

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-Second Session
April 24, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 9:05 a.m. on Monday, April 24, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Selena Torres, Chair
Assemblywoman Bea Duran, Vice Chair
Assemblyman Max Carter
Assemblyman Rich DeLong
Assemblyman Reuben D'Silva
Assemblywoman Cecelia González
Assemblyman Bert Gurr
Assemblyman Brian Hibbetts
Assemblyman Gregory Koenig
Assemblyman Richard McArthur
Assemblyman Duy Nguyen
Assemblywoman Angie Taylor
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Asher Killian, Committee Counsel
Sarah Delap, Committee Counsel

Minutes ID: 939



Judi Bishop, Committee Manager
Geigy Stringer, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Nick Vander Poel, representing City of Fernley
Stephen Wood, representing Nevada League of Cities and Municipalities; and
Government Affairs Liaison/PIO, Carson City
Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties
Jason D. Woodbury, District Attorney, Carson City
Al Rojas, Private Citizen, Las Vegas, Nevada

Chair Torres:

[Roll was taken. Committee rules were explained.] Welcome to the hardest-working committee in the Nevada State Legislature. As requested, we are going to take the bills out of order. I expect that today will go quickly for us here in our most efficient committee in the Legislature. I will now open the hearing on Senate Bill 18, which revises provisions governing required meetings of planning commissions in certain counties.

Senate Bill 18: Revises provisions governing required meetings of planning commissions in certain counties. (BDR 22-307)

Nick Vander Poel, representing City of Fernley:

Senate Bill 18 comes from the City of Fernley's Planning Department and our Planning Commission. Ultimately, we found ourselves in Fernley having planning commission meetings with nothing on the agenda. Under *Nevada Revised Statutes* 278.050, we are required to have monthly meetings of the planning commission. However, in 2021 we had four meetings with nothing on the agenda, and in 2022 we had three meetings with nothing on the agenda. To have a meeting with nothing on the agenda simply for public comment was nonproductive. It was work on staff. Senate Bill 18 only applies to incorporated cities and counties of under 100,000 population. I am happy to answer any questions, but that is Senate Bill 18 in a nutshell.

Chair Torres:

Thank you. At this time, members, are there any questions?

Assemblyman Hibbetts:

How many of these meetings that did not have agendas actually had public comment during those meetings?

Nick Vander Poel:

I do not have an answer for that. I can get back to you with an answer.

Assemblywoman Duran:

To follow up on my colleague's question, Is there a way the public can make comment through Zoom, or anything like that, if you do not have these meetings?

Nick Vander Poel:

During our planning commission meetings, yes, we do have them. They are open to Zoom, just like the city council meetings. We have a "raise the hand" feature for when members of the public want to make comments.

Assemblyman DeLong:

Could you list which counties and cities this would not apply to?

Nick Vander Poel:

This would not apply to Washoe County or Clark County.

Chair Torres:

Are there any additional questions? [There were none.] That concludes our questions. Is there anyone wishing to testify in support of S.B. 18? [Rules for testimony were reviewed.]

Stephen Wood, representing Nevada League of Cities and Municipalities:

We support the City of Fernley's efforts to increase flexibility for those planning commission meetings that do not have anything on the agenda. It creates more flexibility, not just for the commission, but also for city and county staff. We appreciate your support as well.

Jennifer Berthiaume, Government Affairs Manager, Nevada Association of Counties:

We would like to thank the City of Fernley for this bill that brings flexibility to counties under 100,000 in population, and we are in support of S.B. 18.

Chair Torres:

Thank you. I do not see anyone else here in Carson City wishing to testify in support of S.B. 18. There is no one in Las Vegas and no one on the line wishing to testify in support of S.B. 18. At this time, I will invite up anyone wishing to testify in opposition to S.B. 18 here, in Las Vegas, or on the line. [There was no one.] At this time, I will invite anyone wishing to testify neutral on S.B. 18. I do not see anyone here in Carson City or in Las Vegas. There is no one on the line wishing to testify in neutral on S.B. 18. At this time, I will invite the sponsor for any closing remarks. [There were none.] All right, we will go ahead and close the hearing on S.B. 18 and open the hearing on Senate Bill 16, which revises various provisions of the charter of Carson City. Please begin when you are ready.

Senate Bill 16: Revises various provisions of the Charter of Carson City. (BDR S-350)

Stephen Wood, Government Affairs Liaison/PIO, Carson City:

Joining me today is Carson City District Attorney Jason Woodbury. We are copresenting Senate Bill 16, which revises the Carson City Charter. The Carson City Charter Review Committee began its work in February 2022 to consider potential changes to the charter that

were submitted by both Carson City residents and city staff. The seven members of the Charter Review Committee are Carson City residents. Each is appointed by members of the Board of Supervisors, the mayor, the Assemblyman from District 40, and the Senator from District 16, respectively. After deliberation at three open meetings, the Charter Review Committee submitted a list of five suggested changes to the Board of Supervisors. The Board approved those changes with a slight amendment, and those changes are before you today in the form of S.B. 16. No negative public comment was received on the suggested changes before you at any of the hearings of both the Charter Review Committee and the Board of Supervisors. Senate Bill 16 is Carson City's one and only allocated bill for the 82nd Session. Now I would like to pass it over to our district attorney who will walk you through the language of the bill, and then we will be happy to take any questions.

Jason D. Woodbury, District Attorney, Carson City:

Thank you for considering this bill. This bill proposes five amendments to the Carson City Charter. The first is reflected in section 1. By way of background, Carson City is divided geographically into four political wards of equal population. Following a census, the Carson City clerk must realign the wards to equalize the population in each ward. That realignment must be approved by the Carson City Board of Supervisors. The existing charter imposes a deadline for the completion of that process. The deadline in the charter is January 1 of every general election year.

That deadline became problematic in the realignment that was done in 2021. The Carson City clerk cannot begin the realignment process until the Legislature completes the statewide redistricting process. If the redistricting process is completed early enough, the January 1 deadline is not a problem. However, if the redistricting process pushes back toward the end of the calendar year, that can make it difficult and potentially impossible for the clerk to complete the ward realignment process by the January 1 deadline. For example, in 2021 Carson City had to schedule a meeting on the last business day of the year to get the realignment approved in time. It is not hard to imagine a circumstance in which the statewide redistricting process is delayed long enough through legislative stalemate or litigation, and the ward realignment process cannot be completed by the January 1 deadline.

In our research on the issue, we were not able to locate the origin of the January 1 deadline, and we did not find the same deadline in any other city charters or statutory provisions. The amendment would remove the January 1 deadline and replace it with a deadline of 30 days before the nonjudicial candidate filing period. If the redistricting process makes that deadline impossible, the deadline would be extended to the first day of the nonjudicial candidate filing period. The proposed amendment would bring Carson City in line with *Nevada Revised Statutes* 293.209, which imposes a deadline to realign election districts before the first day of the filing period for nonjudicial candidates.

The second proposed amendment is reflected in section 2 of the bill.

Chair Torres:

I apologize for interrupting, but when you say "amendment," you mean the changes to the charter and not an amendment to the bill, correct? We are all looking for an amendment. So that Committee members are clear: There is no proposed amendment to S.B. 16.

Jason Woodbury:

No, the bill has the changes to the charter.

Chair Torres:

I appreciate the clarification.

Jason Woodbury:

The second amendment proposed in the bill is reflected in section 2. Under existing law, the terms of the members of the Carson City Board of Supervisors expire at noon on the Sunday preceding the first Monday in January, four years after their election. However, newly elected supervisors do not assume office until midnight on the first Monday in January following their election. Read together, these provisions create a 12-hour gap during which the terms of the former supervisors have expired and the terms of the new supervisors have not yet begun. The bill would eliminate that gap by changing the term expiration of the outgoing supervisors to 11:59 p.m. on the Sunday preceding the first Monday following a general election.

The third proposed amendment is reflected in section 4 of the bill and that amendment is just a grammatical correction.

The fourth proposed amendment in the bill is reflected in section 5. The charter establishes an ordinance adoption process. The process requires the Board of Supervisors to review an ordinance at two separate meetings before it can be adopted. The process also requires publication regarding the proposed ordinance after the first reading and then again before the ordinance becomes effective.

In Carson City, we utilize the *Nevada Appeal* for our publication requirements. At times the existing process becomes problematic. The Board of Supervisors meets on the first and third Thursday of every month, and some months have a fifth Thursday, which extends the time between meetings when an ordinance can be considered for a second time. Additionally, the *Nevada Appeal* currently publishes only twice a week, on Wednesday and on Saturday, and this can also create a delay of a few days before the proposed ordinance is actually published. These minor delays can combine to create a situation where it is difficult and sometimes impossible to meet the 45-day deadline for adoption of an ordinance. For this reason, we have proposed in the bill changing the deadline from 45 days to 60 days for the adoption of a proposed ordinance. In effect, this would give us another meeting as cushion to work with and make sure we satisfy all the meeting and publication deadlines and requirements. The change in the bill is modeled on the Las Vegas City Charter which, since 2007, has allowed an ordinance to be adopted up to 60 days after its first publication.

We have additionally proposed in the bill eliminating the requirement that an ordinance be published before becoming effective and replaced with the requirement that the ordinance must be published no later than 14 days after adoption. We believe this will allow us to attend to urgent matters, such as we experienced with the COVID-19 situation, without having to resort to an emergency ordinance process which by its nature allows for less notice to the public.

The fifth and final change proposed by the bill is reflected in section 6. A conforming change is also reflected in section 2. Under the existing charter, if the office of mayor becomes vacant, the mayor pro tempore, who is also a supervisor, becomes acting mayor. However, the supervisor does not actually assume the office of mayor and still holds his or her seat as a supervisor. This process created a problem for Carson City a few years ago when our mayor passed away. The mayor pro tem became acting mayor, but no one could be appointed to fill that supervisor's seat because he was still legally a supervisor, and there was no vacancy. As a result, the board was forced to operate for several months with only four members until the former mayor's term expired. The problem could have been a lot worse as the existing charter could allow that situation to last for two years, or even more, depending on the timing of the vacancy in the office of mayor.

To address this issue, the proposed bill would have the mayor pro tem assume the office of mayor for the duration of the unexpired term of the former mayor. This would create a vacancy in the office of supervisor which could then be filled and allow the board to function with full representation. The proposed change in the bill is modeled after the city charters of Sparks and Boulder City, which have utilized the same process since 1975 and 1996, respectively.

Sections 7 through 9 of the bill make conforming changes to statutes.

Section 10 of the bill makes it effective upon passage and approval. That concludes my summary of the bill before you, and Mr. Wood and I would be happy to try to answer any questions you might have.

Chair Torres:

We appreciate it. At this time, I will open it for any questions from members.

Assemblywoman Taylor:

Thank you for bringing this bill and thank you for walking us through it. I have a couple of questions. Can we go to section 1, subsection 4? I found myself getting lost in it. Would you mind taking us through what the intent is? It is on page 3, starting with line 3.

Jason Woodbury:

I can summarize the purpose of it. The challenge with realignment is you need to do it in a way that provides fair notice to anyone who might want to run for office. You do not want there to be the potential—not that anybody would do it—for a ward realignment to occur during the election process. That would create a chaotic situation. You need the deadline,

and the deadline is 30 days before the nonjudicial candidate filing period. You have to have your ward realignment done by then. That gives potential candidates 30 days of notice. Okay, you are in the ward, either this ward or that ward, and you can make your decision. State law states the first day of the nonjudicial candidate filing period, so any time until that first day, an election district, which would include wards, could potentially be changed.

We want to provide in our charter more notice whenever it is possible. If for some reason we cannot meet that deadline of 30 days before the nonjudicial candidate filing period, the fallback, the absolute last deadline, is that state provision that requires it to be the first day of the filing period for nonjudicial candidates.

Not that you asked, but hopefully it is responsive. The reason the nonjudicial candidate filing period is chosen is because that is the only one where wards matter. In judicial candidate periods, at least for Carson City's purposes, there is no realignment of any judicial district. It does not have any impact on them.

Assemblywoman Taylor:

I appreciate that. I came from a school board and we just redid our line, so I get all that. Right now, state law says it is up until the day that nonjudicial candidates may file, and what you are asking for is that the deadline be changed to 30 days before that time.

Jason Woodbury:

That is exactly right.

Assemblywoman Taylor:

I appreciate that. My second question is on section 6. You do not need to turn to it because it is not as much in the verbiage. What happened to your mayor in the past had to be devastating. I am still sorry for the city's loss. If something were to happen to the mayor, the mayor pro tem will assume the office of the mayor. Are all of your supervisors elected on the same cycle as the mayor?

Stephen Wood:

They are not all on the same cycle. It is staggered.

Assemblywoman Taylor:

The reason I ask is, if the mayor's term is about to expire but the supervisor's term is not, and then that supervisor automatically takes on the role of the mayor, what happens? What if that supervisor says, I am only going to have three months if I take on the mayor spot, but if I stay in my role, I am going to have two years and three months. Is that a possibility? It could happen.

Stephen Wood:

It could, yes. However, the board elects the mayor pro tem. That person chooses to assume that role and would understand the responsibilities should that occur again. When they are nominated by their fellow board members and choose to stand for election as mayor pro tem, they would understand that is part of the responsibility of the job.

Assemblywoman Taylor:

We would hope they would understand that is the responsibility of the job.

Assemblyman Koenig:

My question is along the lines of Assemblywoman Taylor's. If something happens to your mayor, you have a vacancy, so one of the supervisors gets elected to that position. What you want is to have an opening in the supervisor spot so you can appoint someone to take that spot. What if at the end of the mayor's term, the person wants to slide back into that supervisor spot and not be the mayor again? What happens to the person who was appointed to take their supervisor spot? Are they just out? What if as a supervisor I say, I do not want to be the mayor, but I will step up and finish the two months left of this vacancy, but at the end of those two months I do not want to run for mayor; I am going to slide back into being a supervisor. If I slide back into my supervisor position, what happens to the supervisor who was appointed to my spot in the interim?

Jason Woodbury:

That is an unusual scenario. Under the process, once the supervisor is appointed to backfill the position of the person who became the mayor, that would be an appointment for the duration of that supervisor's term. Under this bill, there would not be a provision for the supervisor to act as mayor for two months and then slide back into his or her position. That is the current process we have right now, but that would not be allowed under this. For completeness, I will say that in addition to appointing a supervisor, the Board of Supervisors would have the option to convene a special election instead of having an appointment process.

Assemblywoman Thomas:

We know that this came from the Senate. I want to know whether you were able to answer the reliable evidence question.

Stephen Wood:

Yes. You are referring to reliable evidence used for realignment of ward boundaries. Yes. We worked with Senator Skip Daly and Senator Lisa Krasner to answer that question. That evidence comes from the Office of the State Demographer and comes to our city clerk's office. That information is collected at the state level as well as certain information collected by the clerk's office, but the reliable evidence standard is from the State Demographer's Office.

Assemblywoman Thomas:

My second question has to do with another Senate question. If the realignment were done in an election year, could you draw a sitting legislator out of his or her district?

Jason Woodbury:

Once a supervisor is elected, the law prohibits any realignment that would draw that person out of his or her district during that person's term. To be clear, there could be a situation where after the term, the supervisor would actually be in a different ward and have to run for a different ward. However, the realignment process would not have any impact on the completion of that person's current term.

Assemblyman Nguyen:

I want clarification so I can understand this. You are currently not ward voting right now, right? Let us say I am a Carson City resident. I can vote for all the supervisors because it does not matter where I live—you are not doing specific ward voting right now.

Stephen Wood:

That is correct. All members of the Board of Supervisors are elected at-large.

Assemblyman Nguyen:

I want to put it all together. My understanding is that you want to get everything realigned so folks can run for the specific ward they live in, but anybody in the entire city can vote for them.

Stephen Wood:

That is correct.

Assemblyman Nguyen:

Are we planning to go to ward-specific voting at any point? I am trying to connect the dots between realignment in the ward and the fact that it does not matter; anybody can vote for them.

Stephen Wood:

The reason we have those wards, if we go back to the beginning, is the supervisor who represents the ward must live in that ward. Even though everybody is elected at-large, the individual who is elected from that ward is meant to represent the interests of that ward as part of the board as a whole. When we are looking at realigning, that has gone through our Charter Review Committee process. The Charter Review Committee has also had before it suggestions for ward-only voting, and they have rejected those changes. Our panel of residents who review our charter changes has had that brought before them and they rejected that change.

Assemblywoman Thomas:

I am not trying to beat this dead horse, but at the end of your answer to me about realignment, that person currently there is okay, but if you do the realignment, that supervisor

may have to move because you can draw that person out of that ward and then someone else could run. We are looking at securing ward boundaries, right? But when you realign those boundaries, you can take a person out. There is no protection.

Jason Woodbury:

There is no protection for the realignment process. There is protection in the term that the supervisor has been elected to. As an example, let us say Supervisor A is representing Ward 1. Two years into Supervisor A's four-year term, Ward 1 is realigned so that Supervisor A now actually resides in Ward 2. There is no impact on the term. Supervisor A still gets to complete the remaining two years of his or her term. If that supervisor wanted to run again, he or she has to make a choice to either run from Ward 2, or if he or she chose and wanted to stay in Ward 1, you are correct, that person would have to move to a different location. As a previous question has indicated, voting is at-large so the same electorate is still voting. It is just a matter of which ward he or she would be running for.

Stephen Wood:

To follow up on that, after the hearing in the Senate where this question came up, we did some research and discovered that no such protection exists in any other charter or in state law. We had nothing to play off of from any other charter or in state law where that precedent has been set, where that protection existed.

Chair Torres:

To add to that, it is important to note that we as state lawmakers—for those of us who were here for redistricting—we have no guarantee that we will be redistricted within our own district. The Legislature does make an attempt to respect the sitting legislators and where their homes are. But there is no guarantee that when we walk into a redistricting we will be walking out into our same district, or even that our district will look exactly as it used to look. That is important to note when we are looking at how cities and other local governments redistrict. Members, are there any additional questions?

Assemblywoman Duran:

How many times have you done realignment? Is this going to be the first time, and how many times can you foresee it happening?

Jason Woodbury:

I may rely on Stephen Wood to get you specific information about that. To my knowledge, the ward realignment process only happens every ten years in conjunction with the census and the state's redistricting. In the time I have been in Carson City, that is the only time I have ever seen it occur.

Stephen Wood:

I am getting telepathic signals from my city manager who is sitting behind me that what the district attorney just said is correct.

Chair Torres:

Thank you. Members, are there any final questions? [There were none.] Assemblyman McArthur, do you not have a question today? He is usually chatty; I guess not today. All right, at this time we will invite anyone wishing to testify in support of S.B. 16. [There was no one.] At this time, I will invite anyone wishing to testify in opposition to S.B. 16. I do not see anyone here in Carson City. I have somebody in opposition in Las Vegas. Please begin when you are ready.

Al Rojas, Private Citizen, Las Vegas, Nevada:

I reside in Assembly District 12 and Senate District 21, and I frequent Senate District 2 and Senate District 11. I am not opposed to any specific section of this bill, but in my opinion, this is a perfect example of a Trojan Horse bill, which has too many things in it. If it is hard for you to follow if you are in the Assembly, imagine what people like myself who are just concerned citizens will have to go through. I am sure you all are trying to make some kind of progress. My recommendation is to break this bill up into more manageable pieces, and the people who support this bill will probably have a better chance of getting at least one of their items through.

In my opinion, this is a bill that is all over the place. Redistricting. Time limits. I looked at it and had to read it about 10 times just on the basic summary, and there are just too many things going on in this bill. It is bad legislation, and it should be broken up into pieces that are manageable so citizens can follow it. Let us not forget our country is of the people, by the people, for the people. Thank you very much.

Chair Torres:

Is there anyone else wishing to testify in opposition to S.B. 16? I do not see any additional folks in Las Vegas. Is there anyone on the line wishing to testify in opposition to S.B. 16? [There was no one.] At this time, is there anyone wishing to testify neutral to S.B. 16? [There was no one.] At this time, we will invite the sponsor for closing remarks.

Stephen Wood:

Thank you, Madam Chair and members of the Committee, for hearing the bill. I want to reiterate that the provisions in S.B. 16 were not amended in the Senate. These provisions are exactly the same provisions that were addressed by our Charter Review Committee in three separate open meetings that were open to the public and subject to public comment by the citizens of Carson City and approved at a Board of Supervisors meeting, which, of course, is open to the public and for public comment. No negative public comment was received on any of these suggestions. We hope this bill moves forward for our city and appreciate your support.

Chair Torres:

At this time, I will close the hearing on S.B. 16, and we will move on to the last item on the agenda today, which is public comment. [Rules for public comment were reviewed.]

[Public comment was given.]

Members, are there any remarks before we adjourn? [There were none.]

[Meeting reminders were given.] The Committee is adjourned [at 9:44 a.m.].

RESPECTFULLY SUBMITTED:

Geigy Stringer
Committee Secretary

APPROVED BY:

Assemblywoman Selena Torres, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.