

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON GOVERNMENT AFFAIRS

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 3, 1981

The Senate Committee on Government Affairs was called to order by Chairman James I. Gibson, at 11:07 a.m., Friday, April 3, 1981, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator James I. Gibson, Chairman
Senator Keith Ashworth
Senator Gene Echols
Senator Virgil Getto
Senator James Kosinski
Senator Sue Wagner

COMMITTEE MEMBER ABSENT:

Senator Jean Ford (Excused)

STAFF MEMBER PRESENT:

Anne Lage, Committee Secretary

ASSEMBLY JOINT RESOLUTION NO. 29

Encourages local governments to approve and Federal Government to provide money for construction of system for intercepting and collecting wastewater in Sun Valley, Nevada.

Senator Wagner testified that she had attended a homeowners' meeting in Sun Valley where they expressed concern over the standing water that was contaminated. It has become a serious health problem.

Chairman Gibson asked if there was federal money available. Senator Wagner was not aware if there was as she was unfamiliar with this particular resolution.

Chairman Gibson decided to hold this bill until further information was available.

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ASSEMBLY BILL NO. 94

Limits definition of "public works."

Mr. Glen Taylor, Nevada State Labor Commission, testified that his agency was in support of this bill. He believed that this bill would assist the various public entities, such as the City of Reno, to meet their requirements under Nevada Revised Statute Chapter 338. He stated around 6% to 10% of all the projects within the state of Nevada are under \$2000.

Chairman Gibson inquired as to who had requested this bill. Mr. Taylor responded that the League of Cities had requested it.

Mr. Steve Tapogna, Purchasing Manager of the city of Reno, testified that this bill was introduced by the local government purchasing study commission and they were unanimously in support of it.

SENATE BILL NO. 386

Makes various changes to law governing metropolitan police departments.

Sheriff John McCarthy, Clark County, testified that in January of 1980, an opinion was rendered by the 8th Judicial District Court that the legislative act which created the Las Vegas Metropolitan Police Department was constitutionally defective. An appeal of that decision was taken to the Nevada Supreme Court and arguments were heard on March 13, 1981.

The legislature, in 1971, established a committee to review the law enforcement services in the Las Vegas area. The committee decided that the most feasible and practical solution was to consolidate the sheriff's department with the police department. The rationale behind this action was that since both agencies provided similar services divided only by political boundaries, they should be joined. Subsequently, the Las Vegas Metropolitan Police Department became effective on July 1, 1973.

Sheriff McCarthy reviewed the past eight years and indicated that the concept has improved the efficiency of the police department. He cited several advantages of this consolidation.

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Sheriff McCarthy testified that the Metropolitan Police Department was responsible for over 7,800 square miles. During 1980, the department received 202,289 calls which were dispatched.

Sheriff McCarthy indicated that the funding program tended to stifle growth and inhibited their ability for long range planning. During the last year they contracted a \$50,000 communications survey. The study disclosed that an investment of \$3,000,000 would have to be made to bring their communication system up to standard. He also indicated that it was not uncommon on weekends to have a population influx of visitors of 30,000 people in Laughlin. Las Vegas alone attracts about 1,000,000 people per month.

Mr. Jim Lien, Metropolitan Police Department Business Manager, testified that this bill would allow the department to develop as a taxing district for the purposes of levying an ad valorem tax to retire indebtedness. That indebtedness has to be incurred by the police commission making recommendations or petitions to the governing bodies of the participating political subdivisions.

Another benefit which was being requested was to be able to retain an ending fund balance.

Mr. Jim Lien then explained the proposed amendments of the Metropolitan Police Department. See Exhibit C and Exhibit D.

Sheriff McCarthy stated that the city had been involved with the development of this bill and the amendments, but the county had not.

Senator Keith Ashworth asked if they had made a determination as to the ad valorem rate which would be necessary to fund Metro. Mr. Jim Lien stated that it would be in excess of a dollar.

Mr. Bruce Spalding, Clark County Manager, testified that he was in support of retention of the police department in its current form. He indicated that the city was in favor of dissolving the department as they had substantial problems with the make up of the funding formula which was currently before them. Mr. Spalding stated that if remedial legislation was to be passed it should be corrective and handle all the constitutional problems of the bill.

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Mr. James Bartley, Deputy District Attorney Clark County, testified that he believed part of the reasons for proposing this bill was because of the pending litigation. In the complaint filed by the city, a number of issues were raised. One attacked the special legislation, specifically the original formula as to what entities would be under the Metropolitan Police Department and the funding formula. The lower courts decided in favor of the city and said that it was unconstitutional. Now it has gone to the Supreme Court. They also raised the question of the one man-one vote concept and they contended that the funding was double taxation. Mr. Bartley stated that the county did not agree with either of those statements.

Mr. Bartley testified that originally the plan for Metro was that it should be a department, not an entity as this bill proposed. Mr. Bartley took exception to the amendment proposed on page 7, subsection 4 as he felt this would make the department, and in the last analysis the taxpayers, responsible for the willful acts of the commissioners as well as all the employees within the department.

Chairman Gibson pointed out that this bill had a repealer which would repeal the Metro act and if the court upheld Metro, this would create a problem. There also wasn't any transition provided if the Metro should be dissolved.

Mr. Patrick Pine, Assistant Comptroller Clark County, testified that they had three conceptual problems with the way the funding apportionment plan was developed. First, within the proposed amendments therein they do not know if those amendments have some impact on the way one would read the funding impact. Secondly, it appeared that the proposal, including the amended proposal, put the sheriff in a number of roles; an administrator, a legislator, a budget officer and indirectly, an arbitrator. The funding apportionment plan presumes that a plan can be developed without dealing in the full context of any one political subdivision's budget.

Consideration was given to having the legislature request the Supreme Court to give an early opinion due to the governmental severity of their decision.

Mr. George Franklin, City Attorney for North Las Vegas,

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testified that the Metropolitan Police Department was a mess when it was created and is a mess now. He stated that Metro had diminished the law enforcement in Clark County and Las Vegas. He stated that the crime rate had soared since its inception. He believed that the Supreme Court would sustain the unconstitutionality of the department.

Mr. Franklin indicated that under Nevada Revised Statute No. 277, the duplication of services could have been stopped voluntarily. Voluntarily, one crime lab and an identification lab could have been adopted.

Mr. Franklin opposed making Metro an independent public agency. He stated that the statistics show that Metro has more police officers per population than any other police department in America. He also pointed out that before Metro, the total combined budget for Clark County and Las Vegas was \$13,000,000. This year's request was for \$44,000,000.

Mr. Ron Lurie, Las Vegas City Commissioner, testified that Senate Bill No. 386 as presented with the suggested amendments corrected most of the legal problems that were in previous bills. He stated that the city's primary concern since Metro began in 1973 was funding equity and service delivery. This bill appeared to resolve many of their concerns. However, they did not support the ad valorem taxing district, or the membership of the police commission. They also were in opposition to the growth of Metro's budget.

Mr. Gary Miller, City of Las Vegas analyst, testified that one of the major problems with the Metropolitan Police Department was the fairness and equity of the funding plan. He thought that the City of Las Vegas could support the rationale and method behind this plan. The proposed funding method was an attempt to break the Metropolitan Police Department down into functions or organizational areas. This effort identifies the levels of service that each entity demands and consequently receives.

Mr. Miller stated that they were in support of the factors that were applied to these functions.

Regarding Senate Bill No. 386 they felt that it was not specific enough. They would prefer a funding plan that could be applied generally throughout the state which would

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be measurable and not contested every year by individual jurisdictions.

Mr. John Roethel, Deputy City Attorney for the City of Las Vegas, testified that if this bill was passed and signed by the Governor, the Supreme Court would moot the lawsuit.

Regarding section 15, the city of Las Vegas felt that this bill should not handle jail costs. If it weren't for Nevada Revised Statute No. 280, the Attorney General's opinion was that this should depend on what the charge was. A person arrested in the city of Las Vegas for a city misdemeanor would be the city's responsibility. A person arrested on a felony or a gross misdemeanor within the city of Las Vegas would be county responsibility.

Chairman Gibson felt that further consideration would be necessary before taking action on any of the bills discussed this date.

BILL DRAFT REQUEST NO. 48-1301 (S.B. 508)

Creates Colorado River commission.

BILL DRAFT REQUEST NO. 20-1234 (S.B. 507)

Authorizes county commissioners to prohibit houses of prostitution as nuisances under certain conditions.

The committee agreed to submit these Bill Draft Requests for committee introduction.

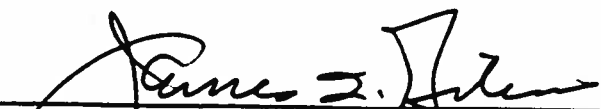
There being no further business, the committee adjourned at 1:45 p.m.

Respectfully submitted by:



Anne L. Lage, Secretary

APPROVED BY:



Senator James I. Gibson, Chairman

DATE: 4/14/81

SENATE AGENDA

REVISED 3/30/81

COMMITTEE MEETINGS

Committee on Government Affairs, Room 243
upon
Day Friday, Date April 3, Time adjournment.

S. B. No. 386--Makes various changes to law governing metropolitan police departments.

James Lien, Las Vegas Metro Police Department

A. B. No. 94--Limits definition of "public works."

Gentty Etcheverry, League of Cities
Julius Conigliaro, City of Las Vegas
Daniel Fitzpatrick, Clark County

A. J. R. No. 29--Encourages local governments to approve and Federal Government to provide money for construction of system for intercepting and collecting wastewater in Sun Valley, Nevada.

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON GOVERNMENT AFFAIRS

DATE: April 3, 1981

EXHIBIT B

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

Glenn P. Taylor Nevada Labor Commission 895-4850

Geo. FRANKH CITY ATTORNEY - NV. 699-5345

K.N. HASAN Labor Comm. 883-4830

~~James M. Bartley~~

James M BARTLEY Clark County 386-4765

STOLE JACOBSON " "

FRIEDLINE CLARK COUNTY

MIKE COOL CITY OF LAS VEGAS

KERBY MILLER CITY OF LAS VEGAS

RON LURIE CITY OF LAS VEGAS

ROSS DORN "

ASHLEY HALL "

Randall H. Walker Las Vegas Metropolitan Police Dept.

De Hart City of North Las Vegas 885-7465

SENATE BILL NO. 386—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 9, 1981

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to law governing metropolitan
police departments. (BDR 2-1121)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets () is material to be omitted.

AN ACT relating to metropolitan police departments: making various changes to the law governing their organization, powers, duties and financing; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:

- 1 SECTION 1. Chapter 280 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this act.
3 SEC. 2. "District" means the geographical area comprising the unin-
4 corporated area of the participating county and the entire area within the
5 boundaries of the participating cities.
6 SEC. 3. No city may merge its law enforcement agency with the law
7 enforcement agency of its county or any other city to create a single law
8 enforcement agency for the participating political subdivisions except pur-
9 suant to the provisions of this chapter.
10 SEC. 4. 1. Except as provided in subsection 2, the board of county
11 commissioners of each county which has a department may levy and col-
12 lect an ad valorem tax on all taxable property within the district at the
13 rate recommended by the police commission for the purpose of retiring
14 any general or short-term obligations of the department.
15 2. No portion of the tax levied pursuant to subsection 1 may be used
16 for the payment of bonded indebtedness, and the interest thereon, incurred
17 to finance the construction or purchase of a jail.
18 SEC. 5. 1. Upon the petition of the police commission and approval
19 of the petition by a majority of the governing body of each participating
20 political subdivision, the board of county commissioners shall adopt a res-
21 olution authorizing short-term financing as provided in NRS 354.618.
22 2. If a tax is not levied under section 4 of this act for the repay-
23 ment of short-term financing, the payment of the principal and interest

1 on the short-term financing must be apportioned among the participat-
2 ing political subdivisions in the same ~~the~~ ~~capital and operating costs are~~
3 ~~apportioned under subsection 2 of NRS 280.201.~~

same manner as other costs for the functional
area to which the short-term financing is
applied pursuant to NRS 280.201.

4 Sec. 6. 1. The police commission may propose the issuance of gen-
5 eral obligation bonds for the purpose of acquiring real or personal
6 property.

7 2. Upon the approval of the governing body of each participating
8 political subdivision, the board of county commissioners may, subject to
9 the provisions of NRS ~~350.001 to 350.006~~, 350.001 to 350.2013,

inclusive, issue the bonds

10 for the purposes authorized.

11 Sec. 7. NRS 280.020 is hereby amended to read as follows:

12 280.020 As used in this chapter, unless the context otherwise
13 requires, the words and terms defined in NRS 280.030 to 280.080,
14 inclusive, and section 2 of this act, have the meanings ascribed to them
15 in those sections.

16 Sec. 8. NRS 280.060 is hereby amended to read as follows:

17 280.060 "Department fund" means [a metropolitan police depart-
18 ment] any fund created in a county treasury under the provisions of NRS
19 280.220.

20 Sec. 9. NRS 280.110 is hereby amended to read as follows:

21 280.110 1. [The law enforcement agencies of any participating
22 county and each participating city in such county shall merge into one
23 metropolitan police department.] The board of county commissioners of
24 any county and the governing body of any city or cities located in the
25 county may merge their respective law enforcement agencies into one
26 metropolitan police department. To do so, the board of county commis-
27 sioners of the participating county and the governing body of each par-
28 ticipating city must each adopt an ordinance providing for the merger.

Any participating political subdivision may
withdraw from the metropolitan police depart-
ment by repealing the ordinance which provided
for the merger, but such withdrawal may only
take place effective at the beginning of a
fiscal year and must be on six months notice.

29 2. Any nonparticipating city may by adopting an

ordinance merge into an existing metropolitan
30 police department with the consent of the police commission of [such]
31 the department and subject to such rules and regulations as [such] the
32 police commission may [promulgate.] adopt.

consistent with the provisions of this chapter.

33 3. [If] Where the charter of a nonparticipating city provides for the
34 appointment of a chief of police and his duties of law enforcement [,]
35 and the governing body of the city [may by ordinance provide] adopts
36 an ordinance for the merger authorized by this section: [and:]

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

superseded as long as the ordinance providing
for merger remains in effect.

39 (b) The duties of law enforcement [shall] devolve upon the metropol-
40 itan police department.

41 Sec. 10. NRS 280.130 is hereby amended to read as follows:

42 280.130 1. The metropolitan police commission consists of the sher-
43 iff of the county and representatives from the county and from each par-
44 ticipating city.

45 2. ~~The~~ county and the largest participating city are each entitled to
46 [three] two representatives on the commission. Every other participating
47 city is entitled to one representative.

48 3. Each representative of a participating political subdivision [shall]
49 must be a member of its governing body.

Each participating political subdivision is entitled to one representative on the commission; it is entitled to two representatives if its funding apportionment exceeds 35 percent of the costs of the jointly funded functions or to three representatives if that percentage exceeds 65 percent.

50 Sec. 11. NRS 280.141 is hereby amended to read as follows:

Pf 2a

1 280.141 1. Upon creation of a police commission ~~in those counties~~
2 which have only one participating city, ~~[three] two~~ members of the
3 police commission ~~shall~~ one representative of each
participating political subdivision

any remaining
representatives

4 shall serve for a term of 2 years and ~~the remaining~~
5 ~~members of the police commission~~ shall serve for a term of 1 year.
6 Thereafter all members of the police commission shall serve for terms of
7 2 years.

8 2. Upon creation of a police commission in those counties which have
9 more than one participating city, three members of the police commission
10 shall serve for a term of 2 years and the remaining members of the com-
11 mission shall serve for a term of 1 year. Thereafter all members of the
12 police commission shall serve for terms of 2 years.

13 3. The initial terms of office of *members of the police commission*
14 *[members shall]* must be so ordered that to each political subdivision
15 which is entitled to ~~[three] two~~ members there is allotted at least one term
16 of office of 2 years.

17 4. The sheriff shall hold office as a member of the police commission
18 during his term of office as sheriff of the county.

19 Sec. 12. NRS 280.150 is hereby amended to read as follows:

20 280.150 [.] A majority of the police commission is a quorum for
the transaction of business.

but that quorum must include at least one
representative from each participating
political subdivision that has more than
one representative.

21 [2. On any question put before the police commission, the sheriff
22 may vote only in case of a tie vote on the question.]

23 Sec. 13. NRS 280.180 is hereby amended to read as follows:

24 280.180 [1.] The police commission shall meet at least once a
25 month on a regularly scheduled day and may meet more often upon the
26 call of the chairman.

27 [2. The clerk of the police commission shall give written notice of
28 each special meeting to each member of the police commission at least 1
29 day before the meeting or by mailing the notice to each member's place
30 of residence in the county.

31 3. The notice shall specify the time, place and purpose of the meet-
32 ing. If all of the members of the police commission are present at a spe-
33 cial meeting, lack of notice shall not invalidate the proceedings.]

34 Sec. 14. NRS 280.190 is hereby amended to read as follows:

35 280.190 The police commission shall:

36 1. [Cause to be prepared and] *Direct the department to prepare and*
37 *shall approve an annual operating budget for the department.*

38 2. Submit the budget to the governing bodies of the participating
39 political subdivisions [prior to February 1] *before March 1* for funding
40 for the following fiscal year.

41 3. [If there is more than one participating city, cause to be prepared]
42 *Direct the department to prepare and shall adopt the funding apportion-*
43 *ment plan provided for in NRS 280.201 and submit the plan before Jan-*
44 *uary 1* to the governing bodies of the participating political subdivisions
45 [and the department of taxation]. for approval. [The Nevada tax com-
46 mission has the final right of approval for the plan and shall act as an
47 arbitrator if the local governing bodies cannot agree on the funding
48 apportionment.] *The governing bodies shall approve or reject the plan*
49 *before February 1.*

Pij 5

1 4. If [there is more than one participating city, cause a new funding
2 apportionment plan to be prepared:

3 (a) In 1980 and every 10 years thereafter upon ascertaining the results
4 of the national decennial census taken by the Bureau of the Census of the
5 United States Department of Commerce;

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

8 (c) At intervals of not less than 4 years upon request by a majority
9 vote of each of a majority of the governing bodies of the participating
10 political subdivisions. If only one city is participating in a department,
11 the police commission shall prepare a new plan under the provisions of
12 this paragraph only upon request by a majority vote of each of the gov-
13 erning bodies of the participating political subdivisions.] any of the
14 governing bodies fails to approve the apportionment plan, the matter
15 must be submitted to an arbitration panel for resolution. ~~The sheriff and~~
16 ~~the governing body of each participating political subdivision shall name~~
17 ~~one arbitrator to the panel from a list furnished by the American~~
18 ~~Arbitration Association or the Federal Mediation and Conciliation~~
19 ~~Service.~~

The governing body of each participating political subdivision shall name one arbitrator to the panel. If this results in an even number of arbitrators, then the sheriff must name an additional arbitrator to the panel. The panel must make its award and submit it to the participating political subdivisions and the department before March 1. Except as provided in this section, the provisions of the Uniform Arbitration Act contained in NRS 38.013 to 38.205, inclusive, must apply.

20 Sec. 15. NRS 280.201 is hereby amended to read as follows:

21 280.201 1. [In those counties which have:

22 (a) Only one participating city, the county shall pay 53 percent and
23 the city shall pay 47 percent of the total capital and operating costs of the
24 department.

25 (b) More than one participating city, the governing bodies of the var-
26 ious participating political subdivisions shall, in determining the amounts
27 of their respective budget items allocated to law enforcement, apportion
28 among all the participating political subdivisions the total anticipated
29 capital and operating costs of the department, as submitted by the police
30 commission, on the basis of a formula which has been approved by the
31 Nevada tax commission.

32 2. This formula must take into account all meaningful factors which
33 will produce an equitable distribution of costs among the participating
34 political subdivisions, including but not limited to, comparative:

35 (a) Population statistics.

36 (b) Geographic extent of the participating incorporated and unincor-
37 porated areas.

38 (c) Transient population of each of the participating political subdivi-
39 sions. The number of available hotel and motel rooms in each political
40 subdivision may be considered in determining transient populations.

41 (d) Historical crime statistics.

42 (e) Law enforcement requirements of the respective participating
43 political subdivisions.

44 For the purpose of this subsection, the population, area and facilities
45 attributable to a county do not include the population, areas or facilities
46 of the cities within that county.]

47 The funding apportionment plan must exclude the cost of:

48 ~~(a) Building a county or a branch county jail;~~

49 ~~(b) The program for a rural or town resident officer, and~~

50 ~~(c) Any programs which are totally funded pursuant to a contract.~~

(a) Operating and maintaining a county or branch county jail;

(b) A county rural or town resident officer program, where applicable; and

(c) Any contract service programs which are totally funded by the contracting agency or entity.

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1 The costs described in paragraphs (a) and (b) are a proper charge against
2 the county.

The capital costs of building a county or a
branch county jail are the responsibility of
the board of county commissioners.

3 2. The police commission shall apportion the anticipated capital and
4 operating costs of the department between or among the participating
5 political subdivisions according to a formula developed by the department
6 under the provisions of this section.
7 3. In developing the formula, the department shall identify its major
8 functions and determine which are to be funded jointly and shall allocate
9 its general administrative costs to those functions in the proportion which
10 the cost of each such function bears to the sum of the costs of all those
11 functions.

2. If a department operates a school crossing guard
program, each participating political subdivision must
fund the total costs of operating the positions
located within that jurisdiction.

3. The funding apportionment plan must apportion
the anticipated operation, maintenance and capital
costs of the department after deducting all antici-
pated revenue internally generated by the department,
between or among the participating political subdivisions
according to the formula developed by the department
under the provisions of this section.

4. In developing the formula, the department must
divide its budget into functional areas.

(a) Those activities which are totally the responsi-
bility of any one of the participating political
subdivisions must be identified as a separate func-
tional area.

(b) Contract services performed solely for another
agency or entity must each be identified as a separate
functional area.

(c) Administrative or support activities must be
identified as a separate functional area.

(d) The remaining activities, services or programs
are to be allocated to those functional areas that
are to be jointly funded by the participating political
subdivisions.

The department must identify the several bureaus, sections,
divisions and groups that are assigned to each functional
area. Each function must be a separate accounting unit
within the department budget for the purpose of cost
apportionment among the participating political subdivisions.

5. The costs of the several activities within the
administrative or support function must be allocated to
the other functional areas to which they apply in the
ratio that the applicable jointly funded function bears
to the combined costs of those functions.

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costs of each functional area which is to be added, including the administrative or costs allocated as provided in subsection 5, apportioned on the basis of one or more of the following factors, as appropriate:

~~The costs of those functions which are to be jointly funded; including general administrative costs allocated as provided in subsection 3, and apportioned pursuant to subsection 2 on the basis of one or more of the following factors, as appropriate:
The population of the participating political subdivisions as determined annually by the state planning coordinator.
The number of calls to the department for service during the 12 months preceding the month of December of the current fiscal year.
The number of serious crimes classified as Part I by the Federal Bureau of Investigation which were reported during the 12 months preceding the month of December of the current fiscal year.
Except as provided in this subsection, the cost of operating and maintaining the commercial and any branch county jails is a proper charge against the county. The cost of housing inmates in those jails must be apportioned against each participating political subdivision in the same manner as if there were no merger under this chapter.~~

department shall be responsible for the statistics necessary to implement the department for maintaining accurate records in support of the determination.

16. NRS 280.220 is hereby amended to read as follows:

220 Upon merger, the county auditor or county comptroller of a county which has a department shall:

Create [a metropolitan police department fund] in the county by one or more funds and accounts within those funds, pursuant to provisions of NRS 354.470 to 354.626, inclusive, as the department may request, for the exclusive use of the department.

Receive all money from the county, participating cities and any other source on behalf of the department and deposit the money in the appropriate department fund.

Receive all money collected by the department for any purpose, including criminal and civil fines, and deposit the money in the appropriate department fund.

Issue warrants against [the] department fund in the manner provided in this chapter.

Credit any interest earned on money held in a department fund to each fund designated by the department.

Retain in each department fund any balances remaining at the end of each fiscal year.

17.

DELETE SECTION FROM BILL

NRS 280.250 is hereby amended to read as follows:

80.250 1. Every demand against a department, except the salary of a sheriff [], shall be acted upon by the police commission. The demands [] and contested claims, must be listed on cumulative voucher

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1 sheets [and a copy of such vouchers shall be presented to each member
2 of the police commission. When the demands have been approved by a
3 majority of the police commission and the cumulative voucher sheets have
4 been signed by the chairman and secretary of such commission, such
5 demands are valid vouchers in the hands of the county auditor or comp-
6 troller for him to issue warrants on the county treasurer to be paid out of
7 the department fund.

8 2. The county auditor or comptroller shall satisfy himself whether the
9 money is legally due and remains unpaid, and whether the payment
10 thereof from the department fund is authorized by law.

11 3.] from claims signed by the sheriff or his designee.

12 2. If the county auditor or comptroller allows the demand, he shall
13 endorse upon the voucher the word "allowed," the name of the depart-
14 ment fund, the date of [such] the allowance and sign his name thereto
15 and draw his warrant on the county treasurer for the amount allowed.

16 3. The warrants and the voucher sheets must be signed by the county
17 auditor or comptroller and the county treasurer. A signed copy of the
18 cumulative voucher sheet must be forwarded by the county treasurer to
19 the police commission.

20 4. Any claim against a department fund which is contested must be
21 approved and endorsed by a majority of the police commission before
22 it is paid.

23 Sec. 18.

DELETE SECTION FROM BILL

NRS 280.260 is hereby amended to read as follows:

24 280.260 1. [The county auditor or comptroller shall not sign a war-
25 rant authorizing the payment of money by the county treasurer until a
26 copy of the order of the police commission allowing the amount and
27 ordering the payment thereof, together with the account, have been sub-
28 mitted to him, and his allowance is endorsed on such order.] If the
29 county auditor or comptroller refuses to [audit and] allow the payment
30 of [such warrant, the order shall] a demand, the demand must be pre-
31 sented to the police commission with the refusal of the county auditor or
32 comptroller endorsed thereupon and his reasons for [such] the refusal.

33 2. If the police commission orders the issuance of [such] a warrant
34 by a unanimous vote of all the members, the county auditor or comp-
35 troller shall immediately issue [such warrants] the warrant upon service
36 upon him of a copy of [such] the order of the police commission, certi-
37 fied to by the secretary of the commission, that all members of the com-
38 mission voted for its passage; otherwise, the [account shall] demand
39 must be declared rejected, and no warrant [shall] may thereupon issue.

40 3. If the county auditor or comptroller allows [such account] a
41 demand in part, a warrant [shall] must only issue for [such] that part,
42 unless the police commission allows a greater sum by a unanimous vote.

43 4. No warrant [shall] may be drawn by the county auditor or comp-
44 troller on [the] a department fund, unless there is sufficient money in the
45 fund to pay the warrant. Any warrant drawn contrary to the provisions
46 of this subsection is void.

47 Sec 19 NRS 280.280 is hereby amended to read as follows:

48 280.280 1. Upon the formation of a department, every power and
49 duty conferred or imposed by law upon a county sheriff which relates to
50 law enforcement, and upon a chief of police or police department of any

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1 participating city, devolves automatically upon the department. After the
 2 formation of a department, contracts to furnish police services [shall]
 3 *must* be made with the department and not with a participating political
 4 subdivision.
 5 2. *The department may, under the provisions of chapter 332 of NRS,*
 6 *enter into contracts to purchase goods and services necessary to operate*
 7 *and maintain the department.*
 8 3. *The department may sue or be sued in its own name in the enforce-*
 9 *ment of any contract it is permitted by law to enter.*

4. The department is responsible for all claims under either state or federal law arising out of the acts or omissions, whether wilfull or negligent, of the police commission, the sheriff, or any officers, employees and agents of the department and the department may sue or be sued with regard to those matters.

10 — Sec. 20. NRS 280.340 is hereby amended to read as follows:
 11 280.340 1. Upon merger, the title to and possession of all personal
 12 property which is:

- 13 (a) Owned or held by, or in trust for, any of the participating political
- 14 subdivisions, or by their officers or agencies in trust for public use; and
- 15 (b) Exclusively devoted at the time of merger to the [uses and] pur-
- 16 poses of law enforcement.

17 shall be vested in and transferred to the department.
 18 2. Property which is required to be transferred under the provisions
 19 of this section [shall] *must* be inventoried and appraised before [such]
 20 the transfer in a manner which satisfies the accounting requirements of
 21 each participating political subdivision, in order that values may be deter-
 22 mined as of the date of transfer.

23 3. *The department shall hold title to all personal property it acquires*
 24 *after the time of merger.*

25 Sec. 21. NRS 280.350 is hereby amended to read as follows:

26 280.350 1. Upon merger, the department may possess all real prop-
 27 erty owned or held by any of the participating political subdivisions for
 28 the [uses and] purposes of law enforcement.

29 2. Upon a showing of good cause and a two-thirds vote of the police
 30 commission, the political subdivision which holds title to such property
 31 may repossess [such] the property for public use if the department no
 32 longer needs [such property for law enforcement purposes.] *it for the*
 33 *purposes of law enforcement.*

34 3. Any jail facility owned or held for and used by a department shall
 35 be deemed a county jail for the purpose of state law and county ordi-
 36 nances and a city jail for the purpose of city ordinances.

37 4. The [maintenance costs for any real property owned or held for a
 38 department shall be paid by the department.] *department may purchase,*
 39 *lease or rent real property for the purposes of law enforcement. The*
 40 *department shall hold title to all real property it acquires after the time*
 41 *of merger.*

42 Sec. 22. NRS 277.045 is hereby amended to read as follows:

43 277.045 1. [Any] *Except as limited by section 3 of this act, any*
 44 *two or more political subdivisions of this state, including without limita-*
 45 *tion counties, incorporated cities and towns, unincorporated towns, school*
 46 *districts and special districts, may enter into a cooperative agreement for*
 47 *the performance of any governmental function. Such an agreement may*
 48 *include the furnishing or exchange of personnel, equipment, property or*
 49 *facilities of any kind, or the payment of money.*

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1 2. Every such agreement [shall] must be by formal resolution or
2 ordinance of the governing body of each political subdivision included,
3 and [shall] must be spread at large upon the minutes, or attached in full
4 thereto as an exhibit, of each governing body.

5 3. Each participating political subdivision shall provide in its annual
6 budget for any expense to be incurred under any such agreement, the
7 [funds] money for which is not made available through grant, gift or
8 other source.

9 Sec. 23. NRS 277.110 is hereby amended to read as follows:

10 277.110 Except as limited by section 3 of this act:

11 1. Any power, privilege or authority exercised or capable of exercise
12 by a public agency of this state [including but not limited to law
13 enforcement.] may be exercised jointly with any other public agency of
14 this state, and jointly with any public agency of any other state or of the
15 United States to the extent that the laws of such other state or of the
16 United States permit such joint exercise. Any agency of this state when
17 acting jointly with any other public agency may exercise all the powers,
18 privileges and authority conferred by NRS 277.080 to 277.180, inclusive,
19 upon a public agency.

20 2. Any two or more public agencies may enter into agreements with
21 one another for joint or cooperative action pursuant to the provisions
22 of NRS 277.080 to 277.170, inclusive. [Such agreements shall be]
23 Those agreements become effective only upon ratification by appropriate
24 ordinance, resolution or otherwise pursuant to law on the part of
25 the governing bodies of the participating public agencies.

26 Sec. 24. NRS 280.100 is hereby repealed.

NRS 211.010 is hereby amended to read as follows:

211.010 (Except as otherwise provided in this section, one) One common jail (shall) must be built or provided in each county, and maintained in good repair at the expense of the county. In a county where a metropolitan police department is established, (the expense of providing and maintaining the jail shall be apportioned among the participating political subdivisions as other expenses of the department are apportioned.)

1. The cost of housing prisoners in that jail must be charged against each participating political subdivision in the same manner and to the same extent as if there were no merger of law enforcement agencies;

2. The preparation and administration of the budget for the jail shall be the responsibility of the sheriff or his designee; that budget must be submitted to the board of county commissioners for approval.

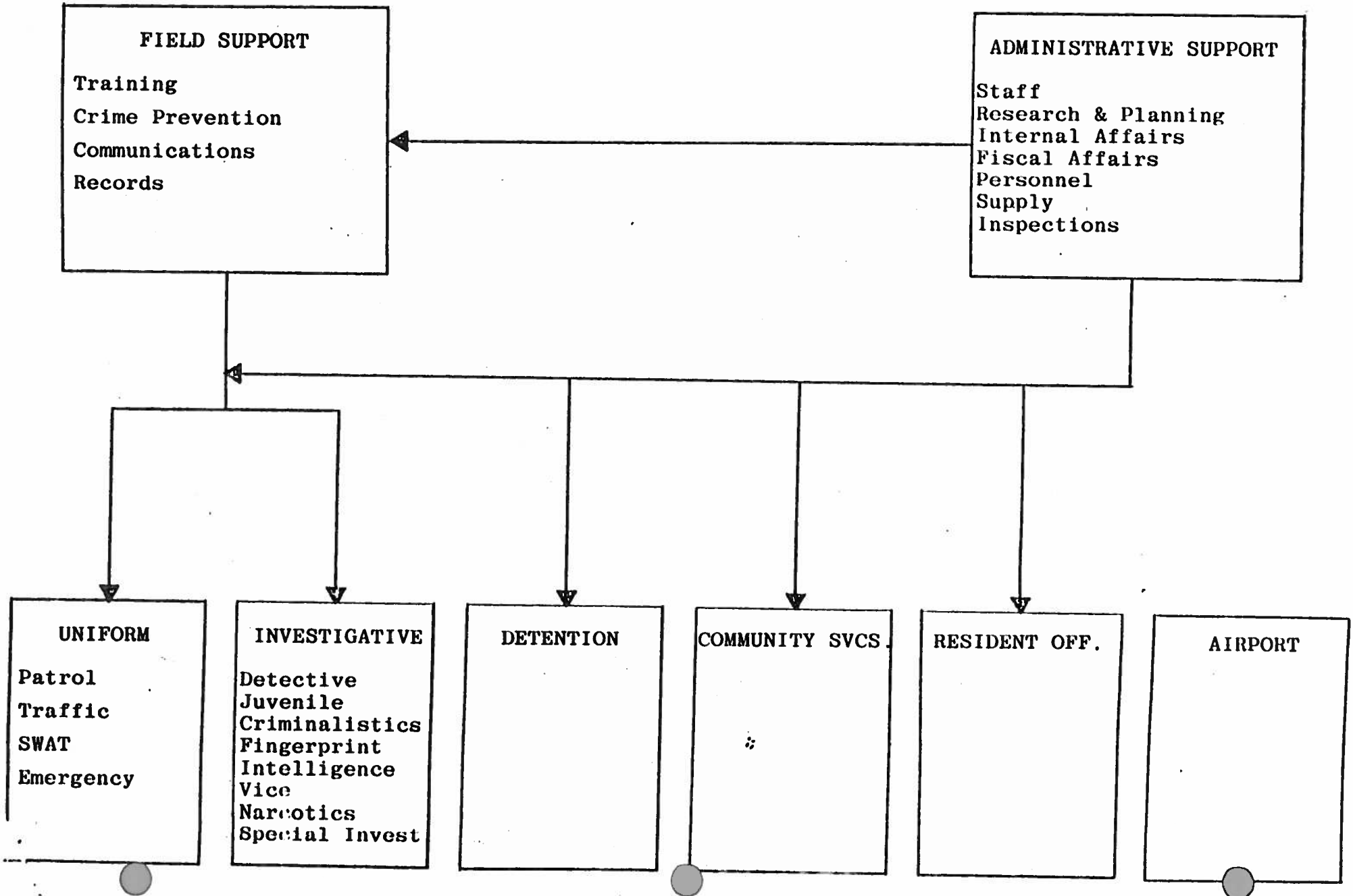
Sections 25 through 32 inclusive would delete the reference to metropolitan police commission or department:

NRS 211.020; 211.030; 211.040; 211.050; 211.090; 211.140; 211.150; and 211.160.

Section 33. NRS 211.100, 211.110, 211.130 and 280.100 are hereby repealed.

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PROPOSED FUNDING PLAN
Breakdown By Function



1981-82 BUDGET REQUEST
BREAKDOWN BY FUNCTION

DIRECT COSTS:

| | |
|--------------------|------------------|
| Uniform | \$17,593,505 |
| Investigative | 11,380,226 |
| Detention | 9,821,451 |
| Community Services | 538,494 |
| Resident Officers | 731,486 |
| Airport | <u>2,025,514</u> |

TOTAL DIRECT COSTS

\$42,090,676

INDIRECT COSTS:

| | |
|------------------------|------------------|
| Administrative Support | \$ 5,138,269 |
| Field Support | <u>6,170,566</u> |

TOTAL INDIRECT COSTS

11,308,835

TOTAL COSTS

\$53,399,511

INDIRECT COST DISTRIBUTION

ADMINISTRATIVE SUPPORT:

| <u>FUNCTION</u> | <u>% OF TOTAL</u> | <u>DISTRIBUTION</u> |
|--------------------|-------------------|---------------------|
| Uniform | 38.1% | \$1,957,681 |
| Investigative | 24.6 | 1,264,014 |
| Detention | 21.2 | 1,089,313 |
| Community Services | 1.2 | 61,659 |
| Resident Officers | 1.6 | 82,212 |
| Field Support | <u>13.3</u> | <u>683,390</u> |
| TOTAL | <u>100.0%</u> | <u>\$5,138,269</u> |

FIELD SUPPORT:

| <u>FUNCTION</u> | <u>% OF TOTAL</u> | <u>DISTRIBUTION</u> |
|-----------------|-------------------|----------------------|
| Uniform | 60.7% | \$4,160,351 |
| Investigative | <u>39.3</u> | <u>2,693,605</u> |
| TOTAL | <u>100.0%</u> | <u>\$6,853,956 *</u> |

* Includes proportionate distribution of Administrative support.

TOTAL COST
BREAKDOWN BY FUNCTION

| <u>FUNCTION</u> | <u>DIRECT COST</u> | <u>INDIRECT COST</u> | <u>TOTAL COST</u> |
|--------------------|------------------------|--------------------------|-----------------------|
| Uniform | \$17,593,505 | \$ 6,118,032 | \$23,711,537 |
| Investigative | 11,380,226 | 3,957,619 | 15,337,845 |
| Detention | 9,821,451 | 1,089,313 | 10,910,764 |
| Community Services | 538,494 | 61,659 | 600,153 |
| Resident Officers | 731,486 | 82,212 | 813,698 |
| Airport | <u>2,025,514</u> | <u>-0-</u> | <u>2,025,514</u> |
| TOTAL BUDGET | <u>\$42,090,676</u> | <u>\$11,308,835</u> | <u>\$53,399,511</u> |

COST APPORTIONMENT PLAN

UNIFORM SERVICES:

| <u>Factor</u> | <u>City Statistics</u> | <u>City Pct.</u> | <u>County Statistics</u> | <u>County Pct.</u> |
|--------------------------------|------------------------|------------------|--------------------------|--------------------|
| Population ¹ | 162,960 | 42% | 222,436 | 58% |
| Calls for Service ² | 85,851 | 51% | 83,566 | 49% |
| Part I Crimes ³ | 19,577 | 44% | 24,992 | 56% |
| Percentage Split | | 46% | | 54% |

INVESTIGATIVE SERVICES:

| <u>Factor</u> | <u>City Statistics</u> | <u>City Pct.</u> | <u>County Statistics</u> | <u>County Pct.</u> |
|----------------------------|------------------------|------------------|--------------------------|--------------------|
| Part I Crimes ³ | 19,577 | 44% | 24,992 | 56% |

DETENTION SERVICES:

| <u>Factor</u> | <u>City Pct.</u> | <u>County Pct.</u> |
|--------------------------|------------------|--------------------|
| Inmate Days ⁴ | 28% | 72% |

COMMUNITY SERVICES:

| <u>Factor</u> | <u>City Statistics</u> | <u>City Pct.</u> | <u>County Statistics</u> | <u>County Pct.</u> |
|----------------------------------|------------------------|------------------|--------------------------|--------------------|
| Crossing Guard Hrs. ⁵ | 252 | 48% | 275 | 52% |

1--1980 U.S. Census

2--From December 1979 through November 1980

3--FBI Uniform Crime Reports - December 1979 through November 1980

4--Pre-trial Service Jail Population Study - 1979-80

5--Estimated Weekly Hours

COST SHARING PLAN

| <u>FUNCTION</u> | <u>TOTAL COST</u> | <u>COST SHARING RATIO</u> | <u>CITY COST</u> | <u>COUNTY COST</u> |
|-----------------|----------------------------|---------------------------|----------------------------|----------------------------|
| Uniform | \$23,711,537 | 46/54 | \$10,907,307 | \$12,804,230 |
| Investigative | 15,337,845 | 44/56 | 6,748,652 | 8,589,193 |
| Detention | 10,910,764 | 28/72 | 3,055,014 | 7,855,750 |
| Community Svc. | 600,153 | 48/52 | 288,073 | 312,080 |
| Resident Off. | 813,698 | 0/100 | -0- | 813,698 |
| TOTAL | <u><u>\$51,373,997</u></u> | | <u><u>\$20,999,046</u></u> | <u><u>\$30,374,951</u></u> |

Percentage Split

41%

59%