

M I N U T E S

Las Vegas, Nevada
December 19, 1975

A RECESSED REGULAR MEETING of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 19th day of December, 1975, was called to order by His Honor, Mayor Pro Tem Ron Lurie, at the hour of 9:00 A.M. in the Mayor's Conference Room, 10th Floor, City Hall, with the following members present:

	Mayor Pro Tem Commissioner Commissioner Commissioner	Ron Lurie Paul J. Christensen Myron E. Leavitt Roy A Woofter (arrived at 9:55 A.M.)
ABSENT (excused)	Mayor	William H. Briare
STAFF PRESENT	City Manager City Attorney Director, Dept. of Community Development Program Manager, Community Development Block Grant Program Fire Marshall Prin. Pers. Analyst, Personnel Department Prin. Pers. Analyst, Personnel Department Director, Purchasing & Contracts Director, Department of Public Works	A. R. Trelease Carl E. Lovell, Jr. Donald J. Saylor Bruce Spaulding Otto McFarland Babette Naef Bill Berk J. C. Cathcart Laurence Hampton

Mayor Pro Tem Lurie: This meeting has been recessed from the Regular Meeting of the Board of Commissioners held on Wednesday, December 17th. We will now take up the first item on the Agenda:

CITY OF LAS VEGAS APPLICATION FOR FUNDING UNDER
TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT
ACT OF 1974

The Commissioners and the Mayor have met and have made their recommendations. This morning I would like to read them and then I will open the meeting up for any questions you might have and ask for approval on it. We will also have to act on three (3) Resolutions which Don Saylor, Director of the Department of Community Development will read.

The recommendations that the Commissioners have agreed upon are:

Page 1
Minutes
Recessed
Regular Meeting
City Commission
Dec. 19, 1975

CAPITAL PROJECTS

- | | | |
|----|--|----------|
| 1. | Completion of Vegas Heights Tot Lot | \$ 6,000 |
| 2. | Freeway Mini-Park Playground Equipment | 35,000 |
| 3. | Washington Ave. Drainage Channel | 289,000 |

UNALLOCATED CONTINGENCY

10 Percent of Total	99,000
---------------------	--------

COMMUNITY
DEVELOPMENT
BLOCK GRANT
PROGRAM
(continued)

<u>BLOCK GRANT PROGRAM ADMINISTRATION</u>		\$ 61,300
	City Project for Planning and Management Development	81,300
<u>HOUSING REHABILITATION LOAN PROGRAMS</u>		
1.	Housing Code Assistance	70,000
2.	Revolving Loan Fund	75,000
3.	Administration of Loan Program	29,000
	Total	\$174,000
<u>CITY PROPERTY REHABILITATION</u>		
	Westside School	150,000
<u>CONTRACTS FOR SUPPORTIVE SOCIAL PROGRAMS & PROPERTY REHABILITATION</u>		
1.	United Way (Resource Coordination Project)	20,000
2.	NALA Day Care Center	30,000
3.	Senior Companion Volunteers	25,000
4.	Voluntary Action Center	20,000
5.	H.O.M.E. (Poor People Pulling Together)	36,000
6.	Operation Life	19,000
7.	US, Inc.	8,000
8.	Indian Center	10,400
9.	SNDAC	30,000
	Total	198,400
SECOND YEAR ENTITLEMENT GRAND TOTAL		\$1,094,000

There is approximately a \$70,000 carry-over from this year's funding:

PROPOSED UTILIZATION:

1.	Economic Opportunity Board, Title XX Child Care Project	35,000
2.	Additional Funding for Senior Citizen Center (request by the Housing Authority)	35,000
	Total	70,000

Mayor Pro Tem Lurie: Those are the recommendation of the Commission. If there are any questions we will be happy to answer the questions and Staff is here to answer any questions also.

(No questions or comments)

Mayor Pro Tem Lurie: If there are no questions, I will entertain a motion for the approval of these recommendations and the reading of the Resolutions.

M o t i o n

Commissioner Leavitt: I so move.

Motion carried by the following vote: Commissioners Christensen, Leavitt, Woofter and Mayor Pro Tem Lurie voting aye; noes, none.

Page 2
Minutes
Recessed
Regular Meeting
City Commission
Dec. 19, 1975

Mr. Saylor: From the Resolution adopting the application, I will read the "Resolving" clauses:

"NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of City Commissioners:

1. That the City of Las Vegas' application for full entitlement of second year Community Development Block Grant funds be approved;

COMMUNITY
DEVELOPMENT
BLOCK GRANT
PROGRAM
(continued)

2. That the Mayor is authorized to sign and execute the application on behalf of the City of Las Vegas;
3. That the Mayor is hereby authorized to sign and execute the Contract between the Department of Housing and Urban Development and the City of Las Vegas.
4. That this Resolution is to take effect immediately.

See Pages 4 and 5 of these Minutes (Resolution)

M o t i o n

Commissioner Leavitt: I move for adoption of the Resolution of the City of Las Vegas, Nevada, approving application for Second Year Community Development Block Grant Funds.

Motion carried by the following vote: Commissioners Christensen, Leavitt, Woofter and Mayor Pro Tem Lurie voting aye; noes, none.

Mr. Saylor: The next Resolution - after the funding is received, etc., and all of the Social Programs being funded, we must necessarily enter into contracts with those Agencies, and this Resolution is simply to allow some flexibility in the development of those contracts. Again, I will read the "Resolving" clauses:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of City Commissioners:

1. That the Community Development Block Grant staff is authorized to negotiate and develop contracts with operating agencies for the performance to activities, services or programs as part of the Community Development Program;
2. That the Community Development Block Grant staff is authorized to modify, adjust, increase or decrease project budgets up to a maximum of twenty percent (20%) where specific activities, services or programs are deemed by staff to be necessary (additive), or ineligible or inappropriate to the Community Development Block Grant Program.
3. That the Mayor, or in his absence, the Mayor Pro Tem, is authorized to sign and execute such contracts with outside agencies that are part of the approved Community Development Block Grant Program.

M o t i o n

Commissioner Leavitt: I move for adoption of the Resolution authorizing the Community Development Program staff development of contracts with operating agencies.

See Pages 6 and 7 of these Minutes (Resolution)

Motion carried by the following vote: Commissioners Christensen, Leavitt, Woofter and Mayor Pro Tem Lurie voting aye; noes, none.

Mr. Saylor: The next Resolution designates the responsible official with staff acting on behalf of the Federal Government in terms of the Environmental Review Process. The following are the "Resolving" clauses:

NOW, THEREFORE, BE IT RESOLVED:

1. That the Director of the Community Development Department is designated as 'the responsible Federal Official' and is herein authorized to assume and carry out environmental review processes for the Community Development Block Grant Program;

1 A RESOLUTION OF THE CITY OF LAS VEGAS,
2 NEVADA, APPROVING APPLICATION FOR
3 SECOND YEAR COMMUNITY DEVELOPMENT
4 BLOCK GRANT FUNDS

4 WHEREAS, the Housing and Community Development Act of 1974,
5 Pub. L. 93-383, authorizes the awarding of Community Development Block Grants
6 to municipalities; and

7 WHEREAS, the Nevada Community Development Program Law, Chapter 235,
8 Nevada Revised Statutes, authorizes municipalities to participate in the
9 Federal Community Development Block Grant Program; and

10 WHEREAS, the Nevada Community Development Program Law, Chapter 235,
11 Nevada Revised Statutes, conveys to municipalities powers necessary or appro-
12 priate to carry out a Community Development Program; and

13 WHEREAS, the City of Las Vegas desires to apply for its second
14 year Community Development Block Grant entitlement of approximately \$1,094,000
15 under the Housing and Community Development Act of 1974; and

16 WHEREAS, the City of Las Vegas passed, adopted and approved on
17 October 1, 1975 a Resolution establishing a community participation plan and
18 process for the second year Community Development Block Grant Program; and

19 WHEREAS, the City of Las Vegas gave public notice of the develop-
20 ment of a citizen participation plan for the second year Community Development
21 Program through publication of a legal notice October 5, 1975; and

22 WHEREAS, the City of Las Vegas has provided citizens with adequate
23 information concerning the amount of funds available for proposed community
24 development and housing activities, the range of activities that may be under-
25 taken, and other important program requirements; and

26 WHEREAS, the City of Las Vegas has provided citizens an adequate
27 opportunity to participate in the development of the application; and

28 WHEREAS, the City of Las Vegas has held three public meetings and
29 two public hearings to obtain the views of citizens on community development
30 and housing needs; and

31 WHEREAS, the City of Las Vegas has complied with all requirements
32 and regulations of the Department of Housing and Urban Development.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of City

Commissioners:

- 1. That the City of Las Vegas' application for full entitlement of second year Community Development Block Grant funds be approved.
- 2. That the Mayor is authorized to sign and execute the application on behalf of the City of Las Vegas.
- 3. That the Mayor is hereby authorized to sign and execute the Contract between the Department of Housing and Urban Development and the City of Las Vegas.
- 4. That this Resolution is to take effect immediately.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 1975.

WILLIAM H. BRIARE, MAYOR

ATTEST:

Edwina M. Cole, City Clerk

(SEAL)

1 A RESOLUTION AUTHORIZING COMMUNITY DEVELOPMENT PROGRAM
2 STAFF DEVELOPMENT OF CONTRACTS WITH OPERATING AGENCIES.

3 WHEREAS, the City of Las Vegas, through its Mayor and Board of
4 City Commissioners, at its regular meeting on December 19, 1975,
5 voted to file an application for the City of Las Vegas' full entitlement of
6 approximately \$1,094,000 under the Housing and Community Development Act
7 of 1974; and

8 WHEREAS, the City of Las Vegas, through its Mayor and Board of
9 City Commissioners, at its regular meeting of December 19, 1975,
10 voted to approve the City's Community Development Block Grant application; and

11 WHEREAS, the City of Las Vegas has assigned staff to the
12 Community Development Block Grant Program; and

13 WHEREAS, the City of Las Vegas stipulated in its Community
14 Development Block Grant application that in the event a satisfactory
15 contractual arrangement cannot be established with the organizations cited
16 in the application, the City of Las Vegas reserves the right to perform the
17 service itself or contract with another operating agency:

18 NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of
19 City Commissioners:

20 1. That the Community Development Block Grant staff is
21 authorized to negotiate and develop contracts with operating agencies for
22 the performance to activities, services or programs as part of the Community
23 Development Program.

24 2. That the Community Development Block Grant staff is authorized
25 to modify, adjust, increase or decrease project budgets up to a maximum of
26 twenty (20) percent where specific activities, services, or programs are
27 deemed by staff to be necessary (additive), or ineligible or inappropriate
28 to the Community Development Block Grant Program.

29 3. That the Mayor, or in his absence, the Mayor Pro Tem, is
30 authorized to sign and execute such contracts with outside agencies that are
31 part of the approved Community Development Block Grant Program.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

PASSED, APPROVED AND ADOPTED this 19th day of December

1975.

William H. Briare
WILLIAM H. BRIARE, MAYOR

ATTEST:

EDWINA M. COLE
Edwina M. Cole, City Clerk

By *Doris M. Karsnok*
Doris M. Karsnok
Asst. to the City Clerk

COMMUNITY
DEVELOPMENT
BLOCK GRANT
PROGRAM
(continued)

2. That this official so designated is authorized to undertake environmental responsibilities, including the following: The establishment of environmental records; the conduct of environmental reviews; decision-making and actions as to environmental issues; preparation and circulation of Draft and Final Environmental Impact Statements and assumption of lead agency's responsibilities for preparation of such statements in behalf of the Community Development Block Grant Program and the Department of Housing and Urban Development.
3. That the designated Official is hereby authorized to execute and sign such documents, assurances and certificates as are required for the purpose of implementing and carrying out environmental review processes.
4. That the designated Official is authorized, and consents on behalf of the City of Las Vegas and himself, to accept the jurisdiction of the Federal Courts for the purpose of the enforcement of his responsibilities as such an Official.
5. That this Resolution is to become effective immediately.

See Pages 9 and 10 of these Minutes (Resolution)

M o t i o n

Commissioner Christensen: I move for adoption of the Resolution of the City of Las Vegas, Nevada, designating a responsible official for the Community Development Block Grant Environmental Review Process.

Motion carried by the following vote: Commissioners Christensen, Leavitt, Woofter and Mayor Pro Tem Lurie voting aye; noes, none.

Mr. Saylor: Mr. Mayor, I would like to announce that a copy of the full application will be on file in the Department of Community Development.

Mayor Pro Tem Lurie: We thank all of you for submitting your applications. We hope we have covered all of the areas and the full application will be on file in the Department of Community Development for review.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

RESOLUTION OF THE CITY OF LAS VEGAS,
NEVADA, DESIGNATING A RESPONSIBLE
OFFICIAL FOR THE COMMUNITY DEVELOPMENT
BLOCK GRANT ENVIRONMENTAL REVIEW PROCESS

WHEREAS, the City of Las Vegas has made application for its second year Block Grant entitlement under the Housing and Community Development Act of 1974; and

WHEREAS, the City of Las Vegas has consented to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such Act apply to the Community Development Block Grant Program; and

WHEREAS, the City of Las Vegas as an applicant for assistance under Title I of the Housing and Community Development Act of 1974 is required to assume the responsibility for carrying out all the provisions of the National Environmental Policy Act relating to particular projects which are included as part of the City's second year Community Development Program; and

WHEREAS, the Department of Housing and Urban Development has approved the practice of designating an official of the City to carry out the responsibilities of the "responsible Federal Official" as that term is used in the National Environmental Policy Act and applicable regulations thereof; and

WHEREAS, such responsibilities include the conduct of environmental reviews; decision making and action as to environmental issues; preparation and circulation of Draft and Final Environmental Impact Statements; and assumption of "lead agency" responsibilities for preparation of such statements in behalf of Federal agencies including the Department of Housing and Urban Development, when such agencies consent to such assumption; and

WHEREAS, the official designated as "the responsible Federal official", approved by the Department of Housing and Urban Development, is subject to the jurisdiction of the Federal courts in these responsibilities and will not be represented by the Department of Justice in court but reasonable defense costs, including the fees of attorneys and experts,

1 incurred in environmental litigation, may be funded from the applicant's
2 grant amounts.

3 NOW, THEREFORE, BE IT RESOLVED:

4 1. That the Director of Community Development Department is
5 designated as "the responsible Federal official" and is herein authorized to
6 assume and carry out environmental review processes for the Community Develop-
7 ment Block Grant Program.

8 2. That this official so designated is authorized to undertake
9 environmental responsibilities, including the following: the establishment
10 of environmental records; the conduct of environmental reviews; decision-making
11 and actions as to environmental issues; preparation and circulation of Draft
12 and Final Environmental Impact Statements and assumption of lead agency's
13 responsibilities for preparation of such statements in behalf of the Community
14 Development Block Grant Program and the Department of Housing and Urban
15 Development.

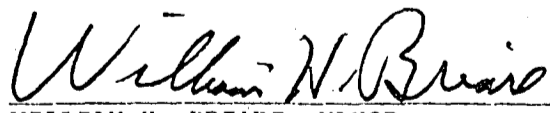
16 3. That the designated official is hereby authorized to execute
17 and sign such documents, assurances and certificates as are required for the
18 purpose of implementing and carrying out environmental review processes.

19 4. That the designated official is authorized, and consents on
20 behalf of the City of Las Vegas and himself, to accept the jurisdiction of
21 the Federal courts for the purpose of the enforcement of his responsibilities
22 as such an official.

23 5. That this resolution is to become effective immediately.

24 PASSED, APPROVED AND ADOPTED this 19th day of December

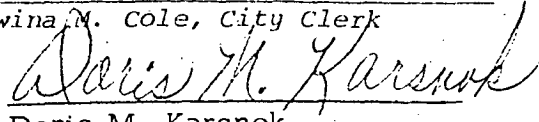
25 1975.

26
27 
28 WILLIAM H. BRIARE, MAYOR

29 ATTEST:

30 EDWINA M. COLE

31 Edwina M. Cole, City Clerk

32 By 
Doris M. Karsnok
Asst. to the City Clerk

Page 10
Minutes
Recessed
Regular Meeting
City Commission
Dec. 19, 1975

Mayor Pro Tem Lurie: The next item is

NEW HIRES

I think what we'll do is take a 5-minute recess -

Mayor Pro Tem Lurie: We will now hear the recommendation of the Recommending Committee on Bill No. 75-6:

BILL No. 75-6

BILL No. 75-6 - ORDINANCE No. _____ AN ORDINANCE BY THE CITY OF LAS VEGAS, NEVADA, ELECTING TO COME UNDER THE PROVISIONS OF THE METROPOLITAN CITIES INCORPORATION LAW, CHAPTER 648, STATUTES OF NEVADA, 1975, PURSUANT TO SEC. 3 (1) OF SAID CHAPTER

Committee: Full Board of City Commissioners
Commissioner Leavitt, Chairman

M o t i o n

Commissioner Leavitt: I move for the adoption of Bill No. 75-6.

A Bill entitled: "BILL No. 75-6 - ORDINANCE No. _____ - AN ORDINANCE BY THE CITY OF LAS VEGAS, NEVADA, ELECTING TO COME UNDER THE PROVISIONS OF THE METROPOLITAN CITIES INCORPORATION LAW, CHAPTER 648, STATUTES OF NEVADA, 1975, PURSUANT TO SEC. 3 (1) OF SAID CHAPTER" was read by title by the City Attorney, who recommended that the Clerk be authorized to proceed with the first publication, by Title, of said Bill No. 75-6 (1st Reading)

Mayor Pro Tem Lurie: Are there any comments or questions on the motion?

Commissioner Woofter: I made a request for this to be continued to this date so that Mr. Jan Stewart could be present so he could make any further presentations as to his legal opinion, as well as the Mayor not being present, as we should have a full Board.

Mayor Pro Tem Lurie: Jan Stewart is in the building and the City Attorney, Carl Lovell, has asked that he come on up so he can answer any questions you might have.

Commissioner Woofter: Could we hold this then until he gets here and go ahead with other items?

Mayor Pro Tem Lurie: Yes - we will hold that and go back to

NEW HIRES

Mayor Pro Tem Lurie: There are some people here from the Personnel Department to answer any questions you might have on the New Hires that are going to be City funded. The only question I would have is on the Municipal Court - Items 11, 12 and 13. These are items that will actually be paid for by the Court with the revenue taken in by the Court so it won't be an expenditure by the City.

Commissioner Christensen: There's one question I have: Do we have the funds to pay these people?

Mrs. Naef: Yes -

Mayor Pro Tem Lurie: These positions are positions are part of the 34 that we discussed that have not been filled, but have been budgeted for.

Mr. Berk: Some are - some are not.

Mayor Pro Tem Lurie: Which ones are the new positions have have not been budgeted for?

Mr. Trelease: Primarily those three (3) listed for the Court.

Mrs. Naef: Two of them are new -

Commissioner Christensen: Items 11 and 12 are new but they are

NEW HIRES
(continued)
M o t i o n

necessary because of the creation of the Court and they should be self-supporting. I move for the approval of the new hires.

See Page 13 of these Minutes (Annotated Agenda)

Commissioner Woofter: I want to ask a question - maybe it was resolved during the time I was out of town, but there was some news story in regard to our Finance Director stating we had more than enough money in regards to paying everybody and keeping all of the Federal help on.

Mr. Trelease: He didn't make that statement - I corrected it the following day.

Mayor Pro Tem Lurie: Would you please vote on Commissioner Christensen's motion to approve the new hires?

Motion carried by the following vote: Commissioners Christensen, Woofter and Mayor Pro Tem Lurie voting aye; noes, Commissioner Leavitt.

Mrs. Naef: I would like to bring up one other thing. Since this agenda was prepared we've had an opening come up in the Finance Department for a Title VI funded Junior Clerk position. This position handles all the microfilming, including the daily checks prior to being processed. I wonder if we could get you to approve this today or, if not, give us authority to hire someone and have it ratified at your next meeting.

Mr. Trelease: This is important because the checks have to be microfilmed before we deposit them -

Mayor Pro Tem Lurie: This is under Title VI that will run out in June?

Mr. Trelease: We would have to make arrangements to put her on a permanent basis.

Mayor Pro Tem Lurie: There has been a recommendation that a Title VI employee be hired for the Finance Department.

M o t i o n

Commissioner Woofter: I so move.

Motion carried by the following vote: Commissioners Christensen, Woofter and Mayor Pro Tem Lurie voting aye; noes, Commissioner Christensen.

BOARDS &
COMMISSIONS
(Abeyance)

SOLICITATIONS REVIEW BOARD (2-year term)

One (1) member to be appointed to replace Mrs. Erma Sutherland (who has resigned) for a term of office expiring 12/20/76

A L S O

Terms of the following members will expire 12/16/75:

REV. MELVIN PEKRUL
GEORGE RHODINE

Mayor Pro Tem Lurie: It would be my recommendation that we carry this item over to the first meeting in January and if there are no objections, that will be the order.

Page 12
Minutes
Recessed
Regular Meeting
December 19, 1975

Under Boards & Commissions we now have for consideration a request that Attorney Edward G. Marshall be appointed as an Alternate Municipal Judge.

Commissioner Leavitt: I understand that the Mayor has to do that. It has to be done before the end of the year and I'm wondering if it has to be done at an official meeting or if he can do it otherwise.

BOARDS &
COMMISSIONS
Continued

M o t i o n

Mr. Lovell: He can do it otherwise, pursuant to the Charter.

Commissioner Leavitt: I would like to move then that we recommend to the Mayor that Edward G. Marshall be appointed as an Alternate Municipal Judge.

Motion carried by the following vote: Commissioners Christensen, Leavitt, Woofter and Mayor Pro Tem Lurie voting aye; noes, none.

BILL No. 75-6

BILL No. 75-6 - ORDINANCE No. _____ AN ORDINANCE BY THE CITY OF LAS VEGAS, NEVADA, ELECTING TO COME UNDER THE PROVISIONS OF THE METROPOLITAN CITIES INCORPORATION LAW, CHAPTER 648, STATUTES OF NEVADA, 1975, PURSUANT TO SEC. 3 (1) OF SAID CHAPTER
Committee: Full Board - Myron E. Leavitt, Chairman

Mayor Pro Tem Lurie: I believe Commissioner Woofter has some questions of Jan Stewart on an opinion he gave concerning the City coming under the Metropolitan Cities Incorporation Law -

Commissioner Christensen: It was a memo - not an opinion.

Mayor Pro Tem Lurie: That's correct - a memo -

Commissioner Woofter: Mr. Stewart, there was discussion before we recessed the other night with regards to your opinion because it is before us insofar as voting on the Ordinance is concerned. My concern is the fact that you, being our counsel, has advised us at this time not to adopt it and I certainly want to know, for the record, before voting, the reasons why.

Deputy City Attorney, Janson F. Stewart: OK - I understand there was a lot of discussion on this memo. My thought on the memo was that Senate Bill 601 is in litigation. One of the specific issues we have raised in the litigation is this issue on the effect of electing to come under the Act. That is, whether or not you can elect to come under the Act at a future date. The language is a little bit ambiguous.

In view of the fact that the matter is in litigation, I thought the most prudent course would be to wait until the Court rules on that. I understand Commissioner Leavitt feels that is more a policy than opinion, but that's why I wrote the memo. I just thought we ought to wait maybe to see what the Court has to say on it.

Commissioner Woofter: Is this that we're voting on inter-related to S.B. 601?

Mr. Stewart: Yes - absolutely. The provision to elect to come under the Act is spelled out in S. B. 601 - it is part of S. B. 601.

Mayor Pro Tem Lurie: Then we're not putting ourselves in any jeopardy by approving, or going under the Act, even though it hasn't been heard in the Courts yet - the Court hasn't ruled on whether certain sections are unconstitutional. We are just preparing ourselves for the decision that could come out of the Courts? Is that correct?

Mr. Stewart: Well, at this point, it's hard to say, because I don't know exactly what the Court is going to say in reference to this specific clause. I have hopes that they will sustain the clause and the Ordinance I have drafted will be held to be a valid procedure by which to elect to come under the Act. If I were to guess, I would say that is what the outcome will probably be, but at this point in time there is a cloud of uncertainty about it . . .

Commissioner Woofter: You drafted this Ordinance we are voting on - right?

Mr. Stewart: Yes, I did.

Commissioner Woofter: And you are asking us to hold action on it?

Mr. Stewart: In a sense, yes. That is my recommendation that the matter be held - I'm not saying to vote against it - and I understand there has been some talk it means we are against consolidation - I'm not saying that at all. I drafted the Ordinance because I think this is a part of consolidation and I think when the Court rules on it, if Senate Bill 601 is still with us, this is the only course we have to take - is the Ordinance. My only suggestion is that we wait until the Court rules on it.

Mayor Pro Tem Lurie: At least we're moving ahead and we're following the recommendations that the Attorney General has given us, as far as giving us an outline of things we should do in waiting for the Court's decision. That was one of his recommendations . . .

Mr. Stewart: There have been a lot of things that have taken place since the Attorney General's opinion. We have entered into an Inter-local Agreement which we worked on and which we adopted. We do need to establish the Districts, but we cannot establish those Districts until the Court rules that the other is unconstitutional. Until the Court rules on that, we can't adopt new Districts. The purpose of Bill No. 75-6 is to establish - to initiate the mechanics so we can establish the Districts, which we can't do anyway until the Court has resolved the present Districts under S.B. 601.

Mayor Pro Tem Lurie: In other words, you feel it is better that we prepare ourselves now than wait for the Court's decision which might not come down for forty-five or sixty days, and then that would delay us that much more in time, because we're in a time factor now - we only have a year left before Consolidation is supposed to take effect.

Mr. Stewart: I agree with you - we need to prepare ourselves now - we need to look at those Districts - we need to get those things clear, but you don't have to adopt the Ordinance in order to do those things.

Commissioner Leavitt: I would like to ask Mr. Stewart a question: If the Court should rule the Bill was unconstitutional, the Ordinance would fall too, then -

Mr. Stewart: If they ruled the entire thing unconstitutional -

Commissioner Leavitt: So, if we passed the Ordinance and the Court rules S.B. unconstitutional, the Ordinance would fall?

Mr. Stewart: Yes -

Mayor Pro Tem Lurie: I believe it says that in the Ordinance itself -

Commissioner Leavitt: If the Court rules that S.B. 601 is constitutional, the Ordinance would stand, or would it be necessary?

Mr. Stewart: It would stand, but as I mentioned in the memo there is a remote possibility on interpretation. I know you disagree with that, Commissioner, and I respect that and I don't want to get into a battle with you on it -

Commissioner Leavitt: I disagree with your interpretation, because I think it's ridiculous that County Commissioners would try to become City Commissioners.

Continuing with my inquiry - if the Bill were held unconstitutional by the Courts and our Ordinance would fail, what would we have lost by passing the Ordinance?

Mr. Stewart: Let me see if I can answer that -

Commissioner Leavitt: Suppose just the Districting was held unconstitutional, wouldn't we then have to pass an Ordinance in order to set the Districts?

Mr. Stewart: Yes, we would -

Commissioner Leavitt: And we'd have to start all over again.

Commissioner Christensen: How long would that take?

Mr. Lovell: We could have an Ordinance effective in eight (8) days - a regular Ordinance.

Commissioner Leavitt: When do you anticipate that the Courts will rule? I understand the County has been given to the end of the year to file an answer -

Mr. Stewart: That's right.

Commissioner Leavitt: In addition to that, you're going to have to have Briefs, aren't you?

Mr. Stewart: That's right -

Commissioner Leavitt: So would you anticipate thirty days for each - thirty/thirty?

Mr. Stewart: I would hope it would be a lesser time than that -

Commissioner Leavitt: You don't anticipate anything before March 1st, do you?

Mr. Stewart: From District Court, yes I would -

Commissioner Leavitt: OK - tell me when you anticipate it -

Mr. Stewart: In a month or forty days - I would hope.

Commissioner Leavitt: After the answer is filed, how much time do you think it will be before the City files its Brief?

Mr. Stewart: I would expect that after the Answer is filed, there will have to be a conference called to set a Briefing Schedule - maybe fifteen days each - maybe ten days to reply, each . . . I don't know how long the Judge will take and the Judge will have to study it.

Commissioner Christensen: This is still in Judge Wendell's Court isn't it?

Mr. Stewart: Yes.

Mayor Pro Tem Lurie: If this Ordinance were to pass today, what effect will this Ordinance have on our lawsuit?

Mr. Stewart: I don't think it will affect the lawsuit at all - presently I don't think it will really disturb - I haven't had a chance to thoroughly research that, but I don't think it would disturb too much the lawsuit.

Commissioner Leavitt: In regards to your statement that the County Commissioners might claim to be City Commissioners, I notice the Ordinance is drafted in such a way as to avoid such a possibility -

Mr. Stewart: That's correct.

Commissioner Leavitt: In your opinion the Ordinance is sufficient to prevent that from happening?

Mr. Stewart: To my knowledge since I've been here, we've never drafted an Ordinance in this fashion - in such a sense that part of it becomes effective for some purposes on one date and part of it becomes effective for other purposes on a final date - January of 1977.

It was with the ambiguity in mind - in Senate Bill 601 - is the reason we drafted the Ordinance in that fashion.

Commissioner Leavitt: Do you think it's possible to set up voting Districts without passing this Ordinance?

Mr. Stewart: No - I think we have to adopt the Ordinance to set up the voting Districts but, as I said before, you can't do that until the Court rules the other unconstitutional.

Commissioner Leavitt: We have to pass the Ordinance in order to set up the voting Districts - right?

Mr. Stewart: Yes.

Commissioner Leavitt: OK - now, a person can file for office beginning January 3rd, can they not?

Mr. Stewart: Yes -

Commissioner Leavitt: Until July 21st - OK - so unless the voting Districts are set up what is going to have to happen - Mr. Colton is going to have to accept someone's application for County Commissioner and tell them that later he will know what District - is that correct? There's no way you can tell a person what District he's going to run in, because you don't know where he's going to live and where he's going to run until those Districts are set.

Mr. Stewart: Unless he takes the position that at this time he has accept the Districts as they are established in S. B. 601. That's up to him and his attorney.

Commissioner Leavitt: Suppose somebody files for an office that lives across the street from me and then after he files for office and we set up a District that puts him in a different District from me, wouldn't we be leaving ourselves open for a considerable amount of criticism of jerry--mandering if the Districts were set after people started to file?

Mr. Stewart: I think that probably is very possible - but I don't think the adoption of the Ordinance would solve that problem through -

Commissioner Leavitt: I think we have more problems if we don't pass the Ordinance than if we do, because the only problem that I can see that Mr. Stewart has indicated that we may have, is the remote possibility that the County could claim they are City Commissioners and he has stated that the Ordinance is drafted to avoid that possibility. The alternative is, the Ordinance dies. If it isn't passed today - if we don't proceed with the voting Districts and the election procedures come to a grinding halt - then the election process comes to a grinding halt - Mr. Colton doesn't know what to tell people when they file for office - nobody knows which area they'll be running from - they won't know what areas the Commissions are going to represent or who their Commissioners are.

I think the alternative is more drastic than passing the Ordinance.

Mr. Stewart: May I ask you a question? Do you think if we adopt this Ordinance we can immediately establish the Districts?

Commissioner Leavitt: That we can go ahead and establish the Districts - the County Commission can go ahead and establish the Districts . . . and if that Section is declared unconstitutional, then this could be declared unconstitutional. If that Section of the Bill is upheld by the Courts, we can go ahead and proceed, because the big issue - the only thing the Attorney General declared unconstitutional, was the Districts. The Attorney General's opinion did say the Districts were unconstitutional. He also said other things but, basically, there are only about four Sections involved. Granted, the City is protesting the whole Bill, but basically those are the four Sections there are really questions about and if the Courts uphold the Attorney General, and the Districts are thrown out, this is an alternative method by which the Districts could go ahead and proceed and have

the voting Districts determined prior to the time people can file for office, or shortly thereafter. At our next Consolidation Meeting we could establish the Districts - which would be January 12th.

Mayor Pro Tem Lurie: I thought the Districts all had to be established 90 days before the end of filing . . .

Commissioner Leavitt: Well, they don't have to be established until April 21st, or thereabouts, but people can start filing for office January 3rd. The Districts themselves definitely have to be established prior to . . .

Commissioner Christensen: Then what you're saying, as I understand it, is to go ahead and pass the Ordinance and set up the tentative Districts in case of the other . . . so we have two sets of Districts - those we're under now and those we'll be under if they throw those out?

Commissioner Leavitt: Right - if the Courts say that the Districts under Senate Bill 601 are unconstitutional, and the Court so rules - the first of April or whenever they rule - I agree with Mr. Stewart - I think they're going to rule by March 1st - at least, I hope so - if the Courts rule that the Districts are unconstitutional, we now have the mechanism by passing the Ordinance to establish the Districts under the alternative method of the Ordinance. If they throw the entire Bill out - the Ordinance fails and the Districts fail.

Commissioner Christensen: What you're saying is - if I wanted to file for office in January - he can say it will either be in this District or this District -

Commissioner Leavitt: When he files in January - the way I understand it from Mr. Colton - he is going to accept the declaration and tell him he will have to be notified later what District he is going to run in.

Commissioner Christensen: Yes - but just between us girls, he will have an idea of whether he'll be in this District, or this District - we have a tentative set of Districts, so . . .

Commissioner Leavitt: Under S. B. 601 he's in this District but that could be changed because of the fact the Ordinance if we pass it.

Mayor Pro Tem Lurie: I've just discussed that with Stan Colton and he will, as you say, accept declarations of candidacy but he will not tell the people the District they're in until the Court makes its decision.

Commissioner Leavitt: If I understand you correctly, Mr. Stewart - what you're saying, in your memorandum here, the only reason you are really concerned about the Ordinance not being passed is the possibility - a remote possibility - that County Commissioners could say they were City Commissioners, and that you have provided in the Ordinance that can't happen. Is that your major objection?

Mr. Stewart: I have attempted in the ordinance to provide for that contingency - it's not a question of whether or not the County Commissioners want to be City Commissioners - it's a question of what the Law says.

Commissioner Leavitt: Well here, again, I think the alternative is worse . . .

Commissioner Woofter: What harm is there, as Mr. Stewart suggests, in holding this in abeyance awaiting the determination as to whether or not S.B. 601 is constitutional? And if it is declared unconstitutional and Mr. Stewart feels that this Ordinance will still hold up, we move for the adoption of that at that time.

In the meantime we can make the secondary planning as far as setting up a re-districting in case S.B. 601 is declared unconstitutional - we would be all ready to move at that time rather than at the present time, and have another Ordinance and what-have-you in relation

BILL No. 75-6
(continued)

to S.B. 601 go down the drain - declared unconstitutional. I'm very concerned about this patch-work situation going on ever since the Legislature and the Governor put this on our backs - that we're trying to do something that maybe they should have done before they rushed this through in the last few days of the Session.

M o t i o n

I know the motion is on the floor, but I make a motion again to hold this in abeyance until there is a determination made by the Courts.

Mayor Pro Tem Lurie: There is no need to vote to hold it in abeyance - it has to be published or it automatically dies and would have to be re-introduced.

Commissioner Leavitt: A vote to hold it would kill it, so if you want to do it on that basis, understanding that a vote to hold it will kill it.

Mayor Pro Tem Lurie: We have a motion on the floor to hold this item in abeyance

Motion failed by the following vote: Commissioner Woofter voting aye; noes, Commissioners Christensen, Leavitt and Mayor Pro Tem Lurie

Mayor Pro Tem Lurie: The motion to hold Bill 75-6 in abeyance has failed. There is a motion on the floor to approve Bill No. 75-6.

(See Page 11 of these Minutes)

Motion carried by the following vote: Commissioners Christensen, Leavitt and Mayor Pro Tem voting aye; noes, Commissioner Woofter.

Commissioner Leavitt: I need to have an interpretation - under S. B. 601, it requires a four-fifths (4/5) vote and due to the fact the Mayor is not present, what has happened?

Commissioner Woofter: You still wouldn't have a four-fifths vote if the Mayor was present -

Mr. Stewart: I think the Bill says 4/5ths of the entire membership. I'd have to check it to make sure, but I think we ought to keep this ordinance alive. I think it still ought to be in the Study Committee -

Commissioner Christensen: Can you call the Mayor and get a vote? Is that permissible?

Mr. Lovell: He has to be present at the meeting.

Commissioner Leavitt: I'd like to recess this meeting until Monday morning at nine o'clock and have this item reconsidered at that time.

Mayor Pro Tem Lurie: I might have a problem in being here at that time because of my wife being in the Hospital. I might not be able to attend that meeting.

Commissioner Leavitt: Let me ask you this, then - in view of the votes that have been taken here today, Mr. Lovell, does that mean the Ordinance failed?

Mr. Lovell: I don't think so. If you'll give me one minute, I'll give you an answer.

Mr. Lovell: It requires the 4/5ths vote of the entire membership.

Mr. Stewart: I think the Ordinance is important to us and I think it will have to be used if the Court rules that S.B. 601 is unconstitutional. I would like to see it re-introduced and sent to a Study Committee so that we will have this Ordinance available and make use of it immediately.

Commissioner Leavitt: It has to be redrawn and given a new number -

Mayor Pro Tem Lurie: And I would recommend that it be sent to the same Study Committee, with Commissioner Leavitt as Chairman and if there are no objections, that will be the order.

NEVADA POWER
COMPANY
INTERVENTION
RATIFIED

Mr. Lovell: This is in the nature of a report to you. The Company is claiming that mistakes were made in their own private rates to individuals which does not allow it to return the proper amount of profit to the Company and its shareholders. Further, the Company is requesting an increase in its rate on return of equity capital investment - equity capital.

We have taken their application, which was filed with the Public Service Commission and sent it to our experts. They indicated that this Company in this particular rate increase are trying to use novel approaches for higher rates for all types of consumers in the Valley, and they don't feel that high rates can be verified, justified or explained satisfactorily.

The cost of intervening is unknown at this time. We are talking with all the other intervenors as we have done in the past to try to help defray the costs and share in the expenses, but we estimate somewhere around \$9,000.00 would be the cost for all intervenors. The Colorado River Commission has done it in the past - other cities have done it, in addition, on some occasions, the Resort Hotels, the Downtown Hotel Association, and other business concerns.

I might add that - as I did indicate at the last meeting - this year alone, not including 1973 or 1974 for which statistics are being compiled, that Southwest Gas and Nevada Power Company asked for almost \$61,000,000.00 in rate increases and all they have received so far is \$25,000,000.00. The City has expended somewhere between \$15,000.00 and \$17,000.00 - not just in 1975, but in the last two and a half (2-1/2) years for intervention proceedings. The money has been spent and utilized well and has been well worthwhile in attempting, at least, to keep down the rate increases that the Utilities keep bringing up time and again, based, supposedly, on inflation, etc.

There is no question but that the Public Service Commission has and, in the future, will continue to give rate increases if they are justified because of the National inflationary problems we've got. But it's got to be kept in line within reason and I think the money we've spent has been well worthwhile.

We will be giving you a full comprehensive study and analysis from July of 1973 through December of 1974. Also we will show you even better expenditures of our monies during that time.

Page 20
Minutes
Recessed
Regular Meeting
City Commission
Dec. 19, 1975

In any event, that was just a brief report. What I would ask, if you are so inclined, is for a motion to ratify the position of the formerly constituted Board that when an application of a Public Utility is submitted to the Public Service Commission, it is taken by our office, sent to our experts and based upon their analysis whether we should intervene or not, whether they feel the rate increase is justified or not, then intervene at that time.

M o t i o n

Commissioner Leavitt: I so move to give the City Attorney's office permission to have experts examine every application for utility rate increases before the Public Service Commission, and to inter-

UTILITY COMPANIES
(continued)

vene, when so recommended, on behalf of the City.

Motion carried by the following vote: Commissioners Christensen, Leavitt, Woofter and Mayor Pro Tem Lurie voting aye; noes, none.

Mayor Pro Tem Lurie: There is one additional item that the Department of Public Works has asked us to hear this morning. Mr. Hampton, would you like to make your presentation now?

FLOOD DAMAGE

Laurence Hampton, Director of Public Works: Gentlemen, this is somewhat of an urgent matter. This was brought to your attention shortly after the July 3rd flood at which time we pointed out the damage done to these areas shown in red (wall map) - five (5) separate areas - to this concrete-lined channel that runs - the majority of it through the Water District property.

We got approval to proceed on this Project and at that time our estimate was about \$80,000.00 to repair this. In detailing the damage, we investigated an area here (wall map) particularly where the Water District had come in and built a reservoir after construction of the channel - constructed a well at this location (wall map) and the reservoir was to take the test pumping for the new well.

What happened is that during that procedure they breached their own dike that they constructed and as a result, more or less gave the subsequent flood waters a definite path to go. We feel their action caused damage to this location.

We are talking about \$20,000 or \$30,000 to repair that particular section. We wrote a letter to Tom Rice, the General Manager, and pointed out our position. I received a letter last night from him, in reply, not claiming any liability at all.

What I would like to do is to get your permission to request their appearance before the Board of County Commissioners, acting as the Water Board, to try to appeal Mr. Rice's decision prior to getting the attorneys involved in the possible lawsuit over the situation.

M o t i o n

Mayor Pro Tem Lurie: I would so move - that we would follow your recommendation.

Mr. Hampton: We believe they should pick about two-thirds of the cost of repair.

Motion carried by the following vote: Commissioners Christensen, Leavitt, Woofter and Mayor Pro Tem Lurie voting aye; noes, none.

There being no further business to come before the Board, at the hour of 10:40 A.M., Mayor Pro Tem Lurie declared this Recessed Regular Meeting A D J O U R N E D.

APPROVED


RON LURIE, MAYOR PRO TEM

ATTEST:



EDWINA M. COLE, CMC
CITY CLERK

APPROVED BY REFERENCE at a regular meeting of the Board of City Commissioners held May 5, 1976.