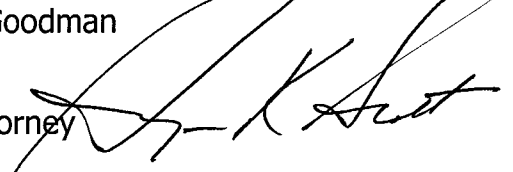


Memorandum

City of Las Vegas Office of the City Attorney

To: Mayor Oscar B. Goodman

From: Bryan K. Scott
Assistant City Attorney 

CC: Bradford R. Jerbic
City Attorney

Date: July 31, 2007

Re: Request for Opinion on Abstentions for 8/1/07 City Council Meeting

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on considering or voting on Items 124 and 125 which are scheduled to be considered by the Las Vegas City Council at its August 1, 2007 meeting.

Items 124 and 125 (RQR-20054) are applications by Las Vegas Development Company and Cardan Lindell North, LLC. for a rescission of a previous city council action and a six-month review of a Variance to allow a proposed 100-foot tall flagpole where 40 feet is the maximum height allowed at the Towbin Hummer dealership located at 5550 West Sahara Avenue.

It is my understanding, from speaking with you that the legal representative for the applicant, David Chesnoff, Esq., is a partner with you in piece of real estate located in Elgin, Nevada. The approval of the required review of this Variance may benefit Mr. Chesnoff financially.

NRS 281.501(2) provides:

In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of. . .a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by (b) His pecuniary interests; or (c) His commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (d) with whom he has a substantial and continuing business relationship; or (e) any other commitment or relationship that is substantially similar to commitment or relationship described in this subsection.

In light of the above-referenced statute, it is the conclusion of the City Attorney's Office that you should disclose the factual circumstances surrounding your potential conflict on the record and abstain from the discussions and votes on the above-referenced items.

If any of the above-referenced items are abeyed, tabled or withdrawn during the August 1, 2007
Submitted at City Council
Date 8/1/07 Item 125

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meeting, you may vote on the motion to abey, table or withdraw the items as abeyance, withdrawal or tabling motions are not substantive actions. If any of the above-referenced items come back to the City Council for rehearing, you will again need to disclose your conflict and abstain from voting. If Mr. Chesnoff or his firm is not the representative of the applicant before the City Council, you may discuss and vote on the items.

If you have any additional questions regarding any of the above, please feel free to contact me at ext. 6621.

BKS:b

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