

BILL NO. 81-65

ORDINANCE NO. 2198

AN ORDINANCE RELATING TO HEARING EXAMINERS; ALLOWING FOR THE APPOINTMENT BY THE BOARD OF A HEARING EXAMINER TO CONDUCT AND TAKE EVIDENCE ON DISCIPLINARY PROCEEDINGS AGAINST A BUSINESS AND APPEALS FROM CERTAIN DEPARTMENT DECISIONS; REPEALING EXISTING PROVISIONS ON HEARING EXAMINERS AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored by:	Summary: Revises chapter on hearing
Commissioner Ron Lurie	examiners as a part of recodifica-
	tion.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS,
NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 43 of Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition is hereby repealed.

SECTION 2: Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition is hereby amended to add a new chapter 43 as follows:

5-43-1: The Board may appoint a Hearing Examiner to act on behalf of the Board in conducting any appeals to the Board as may be provided by ordinance and in conducting disciplinary proceedings as provided in LVC Title V.

5-43-2: The Examiner shall be appointed with regard to qualifications to conduct administrative or quasi-judicial hearings and shall be an attorney duly licensed to practice law in the State of Nevada or any other state. The Examiner shall hold no other appointed or elected office or position with the City of Las Vegas.

5-43-3: (A) The Examiner shall not conduct or participate in any hearing or decision in which he or any of the following persons, has a direct or substantial financial interest: The Examiner's spouse, brother, sister, child, parent, in-laws, partner or business

1 associate. The Examiner shall not participate in
2 any hearing concerning any business with which
3 such Examiner has served within the past two years,
4 or concerning any business with which such Examiner
5 is negotiating or has an arrangement or understand-
6 ing concerning possible partnership or employment.
7 Any actual or potential interest shall be dis-
8 closed prior to such hearing.

9 (B) No member of the Board, City official, or any
10 other person shall interfere with or attempt to
11 interfere with the Examiner in the performance of
12 his duties.

13 5-43-4: (A) When conducting hearings the Examiner shall
14 follow the procedure of LVC Title V, Chapter 27
15 and technical rules of evidence shall not apply.
16 The Examiner shall have the power to issue sub-
17 poenas ordering the attendance of witnesses and
18 the production of documents relating to any matter
19 to be considered at the hearing.

20 (B) When the Examiner renders a decision, such decision
21 shall serve as a recommendation to the Board which
22 is responsible for rendering a binding decision.
23 The Examiner's recommendation shall be in writing
24 and consist of findings of fact from the record
25 and conclusions of law. Such recommendation,
26 along with a transcript of the hearing, shall be
27 transmitted to the Board within fifteen (15) days
28 of the conclusion of the hearing, unless the
29 Examiner requests a fifteen (15) day extension
30 from the Board in writing which shall be granted
31 as a matter of right. In addition, a copy of such
32 recommendation shall be transmitted by personal

1 service or by registered mail to all of the parties
2 of record in the proceeding.

3 5-43-5: (A) Within five (5) days after a copy of the Examiner's
4 recommended decision has been served on the parties
5 of record in the proceeding, such parties may sub-
6 mit briefs or memoranda in support of their
7 positions to the Board but no hearing shall be
8 held and no new evidence or testimony shall be
9 taken by the Board.

10 (B) The Board shall accept, modify, or reject any
11 findings of fact or conclusions of law, or remand
12 the decision back to the Examiner requesting him
13 either to take additional evidence on certain
14 matters, or to give further consideration to his
15 recommendation without hearing additional evidence.
16 Upon completion of his responsibilities on remand,
17 the Examiner shall transmit his recommendation,
18 with revisions, if any, and the supplementary
19 record, if any, back to the Board for its decision.
20 Any decision of the Board shall be based on the
21 record of the hearing conducted by the Examiner
22 and of any supplementary hearing conducted on
23 remand. The Board's decision shall be in writing
24 and shall specify findings of fact and conclusions
25 of law. Each material finding shall be supported
26 by substantial evidence in the record.

27 5-43-6: (A) The Hearing Examiner shall be entitled to compensa-
28 tion from the City of Las Vegas for services
29 rendered on any given appeal at the rate of \$35.00
30 per hour with a maximum chargeable time of ten
31 hours per appeal.

32 (B) In the event that the Hearing Examiner serves more

1 than ten hours on any given appeal, he may submit
2 to the Board a written statement requesting add-
3 itional compensation and setting forth the reasons
4 therefor. The Board may authorize such additional
5 compensation at the rate of \$35.00 per hour if
6 they are satisfied that the additional hours of
7 service were justified and necessary.

8 SECTION 3: If any section, subsection, subdivision,
9 paragraph, sentence, clause or phrase in this Chapter or any part
10 thereof, is for any reason held to be unconstitutional or invalid
11 or ineffective by any court of competent jurisdiction, such de-
12 cision shall not affect the validity or effectiveness of the
13 remaining portions of this Chapter or any part thereof. The
14 Board of City Commissioners of the City of Las Vegas, Nevada,
15 hereby declares that it would have passed each section, subsec-
16 tion, subdivision, paragraph, sentence, clause or phrase thereof,
17 irrespective of the fact that any one or more sections, subsec-
18 tions, subdivisions, paragraphs, sentences, clauses or phrases be
19 declared unconstitutional, invalid or ineffective.

20 PASSED, ADOPTED and APPROVED this 7th day of

21 October, 1981.

22 APPROVED:

23
24 By


25 RON LURIE, MAYOR PRO-TEM

26 ATTEST:

27 
28 Carol Ann Hawley, City Clerk
29
30
31
32

1 The above and foregoing ordinance was first proposed
2 and read by title to the Board of Commissioners on the 16th day
3 of September, 1981, and referred to the following committee com-
4 posed of Commissioners Lurie and
5 Woofter for recommendation; thereafter the
6 said committee reported favorably on said ordinance on the 7th
7 day of October, 1981, which was a regular meeting of
8 said Board; that at said regular meeting, the proposed
9 ordinance was read by title to the Board of Commissioners as
10 first introduced and adopted by the following vote:
11 VOTING "AYE" Commissioners: Christensen, Levy, Lurie, Woofter & Mayor Briare
12 VOTING "NAY" Commissioners: None
13 ABSENT: None

14 APPROVED:

15
16 By

17 Ron Lurie
18 RON LURIE, MAYOR PRO-TEM

19 ATTEST:

20 Carol Ann Hawley
21 Carol Ann Hawley, City Clerk

AFFIDAVIT OF PUBLICATION

BILL NO. 81-65
ORDINANCE NO. 2188
AN ORDINANCE RELATING TO
HEARING EXAMINERS; ALLOWING
FOR THE APPOINTMENT BY THE
BOARD OF A HEARING EXAMINER
TO CONDUCT AND TAKE EVIDENCE
ON DISCIPLINARY PROCEEDINGS
AGAINST A BUSINESS AND APPEALS
FROM CERTAIN DEPARTMENT DECISIONS;
REPEALING EXISTING PROVISIONS
ON HEARING EXAMINERS AND
PROVIDING OTHER MATTERS
PROPERLY RELATING THERETO.

Sponsored by:

Commissioner Ron Lurie
Summary: Revises chapter on hearing
examiners as a part of
recodification.

The above and foregoing ordinance
was first proposed and read by title
to the Board of Commissioners on
the 16th day of September, 1981,
and referred to the following committee
composed of Commissioners
Lurie and Woofter for recommendation;
thereafter the said committee
reported favorably on said ordinance
on the 7th day of October,
1981, which was a Regular meeting
of said Board; that at said Regular
meeting, the proposed ordinance
was read by title to the Board of
Commissioners as first introduced
and adopted by the following vote:
VOTING "AYE" Commissioners:
Christensen, Levy, Lurie,
Woofter and Mayor Briere.
VOTING "NAY" Commissioners:
None

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: OctobOr 10, 1981
Las Vegas SUN

STATE OF NEVADA, { ss.
COUNTY OF CLARK

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN 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 OCT. 10 to OCT. 10

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

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

Signed

Rex Taylor

Subscribed and sworn to before me this 10th
day of Oct. 1981

Arthur P. Deskin

My Commission Expires

Notary Public in and for Clark County, Nevada
ARTHUR P. DESKIN
Notary Public-State of Nevada
COUNTY OF CLARK
My Appointment Expires Apr. 14, 1985

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CITY CLERK

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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN 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 Sept. 23

to Sept 23

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

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

Signed

Rex Taylor

Subscribed and sworn to before me this 23rd
day of Sept. 1981

Ruth V. Deskin

My Commission Expires



Notary Public in and for Clark County, Nevada

RUTH V. DESKIN

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

BILL NO. 81-65
AN ORDINANCE RELATING
TO HEARING EXAMINERS;
ALLOWING FOR THE AP-
POINTMENT BY THE BOARD
OF A HEARING EXAMINER TO
CONDUCT AND TAKE
EVIDENCE ON DISCIPLINARY
PROCEEDINGS AGAINST A
BUSINESS AND APPEALS
FROM CERTAIN DEPART-
MENT DECISIONS; REPEAL-
ING EXISTING PROVISIONS
ON HEARING EXAMINERS
AND PROVIDING OTHER
MATTERS PROPERLY RELAT-
ING THERETO.
Sponsored by: Commissioner
Ron Lurie
Summary: Revises chapter on
hearing examiners as a part of
recodification.
At a Commission Meeting on
September 16, 1981
BILL NO. 81-65 WAS READ BY
TITLE AND REFERRED TO RE-
COMMENDING COMMITTEE:
COMMISSIONERS Lurie
and WOOFER
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 23, 1981
Las Vegas SUN

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