



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: May 6, 2021

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action regarding coordination of legislative activity on pending state legislation before the Nevada Legislature and whether to adopt an official policy position or direct staff and Carson City's retained lobbyist to advocate for or against any such legislation, including the submittal of proposed amendatory language. (Nancy Paulson, npaulson@carson.org)

Staff Summary: The Nevada Legislature is currently in its 81st Regular Session. This item is for the Board of Supervisors to coordinate legislative efforts on pending state legislation that may have an impact on Carson City, including the adoption of official policy positions, if any, and direction to staff and the City's retained lobbyist to advocate for or against any such legislation. Due to unpredictable timing constraints inherent in the legislative process, the City will maintain a list of legislation that the City has identified in advance and which may be discussed and acted on by the Board during this agenda item. A copy of the list will be posted not less than three days before the date of each Board of Supervisors meeting during which this agenda item appears and may be obtained at the following Internet website:
<https://www.carson.org/government/2021-legislative-matters-carson-city>.

Agenda Action: Formal Action / Motion

Time Requested: 10 mins

Proposed Motion

Depends on discussion.

Board's Strategic Goal

Efficient Government

Previous Action

On November 5, 2020, the Board of Supervisors adopted a revised resolution (Resolution No. 2020-R-23) which establishes policies for the coordination and communication of legislative matters during Regular and Special Sessions of the Nevada Legislature.

Background/Issues & Analysis

With the 81st Regular Session of the Nevada Legislature underway, this agenda item is for the Board of Supervisors to consider pending legislation before the Legislature and to coordinate efforts to formulate official policy positions and to direct staff and the City's retained lobbyist to advocate for or against such legislation. Because the state legislative process is such that it is difficult, if not impossible at times, to predict when a legislative measure will be introduced or heard by a legislative committee for passage and approval, the City will maintain and keep current as much as possible a list of legislative measures that have been identified and which may be discussed and acted on by the Board of Supervisors. However, there may be circumstances where the introduction of a bill or proposed amendment to a bill occurs after publication of the Board of

Supervisors agenda and without opportunity to identify the bill or amendment on the City's list, including bills or amendments that the City becomes aware of on the day of a Board of Supervisors meeting, but the bill should be discussed or acted on because postponing discussion or action until the next meeting of the Board could render any delayed discussion or action obsolete.

Applicable Statute, Code, Policy, Rule or Regulation

Resolution No. 2020-R-23; Schmidt v. Washoe County, 123 Nev. 128 (2007)

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

N/A

Attachments:

[2020-R-23_Coordination and Communication of Legislative Matters.pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

RESOLUTION NO. 2020-R-23

**A RESOLUTION ADOPTING POLICIES FOR THE COORDINATION
AND COMMUNICATION OF LEGISLATIVE MATTERS DURING
REGULAR AND SPECIAL SESSIONS OF THE NEVADA
LEGISLATURE**

WHEREAS, the Carson City Board of Supervisors ("Board of Supervisors" or "Board") acknowledges the need for consistent and timely coordination and communication of legislative matters for the benefit and protection of Carson City ("the City") and its residents, and that such coordination and communication involves collaborative efforts with members of the Nevada Legislature and the provision of testimony before legislative committees, therefore necessitating a clear policy for the Board, the City Manager, Department Directors, City employees and contract lobbyists; and

WHEREAS, upon approval, this Resolution supersedes all previous resolutions establishing substantively similar provisions relating to policies for the coordination and communication of legislative matters during Regular and Special Sessions of the Nevada Legislature.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors as follows with respect to each Regular or Special Session of the Nevada Legislature:

1. **Coordination of Legislative Activities.** Advocacy for or against any legislative measure on behalf of the City will be coordinated by the City Manager.
2. **Determination, Communication and Review of Policy Position.**
 - A. The policy position of the City or the City Manager on any legislative matter will be determined as follows:
 - i. **Determination of City's Policy Position.** The method of determining the City's policy position on any legislative matter must be by way of a formal motion and recorded vote of the Board of Supervisors at a noticed public meeting, in accordance with the Nevada Open Meeting Law. The Board may direct staff to advocate for or against a legislative matter based on the Board's objectives and intent, which is preferable to the Board requesting specific legislative language.
 - ii. **Determination of City Manager's Policy Position.** When time

constraints or other requirements of the legislative process that are beyond the City's control do not allow the Board an opportunity to vote on a policy position, and in the absence of a position previously established in accordance with paragraph 2(A)(i) of this Resolution, the Board delegates to the City Manager the authority to take a position on a legislative matter on behalf of the City and to communicate that position to a legislator or a legislative committee in such a manner which the City Manager deems most appropriate for the purpose of benefitting and protecting the interests of the City and its residents.

B. The policy position of the City or City Manager on any proposed legislation or other legislative matter must be communicated as follows:

i. **Communication of City's Policy Position.**

- a. The City Manager may ask a Supervisor to appear before a legislative committee and/or meet with an individual legislator, as may be necessary.
- b. Supervisors should notify the City Manager about all contacts made with legislators on policy issues affecting or tending to affect the City while acting in their official capacities as a member of the Board so as to help deliver a collective, cohesive and well-organized effort. Supervisors should avoid appearing simultaneously in a quorum.

ii. **Communication of City Manager's Policy Position.**

- a. When communicating his or her position to a legislator or legislative committee, the City Manager shall expressly state that his or her position is his or hers solely and not officially representative of the Board's position, and immediately thereafter communicate individually to each Supervisor the position that he or she communicated to the legislator or legislative committee.
- b. Any Supervisor may request that the City Manager's position taken, as described in paragraph 2(B)(ii)(a) above, be placed on the agenda of the next available regular Board meeting to ratify, amend or revoke such position. Such Board action, after it is taken, must be communicated to the appropriate legislator or legislative committee.

- c. A special meeting of the Board of Supervisors to consider a policy position taken by the City Manager may be held in accordance with Article 2, Section 2.050(2) of the Carson City Charter.

- 3. **Legislative Briefings to the Board of Supervisors.** The City Manager, his or her designee and/or the City's contract lobbyist will be responsible for coordinating legislative briefings by way of a standing agenda item to be placed on the agenda of one or more meetings of the Board that is scheduled to be held before, during or after each Regular or Special Session of the Nevada Legislature, at a frequency reasonably prudent to effectuate the timely communication of proposed, pending and recently enacted legislation. The standing agenda item must be worded to denote possible action by the Board, and in consultation with the District Attorney's Office to ensure compliance with the Nevada Open Meeting Law. In the absence of Board direction after a legislative briefing, any Supervisor may request that a specific issue be placed on a subsequent Board agenda for a vote. If there is no Board direction during a briefing and no request for a vote at a subsequent meeting, the City Manager may choose to place any specific issue on a future agenda or communicate to the Legislature the City Manager's policy position.
- 4. **Appointed Boards:** Members of a board, commission or committee appointed by the Board of Supervisors may appear before the Nevada Legislature, legislative committees and/or meet with individual legislators on behalf of the City only if specifically authorized to do so by the Board of Supervisors or the City Manager. A person authorized to appear on behalf of the City must exercise candor and clearly disclose whether he or she is communicating the policy position of the Board or the City Manager by expressly stating as such when conferring with any person or providing testimony on the record.
 - A. This Resolution is not intended and shall not be interpreted to restrict or regulate any expression or speech of an individual which is made in that person's individual, private capacity. If a member of a board, commission or committee who was appointed by the Board of Supervisors chooses to communicate a policy position to the Legislature in his or her personal capacity and that position is inconsistent with the official policy position of the City or the City Manager, the member must clearly disclose this fact whether the communication is made on or off the record.

5. Special Meetings: Consistent with Article 2, Section 2.050(2) of the Carson City Charter, the Board may hold special meetings to facilitate legislative updates and to provide direction to staff.

Upon motion by Supervisor Lori Bagwell, seconded by Supervisor Stacey Giomi, the foregoing Resolution was passed and adopted this 5th day of November 2020 by the following vote:

AYES: Supervisor Lori Bagwell
Supervisor Stacey Giomi
Supervisor John Barrette
Mayor Pro Tempore/Acting Mayor Brad Bonkowski

NAYS: None
ABSENT: None
ABSTAIN: None



Brad Bonkowski Mayor Pro Tempore/Acting Mayor

ATTEST:



AUBREY ROWLATT, Clerk - Recorder