MEMBERS PRESENT: Chairman Dini
Vice Chairman Schofield
Mr. Craddock
Mr. DuBois
Mr. Jeffrey
Mr. May
Mr. Mello
Mr. Nicholas
Mr. Polish
Mr. Prengaman
Mr. Redelsperger

MEMBERS ABSENT: None

Guests Present: Please refer to the guest list attached to the minutes of this meeting.

Chairman Dini called the meeting to order at 9:05 A.M.

Mr. Dini indicated the first bill to be discussed was AB 289.

The first speaker was Mr. Dan Fitzpatrick, representing Clark County. Clark County strongly endorses AB 289 Currently I believe most of your County Commissioners do elect a Chairman and a Vice Chairman. We did not realize until a recent court case that we became involved in, that the position of Fice Chairman is not a statutory position. The specific example or problem we ran into in Clark County, is that a major ordinance was called for public hearing at a special meeting and a special meeting was called by our Vice Chairman and no one bothered to check to see if a Vice Chairman does have that authority. Well, we had the meeting and the ordinance was thrown out in a court case. This piece of legislation, AB 289, in essence, will allow for the appointment of a Vice Chairman, and number two, allow the Vice Chairman, in the absence of the Chairman, to call a special meeting of the Board of County Commissioners. We certainly support this particular bill.

Mr. Mello asked if the ordinance was thrown out because the meeting was called by the Vice Chairman.

Mr. Fitzpatrick answered yes. He said that there were a number of items in the particular bill but this was one of the technicalities they had on us. Our attorneys concurred that it was an oversight and it should have been called by in the absence of the Chairman by the majority of the Board.

Mr. Mello said that the only reason he asked that question is the Vice Chairman of the Interim Finance is in the same position as the Vice Chairman of the County Commissioners. There is nothing in the statutes that says there will be a Vice Chairman and yet they still call the meeting.

The next speaker was Mr. Bryce Wilson, representing the Nevada Association of Counties. Mr. Wilson stated that they would support the legislation.

This concluded the testimony on AB 289.

The next bill to be heard by the Committee was AB 290.

The first speaker on this bill was Mr. Dan Fitzpatrick, representing Clark County. Mr. Fitzpatrick stated that AB 290 was a piece of legislation recommended by our County Recorder, Joan Swift. It seems that in the enabling legislation under 247, the recording of birth and death certificates is a requirement of the Recorder's Office. As many of you well know, this authority for the recording of birth and death certificates was given to the State Health Officer and for local administration to your local health officer for the registration, enforcement, and filing, etc., of all vital statistics regarding birth and death. Thus, our County Recorder has not in the past several years taken birth and death certificates even though the current law says that she is supposed to record such birth and death certificates. This legislation is an attempt to clean up, in essence, what should have been deleted when the law under NRS 440 was adopted. NRS 440.190 states that the County Health Officer shall act as the collector of vital statistics in his county. 210 of that law says each local health officer shall carefully examine each certificate of birth or death when presented for recordation. 220 of that chapter, enforcement of certificate requirements is also provided for. None of this power the recorder has and this act simply deletes this as a requirement of the recorder.

The next speaker was Mr. Orvis Reil, representing NRTA/AARP. He stated that when he saw this bill he became rather curious as to why. Several months ago, I went over to the local courthouse to get some information on a death certificate prior to the time 440 came into being, and it was way back between 1890 and 1895. When I got over there I could find no records on this in Carson City for those five years. This bill deals with two of the most important documents for any person in this room, a death and a birth certificate.

As a result, when I looked over this bill, I went over and checked with the County Recorder's Office and they sold me that since 1911 they have not been keeping these documents, although this bill indicates that this particular section 290 still is on the books. They referred me to what is considered the County Health Office. I have still not found out who is the County Health Officer in Carson City. The office that I went to deals with environmental health and so forth. After the secretary in this office made several telephone calls, she finally identified the name of the person that was responsible for keeping these records in Carson City. I assume in Washoe County and Clark County, it is worked out of a health office set up. I would like to know what means they have to preserve those documents. Are they in a box and are they in something

protected for fire or something like that? That is one reason why I am opposed to this.

The next speaker was Mr. Bryce Wilson representing the Nevada Association of Counties. Mr. Wilson stated that they support this bill. These records go to the state bureau for safekeeping and for easy access and we feel that there is a better tie in with other counties and other states then there is at the present time. It would facilitate the whole operation.

This concluded the testimony on AB 290.

The next bill before the committee was AB 291.

The first speaker was Mr. Dan Fitzpatrick, representing Clark County. AB 291 adds an amendment to an act that I believe was enacted last session. Last session we had requested, and the legislature enacted a provision under 322 of NRS to allow private organizations which provide transportation to the elderly or handicapped to receive fuel. The organization in Clark County which is EOB, the Economic Opportunity Board, provides van services for the elderly and handicapped throughout the community. They requested through our automotive division and asked if we could present an amendment that they could receive services from our automotive district that they could actually contract for maintenance services. This act in essence, adds on to fuel as an eligible item, the term maintenance. As you will note in subsection 3 here, the cost of all maintenance services shall be provided by the agency. So it is on a total reimbursement contractual basis, it is not mandatory. The Economic Opportunity Board certainly would like this service and we would like to legally provide it. Thus, we support this bill.

The next speaker on AB 291 was Mr. Bob Sullivan, representing the Counsel of Governments, Douglas, Carson City, Lyon, Storey and Churchill County. We were not aware that we were perhaps in violation of the law. Each of my five counties now maintain vehicles and perhaps they are sponsored or titled by the Kiwanis Club for transportation of Senior Citizens and the handicapped. Very often to get vehicles you need to have non public sponsors. However, there are several tiers of organizations involved and your local governments then provide the maintenance or they market the fuel on a priority basis, and generally, these vehicles are the third priority or low ranked. Fire trucks and police cars come first. The regular county vehicles and city vehicles come second and the public service vehicles come second. It is a very welcome addition to the community and if in fact we need this type of legislation, I would urge you to support it.

The testimony on AB 291 was concluded.

The next bill on the agenda for the committee to discuss was AB 283.

Mr. David Dietz with the Douglas County Planning Department testified first. Mr. Dietz stated that Douglas County favors this bill and the several changes in it becuase they feel that it would give them some options that they do not currently have. They are particularly interested in Subsection 5 and Section I, giving the Planning Commission the option if granted by the County Commission to extend the period for review in times when staff is being limited because of tax concerns and the high rate of development being felt in Douglas County. They feel that 45 days is in some cases not adequate to do a thorough review of proposals brought before the county commission. They would like to have the option to extend the period to have additional time to review projects.

Mr. Dini asked if they have a problem now staying within that 45 days.

Mr. Dietz stated that the problem varies. Very often that 45 days is completely adequate. It's just when several major proposals come in at once, we are still held to the 45 days and that becomes a major problem to do a decent review.

Mr. Redelsperger stated the state agencies tend to be able to get theirs taken care of within thirty days.

Mr. Dietz answered that the 45 days the county has, has to cover a wide range of things. It is not a single purpose review. The county of course is aware of what the project is goingto be. It is the physical layout due to transportation. What about the mix of housing uses. This would give major projects a chance to be more thoroughly reviewed. As an example, last week we looked at a 650 unit subdivision that would include seven phases to cover the period that could extend up to twenty years. It was in a new area, there were fire protection considerations, water, transportation, and a whole list of considerations that obviously could take a lot of time to do a good job. As is usual now, most subdivisions are handled within 45 days.

Mr. Nicholas said that he understood that there certainly would be good reason for wanting to extend a review period. It's just that it could almost be indefinitely extended, if I understand lines 17 and 18 on the first page correctly, and I wonder if there shouldn't be a bottom line. I certainly understand where 45 days might not be enough, where 60 might not be enough, but just going on indefinitely, literally allows some of these things to be tabled and I don't know if I approve of that.

Mr. Dietz stated that he could certainly see that as reasonable. He said that he does not have a counterproposal from the county that he could give. An option of some sort, an out would be very appropriate even if there was a bottom line of some sort. Anything to give us some additional time.

Mr. May stated that Mr. Dietz had said this is pretty much a problem or perhaps the bill was requested by Douglas County, is that correct?

Mr. Dietz indicated he did not believe so. I do not know that it was specifically requested.

Mr. May asked if this was a common problem also?

Mr. Dietz indicated that it was here.

Mr. Bob Sullivan of the Council of Governments. He indicated that he had heard several comments on this bill from a couple areas around the state that it is not a COG bill. I would like to point out that sometimes, more often than not, when we got beyond the 45 day period because of ongoing relationships between the review body and the developer, you say can you provide these kind of services. The county goes back and takes a look and comes back to the developer and says well, we might have a little difficulty looking up. It is a trade off. I think it is a healthy situation if we can answer your problem Mr. Nicholas of applying it to situations where this does not occur, where you have a trade off between the developer and the local body. We certainly don't intend this to be a situation where we can put off things indefinitely, but rather to better accomodate those larger proposals and also to accomodate them when they come in in sprees of three, four, five, dealing with one subject area. I do want to say that it is a working relationship between the local government and the developer that this particular bill speaks to.

Mr. DuBois asked if there was any way of differentiating between the larger ones you mentioned, some of the ones going for twenty years, and the usual run of the mill, so to speak, so that you don't have this open ended, dragging on as long as possible situation?

Mr. Dietz said that would speak to part of the problem. The other thing is of course not just large projects but when you get a lot at once. Like I say, three professionals on the staff, when you get a whole bunch of projects on top of a normal, average load, to deal with those projects even if they are modestly sized of 100 units or something, to come up with all of the necessary even just conditions so the developer can be given if you can meet these conditions you can go ahead and build. Even to come to that stage may not be I guess adequately reasonable during the time given, so it's not just the large projects which would seem obvious, but also the case load, which would obviously make a much more complex bill to amend this by.

Mr. Dietz stated that negotiation characterizes a lot of it in the sense the developer says I think I can afford to offer this to the county as an incentive to let my development go in now, but the county says we like your development, but maybe we can't afford

it in five years, we can't afford to extend the road or the sewer so it's a question of what the county can afford to do for your first phase development versus later phases. So it can be very complex especially in outlying projects that are not adjacent to existing developments.

Mr. DuBois asked if under those circumstances if it would be practical to have verbal agreement between the Planning Commission and the Developer. If both parties agreed to take another 15 or 45 days, would that be practical.

Mr. Dietz stated that the trouble with that is that the developer might not wish to agree and I don't know what situation that might present itself, whether that would tend to favor projects being disapproved, or automatically approved and hope that the wrinkles would come out. I think it would be an improvement. That is how it is handled now. The developer can say there is ongoing discussion, and I will voluntarily let this ride and not ask for the meeting. This is the developer's protection if they wish to say I want to have it within 45 days, that is their guarantee and they can have it by law. With major projects there are major difficulties and they want to have them worked out so that the project will be approved, but I don't know if that would add a lot because that is sort of how it is done, just informally.

Mr. Polish stated that the bill indicates that it is a tentative map. It is not the final map.

Mr. Dietz stated that approval of a tenative map is a legal document which obligates the county if all the tentative conditions in the tenative map are met, so you don't want to approve something if you are not sure you have all of the right conditions in it, so it is actually a very powerful document and the final map is usually just a fine tuning device. A bottom line is certainly appropriate; something that would give them an out would be an improvement on what it is now. I don't expect it will be used that often.

Mr. Dietz stated that he believed that the open-endedness is a very reasonable argument and indicated that he believed they would support something that would put a bottom line - he indicated he thought 45 days is a useful starting point, but I say in some cases given the fact that the counties have to live within budgets too, and overtime costs money, they have the same financial constraints that a developer does, and what it is is trying to get together so that a decent review of the obligations to the county citizens can be done. At the same time, if you put a bottom end on it that is perfectly appropriate and it certainly guarantees the developer a reasonable period of review.

Mr. Sullivan asked if he could make a suggestion. If you consider something similar to this earlier on in the session and it dealt with time periods on subdivision review where it is agreed upon between the developer and the local government. I feel this par-

ticular bill was from the developing interest. The comments that I had along the line with what Mr. Dietz is saying. The larger developments want to have a little bit more time so they can go back to their people. It takes time to go to my finance officer, or to go back to my engineer and rework something to make a better proposal to the county. It is a give and take process that you want to undergo. 45 days is a little short with some of the larger developments in town. How about some suggestion along those lines? Upon joint approval by the developer and the local government you can go beyond the 45 days.

Mr. Schofield indicated that that was already in the statutes, 278.350 allows the extension by mutual consent of the subdivider.

Mr. Dietz indicated that that was what he was speaking to earlier. That's often what helps Douglas County out is the developer's wish to have that. This would just enable it when there is a caseload problem or something like that to allow it to be changed..

Mr. Dietz stated that it has not been a major problem, but it is a feeling that Douglas County has been experiencing tremendous growth and the problem will continue to get bad especially if the Tahoe area does begin to have development again because those are often very sophisticated projects and with a three man professional staff that can be a very heavy load to accomplish in 45 days and this would allow some sort of out even if you did amend this to put in a bottom line at some very definite point, but I assume just as in the nature of running a good office, we would try and get everything in and out as quickly as possible.

Mr. Dini asked if there was anyone else who wished to testify in favor of AB 283.

Mr. Bryce Wilson representing the Nevada Association of Counties tesified next. The association supports the bill and I would support the testimony that you have just heard. I would like to point out that this problem while intermittent in nature and while coming about now and then with respect to the numbers of development projects that may impact on a certain county at one time, nevertheless I think the two bigger counties have obviously a greater flow. They have bigger staffs and the very small counties have not had the problem yet, but they are going to and they are beginning to have it now and if development proceeds in the outer areas of the state the way we perceive that it will at this point, they are going to have problems and the flexibility of having the extendible length of time I think is a plus factor for both sides of the equasion and in respect to a bottom line that is reasonable, the bracket of 60 days to 90 days bounces back from out their with reasonable acceptance, so I would suggest perhaps something between those two dates. It does seem inappropriate to have an open-ended thing that could go on forever, so 60 to 90 days might be the answer.

Mr. DuBois indicated that when you consider the tremendous cost to the consumer would it not be better to add a person to the staff of the county?

Mr. Wilson stated that that was a very good point and there are two concerns there. One is the uneven flow and two is finding the people. In Douglas County we have had a turnover and I think in the other counties we have turnovers and one of the problems is what you are able to pay. There are a lot of different things that bear on this problem.

Mr. Redelsperger stated he would like to add something from the developer's point of view here is that it is very important for the developer to have a proper working relationship with the governing body and I think if there are some problems with the map I think the law has enough room in it to where they could cooperate and work and extend the time. Going back to what Mr. DuBois was talking about, the ultimate cost not only of the money, but of the road construction, over a ninety day period of time it is a lot of cost and this is just one area of government. You still have all the other steps and all the other agencies to go through. I think the loser is going to be the consumer in the long run.

Mr. Wilson said that planning is a concept and aproblem that does increase costs. If you didn't have any planning you could have the cheapest kind of development which would be maybe not so good as it developed. As an individual looking at it from the Planning Commissioners standpoint, all you are really trying to do is to improve a development from the point of view of acceptability in the community to other people and the developer. There are higher costs associated with that and sometimes you wonder just how much higher cost you should thrust upon a project by improving it or making it more parks or more facilities for recreation - the gamit of things that can be applied, especially in larger subdivisions and from our experience in Douglas County which appears to me to be a small idea of what it going to happen elsewhere in the State, we have had this problem at some points and in some cases wanting to extend the time. Therefore, that is the reason for the bill.

The next speaker was Irene Porter, Executive Director of the Nevada Home Builders Association. I want to back track a little bit. We oppose this bill. Let me explain to you some things in my own background. Some of the members of the committee are familiar with all of this. Some of the newer ones may not be. In the 1975 session of the legislature, we got into an awful lot of problems in Chapter 278. The legislature passed a resolution establishing an interim study committee on Chapter 278, the subdivision laws, construction laws, NRS 116, 119 and all of the related chapters. The interim committee, if I recall, was chaired by Senator Echols, extablished two technical advisory committees. One in Northern Nevada and one in Southern Nevada. The one in Northern Nevada was chaired by Fred Weldon who at that time was with the State Land Use Planning Agency. The one in Southern Nevada

was chaired by myself and at that time I was Planning Director of the City of North Las Vegas and the chairman of the Clark County Regional Planning Counsel. We spent all of 1976, Fred in the North and myself in the South, with full committees involving public and private and everyone you could find. We attended each other's meetings. It was a full report that was developed. We had hearings in small areas in the State. One that I went to with Fred Weldon and Jerry Lopez and I set up one in Elko to try to find out what the problems were all over the State of Nevada because we have such a different State. In the 1977 session this report was given to the legislature through the committee and the re-write of Chapter 278 occurred. One of the things we consistently found throughout the state and I discussed this with Jerry Lopez this morning just to make sure that my memory was correct was that there was an absolute need of time frames within the law. We found instances all over the state in tentative maps where no one really knew what they were doing. Maps would get held up for six or eight months. Some places they did them in 90 days. Some places they did them in 45 days, so what the two committees did is we laid out in a flow chart, everything that had to be done on tentative maps, all the reviews, all the places that it had to go and all of the things that had to be weighted against it. From that the recommendation was made that 45 days was an adequate time period.

Now having spent ten years as a director of city planning, I understand the problems that the young man was talking about today where you are inundated with work. When you remember that Clark County has grown 250,000 people in the last ten years, you can imagine all of the departments down there have had more than their fair share. At the present time, I am not aware of one planning department in Clark County - and some of them only have two professionals on their staff and tremendous growth cities - that are having a problem with the 45 days time period. One of the things they are doing down there and have been doing for many years, and I might make it as a suggestion, is they set up a committee - the 45 days does not start until you file that tentative map - so what they are doing down there is they are setting up a committee composed of their planning department staff, their public works people and their building department people and they meet with the developer and go over their proposals and look at it in depth and make suggestions. And then, after that, the tenative map is file, so you could go through two months of meetings back and forth and waiving the kinds of issues and never get into the time frame problem. Once the developer makes that commitment and starts having that tentative map drawn, gentelemen there is a lot of money involved. That does not come cheap. So the preliminary meetings are of benefit to the city government, the county government, to the developer and ultimately to the consumer because he hasn't wasted a lot of money in having to redraw his map ten times. That would be one way they could function.

I can appreciate too the feelings about having three staff and I think some of the arguments they presented here this morning might appropriately be made to their county commission during their budget

hearing time in trying to get adequate staff for their department. I have made a few of those in my life too and I really can't see us changing the state law to extend or open-end that time frame because we have this kind of an internal problem, when this thing was worked on over, and over and over.. If you look at the flow, you can do it in 45 days but part of that is dependent upon a relationship between the developers and the city and county where they can set up these meetings and they are very successful. They help everybody in the long run and I would think that would be an internal kind of thing and we can leave the state law alone on the 45 days.

Further on in this bill we addresss the problem of the tentative map and the recording of the final map. This is a problem. I have a copy that I will supply to the Committee of the Attorney General's opinion on this issue that has gotten us into this whole discussion of tenative and final maps. Ms. Porter's letter from the Attorney General is attached to the minutes of this meeting as EXHIBIT A.

Ms. Porer stated that for 25 years in Clark County all of the entities down there interpreted the section of the law in a particular manner. All of their city ordinances, their subdivisions - everything was predicated on the principle that you come in with a fully engineered map and it may be of a large project. I am going to use one builder as an example to you because I have his permission and this is Chism Homes. Chism Homes has done a good deal of quality building in Clark County and all of the entities. Chism Homes comes in with a map that overlays 250 acres, their tentative map. They go through their whole process and they get their approval on their tentative map. From that approval they make the commitment to doing a series of final maps, because from a practical standpoint you can't go out with that many houses at one time, particularly in our market today. We have got to be about 80% presold to attract any more. When you are talking about 22 to 24% interim construction money you certainly can't have any standing inventory. So they do it in units. Final maps. Over the process of 25 years the way it was handled in Clark County was that you did this tentative, you worked out all the conditions and terms all the way down the line and then you began a series of final maps. Now the City of Las Vegas ordinance read where you had to record a final map each year and then you did not have to go in for extensions of time on your tentatives as long as you recorded a final every year. The other entities were pretty much in accord with that - a slight variation of the version - and it functioned, it functioned very well, it always has.

In 1975 the City of Boulder City requested an attorney general's opinion on the language within 278 relative to tentative maps and whether the final did bind them, or whether they had to keep coming in for extensions. The attorney general's opinion stated that they had to build those subdivision out in one year. Well I can assure you that it almost created chaos in Clark County. We were all sitting there together, the City Governments the County

Governments and the developers saying what do we do now. My association with the Southern Nevada Homebuilders Association employed Mike Sloane, attorney, to help us with the problem. Mike had a good deal of correspondence with each of the entities and with the attorney general and it was the concensus that in Clark County we kind of keep operating like we were until this session of the legislature when we could work things out and get the problem resolved in this session.

I am offering an amendment to 278.360. I have supplied it to Mr. Dini, to address this issue throughout the state. Mr. Sloane and I talked the other day and I am going to make this offer to the committee now because Mike has done a great deal of work with all of the county attorney, the DA and everything else on this issue.

If this language is not acceptable to the committee, Mr. Sloane will be more than happy to work with the committee and work out a different version of the language.

Ms. Porter read the amendment to the committee. A copy of the amendment is attached to the minutes of this meeting as EXHIBIT B.

Ms. Porter stated that the language in the amendment related to additional conditions. It comes as a result of specifically, Lewis Homes and a couple of other subdividers in Boulder City. Boulder City was using this attorney general's opinion and every time they came back to try to record a final they said you have to reapprove your tentative and in the reapproval of the tentative process they added thousands and thousands of dollars worth of improvements and conditions on to that map. Lewis Homes took the City of Boulder City to court twice in Clark County on that issue and Lewis Homes prevailed in court both times. That is part of what we are trying to prevent in here. It does happen. It has happened around the state and they are saying that we are doing such an in depth analysis on the tentative map and we certainly should be able to impose the conditions at that time. It is like putting the nail in the coffin all the conditions and all the expenses we are adding on. We agree with a good many things that need to be done. Paving of streets, sewer and water and everything else, all of the adequate improvements and developers in Clark County have been doing them for a long time. We supported the AWT plant down there and everything else so we are not trying to say we are trying to get away from something but we have got to be realistic in this process.

Mr. DuBois asked if Ms. Porter had said that prior to 1977 there was no time stipulation.

Ms. Porter stated that if she recalled in the tentative map process there was no time stipulation.

Mr. DuBois asked if that was put into the books in 1977?

Ms. Porter stated yes.

Mr. DuBois questioned why there were delays.

Ms. Porter stated that sometimes it was a disagreement sometime between the city or the county or the developer, so they would be at loggerheads with each other and rather than go ahead and deny the map which they can do in 45 days, they would just hold it off and hold it off. Sometimes they just said well we don't have the staff to process it and we have another thing that has to have priority and we have to have done and this sat for 90 days before it was processed or maybe sometimes the planning commission did not wish to make a decision. That is one of the things we are missing - we are saying in this bill and delegating to the planning commission to have the authority to grant or the planning commission extending time. There is something philosophically basically wrong with that. The planning commission is an advisory and recommendary body only. We are placing in authority here unelected officials. That granting of extensions - the proposal we have in here lies with the governing body and should, in my opinion, the elected official should make that decision because he is answerable to everyone. The planning commission members are lay people and I think it is unfair to burden them with that responsibility as well. Those authorities should properly be vested in the governing body and not in the planning commission.

Ms. Porter stated that she was not an attorney but questioned if you could give a recommendary body this kind of authority. I just question it in my own mind and think it would have to be vested in a government body and not in a planning commission.

Mr. Prengaman asked if aside from Boulder City is it your knowledge that any other governing body places additional conditions on granting extension of time?

Ms. Porter said yes. She has done it.

Mr. Prengaman stated that aside from the Boulder City case, what is the rationale? It seems to me that you are restricting them a great deal with that. Maybe more so than is warranted by just one case, which is the Boulder City case.

Ms. Porter stated that she thought that we do have a lot of restriction in here and this is what I was saying to the committee. If this is not acceptable, maybe we can work out something else. We can't go through the process of having a subdivision where we have recorded four final maps and the fifth final map we impose another $100,000 worth of conditions. That is the problem and it happens throughout the state because those 50 houses have got to absorb that $100,000. We have go to know - and I am saying the construction industry - needs to know up front these things are going to be required. Go make them bond for it and then they can plan for it and then they can include it and they can put it in their loans and they

can amortize it out over a full subdivision, but yes I have seen it happen throughout the State of Nevada in all entitlies where they might get four units down the road and suddenly have a new ballpark they are playing in. That's our problem.

Mr. Prengaman asked if these additional conditions justified or not.

Ms. Porter stated that in the case of Lewis Homes in Boulder City, the court found they were not justified conditions. You would have to review the other cases and instances around the state Mr. Prengaman to determine that. I can address that particular instance.

Mr. Redelsperger asked if Boulder City passed a no growth bill not too long ago or an ordinance? Did the City Council use this as a tool to limit growth?

Ms. Porter stated yes.

Mr. Dini indicated that the committee would not take any action on AB 283 today. Mr. Dini indicated that a subcommittee of Mr. Schofield, Mr. Prengaman and Mr. Craddock would work on this bill. Mr. Dini indicated he would like a report back from the subcommittee next Monday.

The committee next discussed AB 139.

Mr. Mello stated that what this bill does, if you recall, AB 139 was to have the Reno City Councilmen run by wards. There will be the same number of councilmen. One will run at large and we will work from there. It spells out the three proposals and they will be published in the newspaper and they will be published on the ballot explaining Proposition A, B and C. A is to amend the charter providing that councilmen be elected in both the primary and new elections by the voters in their respective wards. B is to amend the charter that the councilmen be elected in the primary election in their respective wards and in the general election by all voters in the city, and as you recall, that is the Sparks plan. C actually is not to amend the charter at all. It spells out the verbage in the paper. Sometimes these things can be worded so that the people do not know what they will be voting for.

Mr. Mello stated that this would be for the next election. Those that are elected this time will not be affected by Plan A or B. If A wins or B wins then the next general election those that run will run depending upon which passes, but it will not affect those who are elected in this general election.

Mr. Dini indicated that Section 9 is the trigger.

A copy of the amendment to Assembly Bill No. 139 is attached to the minutes of this meeting as EXHIBIT C.

Mr. Mello moved for an Amend and Do Pass of AB 139 with amendment number 141, which was seconded by Mr. Nicholas. he motion carried unanimously.

Mr. Dini indicated that the subcommittee on AB 283 would report back to the committee.

Mr. Schofield moved for a Do Pass on AB 289 which was seconded by Mr. Redelsperger. The motion carried unanimously.

Mr. Nicholas moved for a Do pass on AB 291, which was seconded by Mr. Schofield. The motion carried unanimously.

Mr. Schofield moved for a Do Pass on AB 290, which was seconded by Mr. Mello. The motion carried unanimously.

There being no further business to come before the meeting, the meeting adjourned at 10:33 A.M.

Respectfully submitted,

Barbara Gomez

Barbara Gomez
Assembly Attache

ASSEMBLY GOVERNMENT AFFAIRS COMMITTEE

GUEST LIST

Date March 23, 1981

Please Print

PLEASE PRINT YOUR NAME	PLEASE PRINT REPRESENTING:	I WISH TO SPEAK FOR	AGAINST	BILL NO.
Orris E. Reil	NRTA/AARP Nevada Joint State Legislative Committee	X	X	AB-290
David P Dietz	Douglas County	X		AB-283
Dan Fitzpatrick	Clark Co	X		AB-289 AB291 AB-290
Irene Porter	Nev. Homebuilders		X	AB-283

PLEASE PRINT

1618

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

Monday

Date March 23, 1981 Time 9:00 A.M. Room 214

Bills or Resolutions to be considered	Subject	Counsel requested*
AB 283	Allows local governing body to extend time for review of subdivisions of land.	
AB 289	Requires each board of county commissioners to elect vice chairman.	
AB 290	Eliminates requirement to record certificates of birth and death in county.	
AB 291	Allows governing bodies to provide maintenance service for vehicles owned by certain agencies and organizations.	

*Please do not ask for counsel unless necessary.

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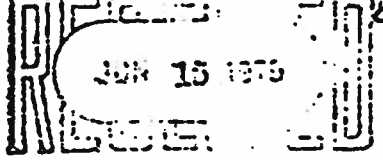
Tentative Maps



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
CAPITOL COMPLEX
CARSON CITY 89710

RICHARD H. BRYAN
ATTORNEY GENERAL

LARRY D. STRUVE
CHIEF DEPUTY ATTORNEY GENERAL

June 13, 1979

Opinion No. 79-11

Time for filing subdivision maps--Under NRS 278.360 the time for filing final subdivision maps can extend no longer than one year after the filing of a tentative map plus no more than one additional year's extension, regardless of whether such maps embrace the entire proposed subdivision or only a portion or portions thereof.

Honorable Monte J. Morris
City Attorney
P.O. Box 367
Boulder City, Nevada 89005

Dear Mr. Morris:

You have requested an opinion interpreting NRS 278.360.

FACTS

NRS 278.360, which relates to the filing of final subdivision maps, provides as follows:

> "1. Unless the time is extended, the subdivider shall within 1 year after approval of the tentative map or before the expiration of any extension by the governing body cause the subdivision, or any part thereof, to be surveyed and a final map prepared in accordance with the tentative map. Failure to record a final map within the time prescribed in this section terminates all proceedings, and before the final map may thereafter be recorded, or any sales be made, a new tentative map shall be filed.
>
> "2. The governing body or planning commission may grant to the subdivider a

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6-15-79 to Cal., P/C, Clk, Martin, C/M, Dolan

Exhibit A

> single extension of not more than 1 year within which to record a final map after receiving approval of the tentative map." (Emphasis added)

Section 11-36-4(M) of the Boulder City Code provides as follows:

> "Within one year after approval or conditional approval of the tentative map by the City Council, the subdivider may cause the subdivision, or any portion thereof which is determined by the City Engineer to be a logical unit of the surveyed map, to be surveyed and a final map be prepared and filed with the City Engineer with the prescribed fees...." (Emphasis added)

The Planning and Engineering Department of Boulder City has taken the position in the past that, after a tentative map of a proposed subdivision was filed, a developer could divide the subdivision into smaller units and, so long as a final map for one of these units was filed within one year or within one year plus an extension of an additional year, the developer could thereafter in the future file final maps for the remaining units. This could be done one, two or several years thereafter, without having to terminate proceedings and file a new tentative map. For example, a developer could file a tentative map for the entire proposed subdivision on January 1, 1975. So long as a final map for a unit of the subdivision was filed on or before January 1, 1976 (assuming no extensions were granted), the proceedings, according to this interpretation, could not be terminated and final maps for remaining units of the subdivision could be filed January 1, 1977, January 1, 1978, January 1, 1979, etc. In the words of a legal opinion which you prepared for the City Council on September 26, 1978, "Subsequent units may be mapped and recorded at the discretion of the subdivider and as economic circumstances dictate."

You have stated that other jurisdictions in Southern Nevada agree with this interpretation and require developers, after the first final map was filed within the statutory time limit, to file other, subsequent final maps every year thereafter or within "reasonable" time limits.

However, an official of the State Lands Division, who served on a special interim legislative committee to revise Chapter 278 of NRS, states that the purpose of NRS 278.360, as amended by language proposed by the committee, was to require a complete termination of all proceedings and the filing of a new tentative map if the final map or maps for the entire subdivision covered by the original tentative maps were not filed within one year or one year plus the one year extension period. Under this interpretation, merely filing a final map on a portion of the subdivision within the statutory time limit would not toll the statute as to the remainder of the subdivision.

QUESTION

After a tentative map for a subdivision has been filed, does the filing of a final map of a portion of the subdivision within the statutory time limit set out in NRS 278.360 toll the statute as to the filing of subsequent final maps of the remaining portions of the subdivision after the statutory time limit?

ANALYSIS

The language added to NRS 278.360 by the 1977 legislature allowed for a one year extension to the original one year time limit for filing final maps. The 1977 amendments also provided that only "a single extension of not more than 1 year", could be granted for filing a final map. Chapter 580, Statutes of Nevada 1977, Sec. 10. The amendments to NRS 278.360 adopted by the 1977 Legislature when read in conjunction with the Interim Committee's recommendations constitute a declaration of legislative policy to require subdividers to file a final map on the entire subdivision within one year from the approval of the tentative map. The only exception to this requirement is the "single extension of not more than a year" found in NRS 278.360(2).

The variety of interpretations adopted by other political entities in Clark County would emasculate the provisions of NRS 278.360(2) and render them nugatory. Moreover, such a construction would be at odds with the purpose as well as the specific language of subparagraph 2 of NRS 278.360 which permits only a single extension of one year from the original one-year period for filing a final map.

It would appear to this office that the principle of expressio unius est exclusio alterius (the expression of one thing is the exclusion of another) is applicable here. The affirmance of a distinct policy on a particular subject implies the negation of the intention of the legislature to establish a different policy. Galloway v. Truesdell, 83 Nev. 13, 26, 422 P.2d 237 (1967). Where a statute creates, regulates and prescribes a mode of procedure, that mode must be followed and none other. Battle v. Hereford, 133 S.E.2d 86, 90 (W. Va. 1963); 2A Sutherland, Statutory Construction, 123, §47.23 (Sands, 4th ed. 1973).

The interpretations put upon NRS 278.360 by the governing bodies of the jurisdictions you mention in your opinion request would read into the statute certain automatic extensions of time to file final maps which simply are not there. Furthermore, the jurisdictions differ on the nature of these alleged automatic time extensions. One requires annual filings of final maps and another merely requires them to be filed in a "reasonable" time. The only extension of time allowed for filing final maps by the statute is a single one year's extension specifically granted by the planning commission or governing body of the applicable jurisdiction. The expression of one mode of procedure by NRS 278.360 is the exclusion of others. Galloway v. Truesdell, supra; Battle v. Hereford, supra.

When a statute directs a thing to be done by a private party within a specified time and makes his rights dependent on proper performance thereof, the statute is mandatory as to the time the thing must be performed. 2A Sutherland, Statutory Construction, 445, §57.19 (Sands, 4th ed. 1973).

TENTATIVE MAPS

278.350 (i) add "no additional conditions may be imposed upon the tentative or final map by the governing body, when granting an extension of time."

278.360 Any portion of a subdivision delineated by tentative map to be surveyed and a final map recorded on any portion of the tentative map within 2 years of approval of tentative map; extension of time.

1. Unless the time is extended, the subdivider must within 2 years after approval of the tentative map or before the expiration of any extension by the governing body cause any portion of the tentative map to be surveyed and a final map for any portion of the tentative map prepared in accordance with the designated portion of the tentative map. Recording of a final map for any portion of the tentative map must be considered by the governing body as permanent approval of the tentative map and no additional conditions or requirements beyond those set forth in the original approval of the tentative map must be imposed by the governing body. Failure to record a final map for any portion of the tentative map within the time prescribed in this section terminates all proceedings, unless an extension has been granted by the governing body, and before a final map may thereafter be recorded, or any sales be made, a new tentative map must be filed.

2. The governing body or planning commission may grant to the subdivider an extension of not more than 1 year within which to record a final map on any portion of the tentative map beyond the original time period of 2 years after receiving tentative map approval.

NOTE; The following is an explanation of our position and intent for the changes:

SNHBA will be submitting changes in the State subdivision law that will clarify the present dilemma between the State Attorney General's opinion and common local practice on the time-frame of zone change extensions-of-time and the longevity of tentative maps.

1. We believe that granting of a change in zoning or approving a tentative map represents an understanding between the local government and a developer. The act of granting a request or approving a map has always been subject to a series of conditions and concessions, implementation of which are the responsibility and off-times financial burden of the developer. As such, if a developer is proceeding in accordance with the zoning and in substanital conformance with the tentative map, approvals and extensions of time should be awarded as a matter-of-course.

2. Such extensions should not be subject to the levy of addtional conditions or concessions beyond those originally levied unless so agreed between the local government and a developer.

3. The power granting of extensions of time on zone changes and tentative map approvals is rapidly developing into a tool for local government to secure concessions from the developer for community capital expenditures in excess of the understandable impact of the specific development. This tool is a subtle method for local governments to circumvent the spirit of spending caps and call for fiscal responsibility. Thus we feel that stringent guidelines for the levying of conditions be supported.

Further our time frame intent as set forth in the law would be the approval of an overall large acreage planned tentative map followed by final maps of portions thereof.

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Exhibit B

1981 REGULAR SESSION (61st)

ASSEMBLY ACTION		SENATE ACTION		..Assembly..AMENDMENT BLANK
Adopted	☐	Adopted	☐	AMENDMENTS to Assembly
Lost	☐	Lost	☐	Bill No. 139 ~~Joint Resolution No.~~
Date:		Date:		BDR S-644
Initial:		Initial:		Proposed by Committee on Government
Concurred in	☐	Concurred in	☐	Affairs
Not concurred in	☐	Not concurred in	☐	
Date:		Date:		
Initial:		Initial:		

Amendment Nº 241

Consistent with Amendment No. 56.

Amend the bill as a whole by adding new sections to be designated as sections 2 through 9, following section 1, to read as follows:

"Sec. 2. Section 2.010 of the above-entitled act, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 561, Statutes of Nevada 1977, at page 1392, is hereby amended to read as follows:

Sec. 2.010 Mayor and city council: Qualifications; election; term of office; salary.

1. The legislative power of the city is vested in a city council consisting of six councilmen and a mayor.

2. The mayor and councilmen [shall] must be:

(a) Bona fide residents of the wards they represent, or if representing the city at large, of the city, for at least 6 months immediately preceding their election.

(b) Qualified electors within the city.

flush [The mayor and all councilmen shall be voted upon by all registered voters of the city.]

3. The mayor and one councilman shall represent the city at large and one councilman shall represent each ward. The mayor and councilmen shall serve for terms of 4 years.

To: E & E
LCB File
Journal
Engrossment ✓
Bill

Drafted by FMD:ab Date 3-13-81

1 (a)

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Exhibit C

4. The mayor and councilmen [shall] are entitled to receive a salary in an amount fixed by the city council.

5. In a primary election:

(a) The candidates for the office of councilman for each ward must be nominated, respectively, by the registered voters in the ward to be represented by them; and

(b) The candidates for the office of mayor and the councilman who represents the city at large must be nominated by the registered voters in the city.

6. In a general election all of the candidates for the office of mayor and councilman must be voted upon by the registered voters in the city.

Sec. 3. At the general municipal election on June 2, 1981, a question must be submitted to the registered voters of the City of Reno regarding the charter of the City of Reno.

Sec. 4. The clerk of the City of Reno shall cause to be published, twice, a notice to the voters of the City of Reno in conspicuous display advertising format of not less than 10 column inches, in a newspaper of general circulation in the city. The first publication must be on or before the 1st Monday in May. The notice must be in substantially the following form:

Notice is hereby given that at the general municipal election on June 2, 1981, a question will appear on the ballot regarding the charter of the City of Reno. The legislature of the State of Nevada has amended the charter of the City of Reno by providing alternative methods of electing city councilmen. The

effectiveness of the amendment is contingent upon the results of an election by the registered voters in the city. The voters may accept one or the other of the amendments or reject both. The amendments, in the alternative, change the method of electing five of the city's councilmen. Alternative "A" proposes that the councilmen be elected in both the primary and general elections by the voters of their respective wards. Alternative "B" proposes that in the primary election the councilmen be elected by the voters of their respective wards, and in the general election, the councilmen be elected by all the voters in the city. Neither Alternative "A" nor Alternative "B" would change the present method of electing the city's councilman at large. Alternative "C" proposes to make no change in the charter, maintaining the present method of electing the councilmen, in both the primary and general elections, by all the voters in the city. The registered voters of the City of Reno may choose one of the alternatives.

Sec. 5. The explanation of the question which must appear in each sample ballot must be in substantially the following form:

The legislature of the State of Nevada has amended the charter of the City of Reno by providing alternative methods of electing city councilmen. The effectiveness of the amendment is contingent upon the results of an election by the registered voters in the city. The voters may accept one or the other of the amendments or reject both. The amendments, in the alternative, change the method of electing five of the city's councilmen. Alternative "A" proposes that

the councilmen be elected in both the primary and general elections by the voters of their respective wards. Alternative "B" proposes that in the primary election the councilmen be elected by the voters of their respective wards, and in the general election, the councilmen be elected by all the voters in the city. Neither Alternative "A" nor Alternative "B" would change the present method of electing the city's councilman at large. Alternative "C" proposes to make no change in the charter, maintaining the present method of electing the councilmen, in both the primary and general elections, by all the voters in the city. The registered voters of the City of Reno may choose one of the alternatives.

Sec. 6. The ballot page assemblies to be used in voting on the question must present it in substantially the following form:

What, if any, amendment should be made to the charter of the City of Reno?

(CHECK ONLY ONE)

☐ Alternative "A": Amend the charter to provide that the councilmen be elected in both the primary and general elections by the voters in their respective wards?

-or-

☐ Alternative "B": Amend the charter to provide that the councilmen be elected in the primary election by the voters in their respective wards, and in the general election, by all the voters in the city?

-or-

☐ Alternative "C": Do not amend the charter of the City of Reno.

Sec. 7. All general election laws not inconsistent with this act are applicable.

Sec. 8. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the action of the registered voters if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the secretary of state which of the alternatives was chosen by the registered voters.

Sec. 9. 1. This section and sections 3 to 8, inclusive, of this act shall become effective upon passage and approval.

2. Section 1 of this act shall become effective on July 1, 1981, only if Alternative "A" of the question provided for in section 6 of this act receives, among the three alternatives, the greatest number of the votes cast in the general municipal election on June 2, 1981.

3. Section 2 of this act shall become effective on July 1, 1981, only if Alternative "B" of the question provided for in section 6 of this act receives, among the three alternatives, the greatest number of the votes cast in the general municipal election on June 2, 1981.

4. If Alternative "C" of the question provided for in section 6 of this act receives, among the three alternatives, the greatest number of the votes cast in the general municipal election on June 2, 1981, neither section 1 nor section 2 of this act shall become effective."