

VI. ACKNOWLEDGEMENT OF TECHNICAL ADVISORS

Mike Alastuey and Marvin Leavitt, technical advisors, are available to assist and answer questions during this meeting.

VII. PRESENTATION AND DISCUSSION ITEMS

a. Report SB-264

Via PowerPoint presentation, Bristol Ellington, Assistant City Manager, City of Henderson; and Chris Good, Assistant to the City Manager, City of Reno, reported that there appears to be no universal definition as to what constitutes true Home Rule as every state is different in how they allow Home Rule, and what state legislatures grant to cities and counties. According to one definition, Home Rule is the power of local self government, or the power of local government to deal with matters of local concern without having to turn to the state legislature for approval as long as their actions do not contravene already defined state policies. The presentation included slides pertaining to the Home Rule Interim Study, Dillon's Rule, Full Interim Committee, Interim Technical Advisory Committee, and Key Dates and Next Steps.

Questions and Discussion

Commissioner Chris Giunchigliani, Clark County: Could we make a note to research whether local county governments that are counties established in statute similar to charter cities rather than going through a statutory hit or miss each time. The last study was done in 1990, and I don't know that it looked at charters. Counties are creatures of the legislatures separate from cities that are created by charter.

Mr. Reilly: We'll make a note of that. Has there been a response in any jurisdiction to do anything to advance this? I believe Reno has passed some type of resolution.

Councilwoman Jessica Sferrazza, City of Reno: If we could get the information from the National Association of Counties (NACo), because back in the 1990s, this was an advisory question on some type of home rule or the establishment of unfunded mandates. I think that would be interesting information to have and is historical data. But also, if we could work with our legislators on how to push certain elements of home rule, because even if we were to go out to a ballot question, it would be advisory. If we could get that information I think it would be helpful.

Councilman Ron Schmitt, City of Sparks: I think the first thing is that Reno set an example and I think we have to do it. Each jurisdiction, both counties and cities need to do a resolution on this and need to be speaking as one voice across the state of Nevada. We need to make sure we have 100 percent participation from all the counties and all the cities that this is a direction we want to go. If we come at this divided or not fully together, we're going to be picked apart on it.

Mr. Reilly: Suggestion to model the resolution done by the City of Reno.

Councilwoman Gerri Schroder, City of Henderson: If the state was to go to home rule, how would that affect the different jurisdictions?

Martin Leavitt, Technical Advisor: There is a problem because let's just say for instance they said in very general language, Home Rule is hereby granted. What does that mean? You know, I think we think sometimes we could just simply adopt a home rule law, but when you think about it, what exactly does that mean? Let's suppose we granted this home rule on sales tax as an example. Each individual local government could increase the sales tax or decrease the sales tax. Does that mean now that we collect sales tax at the City level? Do we collect sales tax at the County level? Could we have multiple rates within the County? Could we have each city levying their own sales tax so we would have a different rate for every single city within the county? It can get fairly complicated when you start to grant this.

You now have local governments in competition with each other. How do you work this out? I think if we want it, it is something that is much more complicated. We have to work out details as to what areas do we have it. Right now we have the state leverage, essentially sales tax that comes to the local governments in the city, county relief tax, both the basis and the supplemental. If we got complete home rule, would that go away? It's funded by the state. Do we want to levy our own? Does that go away and we now have to re-impose it? Do we now receive money that's only collected within our jurisdiction, or is it allocated on the state and county level the way it is now? There are a lot of questions.

Mr. Reilly: Mr. Leavitt is suggesting that it perhaps has to be addressed as to whether it is home rule for financial issues, structural issues, functional issues, et cetera. There are many components that can have a ripple affect of other type of legislation.

Mayor Oscar Goodman, City of Las Vegas: Do I understand that there could be a wholesale granting of home rule or partial granting of home rule?

Mike Alastuey, Technical Advisor: To get the point about the difference between fiscal and structure home rule, you have to be somewhat surgical as far as which components of home rule would be granted and to which kind of jurisdiction. Take for example even within a county. The allocation of responsibilities for public services for counties and cities varies somewhat with counties being responsible for social services, care for the indigent, the district judiciary, et cetera. If total home rule were granted cart blanche to all governments, the kind of competition on the fiscal side would evidence itself on the structural side. In answer to your question Mayor Goodman, it would have to be specific and very carefully thought out parts.

Councilman Steve Ross, City of Las Vegas: We're at that point now with some where it's not so much a fiscal issue with some governments, but the other issues we have to go to the legislature for such as the structural issues, the functional components of our cities and counties as well as the personnel component. There's other things than just taxes. We're talking about other functions that our governments are trying to do, but we must go to the legislature to get permission. This is significant. We can take taxes right off the table as far as I'm concerned. As we do that, the state still needs to function. That has to be an element of this discussion.

Mr. Reilly: Perhaps there has to be a deeper analysis of each of those different components and what the impact may be so the jurisdictions can have a better understanding of what level support and get more of a discourse.

Councilman Steve Ross, City of Las Vegas: Taxes are an issue, but not the major issue. I think it's other issues that we're dealing with in our cities and in our counties that we have challenges with and we need to do something. But we can't until the session reconvenes to get something done for our charters.

Councilwoman Debra March, City of Henderson: Clearly home rule works in other states. I'm sure there's many different forms that are incorporated in other states and how we might incorporate into the state of Nevada to make it work here. I think looking at what other states have done, and I suspect there are other states that have transitioned into home rule at various levels. It might be worth looking at that.

Mr. Reilly: Look at best practices of those that have it and perhaps those that don't and how they function.

Councilman Dave Aiazzi, City of Reno: I am not so much concerned about home rule, but what they are doing to take away what they have right now. For instance, to limit the number of bills that local governments have; bills that would limit their ability to lobby our own legislature. There is something in the middle before we get home rule and that's have better communication with our legislators. We were told by our delegation at the start of the last session they would not come after local governments. Last week, bang, we got hit. None of that conversation happened. Part of that is the erosion of what our rights are right now.

Mr. Reilly: It's mostly just looking at the larger issue of home rule, but also communication or looking at other aspects of local governments to be heard at the state level.

Commissioner Lawrence Weekly, Clark County: We had to go back to the legislature to have permission to tow vehicles. We deal with major code enforcement issues in certain areas of town and we are very limited in how to address code enforcement issues. We were not able to deal with civil penalties because we did not have the home rule type flexibility. We have simple things that handcuffed us in Clark County that make a big difference when it comes to providing services to our constituents.

Mr. Reilly: The difference between cities and counties, unless it is delineated in the legislation, the counties can't do it for very simple issues, public response, code enforcement, et cetera. So the analysis would include those type of details and differences that exist currently.

Commissioner Chris Giunchigliani, Clark County: Do we know who the nine people are going to be that will be appointed, and is there objection within the room to look at structural, functional, fiscal personnel home rule?

Mr. Reilly: The nine legislators have been appointed, but they chose not to appoint any representations from local government.

Mr. Good: They did not do the "may." There is a shall, but we don't know those names yet. The shall includes six representatives of local government and three from the state agencies.

Mr. Reilly: Is there any objection of breaking out to dissect those areas of functional, structural, and financial so there could be a deeper analysis in each jurisdiction?

By show of hands, a large majority of those present indicated their support of some form of home rule.

Vice-Chairman Bill Dolan, Pahrump County Commission: The most onerous aspects of unfunded mandates is when the state says you're going to provide a particular service and then does not fund it and also maintains all of the authority for how it is going to be served on the population without us having the flexibility to serve our population in that area. It seems like uniformity versus freedom, and home rule is freedom if we're going to be given that responsibility by the state. If we're not going to be given the money to accomplish it, then the freedom is to get to home rule, we can exceed the flexibility to give the best possible service to our constituents and to our communities. Without home rule, we're given something that is onerous.

Mr. Reilly: Is there a suggested format on how it would be delivered to the legislature? What we have here is we have a recommendation to actually pass a resolution similar to the City of Reno. To actually break out the components of home rule for functional, structural, financial to get a deeper analysis and have that discussion for your own jurisdictions. What about how to make the presentation either collectively, regionally, or individually to the legislature.

Councilwoman Jessica Sferrazza, City of Reno: The resolution was more for discussion purposes. I think the vehicle to do that at is at NACo and the Nevada League of Cities. I think this has got to be debated at both of those organizations where everyone is represented and we can come up with something within those jurisdictions working our legislators to present that in the interim before the next session.

Mr. Reilly: One suggestion is to use the vehicles of NACo and the League of Cities as one way to advance the discussion individually and collectively see if there is more consensus moving forward.

Commissioner Ray Williamson, Lander County: One of the foremost aspects of the home rule is the closer the government is to the people, the more effective government can be. He expressed concern that one of the problems is that one size does not fit all, and some of the policies do not make sense because the rural and urban areas in the cities and counties are so vastly different.

Mr. Reilly: Even in the analysis of the breakdown of home rule, it is not a one size fits all because the cities and counties, rural and urban areas, are so vastly different. So perhaps that type of analysis should be considered in each jurisdiction and how much of a home rule to make sense in your own area.

Commissioner Chris Giunchigliani, Clark County: An interim committee will be making the final recommendation. So if you work through NACo and the Nevada League of Cities, and the technical committee, and recognize the needs of rural areas versus urban areas, deal with that component and get them to make the recommendation legislatively. Make sure what we ask for is something that can be delivered.

Mr. Reilly: It sounds like there's general consensus on home rule. A deeper analysis is needed; that the state is small enough and there are vehicles through NACo and the Nevada League of Cities to have this dialogue to further the discussion and see if there's a united voice, or those that have a regional component with those four different components of home rule could be presented.

Councilman Steve Wolfson, City of Las Vegas: I don't know that I would go so far to say there's a general consensus amongst the people here that we want home rule. When you look at the various categories, there is a general consensus to further study the individual components to determine whether or not the individual entities want home rule and to what effect. Be careful what you ask for because you may get it. If we were to seek home rule and the legislature were to grant it, might the legislature then on their own, create other ways to further obstruct, prohibit, et cetera, our abilities in other ways. So I think we just have to be careful of a response by the legislature to give us home rule, but then do something else.

Commissioner Chris Giunchigliani, Clark County: I hope one thing to come out of this discussion is no longer a we-versus-them. If we continue on that road or make those kinds of thoughts, you are going to just continue to not be successful. Elected officials must find common ground, and that's not always happened. As local government now, we have an obligation to work with our elected officials that go to the state because they have the same problems. They may not have the same acknowledgement of what we have to deal with on a day-to-day basis.

Commissioner Bonnie Weber, Washoe Count: I am the president of Nevada NACo and we've had many discussions at our board level. We are very willing to work with our legislature. That's really important, that we are able to sit down and be respectful of them as well as working together to get home rule. We have to take baby steps and work with them and find out what will work for everyone.