



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** April 4, 2019

Staff Contact: Nancy Paulson, City Manager (npaulson@carson.org)

Agenda Title: For Possible Action: Discussion and possible action on Assembly Bill (AB) 406 of the 80th (2019) Session of the Nevada Legislature, a bill relating to the Airport Authority of Carson City. (Ken Moen, kmoen@flycarsoncity.com)

Staff Summary: During this session of the Nevada Legislature, City staff will bring to meetings of the Board of Supervisors legislative bills as requested by the Board for review or those that Staff believes will impact Carson City. AB 406 revises provisions relating to the appointment of members of the Board of Trustees of the Airport Authority; revises the powers of the Board of Trustees of the Authority; revises provisions governing procedures concerning employment; and removes an obsolete transitory provision.

Agenda Action: Formal Action / Motion **Time Requested:** 10 minutes

Proposed Motion

I move to (support, oppose, remain neutral on) AB 406.

Board's Strategic Goal

Efficient Government

Previous Action

N/A

Background/Issues & Analysis

Assemblyman Kramer came before the Board of Supervisors on March 7, 2019 to present and answer questions on bills he is sponsoring and co-sponsoring this legislative session and for which he is requesting the Board's vote in support. At the time of the meeting, no language was available on the proposed bill relating to the Airport Authority of Carson City. The Board requested that this bill be brought back to them after the final bill language had been drafted.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 244.146; Carson City Charter, Art. 2, Sec. 2.090; Airport Authority Act for Carson City, chapter 844, Statutes of Nevada 1989, as last amended by chapter 16, Statutes of Nevada 2011

Financial Information

Is there a fiscal impact? No

If yes, account name/number: N/A

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

Take a position to support, oppose or remain neutral on this bill;

Not take a position;

Mayor remand back to staff with instructions based on discussion on the record.

Attachments:

[AB406.pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

ASSEMBLY BILL NO. 406—ASSEMBLYMEN
KRAMER, TITUS; AND ELLISON

MARCH 21, 2019

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the Airport Authority of Carson City. (BDR S-50)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Airport Authority of Carson City; revising provisions relating to the appointment of members of the Board of Trustees of the Authority; revising the powers of the Board; revising provisions governing procedures concerning employment; removing an obsolete transitory provision; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Airport Authority of Carson City was created by law in 1989 and has been
2 in operation since January 1, 1990. (Chapter 844, Statutes of Nevada 1989, p. 2025)
3 The Authority is governed by the Board of Trustees of the Authority which is
4 composed of seven members appointed to 4-year terms by the Board of Supervisors
5 of Carson City. Under existing law, each member of the Board of Trustees, except
6 the member who is a city official, is not eligible to serve consecutive terms.
7 (Airport Authority Act for Carson City § 4) **Section 1** of this bill authorizes such a
8 member to serve not more than two consecutive terms and allows reappointment
9 after a lapse of 4 years. **Section 5** of this bill clarifies the continued staggering of
10 the 4-year terms after the initial appointments.

11 **Section 2** of this bill adds statutory references to certain specified provisions of
12 the Nevada Revised Statutes with which the Board of Trustees is required to
13 comply. (Airport Authority Act for Carson City § 8)

14 Existing law authorizes the Board of Trustees to acquire real and personal
15 property by gift or devise without the approval of the Board of Supervisors, but
16 requires the Board of Trustees to obtain the approval of the Board of Supervisors to
17 acquire real and personal property by purchase or lease. (Airport Authority Act for
18 Carson City § 9) **Section 3** of this bill removes the requirement that the Board of
19 Trustees obtain the approval of the Board of Supervisors to acquire real property by
20 lease and to acquire personal property by purchase or lease. Additionally, **section 3**



21 eliminates the requirement that the Board of Trustees obtain the approval of the
22 Board of Supervisors for any contract between the Board of Trustees and a fixed
23 base operator at the airport. **Section 3** also removes the authority of the Board of
24 Trustees to provide emergency services for the Authority. Finally, **section 3**
25 clarifies the types of agreements into which the Board of Trustees and the Board of
26 Supervisors may enter.

27 Existing law prescribes specific requirements that any procedures adopted by
28 the Board relating to the hiring, promoting and discharging of employees of the
29 Authority must include. (Airport Authority Act for Carson City § 24) **Section 4** of
30 this bill eliminates those specific requirements, thereby giving the Board the
31 authority to determine the contents of those procedures.

32 Existing law required the District Attorney of Carson City to defend the
33 Authority if any action contesting any provisions of the Airport Authority Act or
34 the legal status of the Authority was brought before the Authority had sufficient
35 money to hire legal counsel. (Airport Authority Act for Carson City § 28) **Section 6**
36 of this bill removes this obsolete transitory provision.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Section 4 of the Airport Authority Act for Carson
2 City, being chapter 844, Statutes of Nevada 1989, as last amended
3 by chapter 16, Statutes of Nevada 2011, at page 30, is hereby
4 amended to read as follows:

5 Sec. 4. 1. The Authority is governed by the Board,
6 which is composed of seven members appointed by the Board
7 of Supervisors.

8 2. The Board of Supervisors shall appoint:

9 (a) Three members who represent the general public, but,
10 except as otherwise provided in paragraph (b), not including
11 any person described in paragraph (b) or (c). At least one of
12 these members must be a city official selected by the Board
13 of Supervisors and one must be a pilot who, at the time of
14 appointment, owns and operates an aircraft based at the
15 airport.

16 (b) Two members who are manufacturers and are within a
17 3-mile radius of the Carson City airport, but not including any
18 person described in paragraph (c). If, after providing notice of
19 a vacancy for the position of a member of the Board
20 described in this paragraph, the Board of Supervisors is
21 unable to find a qualified manufacturer to fill a position, the
22 Board of Supervisors may appoint a member pursuant to this
23 paragraph who represents the general public.

24 (c) Two members who are fixed base operators at the
25 airport.

26 3. After the initial terms, the term of office of each
27 member of the Board is 4 years. The city official who is



1 appointed as a member of the Board is eligible for
2 reappointment to the Board upon the expiration of his or her
3 term. Each other member of the Board ~~is eligible for~~
4 ~~reappointment to the Board 4 years after the expiration of his~~
5 ~~or her prior term.] may not serve more than two consecutive~~
6 ~~terms, but may be reappointed after the lapse of 4 years.~~

7 **Sec. 2.** Section 8 of the Airport Authority Act for Carson City,
8 being chapter 844, Statutes of Nevada 1989, as amended by chapter
9 374, Statutes of Nevada 2001, at page 1829, is hereby amended to
10 read as follows:

11 Sec. 8. The Board shall comply , *without limitation*,
12 with the provisions of ~~the~~ :

13 1. *Chapter 241 of NRS, concerning public meetings;*

14 2. *Chapter 281A of NRS, the Nevada Ethics in*
15 *Government Law* ~~[, NRS 241.020, the]~~ ;

16 3. *Chapter 332 of NRS, the Local Government*
17 *Purchasing Act ; and*

18 4. *NRS 354.470 to 354.626, inclusive, the Local*
19 *Government Budget and Finance Act.*

20 **Sec. 3.** Section 9 of the Airport Authority Act for Carson City,
21 being chapter 844, Statutes of Nevada 1989, as amended by chapter
22 381, Statutes of Nevada 2005, at page 1471, is hereby amended to
23 read as follows:

24 Sec. 9. The Board may:

25 1. Acquire ~~real~~

26 (a) *Real* and personal property by *lease*, gift or devise for
27 the purposes provided in this act.

28 (b) *Personal property by purchase for the purposes*
29 *provided in this act.*

30 2. With the approval of the Board of Supervisors:

31 (a) Acquire real ~~and personal~~ property by purchase ~~or~~
32 ~~lease~~ for the purposes provided in this act.

33 (b) ~~Except as otherwise provided in this paragraph, lease,~~
34 ~~sell~~ *Sell* or otherwise dispose of ~~any~~ *real* property ~~[. If the~~
35 ~~Board sells or otherwise disposes of real property, the sale or~~
36 ~~other disposal must be made]~~ by public auction.

37 3. Recommend to the Board of Supervisors any *specific*
38 changes in the laws governing zoning necessary to comply
39 with the regulations of the Federal Aviation Administration or
40 to limit the uses of the area near the airport to those least
41 affected by noise.

42 4. ~~[Use, in the performance of its functions,]~~ *Enter into*
43 *an agreement regarding the sharing of resources, including,*
44 *without limitation, the officers, employees, real property,*
45 *facilities and equipment of Carson City, [with the consent of*



~~Carson City and~~ *obligations and other matters regarding the Airport*, subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

~~5. Provide emergency services for the Authority.~~

~~6. Contract with any person [including any person who transports passengers or cargo by air.] to provide goods and services as necessary or desirable to the operation of the airport. [Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.~~

~~7. 6. Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.~~

~~8. 7. Apply to any public or private source for loans, grants, guarantees or other financial assistance.~~

~~9. 8. Establish fees, rates and other charges for the use of the airport.~~

~~10. 9. Regulate vehicular traffic at the airport.~~

~~11. 10. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.~~

~~12. 11. Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.~~

Sec. 4. Section 24 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, at page 2030, is hereby amended to read as follows:

Sec. 24. **1.** The Board may adopt procedures, to be administered by the Board, for hiring, promoting and discharging its employees ~~[, which must include but are not limited to the following:-~~

~~1. Employment on the basis of open, publicly announced, competition.~~

~~2. Promotions and remuneration on the basis of merit, efficiency, competitive examinations and seniority.~~

~~3. Classifications of the positions.~~

~~4. The maintenance of lists of eligible candidates for a position.~~

~~5. Employment of candidates from the lists in the highest qualified rating.~~

~~6. Probationary periods not to exceed 6 months.~~

~~7. Disciplinary action, suspension or discharge of employees for cause only with the right of notice and review.~~



~~8. Schedules of compensation and increases in pay prepared by the Board.~~

~~9. Maintenance of personnel records on all employees.~~

~~10. Regulations for hours of work, attendance, holidays, leaves of absence and transfers.~~

~~11. Procedures for layoffs, discharge, suspension, discipline and reinstatement.~~

~~12. The exemption from the procedures of persons employed for scientific, technical or expert service of a temporary or exceptional character, persons employed on projects paid from the proceeds of bonds issued by the Authority and persons employed for a period of less than 3 months in any 12 month period.~~

~~13. Review by] and taking any other actions relating to employment.~~

2. An employee may request the Board ~~[, at the request of the employee in question and after notice and public hearing, of]~~ to review any disciplinary action, suspension or discharge of ~~[any] the~~ employee . ~~[, which]~~ After notice and hearing, such disciplinary action, suspension or discharge may be affirmed, modified or reversed by the Board. Findings of fact by the Board are not subject to review by any court except for illegality or want of jurisdiction.

Sec. 5. Section 29 of chapter 844, Statutes of Nevada 1989, at page 2031, is hereby amended to read as follows:

Sec. 29. As soon as practicable after October 1, 1989, the Board of Supervisors shall appoint to the Board:

1. Two persons to terms that expire on October 1, 1991 ~~[,]~~, and on October 1 every 4 years thereafter.

2. Two persons to terms that expire on October 1, 1992 ~~[,]~~, and on October 1 every 4 years thereafter.

3. Three persons to terms that expire on October 1, 1993 ~~[,]~~, and on October 1 every 4 years thereafter.

Sec. 6. Section 28 of chapter 844, Statutes of Nevada 1989, at page 2031, is hereby repealed.

TEXT OF REPEALED SECTION

Section 28 of chapter 844, Statutes of Nevada 1989:

Sec. 28. If any action is brought to have this act or any of its provisions declared invalid or to contest the legal status of the Authority, before the Authority has received money



sufficient to employ an attorney, the District Attorney of Carson City shall defend the action on behalf of the Authority.

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