



TRI-STRATEGIES

Government Relations & Public Affairs

To: Incline Village General Improvement District Board of Trustees
From: Tri-Strategies
Subject: Legislative Update
Date: 03-13-19

Legislative Update

Today marks the 38th day of the 120-day Legislative Session. As of this morning, 518 bills have been introduced out of what we expect will be roughly 1200 bills. March 18th marks the deadline for “Legislator Bill Introduction” and thus, we anticipate that close to 700 bills will be introduced within the week.

March 28th is “Local Government Day” at the Legislature which includes a Breakfast from 7:00-9:00 at the Legislative Building and a Reception from 5:00-7:00 at the Nevada State Library.

Below are a list of the bills we are currently tracking for IVGID.

- **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



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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.

- **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; (Sec 6)



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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)

- **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

- **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



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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.

- **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.

- **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.



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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.

- **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, 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'



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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.

- **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

- **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



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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)

- **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 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.



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- **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.

- **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.



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Finally, last week the Legislature witnessed the resignation of Senate Majority Leader Kelvin Atkinson and the elevation of Senator Cannizzaro to Majority Leader.

Senator Nicole J. Cannizzaro, District 6 **Senate Majority Leader**

Legislative Service

- Majority Leader, March 2019
- Assistant Majority Leader, November 2018 - March 2019
- Nevada Senate, 2016-Present (first elected November 2016)

Affiliations

- Delta Gamma Alumnae Association, 2006 - Present
- Clark County Prosecutors' Association, 2012 - Present
- Emerge Nevada, 2015 - Present
- William S. Boyd School of Law Alumni Association, 2016 - Present
- University of Nevada, Reno Alumni Association
- Beta Gamma Sigma Alumni Association, 2006

Education

- Chaparral High School, Las Vegas, NV, High School Diploma with High Honors
- University of Nevada, Reno, B.S., Business Administration and Management
- University of Nevada, Las Vegas, William S. Boyd School of Law, J.D.

Professional

- Deputy District Attorney, Clark County, NV

Of note, Julia Ratti of Senate District 13 in Washoe County was elevated to Assistant Majority Leader