

TRI-STRATEGIES

Government Relations & Public Affairs

To: Incline Village General Improvement District Board of Trustees
From: Tri-Strategies
Subject: Legislative Update
Date: 04-02-19

Legislative Update

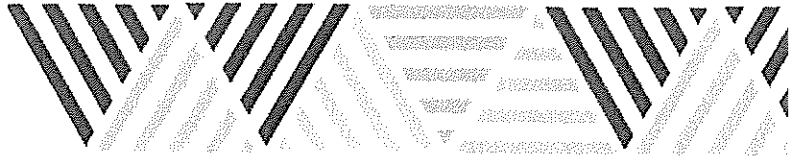
I. Overview

Today marks the 58th day of the 120-day Legislative Session. April 12th is the deadline for First House Committee Passage, meaning that all bills need to be passed by the legislative chamber (Assembly or Senate) were they originated in order to survive.

II. Senate Bill 279

A. Process:

As discussed at the Board of Trustees meeting on March 28th, Senate Bill 279 was introduced in Senate Government Affairs on March 27th. This is the bill that applies specifically to general improvement districts and their respective processes for the disposition of real property. It was introduced by Senator Ben Kieckhefer. Washoe County spoke in favor of the bill and we provided testimony under "neutral." Both Senator Kieckhefer and Tri-Strategies clarified on the record that IVGID has followed all rules and procedures as they currently exist.



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The next step for SB 279 is to receive a work session in Senate Government Affairs, where they will take an up or down vote on it. If it passes out of that Committee then it will return to the Senate Floor where the Senate as a whole will vote on it. If it passes the floor it will then go through the entire process again in the Assembly.

B. What the Bill Does:

As discussed above, this bill applies specifically and exclusively to general improvement districts. Though we have discussed it during the March 28th Board of Trustees meeting, to recap, we believe SB 279 significantly burdens the process by which a GID can sell real property compared to their current requirement. This bill sets forth new requirements to be met before such a sale can occur. Those new procedures include:

- (1) requiring, with limited exceptions, the board of trustees to obtain two independent appraisals of the real property; and
- (2) prohibiting, with limited exceptions, the board from selling the real property for less than the appraised value.

Additionally, this bill requires the board to adopt procedures for creating and maintaining a list of qualified appraisers. It also requires the board of trustees, before ordering the sale of real property, to adopt a resolution at a public meeting:

- (1) declaring the intent of the board to sell the real property;
- (2) finding that the sale is in the best interest of the district; and
- (3) fixing a time for an additional public meeting of the board at which sealed bills for the real property will be considered.

It also sets forth certain public notice requirements for the first meeting where the board may adopt such a resolution; and the second meeting at which the property may be sold. It also sets forth the procedures for selling the real property at the second meeting. Finally, this bill provides that any sale of real property by a board of trustees is void if the sale violates any of the requirements or procedures previously described.



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SB 279 has been referred to the Senate Committee on Government Affairs, which is chaired by Senator David Parks. As you know, it was heard on March 27th. It currently is not scheduled for a Work Session and thus is not scheduled for a vote in that committee.

III. Other Bills Being Tracked

- **Assembly Bill 18**

This bill deals with the express powers of a local government bodies. Existing law provides the governing bodies of incorporated cities, unincorporated towns and general improvement districts with certain express powers. (Chapter 268, 269 and 318 of NRS)

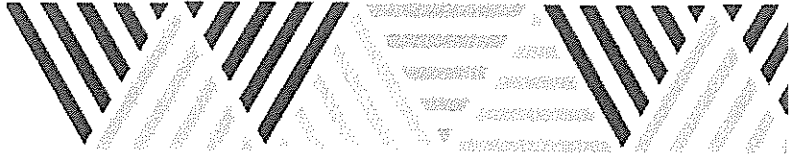
Sections 1-4 of this bill authorize those governing bodies to provide for the construction, installation and maintenance of ramps that comply with the Americans with Disabilities Act of 1990. (42 U.S.C. §§ 12101 et seq.)

Sections 1-3 of this bill authorize those entities to locate such ramps within any public easement or right-of-way if the public easement or right-of-way is within a reasonable proximity of any public highway and the ramp may be located safely within the public easement or right-of-way without damaging the facilities of other persons who are authorized to place their facilities within the public easement or right-of-way.

Status: Received a hearing in Assembly Government Affairs on February 28, 2019. Has not been voted out of committee.

- **Assembly Bill 70**

This bill allows (does not mandate) public bodies the ability to delegate decisions concerning litigation to the Board Chair; (Sec.3)



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It also Increases potential fines for repeat offenders of Open Meeting Law;
(Sec 12)

It requires that public make “reasonable efforts” to utilize a room large enough to accommodate “anticipated size” of the public turnout, but clarifies that meeting can go on without an OML violation as long as reasonable efforts where made;
(Sec 6)

It clarifies that OML trainings would fall outside of OML requirements , trainings can be conducted by AG’s office or legal counsel for the public body;(Sec 5)

It only requires “reasonable efforts” to have members who participate in meeting telephonically/electronically be heard and clarifies that a public body may continue their meeting as long as a quorum was able to participate; (Sec 2)

Amendment removes previous bill requirement that the agenda be approved;
(Sec 6)

Requires public bodies to maintain audio or transcripts of meetings for 3 years up from 1 year. (Sec 7)

Permits the AG’s office to decline to investigate OML complaints raised “in bad faith” (Sec 10)

Status: Received a hearing in Assembly Government Affairs on March 6, 2019. Has not been voted out of committee.

- **Assembly Bill 86**

Exempts certain purchases by local governments from requirements of competitive bidding;



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Increases the monetary thresholds at which local governmental purchasing contracts must be advertised;

Authorizes a local government to dispose of personal property by donating it to another governmental entity or nonprofit organization;

Authorizes the Administrator of the Purchasing Division of the Department of Administration to enter into a contract pursuant to a solicitation by certain governmental entities;

Revises provisions governing certain preferences for businesses owned and operated by a veteran with a service connected disability.

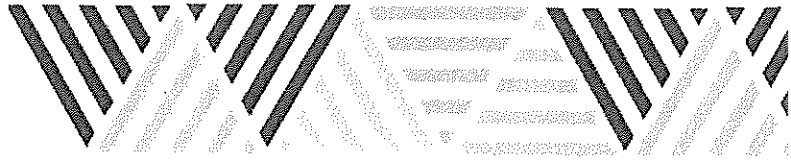
Status: Received a hearing in Assembly Government Affairs on February 21, 2019. Had a work session on March 22, 2019. Has not been voted out of committee.

- **Assembly Bill 101**

This bill authorizes a private plaintiff to bring an action for a declaratory judgment to determine whether the State of Nevada or a political subdivision of the State violated any applicable provision of state law or a local ordinance;

It states that if a court issues a declaratory judgment finding that any alleged action of the State or political subdivision violated any applicable provision of state law or a local ordinance, the action taken by the State or political subdivision is null and void;

It allows a private individual to seek declaratory judgment in an action of a government entity thereby making government entities more susceptible to lawsuits.



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Status: Received a hearing in Assembly Judiciary on February 14, 2019. Has not been voted out of committee.

- **Assembly Bill 136**

Under existing law, any contract for a public work whose cost is \$250,000 or more, is subject to the prevailing wage requirements. (NRS 338.075, 338.080)

Among other things, this bill lowers the minimum threshold for the applicability of prevailing wage requirements from \$250,000 to \$100,000.

Status: Received a hearing in Assembly Government Affairs on March 8, 2019. Received a Work Session on March 11, 2019 and passed out of committee. Read on Floor a Second Time, referred to Committee on Ways and Means. Heard on April 1, 2019 in Ways and Means.

- **Assembly Bill 179**

Existing law prohibits a provision in a contract for a public work that requires a contractor to waive a right to damages or an extension of time acquired as a result of a delay caused by certain actions by the public body. (NRS 338.480, 338.485)

This bill extends this provision to both prime contractors and subcontractors.

This bill also prohibits the waiver of a right to damages or an extension of time acquired that results from an acceleration, disruption or impact event that is unreasonable in length, caused by the public body in certain circumstances or within the control of the public body.

Status: Referred to Assembly Committee on Government Affairs. Has not received a hearing.



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- **Assembly Bill 190**

This bill lowers the threshold for applicability of prevailing wage requirements from \$250,000 to \$100,000.

Section 5 of this bill also sets the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker.

Existing law prohibits a public body from: (1) requiring or prohibiting a bidder, contractor or subcontractor from entering into or adhering to any agreement with one or more labor organizations in regard to a public work; or (2) discriminating against a bidder, contractor or subcontractor for entering or not entering into any agreement with one or more labor organizations in regard to the public work.

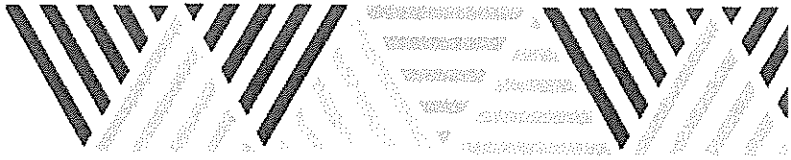
Section 31 of this bill eliminates these prohibitions.

Status: Received a hearing in Assembly Government Affairs on March 20, 2019. Has not been voted out of committee. Scheduled for work session on April 5, 2019

- **Assembly Bill 240**

This bill requires Carson City, Douglas County, Lyon County, Storey County and Washoe County to each prepare a report at the end of each calendar year between July 1, 2019, and December 31, 2022, that identifies issues relating to and makes recommendations regarding the orderly management of growth in those counties and the region that those counties comprise.

This bill also authorizes each such county to consult with and solicit input from other entities in the county in preparing the annual report.



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This bill also requires certain representatives of these counties to: (1) meet jointly at least twice in each calendar year during the period between January 1, 2020, and December 1, 2023, to identify and discuss issues relating to the orderly management of growth in the region, including issues identified in the counties' annual reports; and (2) prepare annual joint reports relating to those meetings for submission to the Legislative Commission.

This bill also requires the final annual joint report to comprehensively address all the issues identified and recommendations made by the counties during the period between January 1, 2020, and December 1, 2023, relating to the orderly management of growth in the region.

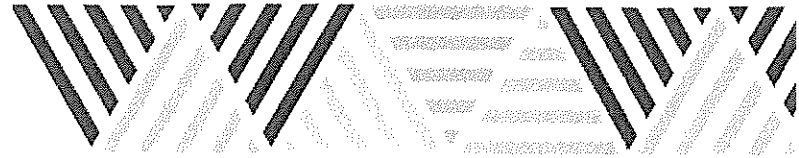
Status: Received a hearing in Assembly Government Affairs on March 11, 2019. Received a Work Session on March 15, 2019, and passed out of committee. Has not been voted on by Floor.

- **Assembly Bill 413**

In order to understand this bill, it is necessary to understand existing law. Existing law requires a governing body of a local government to determine whether a proposed rule is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business. If so, the governing body or its designee must prepare a small business impact statement which must be considered by the governing body at the meeting immediately preceding the meeting held to adopt the proposed rule.

A business that is aggrieved by a rule may object to all or a part of the rule if: (1) the governing body or its designee failed to prepare a business impact statement; or (2) the business impact statement is inaccurate or incomplete. (NRS 237.080, 237.090, 237.100)

This bill provides that if a governing body fails to consider the business impact



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statement before taking action to adopt a proposed rule, the action taken by the governing body is void.

This bill also authorizes a business to file a petition objecting to a rule on the grounds that the governing body of a local government failed to consider the business impact statement before adopting the rule.

This bill also requires the governing body to take action to readopt the rule after the governing body considers the business impact statement.

Status: Referred to Assembly Government Affairs. Hearing scheduled for April 5, 2019

- **Senate Bill 10**

Existing law sets the maximum salary a member of a board of trustees of a general improvement district may receive. (NRS 318.085)

This bill increases the amount a member of a board of trustees of a general improvement district may be compensated from \$6,000 to \$9,000.

Alternatively for those GID that have certain powers which permits them to currently pay \$9,000, this bill increase the allowable compensation to be \$12,000.

This bill additionally defines "compensation" as salary or wages to the exclusion of other potential benefits such as medical insurance

Status: Received a hearing in Senate Government Affairs on February 13, 2019. Received a Work Session on March 1, 2019. Passed out of Committee, has not received a vote on the floor.



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- **Senate Bill 42**

This bill repeals the provisions of chapter 486A of NRS, relating to the use of alternative fuels in certain public fleets of motor vehicles in counties whose population is 100,000 or more (currently only Clark and Washoe Counties).

The provisions that are being repealed under certain circumstances are chapter 486A of NRS, which state that the State Environmental Commission is required to adopt regulations regarding: (1) standards and requirements for alternative fuels; (2) specifications for clean vehicles and motor vehicles that use alternative

fuels; (3) the acquisition of clean vehicles and motor vehicles that use alternative fuels by certain fleets; (4) standards for emissions from motor vehicles that are converted to alternative fuels; and (5) the establishment of a procedure for approving variances or exemptions from certain requirements. (NRS 486A.150)

Status: Received a hearing in Senate Growth and Infrastructure on February 7, 2019. Received a Work Session on March 5, 2019 was passed out of Committee, has not received a vote on the floor.

- **Senate Bill 129**

A portion of the impactful sections of this bill include sections 5 and 6 which restate more clearly the existing scope of the statutory ethical standards and their applicability to the conduct of current and former public officers and employees.

Section 6 codifies the existing rule of construction that the standards are cumulative and supplement each other and all such standards are enforceable to the extent that they apply to the given set of facts and circumstances.

Section 11 of this bill also adds to the statutory ethical standards by prohibiting public officers and employees from using their position or power in government to



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take any actions or compel a subordinate to take any actions that a reasonable person would find, based on the given set of facts and circumstances, to be a gross or unconscionable abuse of official position or power that undermines the people's faith in the integrity or impartiality of public officers and employees.

Section 35 of this bill revises the contracting prohibition to provide that, with certain exceptions, public officers and employees cannot, directly or through a third party, negotiate, bid on, enter into, perform, modify or renew any government contracts between: (1) the public officers and employees or any business entities in which they have a significant pecuniary interest; and (2) an agency in which they serve or an agency that has any connection, relation or affiliation with an agency in which they serve.

Status: Received a hearing in Senate Committee on Legislative Operations and Elections on March 13, 2019. Has not been voted out of committee.

- **Senate Bill 175**

Under existing law, a public body may contract with a design-build team for the design and construction of a discrete public works project if the public body has approved the use of the design-build team and the project has an estimated cost of more than \$5,000,000.

Furthermore, within a 12-month period a public body may contract with a design-build team for the design and construction of not more than two discrete public works projects which each have an estimated cost of \$5,000,000 or less.

This bill removes the ability of a public body to contract with a design-build team for the design and construction of **two** discrete public works projects each of which have a cost of \$5M or less. This would not go into effect until July, 2021.



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Status: Received a hearing in Senate Government Affairs on February 25, 2019. Received a Work Session on March 1, 2019, and passed out of committee. Has not been voted on the Floor.

- **Senate Bill 183**

This bill deals with the Open Meeting Law, which sets forth the minimum public notice required of a meeting of a public body including the posting of an agenda. Existing law also specifies certain information that must be included on an agenda. (NRS 244.020)

Among other things, this bill requires that if the agenda is revised in any way after it is posted, provided or delivered, the agenda must clearly indicate that the agenda has been revised, what such revisions are and the date that the agenda was revised.

Status: Received a hearing in Senate Government Affairs on February 25, 2019. Received a Work Session on March 20, 2019, and passed out of committee. Has not been voted on the Floor.

- **Senate Bill 287**

This bill applies to all state and local governmental entities. It deals with public records. Among other things this bill broadens the definition of a "public record."

It also eliminates the authority of a governmental entity to charge an additional fee for providing a copy of a public record when extraordinary use of personnel or resources is required.

It requires a governmental entity under certain circumstances to assist the requester to focus the request in such a manner as to maximize the likelihood the requester finds what they are looking for.



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It authorizes a requester of a public record to apply to a district court for an order if a request for inspection, copying or copies of a public record is unreasonably delayed.

It additionally provides that if the requester prevails in a proceeding involving an unreasonable delay they are entitled to costs, reasonable attorney's fees an \$100 per day for each day they were denied the right to inspect, copy or receive a copy of the public record AND that they may be entitled to recover a civil penalty if a governmental entity or the person who is responsible for making decisions on behalf of the governmental entity relating to the public record request fails to comply with the existing law governing public records.

Status: Referred to Committee on Government Affairs. Scheduled for a hearing on April 3rd in Senate Government Affairs.

- **Senate Bill 433**

This bill grants law enforcement officers of the States of California or Nevada concurrent jurisdiction to arrest offenders for certain prohibited conduct on any land mass within 10 miles of Lake Tahoe or Topaz Lake.

This bill also provides that certain claims brought against officers or employees of the States of California or Nevada or an agency or political subdivision thereof are subject to the conditions and limitations on civil actions established by the state of that officer or employee.

Status: Referred to Senate Judiciary. Scheduled for a hearing on April 8th.