

1 **BILL NO. 2010-16**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REQUIRE CERTAIN CONTRACTORS AND EMPLOYERS OF
4 EMPLOYEES HIRED TO STAFF GAMING HOSPITALITY OPERATIONS TO BE
5 SIGNATORY TO COLLECTIVE BARGAINING AGREEMENTS WHERE THE CITY OR
THE CITY'S REDEVELOPMENT AGENCY HAS A SPECIFIED FINANCIAL OR
PROPRIETARY INTEREST, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Requires certain contractors and
employers of employees hired to staff gaming
hospitality operations to be signatory to
collective bargaining agreements where the
City or the City's Redevelopment Agency has
a specified financial or proprietary interest.

10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
11 AS FOLLOWS:

12 SECTION 1: Title 4 of the Municipal Code of the City of Las Vegas, Nevada, 1983
13 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 36, consisting of
14 Sections 10 to 30, inclusive, reading as follows:

15 **4.36.010:** The City is authorized by State law and by Charter authority to engage in
16 redevelopment activities. The City Council has the corresponding authority to establish limitations
17 and conditions on the use of redevelopment funds and other resources. It is the intent of this Chapter
18 to establish conditions on the use of redevelopment resources when they are used to assist in the
19 development of projects for gaming hospitality operations in which the City or the City's
20 Redevelopment Agency has a specified financial or proprietary interest in such operations in order to
21 protect such interest from jeopardy resulting from labor disputes.

22 **4.36.020:** As used in this Chapter and except as the context otherwise requires, the following
23 terms shall have the meanings ascribed to them:

24 "Capital project" means a project which is financed by debt or by other funds of the City or
25 the Redevelopment Agency and which meets all of the following:

26 (A) Is an undertaking to construct, repair, renovate, improve, equip, furnish or
27 acquire any:

28 (1) Building, structure, facility or physical public betterment or

1 improvement;

2 (2) Land or rights in land; or

3 (3) Furnishings, machinery, apparatus or equipment, for a building,
4 structure, facility or physical public betterment or improvement;

5 (B) Has an estimated useful life in excess of five years; and

6 (C) Has an estimated financial cost in excess of one hundred thousand dollars.

7 "Contract under 29 U.S.C. Section 185" means a labor contract to which 29 U.S.C. Section
8 185 (a) applies, as that provision has been interpreted by the United States Supreme Court.

9 "Contractor" means any person party to a qualifying contract.

10 "Employer" means an employer of employees hired to staff or work at a gaming hospitality
11 operation.

12 "Gaming hospitality operation" means a hotel or other establishment that:

13 (A) Provides lodging and other guest accommodations, or other hospitality services;
14 and

15 (B) Is licensed for nonrestricted gaming.

16 "Hospitality workers" means all full-time or part-time employees in a gaming hospitality
17 operation, except supervisors, managers and guards.

18 "No-strike pledge" means the prohibition described in Paragraph (1) of Subsection (A) of
19 Section 4.36.030.

20 "Qualifying contract" means:

21 (A) Any contract, lease or license:

22 (1) From the City or the Redevelopment Agency to use any property of the
23 City or Redevelopment Agency for the conduct of gaming hospitality operations; or

24 (2) Pursuant to which the City or the Redevelopment Agency is entitled to
25 receive as rents, royalties or other income a percentage of the revenues of an enterprise, or any
26 payments in connection with financing of a capital project provided by or through the City or the
27 Redevelopment Agency; or

28 (B) Any subcontract, sublease, sublicense or other transfer or assignment of any

1 right, title or interest received from the City or Redevelopment Agency pursuant to any qualifying
2 contract.

3 “Redevelopment Agency” means the Redevelopment Agency of the City of Las Vegas.

4 “Valid collective bargaining agreement” means a collective bargaining agreement entered into
5 between a contractor and a labor organization lawfully serving as the exclusive collective bargaining
6 representative for the employees who provide or will provide services pursuant to a qualifying
7 contract.

8 **4.36.030:** (A) As a condition precedent to any qualifying contract, each and every contractor
9 and employer of employees hired to staff a gaming hospitality operation shall be or become signatory
10 to a valid collective bargaining agreement or other contract under 29 U.S.C. Section 185 with any
11 labor organization seeking to represent hospitality workers employed in the gaming hospitality
12 operation. Each collective bargaining agreement or contract under 29 U.S.C. Section 185:

13 (1) Must contain a provision prohibiting the labor organization and its
14 members, and in the case of a collective bargaining agreement, all employees covered by the
15 agreement, from engaging from any picketing, work stoppages, boycotts or any other economic
16 interference with the hospitality operations of the contractor or any persons under contract to it for the
17 duration of the time required for the repayment of public indebtedness incurred to finance the
18 acquisition or development of such capital project, or for the duration of the qualifying contract or
19 contracts for the operation of such capital project, whichever period of time is more extensive.

20 (2) Must provide that, during this time period referred to in Paragraph (1)
21 above, all disputes relating to employment conditions or the negotiation thereof shall be submitted to
22 final and binding arbitration.

23 (B) Each and every contractor and employer of employees hired to staff a gaming
24 hospitality operation shall require that any work under its qualifying contract or contracts that is to be
25 done by the contractor’s or employer’s contractors, subcontractors, tenants or subtenants shall be done
26 under collective bargaining agreements or other contracts under 29 U.S.C. Section 185 containing the
27 same provisions as specified in Paragraph (1) of Subsection (A) above.

28 (C) A contractor or employer shall be relieved of the obligations of this Section

1 with respect to a labor organization if the labor organization places conditions upon its no-strike
2 pledge that the City Council finds, after notice and hearing, to be arbitrary or capricious.

3 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
4 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
5 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
6 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
7 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
8 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
9 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
10 invalid or ineffective.

11 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
13 1983 Edition, in conflict herewith are hereby repealed.

14 PASSED, ADOPTED and APPROVED this ____ day of _____, 2010.

15 APPROVED:

16
17 By _____
OSCAR B. GOODMAN, Mayor

18 ATTEST:

19 _____
20 BEVERLY K. BRIDGES, MMC
City Clerk

21 APPROVED AS TO FORM:

22 Valsteed 3-29-10
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2010, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2010, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BEVERLY K. BRIDGES, MMC
City Clerk

18

19

20

21

22

23

24

25

26

27

28