

Dillon's Rule Overview



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Summary

- Introduction to Dillon's Rule
- Overview of Items at Issue
- Questions

This is a high-level review of complicated issues.



Intro to Dillon's Rule

- Two basic ways to handle local governments (not buckets but continuum)
 - Dillon's Rule
 - Home Rule
- Dillon's Rule: Local gov can only act as permitted by state statute
- Home Rule: Local gov has the general authority to act (even if in contravention of state statutes)



Intro to Dillon's Rule

- Dillon's Rule results from a 1868 Iowa case:
 - The true view is this: Municipal corporations owe their origin to, and derive their powers and rights wholly from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so it may destroy. If it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the legislature might, by a single act, if we can suppose it capable of so great a folly and so great a wrong, sweep from existence all of the municipal corporations in the State, and the corporation could not prevent it. We know of no limitation on this right so far as the corporations themselves are concerned. They are, so to phrase it, the mere tenants at will of the legislature.



Intro to Dillon's Rule

- Nevada has traditionally been a Dillon's Rule state (*Rosenstock v. Swift*, 11 Nev. 128 (1876).)
 - However, provides some form of home rule to cities and counties
- Modifications to rule have not been extended to GIDs or other districts
 - Remain creatures of state statute



Questions Re IVGID Authority

- IVGID has those basic powers set forth in NRS 318.116
 - Recreation
 - Sewer
 - Solid Waste
 - Water
- IVGID has those other express administrative powers in NRS 318



Questions Re IVGID Authority

- IVGID's express powers include the following:
 - **NRS 318.205 Bylaws.** The board shall have the power to adopt and amend bylaws, not in conflict with the Constitution and laws of the State:
 1. For carrying on the business, objects and affairs of the board and of the district.
 2. Regulating the use or right of use of any project or improvement.
 - **NRS 318.210 Implied powers.** The board shall have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this chapter. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter.



Questions Re IVGID Authority

Issue	Authorization	Notes
Business travel	NRS 318.180, 318.185, 318.210	<ul style="list-style-type: none"> -Employees should receive reasonable reimbursements -Per diems are an option in lieu of reimbursements but may be taxable -Washoe County has adopted an ordinance. (WCC 5.351 et seq.)
Employee rewards	NRS 318.180, 318.185, 318.210	<ul style="list-style-type: none"> -Common way to recognize the hard work and efforts of employees -Should be reasonable
Employee celebration expenses	NRS 318.180, 318.185, 318.210	<ul style="list-style-type: none"> -Same as above



Questions Re IVGID Authority

Issue	Authorization	Notes
Non-monetary support to non-profits or community groups	NRS 318.116, 318.210	-Support should be based on an express power (i.e., use of recreation facilities) -Policy can outline scope of program (See P&P Reso No. 132 and Reso No. 1701)
Monetary support to non-profits or community groups	NRS 318.116, 318.210	-Support should be reasonable and based on an express power (furtherance of recreation)



Questions?

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