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Summary of City of Sparks v. Sparks Mun. Court, 129 Adv. Op. 38

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CONSTITUTIONAL LAW - SEPARATION OF POWERS, INHERENT POWERS

Summary

The Municipal Court disputed the City's ability to require it to reduce the salaries of Municipal Court employees who were exempt from the city charter provisions and civil service rules that govern City employees. The Municipal Court asserted that because of the separation of powers doctrine and certain inherent powers, it had the authority to administer its own budget, which the City allocated.

The Court determined whether the separation of powers doctrine and the Municipal Court's inherent authority bar the City of Sparks from interfering with the Municipal Court's control over personnel decisions.

Disposition/Outcome

Based on the separation of powers doctrine and the Municipal Court's inherent authority, the Court affirmed the district court's order that enjoined the City from interfering with the Municipal Court's ability to make personnel decisions.

In regards to the Municipal Court's budget, the Court concluded that the Municipal Court's inherent authority must be weighed against the City's authority over government finances. Due to a lack of a developed record, the Court reversed the district court's order that enjoined the City from interfering with the Municipal Court's ability to make budgetary decisions.

Factual and Procedural History

The governmental functions of the City of Sparks are divided between the judicial department, the legislative department, and the executive department. Although operating under the judicial department, the City traditionally treated certain employees of the Municipal Court as City employees. Also, the City entered into collective bargaining agreements that covered and affected Municipal Court employees.

The City requested that the Municipal Court reduce the salaries of the court administrator and the judicial assistant. In response, the Municipal Court argued that it had the inherent power to make independent decisions regarding its personnel and to determine how to use the budget allocated to it. After failed negotiations, the Municipal Court filed a complaint in the district court for declaratory and injunctive relief.

The district court enjoined the City from asserting any control over the Municipal Court's employees, including their selection, discipline, and termination. Further, the

¹ By Ivy Hensel.

district court prohibited the City from entering into or enforcing collective bargaining agreements purporting to cover Municipal Court employees. In addition, The district court found Sections 1.080, 3.020, 3.120, 4.023, and 4.025 of the Sparks City Charter unconstitutional as they interfered with the Municipal Court's management of its operations and employees.

The district court enjoined the City from interfering with the Municipal Court's ability to make decisions regarding its budget.

Discussion

Justice Hardesty wrote the opinion of the Court, with Justices Gibbons, Parraguirre, Douglas, Cherry, and Saitta concurring. Chief Justice Pickering concurred in part and dissented in part.

Article 15, Section 11

The City conceded that because of the Sparks City Charter the Municipal Court had "virtually unfettered authority" regarding the employment status of the court administrator and judicial assistant. The City still disputed whether the City or the Municipal Court could exercise control over remaining Municipal Court employees.

The City claimed control over Municipal Court employees pursuant to provisions of the city charter that were based on Article 15, Section 11 of the Nevada Constitution.² The Municipal Court argued that the constitutional provision applied only to city officers, not employees.³

Because the constitutional provision is ambiguous, the Court considered the provision's history, public policy, and voters' intent.⁴ The Court concluded that the drafter's intent was that the constitutional provision only applied to city officers. In addition, the drafters used the term "employee" in the constitutional provision because certain city employees in the civil service were considered city officers. Thus, the Court found that based on the Nevada Constitution, the City only had the authority to control Municipal Court employees who are considered officers.⁵

Inherent Powers

Inherent judicial powers stem from the separation of powers doctrine and the power inherent in a court "by virtue of its sheer existence."⁶ The Municipal Court is protected by the constitutional separation of powers doctrine because it is a coequal

² NEV. CONST. art. 15, § 11.

³ Compare *Eads v. City of Boulder City*, 94 Nev. 735, 736-37, 587 P.2d 39, 40-41 (1978), with *Mullen v. Clark Cnty.*, 89 Nev. 308, 310-11, 511 P.2d 1036, 1037-38 (1973).

⁴ *Miller v. Burk*, 124 Nev. 579, 590, 188 P.3d 1112, 1120 (2008).

⁵ NEV. CONST. art. 15, § 11.

⁶ *Blackjack Bonding v. City of Las Vegas Mun. Court*, 116 Nev. 1213, 1218, 14 P.3d 1275, 1279 (2000).

branch of its local government⁷ and because it is a part of the state constitutional judicial system.⁸ Under the separation of powers doctrine, each branch has the authority to exercise its own functions, unless the Nevada Constitution expressly permits otherwise. Thus, any statutory scheme that would allow the executive or legislative branches of a municipal government to control the inherent powers of the municipal court would violate the separation of powers doctrine.⁹

In addition to protection provided by the separation of powers doctrine, each branch has inherent ministerial powers to put into effect the basic function of that branch.¹⁰ The power and ministerial functions of the branches may appear to overlap at times.¹¹ The Court highlighted that each branch is entitled to manage its own affairs without interference from other branches.¹² This includes management of day-to-day functioning and management of internal affairs. This authority is broader and more fundamental than the power conferred by the separation of powers doctrine.¹³

The Municipal Court has the inherent authority to manage its employees because without employees it would not be able to fulfill its basic constitutional function of deciding controversies and enforcing judgments. Thus, the Court found that the Municipal Court's claim of inherent authority to manage its employees relates directly to its essential judicial functions.

The Court found that the City's essential functions were making, passing, and enforcing local laws as well as controlling the power of the purse. In effect, the act of managing the Municipal Court's employees does not relate to any of the essential legislative or executive functions of the city. The Court found that because the City did not identify any related constitutional duties, the City violated the separation of powers doctrine when it exerted control over Municipal Court employees. Thus, the Court affirmed the district court's order enjoining the City from interfering with the Municipal Courts control over its employees.

In addition, the Court found pursuant to its inherent authority to perform its constitutional functions, the Municipal Court had the right to hire independent counsel without interference from the City. To the extent that the Municipal Court seeks appropriation to pay for counsel fees, the City may review the reasonableness of the counsel's hourly rate pursuant to its legislative budgetary authority. Yet, the City may not make a more specific review of the cost of the representation.

⁷ City of North Las Vegas ex rel. Marvis E. Arndt v. Daines, 92 Nev. 292, 295, 550 P.2d 399, 400 (1976).

⁸ NEV. CONST. art. 6, § 1.

⁹ Galloway v. Truesdell, 83 Nev. 13, 19, 422 P.2d 239, 241-42 (1967).

¹⁰ Galloway, 83 Nev. at 21, 422 P.2d at 243.

¹¹ Galloway, 83 Nev. at 21-23, 422 P.2d at 243.

¹² Nunez v. City of N. Las Vegas, 116 Nev. 535, 540, 1 P.3d 959, 962 (2000).

¹³ Blackjack Bonding, 116 Nev. at 1218, 14 P.3d at 1279.

Control Over Budget

Pursuant to its legislative powers, the City has the authority to appropriate a budget to the Municipal Court. The City provided an itemized budget, rather than a lump sum to the Municipal Court, as state law requires the City to provide a detailed budget.¹⁴

The Court found that neither party sufficiently developed the record or defined the scope of the question in regard to budgetary control. There was no evidence that the City required the Municipal Court to administer its budget in any specific manner. The parties did not identify any actual conflict besides requested salary reduction in regard to the budget. Thus, the Court was unable to determine whether the City impermissibly interfered with the Municipal Court's inherent authority to manage its internal affairs via budget administration. Due to the lack of information, the Court reversed the district court's injunction that prohibited the City from interfering with the Municipal Court's budget.

The Court remanded the issue and instructed the district court to consider whether an actual controversy exists in this regard. If an actual controversy is presented the Court instructed the district court to determine whether any action the Municipal Court takes would be a permissible exercise of the Municipal Court's ability to manage its internal affairs.

Conclusion

The Court affirmed the portions of the district court's order prohibiting the City from interfering with the Municipal Court's management of its employees, enforcing or entering into collective bargaining agreements on behalf of Municipal Court employees, and applying specific city charter provisions that would affect Municipal Court employees.

The Court reversed and remanded the portions of the district court's order that prevent the City from taking action in regards to the Municipal Court's budget.

Chief Justice Pickering, Concurring in Part and Dissenting in Part

Chief Justice Pickering disagreed with the majority's opinion regarding the City's claimed control over certain Municipal Court employees pursuant to city charter provisions based on Article 15, Section 11.¹⁵ Chief Justice Pickering found the city charter was adopted according to the political process¹⁶ and should not be disturbed, particularly because of the inadequate record of the case.

Chief Justice Pickering found that the Sparks City Charter vested the power to manage the court administrator and judicial assistant to the Municipal Court, but made no

¹⁴ NEV. REV. STAT. § 354.600 (2011).

¹⁵ NEV. CONST. art. 15, § 11.

¹⁶ NEV CONST. art. 8, § 8.

similar provision for all other Municipal Court employees. Because the city charter did not extend this status to other Municipal Court employees, the city charter should govern all other Municipal Court employees.

Further, Chief Justice Pickering highlighted that the Nevada Constitution provides inherent powers to the respective branches, and may also remove or modify the inherent powers given.¹⁷ Here, the separation of powers doctrine should not apply because another more specific constitutional provision displaces it.¹⁸

In Chief Justice Pickering's analysis, the terms "officer" and "employee" should not be given the same effect.¹⁹ In addition, the Nevada Constitution establishes that if a city has a legally adopted charter, that charter controls the employment status of the municipal civil service employees.²⁰ Thus, Chief Justice Pickering found that the political process that passed the Sparks City Charter should govern, and that express constitutional terms should not be easily overridden by concepts of inherent, unwritten authority.

Chief Justice Pickering would have vacated to district court's order enjoining the City from interfering with other Municipal Court employees, except the court administrator and judicial assistants. Chief Justice Pickering agreed with the majority's reversal and remand regarding control over the budget.

¹⁷ Halverson v. Hardcastle, 123 Nev. 245, 263, 163 P.3d 428, 441 (2007).

¹⁸ NEV. CONST. art 15, § 11.

¹⁹ NEV. CONST. art 15, § 11.

²⁰ NEV. CONST. art 15, § 11.