



## Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILWOMAN FIORE called the meeting to order at 10:01 a.m.

PRESENT: COUNCILMEMBERS FIORE and KNUDSEN

EXCUSED: COUNCILMAN ANTHONY

ALSO PRESENT: CHIEF OPERATIONS AND DEVELOPMENT OFFICER TOM PERRIGO, ASSISTANT CITY ATTORNEY JEFF DOROCÁK, ACTING CITY CLERK STACEY L. CAMPBELL, and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations: City Hall, 495 South Main Street, 1st Floor; Clark County Government Center, 500 South Grand Central Parkway; Grant Sawyer Building, 555 East Washington Avenue; Howard Lieburn Senior Center, 6230 Garwood Avenue

3. Bill No. 2021-23 - For possible action - Amends LVMC 9.04.100 to update the nuisance abatement appeal and hearing procedures as they pertain to the waiver of costs and penalties. Sponsored by: Councilman Brian Knudsen and Councilwoman Victoria Seaman

Minutes:

COUNCILWOMAN FIORE declared the Public Hearing open.

ASSISTANT CITY ATTORNEY JEFF DOROCÁK reported that under the current Las Vegas Municipal Code, the City Council or a designee, the hearing officer, can reduce or waive, for appropriate cause, costs or civil penalties assessed under Chapter 9.04, which deals with nuisances and related abatements. This bill changes that and requires that any hearing pertaining to the waiver of hard costs only be heard by the hearing officer, as the designee. The bill requires the City Council to establish a policy for waiver requests, waiver hearings and related standards and guidelines. The bill also authorizes the City Council or the City Manager to establish an alternative administrative process by which a person may forego the waiver hearing, enter into a compliance agreement with the City of Las Vegas and have costs and penalties reduced administratively if the terms of the compliance agreement are met. In summary, the bill will eliminate hearings before the City Council and create a process for a hearing officer or entering into a compliance agreement with staff.

COUNCILWOMAN FIORE appreciated the intent; however, she was concerned about doing away with the City Council's ability to waive civil penalties. She commented that during her tenure as an elected official, she has always waived civil penalties and imposed payment of hard costs. She was adamantly opposed to surrendering her authority and being able to protect her constituency.

COUNCILMAN KNUDSEN appreciated all the work that went into this bill. He asked for the percentage of waiver hearings that go before the City Council, and VICKI OZUNA, Code Enforcement Section Manager, replied that the City Council hears less than 10 percent of cases, given that most cases go before the designee. Additionally, she advised the Councilman that her office does not receive many complaints about the process, which allows complaints to go through judicial review, with most decisions upheld by district court.

COUNCILMAN KNUDSEN acknowledged that the City has been working on revising the waiver process since he was a City staff member about 10 years ago. MS. OZUNA commented that in 2014, the City created the designee process, through which approximately 65 cases are heard yearly.

With the City Council considering about 10 hearings yearly, COUNCILMAN KNUDSEN wondered how they could create consistency, to make sure the individuals that purchase homes know what to expect through the process. MS. OZUNA said that the process would create consistency so that the new buyers know what to expect in terms of necessary permits, safety and habitability standards. Currently, waiver requests considered by the City Council may involve properties that have not been improved. The process will create consistency for accountability purposes and in rulings, especially for legal purposes.

COUNCILMAN KNUDSEN felt this would provide a pathway to improve blighted properties, because the buyers will know exactly what to expect. MS. OZUNA agreed that buyers will be better informed and have the expectations clarified by entering into an agreement. She described some of the challenging situations Code Enforcement deals with when buyers do not bring the properties up to standards, which creates problem properties.

COUNCILWOMAN FIORE commented that staff has been working on a new process for approximately six years that takes away the City Council's power. MS. OZUNA said that staff was in no way proposing to take power away from the City Council, rather to create a more consistent, fair process. The Councilwoman interjected that there is a need to be fair.

After asking for input, MR. DOROCAC advised COUNCILWOMAN FIORE that the Committee could 1) hold the bill in abeyance with guidance; 2) send to full Council with no recommendation for consideration; or 3) move forward to full Council with recommendations. COUNCILWOMAN FIORE supported holding this matter in abeyance, adding that as a Councilmember, she has to fight to protect her constituents by not yielding her authority. She asked if a hearing officer has ever waived 100 percent of civil penalties, and MS. OZUNA said that the hearing officer has at times waived 90 percent of civil penalties.

COUNCILWOMAN FIORE insisted on holding this matter in abeyance and motioned as such. COUNCILMAN KNUDSEN motioned to send the bill to the full Council without a recommendation because as one of the sponsors, he did not want to work further on this bill. MR. DOROCAC said they needed to take a vote on the abeyance motion first.

CHIEF OPERATIONS DEVELOPMENT OFFICER TOM PERRIGO clarified that although MS. OZUNA has been working under the direction of management on policies regarding this issue, she has not been pursuing any action to take powers away from the City Council. COUNCILWOMAN FIORE persisted that it is evident staff has been working on this bill for approximately six years to take away power from the City Council. She feels her hands are being tied to the point she cannot help her constituency.

After the failed motions, MR. DOROCAC offered for his staff to put together some amendments for consideration at the next Recommending Committee meeting and have the bill ready for adoption at the City Council meeting of July 7, 2021, or at a later meeting. The Committee could also move the bill to the City Council with no recommendation. COUNCILWOMAN FIORE asked that the bill be held in abeyance to the next Recommending Committee meeting of July 6, 2021, and have the bill ready for adoption on July 7, 2021.

COUNCILMAN KNUDSEN verified with MR. DOROCAK that a business impact statement was not required for this bill. He then questioned the types of amendments COUNCILWOMAN FIORE had in mind, and the Councilwoman replied that she wants her constituents to be able to be heard by the City Council, as the body that should have full authority on waivers. MR. DOROCAK felt he could quickly draft an amended bill.

COUNCILWOMAN FIORE declared the Public Hearing closed.

Motion made by Brian Knudsen to Hold in Abeyance to 7/6/2021

NOTE: A previous motion by Councilwoman Fiore for abeyance to 7/6/2021 failed with Knudsen voting no, and a motion thereafter by Councilman Knudsen to send to the Full Council with no recommendation failed with Fiore voting no.

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

For-Michele Fiore, Brian Knudsen; Excused-Stavros Anthony;

4. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Committee. No subject may be acted upon by the Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name and correct spelling for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:  
None.

5. Adjournment

Minutes:  
The meeting was adjourned at 10:20 a.m.

Respectfully submitted:

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Gabriela Portillo-Brenner, Deputy City Clerk

Facilities are provided throughout City Hall for the convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. Reasonable efforts will be made to assist and accommodate persons with disabilities or impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 702-229-6311 and advise of your need at least 48 hours in advance of the meeting. Dial 7-1-1 for Relay Nevada.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor  
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