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AN ORDINANCE RELATING TO THE PUBLIC PEACE, MORALS AND WELFARE; ESTABLISHING A COMMITTEE TO DEVELOP, INSTITUTE AND REVIEW POLICIES AND PROCEDURES FOR EFFECTIVE USE OF SENTENCING ALTERNATIVES AVAILABLE FOR USE BY JUDGES OF MUNICIPAL COURTS; PROVIDING FOR THE COMPOSITION OF SAID COMMITTEE; ESTABLISHING THE COMPENSATION FOR THE MEMBERS THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by: Councilman Bob Nolen
Summary: Establishes the Judicial Policy Committee on Sentencing Alternatives and provides for the compensation of the members thereof.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1: (A) There is hereby created a committee, entitled the "Judicial Policy Committee on Sentencing Alternatives" and consisting of the Master Judge and one other Judge of the Municipal Court, to develop, institute and review policies and procedures with respect to the effective use of the various sentencing alternatives that are available for use by Judges of Municipal Courts, including without limitation ordering persons who are convicted of misdemeanors to:

- (1) Serve their sentences, or any portion thereof, in residential confinement;
- (2) Make restitution to their victims;
- (3) Engage in community service or work programs; and
- (4) Participate in professional counseling or education programs.

(B) The Committee shall research the types of offenders and offenses that are appropriate for each sentencing alternative, establish broad policies for the Municipal Court with respect to the use of each alternative and assess the relative effectiveness and value of each alternative that is employed, in terms of recidivism, cost effectiveness and acceptability to the

1 Court.

2 SECTION 2: The Master Judge shall act as the chairman
3 of the Committee and shall appoint one of the three remaining
4 Judges of the Municipal Court as the second member of the
5 Committee.

6 SECTION 3: Each member of the Committee is entitled to
7 receive, as a member of the Committee, a monthly salary in the
8 amount of nine hundred sixty-four dollars and forty cents.

9 SECTION 4: The Committee shall complete the work that
10 is enjoined upon it pursuant to Section 1 of this Ordinance and
11 disband on June 7, 1989, and shall provide, on or before
12 August 1, 1989, the City Council and the other Judges of the
13 Municipal Court with a report of the findings that it made during
14 the period for which it is created.

15 SECTION 5: If any section, subsection, subdivision
16 paragraph, sentence, clause or phrase in this ordinance or any
17 part thereof, is for any reason held to be unconstitutional or
18 invalid or ineffective by any court of competent jurisdiction,
19 such decision shall not affect the validity or effectiveness of
20 the remaining portions of this ordinance or any part thereof.
21 The City Council of the City of Las Vegas, Nevada, hereby
22 declares that it would have passed each section, subsection, sub-
23 division, paragraph, sentence, clause or phrase thereof,
24 irrespective of the fact that any one or more sections, subsec-
25 tions, subdivisions, paragraphs, sentences, clauses or phrases be
26 declared unconstitutional, invalid or ineffective.

27 SECTION 6: All ordinances or parts of ordinances, sec-
28 tions, subsections, phrases, sentences, clauses or paragraphs

29 . . .
30 . . .
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32 . . .

1 contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 21st day of
4 September, 1988.

5 APPROVED:

6
7 By W. Wayne Bunker
8 W. WAYNE BUNKER, MAYOR PRO TEM
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9 ATTEST:

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11 Kathleen M. Tighe
12 KATHLEEN M. TIGHE, City Clerk
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1 The above and foregoing ordinance was first proposed and read by
2 title to the City Council on the 17th day of August, 1988,
3 and referred to the following committee composed of Councilmen
4 Nolen and Adamsen for recommen-
5 dation; thereafter the said committee reported favorably on said
6 ordinance on the 21st day of September, 1988, which was a
7 regular meeting of said Council; that at said
8 regular meeting, the proposed ordinance was read by
9 title to the City Council as first introduced and adopted by the
10 following vote:

11 VOTING "AYE": Councilmen Adamsen, Nolen and Mayor Lurie
12 VOTING "NAY": Councilmen Bunker and Miller
13 ABSENT: NONE

15 APPROVED:

16
17 By W. Wayne Bunker
18 W. WAYNE BUNKER; MAYOR PRO TEM

19 ATTEST:

20
21 Kathleen M. Tighe
22 KATHLEEN M. TIGHE, City Clerk

and
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TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 2, 1988
VI.B. - REPORTS FROM RECOMMENDING COMMITTEES - BILL NO. 88-45

MAYOR LURIE: Item B is Bill 88-45, establishes Judicial Policy on Sentencing Alternative. Councilman Nolen.

COUNCILMAN NOLEN: I'd like it read.

CITY ATTY. OGILVIE: READ TITLE OF BILL INTO RECORD.

MAYOR LURIE: Councilman Nolen.

COUNCILMAN NOLEN: Move for the adoption of Bill 88-45.

MAYOR LURIE: Are there comments or questions from the Board on 88-45?

COUNCILMAN MILLER: I am just again curious as to why it's even here. I think that we are going to take care of this on a legislative level in the State in the Assembly. I don't understand why we have to again hear this and even consider it.

CITY ATTY. OGILVIE: Probably the quick answer to that, Councilman Miller, is that any Bill that would be adopted by the Legislature would not become effective until July 1st. The judges are the victims of the disparity that exists would continue to be the disparity -- the victim of that disparity until July 1st. This corrects a disparity now.

COUNCILMAN MILLER: I believe it creates another disparity, unfortunately. I believe again that the judges, of course, should be paid fully, but this is not the method that I personally feel that is the appropriate method for making this inequitable pay scale for all of the judges. I think that this should be left to the State government and I don't necessarily feel that we should, at this point, be supportive of Bill No. 88-45.

CITY ATTY. OGILVIE: Councilman Miller, the State Legislature does not set the salaries for the judges at the present time, the City Council does. The only reason that the State Legislature is involved is the provision in Chapter 5 of the Nevada Revised Statutes and in the City Charter that prohibits the City Council from increasing the compensation for actually any elected official during the term for which that official has been elected or appointed. What the City is attempting to do in the Legislature is to have that prohibition limited to only to the Mayor and the City Councilmen of cities. The City Council always have had the authority and will continue to have the authority to set the salaries of the Municipal Judges. It just depends on when they can do so. At the present time, the judges salary, the incumbent judges that are effected are victims of the disparities, terms expire the first of June. Any corrective legislation would not become effective until the month after their terms expired and they would get the benefit of the increased salary.

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 2, 1988
 VI.B. - REPORTS FROM RECOMMENDING COMMITTEES - BILL NO. 88-45

COUNCILMAN MILLER: Mr. Ogilvie, thank you for the thorough explanation, but again I think we're setting a poor precedent that in this instance, we're going to pay people to be on committees and I think that in the future, we're going to find other committee members asking for the same privilege to be paid to serve their community on these committees. And I the judges, in all respect to them, should wait until July 1st for their pay raise according to the State law.

COUNCILMAN BUNKER: Regardless of what the State Legislature does, Mr. Ogilvie, have we not corrected this by Ordinance that will be effective next July 1, regardless of what the Legislature does?

CITY ATTY. OGILVIE: That's correct because sometime, oh I think toward the end of '87, you adopted an Ordinance that grants the Municipal Court Judges a cost of living increase each year. The -- so in effect -- well, let me back up just a moment.

COUNCILMAN BUNKER: Well, my only point is that that's a lawful solution to the problem.

CITY ATTY. OGILVIE: It's my understanding, and I'm sure it's correct, that the problem will disappear forever.

COUNCILMAN BUNKER: Regardless of what the Legislature does.

CITY ATTY. OGILVIE: That's correct. Unless --

COUNCILMAN BUNKER: That in my view is the correct solution to it.

COUNCILMAN MILLER: I agree.

COUNCILMAN ADAMSEN: Call for the question, Your Honor.

MAYOR LURIE: In some instances, we tried to go through the proper policy with the Legislature and the Legislature held this Bill in hostage for --

COUNCILMAN BUNKER: But, Your Honor, we now have the solution and it's in place and it's just a matter of time, it's already been passed.

MAYOR LURIE: The Judges need to be compensated and they do an excellent job for the City.

COUNCILMAN BUNKER: I think they need to be compensated, but I also thinks it sets a precedent.

MAYOR LURIE: This is the way to do it and I don't think it sets a precedent at all because it'll all be corrected.

COUNCILMAN ADAMSEN: No, Your Honor, the precedence has already be set with the other Judicial Systems for the receiving the income that they'll be receiving for actually doing some work. It's not a do nothing committee, believe me.

TRANSCRIPT - CITY COUNCIL MEETING - SEPTEMBER 2, 1988
 VI.B. - REPORTS FROM RECOMMENDING COMMITTEES - BILL NO. 88-45

COUNCILMAN BUNKER: Precedence does not make --

COUNCILMAN ADAMSEN: It's a case of fairness. If you have a basic disappropriation in the amount of pay and this is a fairness issue.

COUNCILMAN BUNKER: Well, may I speak one more?

COUNCILMAN ADAMSEN: Sure.

COUNCILMAN BUNKER: I was going to shut up and vote, but I have to respond to that. If Judge "X", mature, intelligent, makes a decision that he's willing to work for "X" amount of money for a given amount of period of time, Judge "Y" does the same thing but he decides he's willing to work for a different amount of money, I fail to see what is basically unfair or unequitable when grown people in command of all the facts and all of their faculties make the decision that they're willing to work for the citizens of Las Vegas for four years for "X" amount of money. So I fail, I agree they ought to be paid the same, but they made a contract and that contract is being corrected in just a few more months, ten months or so. And I think that unfairness is really not an issue here because they were the ones that made the -- brought about the situation by accepting to work for that money. I've always wanted them to be paid the same and I thought the legislative process was the way to go, but we've solved it and it will be solved regardless of what the Legislature does. So we can't rely and say the Legislature won't act, so --

COUNCILMAN MILLER: I know of at least one member of the Beautification Committee would like to be paid for their services.

MAYOR LURIE: I suggest you introduce an ordinance then.

COUNCILMAN MILLER: No, I would not under any circumstances.

MAYOR LURIE: I think you voted for Planning Commission, Board of Zoning Adjustment and those Boards to get paid.

COUNCILMAN MILLER: No, I didn't.

COUNCILMAN BUNKER: My only objection is I think -- I'm going to oppose it, not that I don't think they deserve it or they're entitled to it, I think we're doing it the wrong way.

MAYOR LURIE: We have a motion. Is there any further comments? Anyone in the audience to make a comment? Cast your votes on the motion. Post. The motion's APPROVED. (The motion carried with Bunker and Miller voting "NO".)

END OF DISCUSSION

/s/

BILL NO. 88-45.

AN ORDINANCE RELATING TO THE PUBLIC PEACE, MORALS AND WELFARE; ESTABLISHING A COMMITTEE TO DEVELOP, INSTITUTE AND REVIEW POLICIES AND PROCEDURES FOR EFFECTIVE USE OF SENTENCING ALTERNATIVES AVAILABLE FOR USE BY JUDGES OF MUNICIPAL COURTS; PROVIDING FOR THE COMPOSITION OF SAID COMMITTEE; ESTABLISHING THE COMPENSATION FOR THE MEMBERS THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Summary: Establishes the Judicial Policy Committee on Sentencing Alternatives and provides for the compensation of the members thereof.

Sponsored By:
Councilman Bob Nolen

At a City Council meeting August 17, 1988 BILL NO. 88-45 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Nolen and Adamsen.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: September 1, 1988
Las Vegas SUN

RECEIVED

AFFIDAVIT OF PUBLICATION

SEP 29 10 03 AM '88

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

CITY CLERK

JOAN POLLACK

, being first duly sworn,

deposes and says: That he is LEGAL CLERK of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 TIME

from SEPTEMBER 1, 1988 to SEPTEMBER 1, 1988

inclusive, being the issues of said newspaper for the following dates, to-wit:

SEPTEMBER 1, 1988

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Joan Pollack

Subscribed and sworn to before me this 1ST day of SEPTEMBER 1988

Ruthe V. Deskin

Notary Public in and for Clark County, Nevada

RUTHE V. DESKIN

Notary Public - State of Nevada
CLARK COUNTY

My Appointment Expires Apr. 14, 1989

My Commission Expires



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OCT 3 3 03 PM '88

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

CITY CLERK

JOAN POLLACK, being first duly sworn,

deposes and says: That he is LEGAL CLERK of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 TIME

from SEPTEMBER 24, 1988 to SEPTEMBER 24, 1988

inclusive, being the issues of said newspaper for the following dates, to-wit:
SEPTEMBER 24, 1988

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed Joan Pollack

Subscribed and sworn to before me this 26TH
day of SEPTEMBER, 1988

Arthur J. Deskin



Notary Public in and for Clark County, Nevada

Notary Public - State of Nevada
CLARK COUNTY

My Appointment Expires Apr. 14, 1989

My Commission Expires

BILL NO. 88-45
Ordinance No. 3378

AN ORDINANCE RELATING TO THE PUBLIC PEACE, MORALS AND WELFARE; ESTABLISHING A COMMITTEE TO DEVELOP, INSTITUTE AND REVIEW POLICIES AND PROCEDURES FOR EFFECTIVE USE OF SENTENCING ALTERNATIVES AVAILABLE FOR USE BY JUDGES OF MUNICIPAL COURTS;

PROVIDING FOR THE COMPOSITION OF SAID COMMITTEE; ESTABLISHING THE COMPENSATION FOR THE MEMBERS THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Summary: Establishes the Judicial Policy Committee on Sentencing Alternatives and provides for the compensation of the members thereof.

Sponsored by:
Councilman Bob Nolen

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of August, 1988, and referred to the following committee composed of Nolen and Adamsen for recommendation; thereafter the said committee reported favorably on said ordinance on the 21st day of September, 1988, which was a regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE" Councilmen:
Adamsen, Nolen and Mayor Lurie
VOTING "NAY" Councilmen: Bunker and Miller
ABSENT: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: September 24, 1988
Las Vegas SUN

AN ORDINANCE RELATING TO THE PUBLIC PEACE, MORALS AND WELFARE, ESTABLISHING A COMMITTEE TO DEVELOP, INSTITUTE AND REVIEW POLICIES AND PROCEDURES FOR EFFECTIVE USE OF SENTENCING ALTERNATIVES AVAILABLE FOR USE BY JUDGES OF MUNICIPAL COURTS; PROVIDING FOR THE COMPOSITION OF SAID COMMITTEE; ESTABLISHING THE COMPENSATION FOR THE MEMBERS THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Summary: Establishes the Judicial Policy Committee on Sentencing Alternatives and provides for the compensation of the members thereof.

Sponsored By: Councilman Bob Nolan

At a City Council meeting August 17, 1988, BILL NO. 88-45 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Nolan and Adamsen.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: September 1, 1988
Las Vegas SUN

RECEIVED

SEP 29 10 03 AM '88

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

CITY CLERK

JOAN POLLACK

, being first duly sworn,

deposes and says: That he is LEGAL CLERK of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 TIME

from SEPTEMBER 1, 1988 to SEPTEMBER 1, 1988

inclusive, being the issues of said newspaper for the following dates, to-wit:
SEPTEMBER 1, 1988

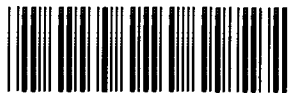
That said newspaper was regularly issued and circulated on each of the dates above named.

Signed *Joan Pollack*

Subscribed and sworn to before me this 1ST day of SEPTEMBER, 1988

Paul H. Deskin
Notary Public in and for Clark County, Nevada
Notary Public - State of Nevada
CLARK COUNTY
My Appointment Expires Apr. 14, 1989

My Commission Expires



BILL NO. 88-45
Ordinance No. 3378

AN ORDINANCE RELATING TO THE PUBLIC PEACE, MORALS AND WELFARE; ESTABLISHING A COMMITTEE TO DEVELOP, INSTITUTE AND REVIEW POLICIES AND PROCEDURES FOR EFFECTIVE USE OF SENTENCING ALTERNATIVES AVAILABLE FOR USE BY JUDGES OF MUNICIPAL COURTS;

PROVIDING FOR THE COMPOSITION OF SAID COMMITTEE; ESTABLISHING THE COMPENSATION FOR THE MEMBERS THEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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Councilman Bob Nolen

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VOTING "AYE": Councilmen: Adamsen, Nolen and Mayor Lurie
VOTING "NAY": Councilmen: Bunker and Miller
ABSENT: NONE

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STATE OF NEVADA, }
COUNTY OF CLARK } ss.

JOAN POLLACK

CITY CLERK

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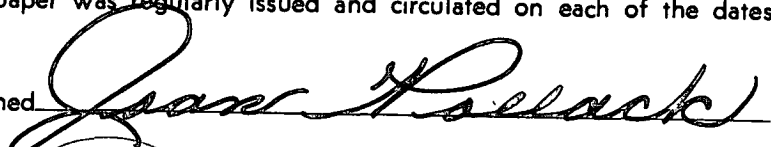
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SEPTEMBER 24, 1988

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Signed



Subscribed and sworn to before me this 26TH day of SEPTEMBER, 1988



Notary Public in and for the County of Nevada

My Commission Expires



RUTHE V. DESKIN
Notary Public - State of Nevada
CLARK COUNTY

My Appointment Expires Apr. 14, 1989

