



## STAFF REPORT

**Report To:** Board of Supervisors **Meeting Date:** November 5, 2020

**Staff Contact:** Nancy Paulson, City Manager

**Agenda Title:** For Possible Action: Discussion and possible action regarding a proposed Resolution to establish the City's policies on the coordination and communication of legislative matters for the 81st (2021) Legislative Session of the Nevada Legislature. (Nancy Paulson, npaulson@carson.org)

Staff Summary: Since 2013, the Board has adopted a policy resolution at the start of each legislative session concerning the involvement of the Board of Supervisors, the City Manager, Department Directors, City employees and contract lobbyists with respect to discussions on legislative issues with members of the Nevada Legislature and with respect to the submission of testimony before legislative committees.

**Agenda Action:** Resolution **Time Requested:** 20 minutes

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### **Proposed Motion**

I move to adopt Resolution No. \_\_\_\_\_.

### **Board's Strategic Goal**

Efficient Government

### **Previous Action**

February 7, 2019 – The Board of Supervisors adopted a resolution establishing the City's policies on coordination and communication of legislative matters for the 80th (2019) legislative session of the Nevada Legislature.

### **Background/Issues & Analysis**

Before each session of the Nevada Legislature, the Board of Supervisors adopts a policy for the City with respect to communications with members of the legislature and the submission of testimony before legislative committees. Included with this agenda item as supporting material is the signed copy of the 2019 resolution. Also included is a redline version which proposes several clerical changes for clarity, with one provision (in yellow highlight) which was amended pursuant to the Board's motion during its February 7, 2019 meeting to include language: (1) providing for a standing agenda item to be placed on each meeting agenda denoting possible action by the Board; and (2) making any additional conforming changes. That language, incorporated in the attached redline version, was not circulated for Supervisor signatures before the end of the 2019 Regular Session of the Nevada Legislature but reflects the most current draft based on the Board's intent. The Board may choose to accept all of the proposed redline changes or direct staff to coordinate with the District Attorney's Office for further revisions. As written, the redline version has the effect of making the City's resolution policies applicable to all Regular and Special Sessions of the Nevada Legislature without a need for the Board to adopt a new resolution prior to each subsequent Regular or Special Session.

**Applicable Statute, Code, Policy, Rule or Regulation**

NRS 244.146; Carson City Charter, Art. 2, Sec. 2.090

**Financial Information**

**Is there a fiscal impact?** No

**If yes, account name/number:**

**Is it currently budgeted?**

**Explanation of Fiscal Impact:**

**Alternatives**

Do not adopt this resolution or refer back to staff with instructions on further action.

**Attachments:**

[2019-R-\\_\\_legislative\\_procedure\\_redline.pdf](#)

[2019-R-2\\_Resolution re Legislative Policies.pdf](#)

**Board Action Taken:**

Motion: \_\_\_\_\_

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

*Aye/Nay*

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\_\_\_\_\_  
(Vote Recorded By)

**RESOLUTION NO. ~~2019~~2020-R-**

**A RESOLUTION ADOPTING POLICIES ~~ON~~ FOR THE COORDINATION AND COMMUNICATION OF LEGISLATIVE MATTERS ~~FOR THE 2019 SESSION~~ 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, ~~on behalf~~ 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, ~~thus, requiring therefore necessitating~~ a clear policy for the ~~Supervisors, 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 ~~Carson City~~ Board of Supervisors, as follows, with respect to ~~the 80<sup>th</sup> (2019)~~ 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 ~~City’s or City Manager’s position, policy position of the City or the City Manager as the case may be,~~ on any legislative matter will be determined as follows:
    - i. **Determination of City’s Policy Position.** The ~~preferred~~ method of determining the City’s policy position on any legislative matter ~~is through~~ 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 ~~as~~

~~opposed to the Board mandating, which is preferable to the Board requesting~~ specific ~~bill-legislative~~ language.

- ii. **Determination of City Manager's Policy Position.** When time ~~does not permit a vote by the Board of Supervisors because of 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 ~~as its chief administrative officer~~ and to communicate ~~the City Manager's (or through her designee) 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 ~~City's or City Manager's~~ 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 ~~are requested to~~should notify the City Manager ~~of about~~ all contacts made with legislators on policy issues affecting or tending to affect the City while acting in their official ~~capacity on City issues in order~~ 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 ~~City Manager's~~ 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, ~~when 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's position taken Manager may be ~~called pursuant to~~ 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, ~~through by way of a standing agenda item, at regularly scheduled to be placed on the agenda of one or more meetings of the Board of Supervisors meetings that occur during the 80<sup>th</sup> (2019) Session of the Nevada Legislature 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. ~~Supervisors will avoid collective deliberations and will not take a vote during the briefings. However, individual Supervisors may choose to publicly express their personal opinions to the City Manager on information delivered through the briefings. Any In the absence of Board direction after a legislative briefing, any Supervisor may direct request that a specific issue be placed on the next subsequent Board agenda for a vote. In the absence of such direction, If there is no Board direction during a briefing and no request for a vote at a subsequent meeting, the City Manager may decide choose to place any specific issue on a future agenda for a vote or may take or communicate to the Legislature the City Manager's policy position on any issue as time allows.~~

4. **Appointed Boards:** ~~Authorization to Represent Carson City.~~ Members of a board, commission, or committee appointed by the ~~Carson City~~ 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 ~~Carson~~ City Manager. ~~Such representative of the~~A person authorized to appear on behalf of the City must ~~be fully apprised~~exercise candor and clearly disclose whether ~~they are~~he or she is communicating the policy position of the Board or the City Manager ~~and by~~ expressly ~~advise the Legislature accordingly 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. ~~When communicating a position to a legislator or legislative committee which is not consistent with the City's or City Manager's position, an individual~~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, shall the member must clearly disclose this fact whether the communication is made on or off the record. expressly state that the communication reflects his or her unofficial and personal opinion which is not consistent with the City's or City Manager's position.

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5. **Special Meetings:** ~~When the Legislature is in session, the Carson City~~

~~Board of Supervisors may hold special meetings, pursuant to~~ Consistent with Article 2, Section 2.050(2) of the Carson City Charter, the Board may hold special meetings to allow for ~~facilitate~~ legislative updates and to provide direction to staff.

Upon motion by Supervisor, ~~\_\_\_\_\_~~, seconded by Supervisor, ~~\_\_\_\_\_~~, the foregoing Resolution was passed and adopted this ~~7<sup>th</sup>~~ \_\_\_\_\_ day of ~~February, 2019,~~ November, 2020 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

~~ROBERT L. CROWELL, Brad Bonkowski~~  
~~-Acting Mayor / Mayor Pro Tempore~~

ATTEST:

~~\_\_\_\_\_~~  
AUBREY ROWLATT, Clerk - Recorder

**RESOLUTION NO. 2019-R-2**

**A RESOLUTION ADOPTING POLICIES ON COORDINATION AND  
COMMUNICATION OF LEGISLATIVE MATTERS FOR THE 2019  
SESSION 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, on behalf of Carson City (“the City”), with members of the Nevada Legislature and testimony before legislative committees, thus, requiring a clear policy for the Supervisors, City Manager, Department Directors, City employees, and contract lobbyists.

**NOW, THEREFORE, BE IT RESOLVED**, by the Carson City Board of Supervisors, as follows, with respect to the 80<sup>th</sup> (2019) 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 Position.**
  - A. The City’s or City Manager’s position, as the case may be, on any legislative matter will be determined as follows:
    - i. **Determination of City’s Position.** The preferred method of determining the City’s position on any legislative matter is through a formal motion and recorded vote of the Board of Supervisors at a noticed public meeting. The Board may direct staff to advocate for or against a legislative matter based on the Board’s objectives and intent as opposed to the Board mandating specific bill language.
    - ii. **Determination of City Manager’s Position.** When time does not permit a vote by the Board of Supervisors because of requirements beyond the City’s control, 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 as its chief administrative officer and to communicate the City Manager’s (or through her designee)



position to a legislator or a legislative committee.

B. The City's or City Manager's position on any legislation or legislative matter must be communicated as follows:

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

- a. The City Manager may ask a Supervisor to appear before a legislative committee and/or meet with an individual legislator, as necessary.
- b. Supervisors are requested to notify the City Manager of all contacts made with legislators in their official capacity on City issues in order to deliver a cohesive and well-organized effort. Supervisors should avoid appearing simultaneously in a quorum.

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

- a. When communicating her position to a legislator or legislative committee, the City Manager shall expressly state that her position is hers solely and immediately thereafter communicate individually to each Supervisor the City Manager's position that 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, when taken, must be communicated to the appropriate legislator or legislative committee.
- c. A special meeting of the Board of Supervisors to consider the City Manager's position taken may be called pursuant to Article 2, Section 2.050(2) of the Carson City Charter.

3. **Legislative Briefings to the Board of Supervisors.** The City Manager, her designee, and/or the City's contract lobbyist will be responsible for coordinating legislative briefings, through a standing agenda item, at regularly scheduled Board of Supervisors meetings that occur during the 80<sup>th</sup> (2019) Session of the Nevada Legislature. Supervisors will avoid collective deliberations and will not take a vote during the briefings. However, individual Supervisors may choose to

publicly express their personal opinions to the City Manager on information delivered through the briefings. Any Supervisor may direct that a specific issue be placed on the next Board agenda for a vote. In the absence of such direction, the City Manager may decide to place any specific issue on a future agenda for a vote or may take a City Manager's position on any issue as time allows.

4. **Appointed Boards:** Authorization to Represent Carson City. Members of a board, commission, or committee appointed by the Carson City 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 Carson City Manager. Such representative of the City must be fully apprised whether they are communicating the position of the Board or the City Manager and expressly advise the Legislature accordingly.

- 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. When communicating a position to a legislator or legislative committee which is not consistent with the City's or City Manager's position, an individual member of a board, commission, or committee appointed by the Board of Supervisors shall expressly state that the communication reflects his or her unofficial and personal opinion which is not consistent with the City's or City Manager's position.

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5. **Special Meetings:** When the Legislature is in session, the Carson City Board of Supervisors may hold special meetings, pursuant to Article 2, Section 2.050(2) of the Carson City Charter, to allow for legislative updates and to provide direction to staff.

Upon motion by Supervisor Brad Bonkowski, seconded by Supervisor Lori Bagwell, the foregoing Resolution was passed and adopted this 7<sup>th</sup> day of February, 2019, by the following vote:

**AYES:** Supervisor Brad Bonkowski  
Supervisor Lori Bagwell  
Supervisor Stacey Giomi  
Supervisor John Barrette  
Mayor Robert Crowell

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None.

  
ROBERT L. CROWELL, Mayor

**ATTEST:**

  
AUBREY ROWLATT, Clerk - Recorder