

1 Bill No. 85-16

2 Ordinance No. 3168

3 AN ORDINANCE RELATING TO ADMINISTRATIVE HEARINGS; AMENDING TITLE
4 2, CHAPTER 22, SECTION 50 OF THE MUNICIPAL CODE OF THE CITY OF
5 LAS VEGAS, 1983 EDITION, TO CLARIFY THE PROCEDURE THAT SHALL BE
6 FOLLOWED AT SUCH HEARINGS; AMENDING TITLE 6, CHAPTER 88, SECTION
7 90 OF SAID CODE TO CLARIFY THE TYPE OF EVIDENCE THAT MAY BE
8 PRESENTED AT SUCH HEARINGS; PROVIDING FOR OTHER MATTERS RELATED
9 THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN
10 CONFLICT HEREWITH.

11 Sponsored by: Councilman Ron Lurie Summary: Clarifies type of
12 evidence that may be presented
13 and procedure that shall be
14 followed at administrative
15 hearings.

16 THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, DOES
17 HEREBY ORDAIN AS FOLLOWS:

18 SECTION 1: Title 2, Chapter 22, Section 10 of the
19 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
20 hereby amended to read as follows:

21 2.22.010: The [Board of Commissioners] City Council may appoint
22 a Hearing Examiner to act on behalf of the [Board]
23 Council in conducting any appeals to the [Board] Council
24 as may be provided by ordinance and in conducting any
25 disciplinary proceedings as provided in Title 6 of this
26 Code.

27 SECTION 2: Title 2, Chapter 22, Section 40 of the
28 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
29 hereby amended to read as follows:

30 2.22.040: No member of the [Board] Council, City official, or any
31 other person shall interfere with or attempt to inter-
32 fere with the Examiner in the performance of his duties.

SECTION 3: Title 2, Chapter 22, Section 50 of the
Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
hereby amended to read as follows:

2.22.050: (A) When conducting hearings the Examiner shall follow
procedure of Chapter [6.92] 6.88 and technical

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rules of evidence shall not apply.

(B) The Examiner shall have the power to issue subpoenas ordering the attendance of witnesses and the production of documents relating to any matter to be considered at the hearing.

SECTION 4: Title 2, Chapter 22, Section 60 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.22.060: (A) When the Examiner renders a decision, such decision shall serve as a recommendation to the [Board] Council, which is responsible for rendering a binding decision.

(B) The Examiner's recommendation shall be in writing and consist of findings of fact from the record and conclusion of law.

(C) Such recommendation, along with a transcript of the hearing, shall be transmitted to the [Board] Council within 15 days of the conclusion of the hearing, unless the Examiner requests a fifteen-day extension from the [Board] Council in writing, which shall be granted as a matter of right.

(D) In addition, a copy of such recommendation shall be transmitted by personal service or by registered mail to all of the parties of record in the proceeding.

SECTION 4: Title 2, Chapter 22, Section 70 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.22.070: Within five days after a copy of the Examiner's recommended decision has been served on the parties of record in the proceeding, such parties may submit briefs or memoranda in support of their positions to the [Board

1 of Commissioners] City Council but no hearing shall be
2 held and no evidence or testimony shall be taken by
3 by the [Board] Council.

4 SECTION 5: Title 2, Chapter 22, Section 80 of the
5 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition,
6 is hereby amended to read as follows:

7 2.22.080: (A) The [Board of Commissioners] City Council shall
8 accept, modify, or reject any findings of fact or
9 conclusions of law, or remand the decision back to
10 the Examiner requesting him either to take addi-
11 tional evidence on certain matters, or to give
12 further consideration to his recommendation with-
13 out hearing additional evidence.

14 (B) Upon completion of his responsibilities on remand,
15 the Examiner shall transmit his recommendations,
16 with revisions, if any, and the supplementary
17 record, if any, back to the [Board] Council for
18 its decision.

19 (C) Any decision of the [Board] Council shall be based
20 on the record of the hearing conducted by the
21 Examiner and of any supplementary hearing con-
22 ducted on remand.

23 (D) The [Board's] Council's decision shall be in
24 writing and shall specify findings of fact and
25 conclusions of law. Each material finding shall
26 be supported by substantial evidence in the record.

27 SECTION 6: Title 2, Chapter 22, Section 90 of the
28 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
29 hereby amended to read as follows:

30 2.22.090: (A) The Hearing Examiner shall be entitled to com-
31 pensation from the City for services rendered on
32 any given appeal at the rate of thirty-five dollars

1 per hour with a maximum chargeable time of ten
2 hours per appeal.

3 (B) In the event that the Hearing Examiner serves
4 more than ten hours on any given appeal, he may
5 submit to the Board a written statement request-
6 ing additional compensation and setting forth the
7 reasons therefor. The [Board] Council may autho-
8 rize such additional compensation at the rate
9 of thirty-five dollars per hours if [they are]
10 it is satisfied that the additional hours of ser-
11 vice were justified and necessary.

12 SECTION 7: Title 6, Chapter 88, Section 90 of the
13 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition,
14 is hereby amended to read as follows:

15 6.88.090: (A) The hearing need not be conducted according to
16 technical rules relating to evidence and witnesses.
17 Any relevant evidence may be admitted [and the
18 parties or their counsel may by stipulation agree
19 that certain specified evidence may be admitted
20 even though such evidence might otherwise be
21 subject to objection].

22 (B) The respondent shall have the right to call and
23 examine witnesses on his own behalf, cross-examine
24 opposing witnesses, introduce exhibits and
25 evidence relevant to the issues of the case, and
26 offer rebuttal evidence.

27 (C) The respondent may be called and examined by the
28 City.

29 (D) The Clerk shall have the power to issue subpoenas
30 for witnesses to appear to give testimony.

31 SECTION 8: If any section, subsection, subdivision,
32 paragraph, sentence, clause or phrase in this ordinance or any

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

11 SECTION 9: All ordinances or parts of ordinances,
12 sections, subsections, phrases, sentences, clauses or paragraphs
13 contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this 1st day of
16 May, 1985.

17 APPROVED:

18 *William H. Briere*
19 BY William H. Briere

20 ATTEST:

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22 *Carol G. Hawley*
23 CAROL ANN HAWLEY, 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 3rd day of April,
3 1985, and referred to the following committee composed of
4 Councilmen Lurie and Levy
5 for recommendation; thereafter the said committee reported
6 favorably on said ordinance on the 1st day of May,
7 1985, which was a regular meeting of said Council;
8 that at said regular meeting, the proposed ordinance
9 was read by title to the City Council as first introduced and
10 adopted by the following vote:

11
12 VOTING "AYE" Councilmen: Bunker, Levy, Lurie, Nolen and Mayor Briare

13 VOTING "NAY" Councilmen: NONE

14 ABSENT: NONE

15 APPROVED:

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17 By William H. Briare
18 WILLIAM H. BRIARE, Mayor

19 ATTEST:

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21 Carol Ann Hawley
22 CAROL ANN HAWLEY, City Clerk

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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 one insertions from period of May 4, 1985 to May 4, 1985 inclusive, being the issue of said newspaper for the following dates, to wit:

May 4, 1985

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

SIGNED *George J. Vasconi*
GEORGE J. VASCONI

Subscribed and sworn to before me
this 6th day of May, 1985

Marjorie E. Ouellette
NOTARY PUBLIC, IN AND FOR CLARK
COUNTY, NEVADA

MARJORIE E. OUELLETTE
Notary Public - State of Nevada
CLARK COUNTY
My Appointment Expires Dec. 2, 1985



BILL NO. 85-16
ORDINANCE NO. 3168
AN ORDINANCE RELATING TO ADMINISTRATIVE HEARINGS; AMENDING TITLE 2, CHAPTER 22, SECTION 50 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO CLARIFY THE PROCEDURE THAT SHALL BE FOLLOWED AT SUCH HEARINGS; AMENDING TITLE 6, CHAPTER 88, SECTION 90 OF SAID CODE TO CLARIFY THE TYPE OF EVIDENCE THAT MAY BE PRESENTED AT SUCH HEARINGS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.
Sponsored by:
Councilman Ron Lurie
Summary: Clarifies type of evidence that may be presented and procedure that shall be followed at administrative hearings.
The above and foregoing ordinance was first proposed and read by title to the City Council on the 3rd day of April, 1985, and referred to the following committee composed of Councilmen Lurie and Levy for recommendation; thereafter the said committee reported favorably on said ordinance on the 1st day of May, 1985, 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:
Bunker, Levy, Lurie, Nolen and Mayor Briare
VOTING "NAY" Councilmen: 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. May 4, 1985

CITY CLERK

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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA) SS
COUNTY OF CLARK)

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper 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 one insertions from period of April 18, 1985 to April 18, 1985 inclusive, being the issue of said newspaper for the following dates, to wit:

April 18, 1985

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

SIGNED *George J. Vasconi*
GEORGE J. VASCONI

Subscribed and sworn to before me
this 18th day of Apr., 1985

Marjorie E. Ouellette

NOTARY PUBLIC, IN AND FOR CLARK
COUNTY, NEVADA



MARJORIE E. OUELLETTE
Notary Public - State of Nevada
CLARK COUNTY
My Appointment Expires Dec. 2, 1985

BILL NO. 85-16
AN ORDINANCE RELATING TO ADMINISTRATIVE HEARINGS; AMENDING TITLE 2, CHAPTER 22, SECTION 90 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, 1983 EDITION, TO CLARIFY THE PROCEDURE THAT SHALL BE FOLLOWED AT SUCH HEARINGS; AMENDING TITLE 6, CHAPTER 88, SECTION 90 OF SAID CODE TO CLARIFY THE TYPE OF EVIDENCE THAT MAY BE PRESENTED AT SUCH HEARINGS; PROVIDING FOR OTHER MATTERS RELATED THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.
Sponsored by:
Councilman Ron Lurie
Summary: Clarifies type of evidence that may be presented and procedure that shall be followed at administrative hearings.
At a City Council meeting
April 3, 1985
BILL NO. 85-16 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:
COUNCILMEN Lurie and Levy
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. April 18, 1985

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