space available to accommodate the County Clerk. Thus, an additional cost will involve the physical movement and subsequent re-establishment of the County function, namely, the 16 additional personnel and related equipment.

The following analysis of incremental costs, therefore, are identified as minimum expenses associated with the separation of County Clerk functions. As to personnel, it was found that the original request for 20 personnel should be reduced to 16 as there are areas of responsibility overlap which can be adequately accommodated by one rather than two positions, i.e., copy machine operations can be handled by the microfilm operators, only three counter clerks would be necessary.

#### EQUIPMENT REQUIREMENTS

The duplication of equipment is vital for the following reasons, which should not be considered exhausted:

1. The County Clerk functions as central microfilming for many County departments and agencies. Without such equipment, the County would be required to seek independent microfilming at retail costs.
2. Because of the legal requirements attaching to original Court and County documents, the physical separation precludes the use of a single microfilm and equipment operation.

Jed D. Christensen  
 February 13, 1979  
 Page 3

3. The County Clerk performs integrated data processing operations involving other County departments (i.e. Recorder, Data Processing, Assessor, Las Vegas Metropolitan Police Department, etc.) which must be maintained on a continual basis thereby mandating the requirement for duplicated data processing equipment and personnel.

It must be recognized by all concerned that the duties of the Court Clerk must be performed and the production level maintained to efficiently and effectively serve the needs of the court regardless of by whom. However, the system as it currently exists, one County Clerk functioning for both the Courts and the County represents the best use position for equipment and personnel. That position is the balance of cost and labor application through joint use which provides the highest efficiency and most cost effective production at present and future volumes of input.

ITEMIZED ANTICIPATED SEPARATION COSTS

I. YEARLY EXPENSES

A. Personnel

Personnel cost impact on District Court:

(1) Clerk	<i>Can this be a manager type?</i>	\$28,000
(1) Assistant Clerk	<i>Legal Admin. Aid sub 21</i>	23,000
		<u>51,000</u>
Fringe benefits 23%		<u>11,730</u>

Additional yearly personnel costs to District Court

\$62,730

Personnel cost impact on County Clerk:

(1) Microfilm Manager	\$25,000
(1) Program Analyst	17,500
(6) Microfilm Operators	60,000
(1) Bookkeeper	10,500
(3) Counter Clerks	29,100

*24, -28,000*  
*Devan. head - 24, -28,000*  
*Legal Admin. Aid sub 21 - must audit.*  
*admin of the 70*

Jed D. Christensen  
 February 13, 1979  
 Page 4

(1) Cashier	9,800
<u>(1) File Clerks</u>	<u>9,000</u>
<u>14</u>	\$160,900
Fringe benefits @ 23%	<u>37,007</u>
Additional yearly personnel costs to County Clerk	<u>\$197,907</u>
B. Services	
Communications @ \$300 per month	\$ 3,600
Equipment maintenance	43,296 -
Parking space rental 20 employees @ \$25.50 per month (\$510) per month	6,120
Bonding expense - District Court	35
Janitorial expense - 10,000 square feet @ 10¢ per square foot (by contract) = \$1,000 per month	12,000
Space rental including utilities 10,000 square feet @ 75¢ = \$7,500 per month	<u>90,000</u>
Total Services	<u>\$155,051</u>

II.

CAPITAL EQUIPMENT: FIXED EXPENSESPersonnel:

*Personal  
Equip.*

25 desks/tables @ \$250	\$6,250
25 chairs @ \$100	2,500
10 typewriters @ \$700	7,000
4 calculators @ \$400	1,600
4 adding machines @ \$300	1,200
1 cash register	7,000
10 file cabinets @ \$200	2,000
3 time clocks	900
Miscellaneous: floor mats, wastebuckets, etc.	500

Microfilm/Data Processing:

4 reader printers: 2 @ \$3,000; 2 @ \$3,600;	12,600
2 Oracles @ \$11,000	22,000
1 Versamat Processor	12,000
1 Prostar	7,500
1 COM (Computerized Microfilmer)	140,000
1 Mini computer system including	150,000
1 Rotaline cameras @ \$8,000	16,000
1 copy machine with colator (9200)	50,000
2 Diazo duplicators @ \$1,900	3,800
2 jacket loaders @ \$2,000	<u>4,000</u>
Total Anticipated Equipment Costs	<u><u>\$446,850</u></u>

Jed D. Christensen  
 February 13, 1979  
 Page 6

III. MISCELLANEOUS NON-RECURRING COSTS

Moving expense	\$ 1,096
Stationery reprint	100
New facility remodeling:	
(a) Primary facility - materials	23,294
(b) Secured storage vault - materials	6,607
(c) Labor	12,728
Communications establishment	<u>600</u>
Total miscellaneous costs	<u>\$ 44,425</u>

TOTAL ANTICIPATED SEPARATION COSTS

I. First year costs

Personnel	\$260,637
Services	155,051
Capital equipment	446,850
Miscellaneous unrepeated	<u>44,425</u>
TOTAL FIRST YEAR	<u>\$906,963</u>

II. Recurring costs second year, etc.

Personnel @ 8% merit increase	\$281,488
Services @ 7% cost of living	<u>165,905</u>
TOTAL SECOND YEAR	<u>\$447,393</u>

BRUCE W. SPAULDING, COUNTY MANAGER

EXHIBIT

FROM: PAT SPECKMANN, STAFF SERVICES COORDINATOR *PS*

SUBJECT: DISTRICT COURT PERSONNEL

DATE: FEBRUARY 14, 1979

Per a recent request to you by Commissioner Broadbent, the attached staff report has been prepared regarding District Court personnel. The report outlines the progressive tendency on the part of the District Court Judges to remove the Court employees from the County merit personnel system. In the areas of employee classification, compensation, selection, and grievance procedures, it is clear that the Judges have determined that they will operate under a separate personnel system. The report, in general, concludes with the finding that although the County has continuously held that District Court employees are County employees and as such are subject to the rules of the County's merit personnel system, the Judges through the establishment of their own rules and procedures, have attempted to establish and maintain a District Court Personnel System.

/mgf

In testimony presented to Assembly Judiciary Committee on January 26, 1979, the Judges of the Eighth Judicial District created the impression that the employees of the District Court were, in fact, regular County employees and were employed in conformance with the policies and procedures governing such employees. Evidence pertaining to the District Court's personnel policies over the past year in Clark County would, however, basically prove the statements made by the Judges to be highly misleading. In fact, based upon the constitutional question of separation of powers, the employees of the District Court have been for some time the subject of controversy relative to their status as County employees versus Court employees. Further, it would appear from the evidence that the Judges themselves have preferred to remove District Court from the rules and constraints of the County merit personnel system in several major areas of personnel policy.

In general, the County personnel system can be viewed as having two major components, procedural and regulatory. Under the procedural component, the District Court has generally been in compliance with the County personnel system. In most cases for instance, record keeping and the advertising aspects of the recruitment process for the Court have been coordinated through the County Personnel Office. However, in terms of the personnel regulatory functions wherein lie the fundamental aspects of the system, the Judges have demonstrated a tendency to develop and operate a personnel system subject to their own rules. In the areas of employee classification, compensation, selection, and grievance procedures, it is clear that the District Court Judges have determined that they will operate under



a separate system. Examples of past attempts to establish separate rules for the District Court in key regulatory areas are outlined below:

- Employee Reclassification

Recently Clark County conducted a countywide personnel reclassification study. All County employees, with the exception of those in the District Court, were included in the study. At the time of the study's commencement, the County Manager was informed by the District Court that their employees were not to be included. Consequently, all positions within the County have been established at pay grades commensurate with responsibilities and requirements of the job, with the exception of those positions in the District Court. And further, because the Judges have not cooperated with the County in terms of personnel reclassification, the County Personnel Office must now maintain a separate listing of classifications, specifically for the Court.

[Subsequent to the completion of the countywide reclassification study, the District Court Administrator prepared his own reclassification proposal for several clerical positions within the Court which clearly do not conform with the classification for similar County positions in terms of pay grade and salary (see Attachment A).]

- Personnel Policy Manual

In the spring of 1978, the District Court developed its own personnel policy manual which was to apply to their employees. Many of the policies set forth in the manual such as dates for performance evaluation, probationary period, overtime, recruitment, etc. were not in conformance with County rules and regulations. The development of the Court's personnel manual appears to be another attempt by the Judges to establish separate rules for District Court employees and to notify the County that they would no longer participate with respect to certain long-standing policies of the County (see Attachment B).

- Grievance Procedures

Provisions for the appeal of terminations for all County employees under the Merit Personnel System are set forth in NRS, County Code and in the Agreement between the County of Clark and the Public Employees Association. All County employees wishing to grieve terminations are processed in accordance with these provisions. The District Court, however, has held that their employees are separate from other County employees in this regard and has processed their own grievance cases. In one grievance case, the County was contacted on several occasions by the attorney of an employee of the District Court because he could not obtain information from the supervisor relative to the termination case (see Attachment C).

The County, having no cooperation from the Court, could not provide the information, and thus stood exposed to suit in view of the fact that NRS provides all County employees with a right to a grievance hearing. In other cases, the Judges have made it known to employees that the Court is a separate branch of government than County Administration, and that their rights to grievances are not the same.

In summary, although the County has continuously held that District Court employees are County employees and must be a part of the merit personnel system as set forth in NRS 245.213, the District Court Judges have viewed the situation from a different perspective. Any statements made by the Judges inferring that the employees of District Court are County employees and are treated as such, should be interpreted in light of the evidence set forth in this report which details efforts over the past year to establish and maintain a District Court Personnel System. In fact, their continual efforts toward establishing personnel policies separate and distinct from the County system have not only resulted in a duplication of effort for this basic service, but more importantly have led to confusion on the part of County employees as to just exactly what their employee rights and benefits are.



EIGHTH JUDICIAL DISTRICT COURT  
 CLARK COUNTY COURTHOUSE  
 LAS VEGAS, NEVADA 89101

COURT ADMINISTRATION

702/388-4011, Ext. 278

January 31, 1979

TO: BRUCE SPAULDING, County Manager  
 FROM: ZELVIN D. LOWMAN, Court Administrator *ZL*  
 SUBJECT: RECLASSIFICATION OF LEGAL SECRETARY

Because the last full-scale review of the Legal Secretary II classification was in 1972, the twelve judges of the District Court have instructed me to make a study of the jobs in that classification and to send to you the attached support information for appropriate classification and salaries.

The enclosed job description is the result of my analysis. It describes the work of the Legal Secretary II who manages one of the offices of the twelve judges. In the six years since the last review, this work load has become increasingly heavier and more complex as new responsibilities for calendaring and case flow regulation and for administrative assistance to the Judge have been added.

Accordingly, the Judges have approved a new classification of Judicial Secretary on schedule 21 to reflect these duties. The remaining seven employees in the Legal Secretary II classification, are assigned many of the same duties but on an intermittent basis as they relieve those regularly assigned to Judges. Their classification remains Legal Secretary II but their schedule should be upgraded to 18, to reflect their new work with somewhat less continuing weight of responsibility.

For additional clarification, I am also enclosing a list of our personnel presently in the Legal Secretary II classification, showing how the new classification will affect individuals. The vacant job will be filled as soon as possible.

While the paper work on these changes is being processed, please have your budget office add \$22,238 to our requested 1979-80 budget.

Please call on me if you have any question.

RECLASSIFICATION FOR TWELVE LEGAL SECRETARIES SCHEDULE 16  
TO  
JUDICIAL SECRETARIES  
SCHEDULE 21

RECLASSIFICATION FOR SEVEN LEGAL SECRETARIES SCHEDULE 16  
TO  
LEGAL SECRETARIES II  
SCHEDULE 18

TOTAL INCREASE FOR BUDGET FY 79/80	\$20,784
7% INFLATION FACTOR	1,454
TOTAL	<u>\$22,238</u>

	PRESENT SCHEDULE	RATE OF PAY	PROPOSED		COMPLETION 6 mo.	
WOODWORTH, J.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
CORIWRIGHT, L.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
SCHOFIELD, B.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
MIKLE, R.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
DUCHARME, A.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
CHANI, V.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
ROESNER, S.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
SPRAGUE, A.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
McELROY, F.	16/4	\$ 12,997	21/1	\$ 14,076	21/2	\$ 14,629
BELL, P.	16/7	\$ 14,629	21/3	\$ 15,222	21/4	\$ 15,829
LEWICKI, S.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462
HARTLE, S.	16/8	\$ 15,222	21/4	\$ 15,829	21/5	\$ 16,462

PRESENT:	\$179,846	\$187,588	\$195,078
( 6 mo:	\$ 93,794 )	( 6 mo:	\$ 97,539 )

Proposed Increase \$ 11,487

15% Retirement \$ 1,723

NEC \$2.70 per c \$ 310

Total cost reclassification for 12 Judicial Secretaries: \$13,520

Inflation factor 7% \$ 946

\$14,466

## ATTACHMENT "A" contd.

	<u>PRESENT SCHEDULE</u>	<u>RATE OF PAY</u>		<u>PROPOSED</u>		<u>COMPLETION 6 MO</u>
MILLER, B. J.	16/8	\$ 15,222	18/7	\$ 15,829	18/7	\$ 16,462
TAGGARD, V.	16/6	\$ 14,076	18/5	\$ 14,629	18/6	\$ 15,222
BLAKE, S.	16/6	\$ 14,076	18/5	\$ 14,629	18/6	\$ 15,222
JOHNSON, M.	16/8	\$ 15,222	18/7	\$ 15,829	18/8	\$ 16,462
CASCADDEN, N.	16/4	\$ 12,997	18/3	\$ 13,523	18/4	\$ 14,076
GUDEMAN, L.	16/9	\$ 15,829	18/8	\$ 16,462	18/8	\$ 16,462
VACANT	16/1	\$ 11,555	18/1	\$ 12,498	18/2	\$ 12,997
PRESENT:		\$ 98,977		\$ 103,399		\$ 106,903
			(6 mo.:	\$ 51,699		\$ 53,451

Proposed Increase \$ 6,173

15% Retirement \$ 925

NIC \$2.70 per C \$ 166

Total cost reclassification for 7 Legal Secretaries: \$7,264

Inflation factor 7% \$ 508

\$7,772



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY COURTHOUSE

LAS VEGAS, NEVADA 89101

WAYNE L. BLACKLOCK  
COURT ADMINISTRATOR

TELEPHONE  
702/388-4011, Ext. 278

April 5, 1978

MEMO TO: DWIGHT TURNER  
FROM: WAYNE BLACKLOCK  
SUBJECT: DISTRICT COURT JOB OPPORTUNITIES

The judges of the District Court recently adopted an independent Court Personnel Manual. We will be hiring directly through the Court, but would like to give the opportunity to apply to those seeking employment within other county agencies.

Please post and/or distribute our announcements as you deem appropriate.

RECEIVED  
APR 6 1978  
CLARK COUNTY  
PER. MANEL





EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY COURTHOUSE

LAS VEGAS, NEVADA 89101

WAYNE L. BLACKLOCK  
COURT ADMINISTRATOR

April 6, 1978

TELEPHONE  
702/388-4011, Ext. 278

OPPORTUNITY FOR EMPLOYMENT

ENGLISH - SPANISH COURT INTERPRETER

The full-time Interpreter Coordinator maintains a pool of part-time interpreters qualified to interpret 25 languages as needed. Responsible for English - Spanish courtroom interpretation, as well as administrative duties.

Minimum qualifications: A.B. or B.S. in languages, fluency in English & Spanish, ability to translate legal documents, 2 years experience as an interpreter or 1 year in education for int./trans. (Experience and ability may be considered in lieu of education.)

Salary: \$13,548 - \$15,545

Filing date closes May 20, 1978 at 5:00

Please submit resumes to: District Court Administrator, 200 E. Carson St.  
Las Vegas, Nevada 89101

"AN AFFIRMATIVE EQUAL OPPORTUNITY EMPLOYER"



ATTACHMENT "B" contd.

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY COURTHOUSE

LAS VEGAS, NEVADA 89101

WAYNE L. BLACKLOCK  
COURT ADMINISTRATOR

April 5, 1978

TELEPHONE  
702/388-4011, Ext. 278

OPPORTUNITY FOR EMPLOYMENT

COURT INTAKE OFFICER

Federally funded under LEAA grant for 1 yr.

The Court Intake Officer processes defendants charged with felony and gross misdemeanor offenses, and booked into the Clark County Jail. CIO's advise defendants of rights, charges, arraignment date, bail, and make a preliminary determination of indigency. Shift work.

Requirements: A.B. or B.S. degree, knowledge of the criminal justice system preferred.

Submit resume to: Court Administrator, 200 East Carson St. Las Vegas

89101 Filing closes April 17, 1978 at 5:00 p.m.

"AN AFFIRMATIVE EQUAL OPPORTUNITY EMPLOYER"

# Archie & Heggie

Attachment "C"

ATTORNEYS AT LAW  
431 SOUTH SIXTH STREET  
LAS VEGAS, NEVADA 89101

ROBERT ARCHIE  
G. BRENT HEGGIE

TELEPHONE  
AREA CODE 702  
382-4512

FILED

June 20, 1978

JUN 28 10 42 AM '78

CERTIFIED MAIL NO. 496818  
RETURN RECEIPT REQUESTED

LORETTA BOWMAN  
CLERK

BY Shirley Broderick

Clark County Board of  
Commissioners  
200 East Carson Avenue  
Las Vegas, NV 89101

RE: TERMINATION OF GEORGE KABOLIS

Dear Sirs:

On May 23, 1978, my client, George Kabolis, received a letter from Wayne L. Blacklock, Court Administrator, notifying him of his termination, effective May 25, 1978 at 7:00AM. This correspondence alleged that he was asleep (asleep on the couch in the locker room on Friday morning, May 19, 1978).

I sent a letter to Mr. Blacklock on the 25th day of May, 1978, requesting a written statement specifically setting forth the reasons for dismissal, as required by Article 11 of the Clark County Public Employees Association agreement. In addition, I utilized the May 25 correspondence to request a grievance review before the grievance board appointed by the Commission. Mr. Blacklock responded by correspondence dated June 13, 1978, and he referred me to the previous letter of termination and a memo sent to George Kabolis on November 3, 1977. He still did not comply with the requirements of Article 11 and state who saw George Kabolis asleep in the locker room on Friday morning, May 19, 1978 and the time of this occurrence.

In addition, the State of Nevada Department of Employment Security, Unemployment Compensation Division granted unemployment compensation to Mr. Kabolis because "the Employer (Mr. Blacklock) declined to submit any conclusive evidence to support their allegations and the Claimant has denied sleeping on the job. Misconduct in connection with work cannot be established."

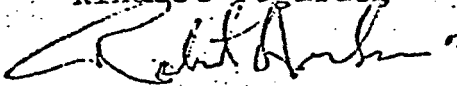
Clark County Commission  
re: G. Kabolis 6/20/78  
Page Two

( ATTACHMENT C CONC.

In light of the aforementioned, I respectfully request the Clark County Board of Commissioners order Mr. Blacklock to render written verification for the termination of my client or, in the alternative, order Mr. Blacklock to reinstate my client with full back pay.

Your consideration in this matter is greatly appreciated.

Kindest regards,



ROBERT ARCHIE  
Attorney at Law

RA:ps

# Archie & Heggie

ATTORNEYS AT LAW  
431 SOUTH SIXTH STREET  
LAS VEGAS, NEVADA 89101

TELEPHONE  
AREA CODE 702  
382-4512

ROBERT ARCHIE  
G. BRENT HEGGIE

July 31, 1978

Jack R. Petitti  
Clark County Commission  
200 E. Carson Avenue  
Las Vegas, Nevada 89101

RE: TERMINATION OF GEORGE KABOLIS

Dear Mr. Petitti:

Approximately one month ago, I sent you a letter concerning the termination of the aforementioned individual, and as of this date, I have not received a reply.

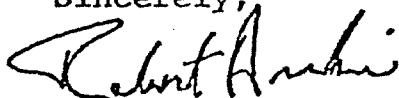
Please be kind enough to turn this matter over to the Assistant District Attorney who is assigned to your civil division, so that he may investigate this matter and report back to you.

If I do not hear from you within seven (7) days from the date of this letter, I will have no alternative but to file a Writ of Mandamus in the Eighth Judicial District Court.

I have attempted to be extremely patient with the elected officials in this jurisdiction. I now feel that I am being ignored. If I am ignored any further, I will sue. I hope this letter will inspire you to respond.

Attached is a copy of the Decision of the Referee for the Employment Security Department of Nevada concerning the termination of Mr. Kabolis. You will note that the Decision was favorable to my client, which indicates that he was not fired for cause. This should give you some guidance as to the direction you should pursue.

Sincerely,



ROBERT ARCHIE  
Attorney at Law

RA:at  
encl.

## OFFICE OF THE COUNTY MANAGER

TO: DAN FITZPATRICK, STAFF SERVICES COORDINATOR

FROM: ARDEL KINGHAM, BUDGET ANALYST

SUBJECT: RESPONSE TO ZEL LOMAN'S RESPONSE TO OUR REPORT ON SEPARATION  
OF COUNTY CLERK FUNCTIONS

DATE: MARCH 6, 1979

The following are my initial reactions to Mr. Lowman's rather shallow response:

1. Mr. Lowman claims the court is not privy to the records of the County Clerk. This is obviously a gross inaccuracy since all her records are public records and open to view by anyone who wishes to see them.
2. An employee cannot be responsible to two different employees and I concur with him that work can be divided, that a logical division of employees can be made.
3. He makes a statement that the County Clerk's testimony at A.J.R. 1 hearing on January 26 indicates that 89 to 110 employees are performing court-related functions. However, I was under the impression the original figure identified was 70.
4. The 81% he identified as related to court functions is based on the above assumption that 89 employees are doing work directly for the court. If the number 70 is correct, then the percentage would be 63.4%. However, it does not logically follow that if 63% or 81% of personnel are performing court functions that the same percentage can be applied to the utilization of data processing and microfilming equipment.
5. He makes a statement that the court is convinced that a less-than-cost-effective-operation is currently being run in the use of the costly equipment. It would be interesting to know on what data the court is basing their conviction.
6. Mr. Lowman further states that there is no justification for the assertion that additional personnel will be required if the functions are separated. Whom does Mr. Lowman suggest to take over the duties released by those employees who are transferred to the court? The 16 personnel which were pared down from the original 20 will be desperately needed to handle those functions no longer being processed by court personnel. Those functions cannot be absorbed by the remaining 40 personnel in the Clerk's Office as they are already working at 100% capacity. If it would have been possible to absorb those functions prior to any split, one would have observed 16 people aimlessly wandering around the Clerk's Office and an obvious overstaffing situation would have existed.

Dan Fitzpatrick  
March 7, 1979  
Page 2

7. Mr. Lowman makes a further statement that duplication of equipment appears to be entirely unnecessary and that if the Clerk's requirements for such equipment is less than 20%, then the court could handle these requirements on their equipment. Again, one would have to question where the 20% came from as these were not original figures. Several problems would exist if the court were to perform data processing and microfilming for the Clerk, i.e.:
- a. Scheduling of equipment, who has priority over the use of the equipment?
  - b. What if an immediate need situation existed, who would be pre-empted from the use of the equipment?
  - c. The legal requirements that attach to original court and County documents relates to possession of those documents. Official documents may not be released from the office repository on which responsibility for safekeeping of those documents have been placed. This legal requirement automatically precludes the court from microfilming or otherwise handling official documents for the Clerk.
8. Mr. Lowman states that no justification is presented for the statement that the present system represents the best use possible for equipment and personnel. As the operation currently exists, the most cost-effective system has evolved out of necessity in order to provide all recipients with timely and accurate data. The separation of these two functions cannot help but increase personnel and equipment expenses in order to provide the same level of service now being provided by the Clerk.

In summary, I would like to make the suggestion that since Mr. Lowman "sees no reason why there should be any costs at all" to such a separation, that should such a separation take place, the courts be required to pay all unanticipated separation costs accruing to the Clerk functions.

AK:jrl







STATE OF NEVADA  
EIGHTH JUDICIAL DISTRICT

JOHN F. MENDOZA  
DISTRICT JUDGE  
DEPARTMENT FIVE

200 EAST CARSON STREET  
LAS VEGAS, NEVADA 89101  
(702) 386-4011

January 25, 1979

The Honorable Melvin D. Close, Chairman  
Senate Judiciary Committee  
Nevada Legislature  
Carson City, Nevada 89710

The Honorable Karen Hayes, Chairman  
Assembly Judiciary Committee  
Nevada Legislature  
Carson City, Nevada 89710

Dear Legislators:

On February 15, 1977, the Judges of the Eighth Judicial District Court wrote to the chairmen of the Judiciary Committees of the 59th Session in support of A.J.R. 1, which proposed to amend the Nevada Constitution by removing the designation of county clerks as ex-officio clerk of the Courts of Record. This letter is to re-affirm that position as the 1979 legislative hearings begin on that resolution.

It has been evident over the years that the courts would benefit by being able to control the records which are their responsibilities. The District Judges of the Eighth Judicial District Court encompassing Clark County, support this change to Article Four of the Nevada Constitution.

When the Constitution was written it was probably entirely reasonable to have a single County Clerk handling the records for a single district judge. As the work load has increased and more judges have been added, along with staff to handle their supportive services, it is logical that the processing of records, and gathering of information and the placement of responsibility will all be improved by assigning greater responsibilities to the court itself. Among the duties which are ministerial in nature and essential to the judicial function are calendaring, case file control, personnel and record management.

Mr. Close; Mrs. Hayes

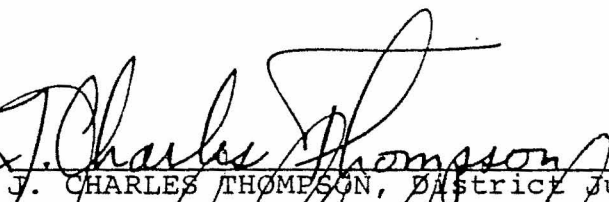
-2-

1-23-79

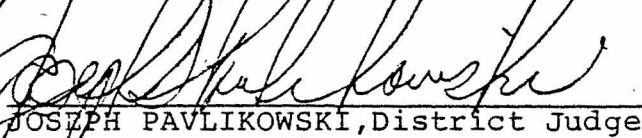
As the county clerk's office has taken on more responsibilities, the court clerk services have become less important to that office and the Court does not receive the quality of service which it requires.

We urge you to allow the voters to give these functions currently performed by the county clerk but which are inherent and incidental to the powers of the judiciary, to the Court for its administration.

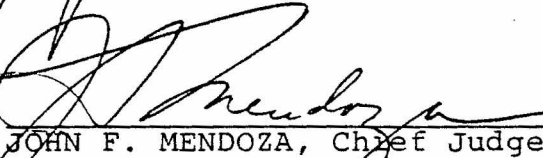
Respectfully,

  
J. CHARLES THOMPSON, District Judge

  
JAMES BRENNAN, District Judge

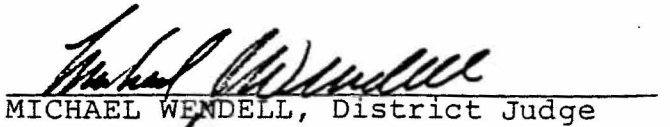
  
JOSEPH PAVLIKOWSKI, District Judge

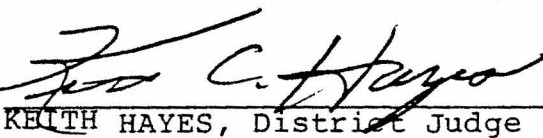
  
THOMAS J. O'DONNELL, District Judge

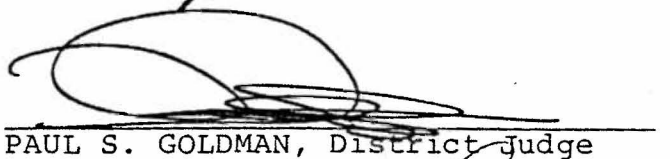
  
JOHN F. MENDOZA, Chief Judge

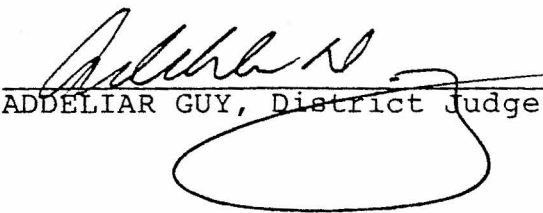
  
HOWARD BABCOCK, District Judge

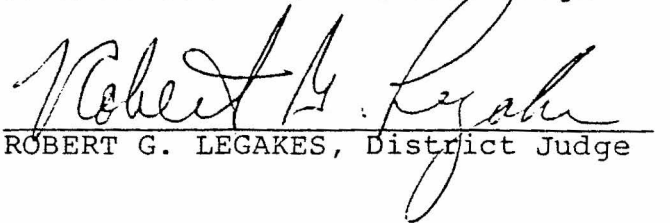
CARL CHRISTENSEN, District Judge

  
MICHAEL WENDELL, District Judge

  
KEITH HAYES, District Judge

  
PAUL S. GOLDMAN, District Judge

  
ADELIAR GUY, District Judge

  
ROBERT G. LEGAKES, District Judge