

TRI-STRATEGIES

Government Relations & Public Affairs

To: Incline Village General Improvement District Board of Trustees
From: Tri-Strategies
Subject: Legislative Update
Date: 05-13-19

Legislative Update

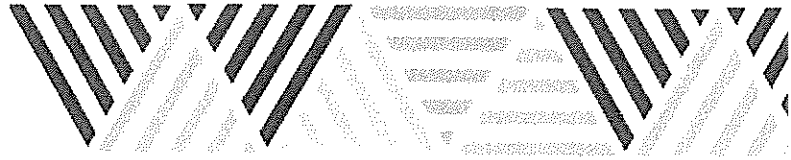
I. Overview

Today marks the 99th day of the 120-day Legislative Session. May 17th marks the next major deadline, as it represents the deadline for second house committee passage. Most legislative watchers are waiting to see budgetary bills begin to make their way through the process. Since most budget based bills are declared “exempt” from previous deadlines, many of the “money-bills” have yet to begin to make their way through the process. This includes the state’s largest expenditures, such as the K-12 public education funding plan. We have received word that the K-12 funding formula bills will be introduced later today.

For IVGID, many of these budgetary issues and money bills do not directly impact them. The bills listed below have a more immediate and direct effect on IVGID’s operations and thus are being tracked.

II. Senate Bill 279

SB279 is the bill sponsored by Senator Ben Kieckhefer that the IVGID Board of Trustees voted to take a position of neutral on. The bill adds a significant list of



TRI-STRATEGIES

Government Relations & Public Affairs

requirements to a GID's process of disposing of real property. It received a work session on April 5th in Senate Government Affairs, where it was approved. It was voted out of the Senate floor unanimously on April 10th. It was then heard in Assembly Government Affairs on April 23rd. Tri-Strategies spoke on the record in the position of "neutral" and clarified on the record, that while the bill directly impacts IVGID we wanted to make sure everyone was aware that IVGID followed all rules and procedures in place whenever the disposal of real property occurred. We also were able to secure confirmation on the record from Senator Kieckhefer himself that confirmed IVGID has done everything right.

The main update for this bill is that we attached a letter from General Manager Pickerton as a fiscal note, in accordance to the vote of the Board of Trustees in their previous meeting. We also informed Senator Kieckhefer, as the bill sponsor, that we were going to do so before we submitted it to the Committee Secretary. The bill is currently scheduled for a work session on Thursday May 16, 2019.

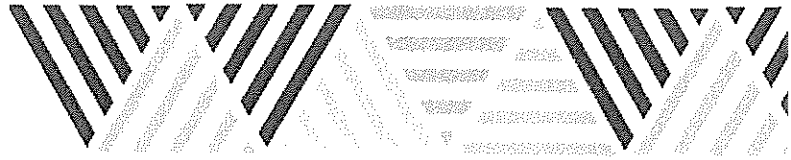
III. Other Bills being Tracked

- **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



TRI-STRATEGIES

Government Relations & Public Affairs

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. Was “amend and do pass” out of Assembly Government Affairs on April 11, 2019. It was voted out of the Assembly unanimously on April 23, 2019. It is currently scheduled for a work session on May 15th.

- Assembly Bill 70

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

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;



TRI-STRATEGIES

Government Relations & Public Affairs

(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. Was amended and passed out of Assembly Government Affairs on April 12, 2019. It was voted out of the Assembly 31-9 on April 23, 2019. It is currently scheduled for a work session on May 15th.

- **Assembly Bill 86**

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

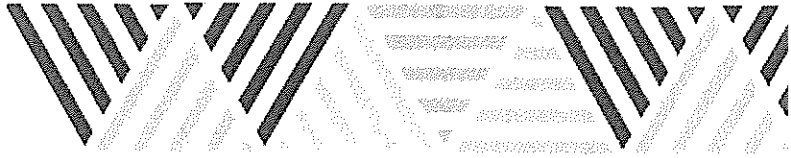
Increases the monetary thresholds at which local governmental purchasing contracts must be advertised;

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



TRI-STRATEGIES

Government Relations & Public Affairs

21, 2019. Had a work session on March 22, 2019. Has not been voted out of committee. Referred to Committee on Ways and Means on April 11, 2019. It was voted out of the Assembly unanimously on April 23, 2019. It is currently scheduled for a committee hearing later today, May 13th.

- **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.

Status: Received a hearing in Assembly Judiciary on February 14, 2019. Did not get voted out of committee prior to the committee passage deadline on April 12, and thus it did not survive.

- **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.



TRI-STRATEGIES

Government Relations & Public Affairs

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. It was voted out of Ways and Means on April 24, 2019. It is still waiting for a vote out of the floor but is exempt from deadlines. It received a hearing on May 6th and is scheduled for a work session on May 15th.

- **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)

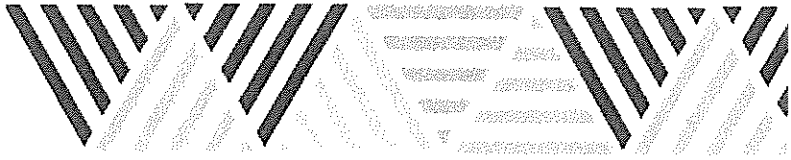
This bill extends this provision to both prime contractors and subcontractors.

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. Heard in Assembly Committee on Government Affairs on April 11, 2019. This bill did not meet the first committee passage deadline and thus did not survive.

- **Assembly Bill 190**

This bill lowers the threshold for applicability of prevailing wage requirements



TRI-STRATEGIES

Government Relations & Public Affairs

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.

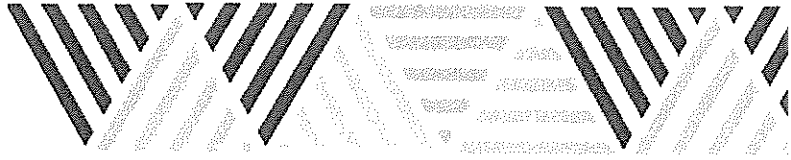
Status: Received a hearing in Assembly Government Affairs on March 20, 2019. Amended and passed out of committee on April 5, 2019. It was voted out of the floor, 29-12 on April 23rd. It is currently scheduled for a committee hearing later today, May 13th.

- **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.

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,



TRI-STRATEGIES

Government Relations & Public Affairs

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.

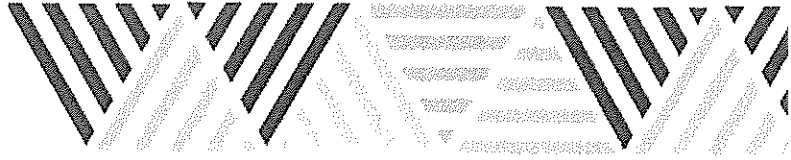
Status: Received a hearing in Assembly Government Affairs on March 11, 2019. Received a Work Session on March 15, 2019, and passed out of committee. Voted out of the Assembly floor on April 23rd on a 38-3 vote. It received a committee hearing in the Senate on May 10th.

- **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 statement before taking action to adopt a proposed rule, the action taken by the



TRI-STRATEGIES

Government Relations & Public Affairs

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. Heard in committee on April 5, 2019. Amended and passed out of committee on April 11, 2019. It passed the floor on a unanimous vote on April 23rd. It is scheduled to receive a committee hearing today, May 13th.

- **Assembly Bill 486**

This bill creates an entirely new division called the Division of Outdoor Recreation within the Department of Conservation and Natural Resources. It also lays out the initial staffing and salaries for the division.

Among other things, this newly created division is directed to coordinate all activities relating to marketing and business development for outdoor recreation for the State; coordinate with the Department of Tourism and Cultural Affairs and the Office of Economic Development concerning the promotion and growth of any businesses or opportunities related to outdoor recreation; promote economic development by working with the Office of Economic Development to attract outdoor recreation industries to this State and develop the growth of new business opportunities within this State. In addition to that, the Administrator for Preservation of Natural Resources for Outdoor Recreation shall coordinate: (a) All activities relating to conservation and implementing or interpreting policies regarding natural resources. (b) With the Department, the Department of Wildlife and any other organization, association, group or other entity concerned with matters of conservation and



TRI-STRATEGIES

Government Relations & Public Affairs

natural resources regarding conservation and the implementation or interpretation of policies regarding natural resources.

Status: Heard in committee on April 4, 2019 and passed out of committee on April 11, 2019. Amended and re-referred to Assembly Ways and Means. Has still not received a vote on the floor but is still alive because it was declared exempt.

- **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.

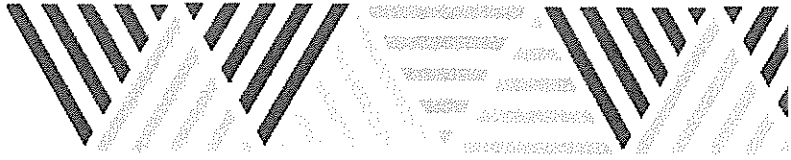
Alternatively for those GID that have certain powers which permits them to currently pay \$9,000, this bill increases the allowable compensation to be \$12,000.

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. Passed out the Senate Floor on an 18-2 vote. Referred to Assembly Government Affairs. It received a hearing on April 19th but has yet to receive a work session.

- **Senate Bill 42**

This bill repeals the provisions of chapter 486A of NRS, relating to the use of



TRI-STRATEGIES

Government Relations & Public Affairs

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)

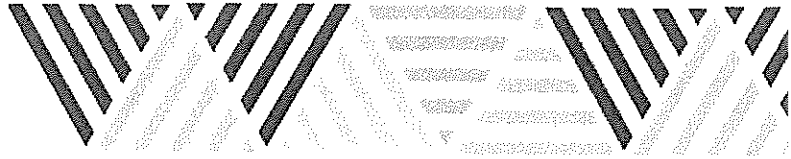
Status: Received a hearing in Senate Growth and Infrastructure on February 7, 2019. Received a Work Session on March 5, 2019 was passed out of Committee, and passed out of the Senate unanimously. Subsequently referred to Assembly Committee on Growth and Infrastructure. It received a committee hearing on April 30th.

- **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 take any actions or compel a subordinate to take any actions that a reasonable



TRI-STRATEGIES

Government Relations & Public Affairs

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.

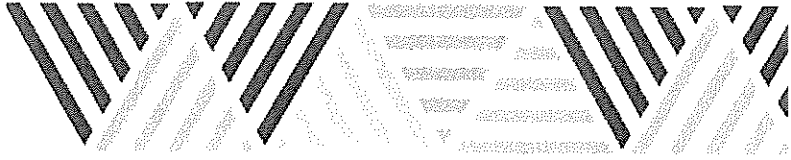
Status: Received a hearing in Senate Committee on Legislative Operations and Elections on March 13, 2019. Was amended and passed out of committee on April 12th. Was passed out of committee on April 23rd, and it did so unanimously. It then received a hearing on May 9th, 2019.

- **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.



TRI-STRATEGIES

Government Relations & Public Affairs

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. Was voted out of the Senate Floor unanimously. Subsequently referred to Assembly Government Affairs. It received a committee hearing on May 8th and is currently scheduled to have a work session on May 16th.

- **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. Declared Exempt and referred to Senate Finance Committee.

Senate Bill 251

This bill may not directly affect IVGID because it begins by referencing existing law concerning cities and counties. We are including it here out of an abundance of caution.

Existing law authorizes the governing bodies of cities and counties to regulate and restrict the improvement of land and to control the location and soundness of



TRI-STRATEGIES

Government Relations & Public Affairs

structures. (NRS 278.020) This bill imposes various requirements on the conversion of land used as a residential golf course to any other use. Among other things, this bill defines the term “residential golf course” to mean certain land used for golfing or golfing practice that is located within 2,000 feet of a lot or parcel of land used for residential purposes. Section 3 of this bill requires an owner of a residential golf course who wishes to convert the land to any other use to provide notice to certain owners of surrounding land and hold two neighborhood meetings.

Status: Heard in committee on April 5th, passed out of committee on April 11, 2019. Was voted out of the Senate floor unanimously on April 22, 2019. It received a hearing on April 30th.

- **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.

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



TRI-STRATEGIES

Government Relations & Public Affairs

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. Was heard on April 3rd in Senate Government Affairs. Referred to Government Finance and declared exempt. Has not received a vote on the floor, nor has it received a vote in Finance committee.

- **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. Heard on April 8th, passed out of committee on April 11, 2019. Was voted out of the Senate floor on April 22nd on a unanimous vote. It received a hearing on May 7th and a work session the very next day, May 8th where it was passed out of committee.



May 9, 2019

Chairman Edgar Flores
Assembly Government Affairs Committee

Subject: Senate Bill 279

Dear Chairman Flores:

The Incline Village General Improvement District (IVGID) concurs with the fiscal note submitted by Lincoln County.

In addition, IVGID is concerned that the legislation does not allow for a GID to sell a property on a "contingent" basis, wherein the prospective purchaser can obtain development entitlements before closing on the sale of the property. In difficult to entitle locations such as Incline Village, properties which are sold "as is" without entitlements already in place, typically sell for far less than market value. In the case of IVGID, that could result in revenue losses exceeding \$1 million per transaction.

We appreciate your consideration of our comments above and wish you every success during the 2019 Legislative Session.

Warmest regards,


Steven J. Pinkerton
District General Manager

