

MINUTE

BOARD OF CITY COMMISSIONERS

Las Vegas, Nevada
February 24, 1976

A Special Meeting of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 24th day of February, 1976, was called to order by His Honor, Mayor William H. Briare, at the hour of 1:30 P.M., with the following members present:

Mayor	William H. Briare
Commissioner	Paul J. Christensen
Commissioner	Myron E. Leavitt
Commissioner	Ron Lurie

ABSENT (excused)
(until 2:20 P.M.)

Commissioner	Roy A. Woofter
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STAFF PRESENT

City Manager	A. R. Trelease
City Attorney	Carl E. Lovell
Chief Deputy City Attorney	Janson F. Stewart
Director, Department of Public Works	Laurence Hampton
Director, Department of Finance	Marvin A. Leavitt
City Clerk	Edwina M. Cole

(See Page 2 of these Minutes)

BALLOT
QUESTIONS

Mayor Briare: Let's take the items as they appear in order here. Do you have any comments you would like to make on the subject of the ballots?

City Attorney, Carl E. Lovell: The only comment I would make is that they were submitted for your consideration. Due to the fact there is a Presidential Primary coming up - it would probably be a week's election, perhaps, in the sense of voter-turn-out. The purpose of the questions was to try, for once and for all, establish a community standard in Las Vegas insofar as "obscenity" goes and what it means.

The Legislature refused to act on community standards and re-defined the definitions in accordance with the U. S. Supreme Court as this definition came out in June of 1973. Of course, such a subject where any three people could disagree on any occasion - for some reason, the Legislature - although it got through the Assembly, it did not get through the Senate. Consequently, we have, through the District Courts, obtained a community standard by Judge Thompson, who indicated to us that any actual scenes, or depictions in books, or any method of actual sexual intercourse, is obscene. This is one other measure to attempt to get a community standard. It does apply only to Las Vegas at this particular time - not to the County or the other cities. This type of approach was taken in North Las Vegas on the ballot in June of 1973 and there was an overwhelming reaction against obscenity, as such.

It is put forth for your consideration to see if you think this is one of the types of approaches you might like to have, and have the people themselves try to set a standard if they are going to have to live and abide by it directly.

Copies to:

Mayor
Commissioners
City Manager
City Attorney
Director of Finance
Director of Lic. & Rev.

Dir. of Personnel
Dir. of Public Works
Dir., Purchasing & Contracts

To: EDWINA M. COLE
City Clerk, Las Vegas, Nevada

Date: February 20, 1976

CALL OF SPECIAL MEETING: A Special Meeting of the Board of Commissioners of the City of Las Vegas, Nevada, is hereby called to be held in the Mayor's Conference Room of the City Hall on the 24th day of February 19 76, at the hour of 1:30 P.M. to consider the following matters:

ITEM	Commission Action
1. <u>BALLOT QUESTIONS (Abeyance from Regular Meeting of 2/18/76)</u>	*Abeyance for possible inclusion on Nov. ballot C/A to proceed
2. <u>SHORT TERM FINANCING - CULTURAL ARTS CENTER</u>	No action No action
3. <u>RATIFICATION BY CITY COMMISSION THAT THE PUBLIC HEARING ON THE 1976-77 BUDGET WILL BE HELD AT 9:00 A.M., TUESDAY, MARCH 23, 1976 IN THE COMMISSION CHAMBERS</u> (State statutes dictate the date of this Hearing - the time and place at the discretion of the Commission)	Ratified Staff to proceed
4. <u>JOINT CITY/COUNTY STATUS</u> MEETING ADJOURNED - 2:40 P.M.	Discussion only on basis that Clark County, North Las Vegas, Henderson and Boulder City would join with Las Vegas to establish uniform Community Standards re Adult-oriented Businesses

William H. Briare
MAYOR

NOTICE OF SPECIAL MEETING:

To: <u>William H. Briare</u> Mayor	<u>Ron Lurie</u> Commissioner
<u>Paul J. Christensen</u> Commissioner	<u>A. R. Trelease</u> City Manager
<u>Myron E. Leavitt</u> Commissioner	<u>William E. Adams</u> Asst. City Mgr.
<u>Roy A. Woofter</u> Commissioner	<u>Carl E. Lovell, Jr.</u> City Attorney

You, and each of you, will please take notice that pursuant to the above call of the Special Meeting this day issued, a Special Meeting of the Board of Commissioners of the City of Las Vegas, Nevada, will be held as stated above.

Edwina M. Cole
CITY CLERK

ACCEPTANCE OF NOTICE: We, the undersigned Mayor, Commissioners, City Manager, Assistant City Manager, and City Attorney of the City of Las Vegas do hereby admit due service of the foregoing Notice of Special Meeting:

William H. Briare
Myron E. Leavitt
Paul J. Christensen
Roy A. Woofter

Ron Lurie
A. R. Trelease
William E. Adams
Carl E. Lovell, Jr.

Commissioner Christensen: Would this community standard, if it were determined by vote - would it be valid with it being just for the City, or should we have the whole County involved in this, because if you set a community standard - for instance, that you can uphold in the City of Las Vegas - you just move everything south of Sahara and after consolidation you move it into the County and the other unincorporated areas, or you move it into North Las Vegas, or Henderson, you could, conceivably - if you got it cleared up in North Las Vegas and Henderson, move it on to Boulder City - there is almost no limit as to how far you could move it.

So wouldn't we be better off if we approached this from a County-wide angle and got the County Commission and North Las Vegas - Henderson - and the rest of them to get together and adopt the same group of questions?

Mr. Lovell: Most definitely - I think that point is well taken, Commissioner Christensen. I think - we all live in the Valley and all live in the Las Vegas area regardless of where we may jurisdictionally live. I think that is a very good point. Initially, why - as you know - we have been concerned about it directly here - I don't think the Attorney General's office or the District Attorney's office really has much obscenity law enforcement that they really concern themselves with. Since we drafted these questions and it has come this way first, but I believe it would be much more effective if all the citizens in the area had an opportunity to vote on the questions. There is no doubt about that.

Commissioner Lurie: I am just going to relate my opinion towards the questions - Commissioner Christensen and I both took office after the last election - in 1973, when the questions were on the ballot - concerning whether or not it is going to have any effect on the cases that we have in court concerning these types of businesses that we have within the City now. You think if the people vote on setting a particular standard it will be of any use in changing the Judges' views concerning the Constitution in making their decisions?

Mr. Lovell: The only type of influence on the Judges it would have is to let them know - once again, you might say - in more specific terms and different types of questions - what the peoples' views are - what the voters' views are - and through that you get what you call "public policy" which somewhat dictates what the judiciary should be interpreting the law and meaning. No guarantees that it would work - just another approach.

One question that was on the ballot prior to any of us taking office was a compound question that presumed that everybody went to bookstores and theatres, and was so unworkable that it was totally useless. You have to get into it and be more specific and talk about the principles themselves . . . but there is no guarantee.

Commissioner Lurie: My other question - the cost of this election is being borne by the State, as far as the Presidential Primary goes. How much will it cost the City to put a question on the ballot?

Mr. Lovell: The information is being computed, I think by Stan Colton (Registrar of Voters, Clark County) - he mentioned some figures but they were not certain, or definite, at the time as I recall. Obviously, if we were going to have additional printing we would have to bear the cost of that.

Mayor Briare: I talked to Stan Colton about this and there seems to be a variance of opinion as to exactly how much. It started out at \$15,000 when we first talked about it and then went down to around \$5,000. That, of course, is the problem. However, we are also faced with another problem relative to the Registrar of Voters being able to handle an additional number of items, especially one that would be quite lengthy - and that is, he has to get the

thing printed - he has to get the actual physical card that you drop into the book and you punch a bunch of holes in them - those things have to be printed. It might not seem to be such a difficult problem, but each individual one must be coded for the precincts, districts and the area it comes from. Consequently, he has to know right away.

I think Commissioner Christensen's point is very valid - why confine it to just the City Limits of the City of Las Vegas? Especially in a legal problem mentioned to me last last week, that if the people of the City were to overwhelmingly reject these types of businesses, and concur that the community standards of Las Vegas be such that these businesses would not be allowed, as we are confident they would, then, after consolidation and the new City Limits are taken in, would it then be a challenge in Court as to which citizens of Las Vegas established these standards back in May of 1976, and which ones did not.

So, for that reason, it very well might be advisable to reconsider the whole subject for a General Election when the entire County can participate in expressing their viewpoints. I'm saying that might be an alternative that might happen in view of our heavy calendar of litigation. It might just save us from getting into some more of the same. Commissioner Leavitt, do you have any comments?

Commissioner Leavitt: No - except that I don't think we ought to put it on the ballot, unless you can get everyone to do it in Henderson - North Las Vegas and Boulder City and the County., because if you had it only in the City of Las Vegas and say it passed only by a certain majority, and North Las Vegas voted the other way - what does that mean? I think we have to have a majority in the area.

Mr. Lovell: This problem you speak of is a direct problem and it will probably be here as long as we have the various cities. It is my opinion right now that the City of North Las Vegas has a community standard because they have already done it once. Maybe they don't want to do it again. It brings in problems like that - to get them all uniform - the type of questions, if they want to do it, to have on the ballot.

Commissioner Leavitt: I think it gives you enough time between now and the General Election in November to determine whether or not you wish to put it on the ballot, rather than rushing it through this morning.

Mr. Lovell: If it were on the ballot in November, it might also indicate to those who are going to the 1977 Legislature . . .

Commissioner Leavitt: That's a real good point -

Mayor Briare: It would seem that would be the consensus, so let's hold it in abeyance. Now we can approach it on the basis that we need not be rushed -

Commissioner Christensen: Do you just want to leave it there, or do you want to approach it from the angle that we should have the City Attorney contact the legal departments of the other entities and maybe give them the benefit of your research on the question, etc. and get their thinking and maybe accomplish the job for all of us - something all the entities can live with - and in presenting a united front I think we will be in a much better position when they have standards set for the whole County. That will keep us from chasing these things around from inside the City Limits to outside, etc. if we can all get together. I think that rather than drop it, we should pursue it that far - try to get their concurrence in it.

Mayor Briare: The sooner we start, the better it will be when we get it on.

Commissioner Lurie: My only concern is that no matter how the people vote, we still have the Constitution to live by, and the Courts. I always like to be able to poll the people and ask them

their feelings on certain types of businesses. In my area I find they really like the opportunity of being asked when it comes to setting community standards. I have always felt if we could put something on the ballot - I'm in favor of putting it on the ballot to let the people have a chance to vote on whether or not we should be able to set these standards.

As far as Mr. Lovell's last statement is concerned, I agree - and with Commissioner Christensen's statement - that it should be area wide . . .

CULTURAL
ARTS CENTER -
SHORT TERM
FINANCING

Mayor Briare: OK - Mr. Lovell, at the last meeting we did not have a unanimous vote on the proposal that the City of Las Vegas make an application for Short Term Financing for the purpose of obtaining authority to borrow another \$750,000.00 to add to the Million Dollars already authorized for the support of the Cultural Arts Center. It would appear that it does, indeed, take a unanimous action. Commissioner Woofter will be here shortly so there is no use in even discussing it right now until we have everyone here to determine whether it could be unanimously supported. Perhaps we should clarify the portion of the record that we created at the last meeting.

Mr. Lovell: There is even another problem that has arisen on this particular subject. It does not take a unanimous vote, originally, to prepare to go forward. It takes a total unanimous vote of all five (5) existing members of the Board to pass the Resolution after you get it prepared.

However, there is also the Nevada Revised Statute and the Attorney General's opinion on this particular subject, which indicates that the only basis upon which you can get Short Term Financing such as this, is of great necessity, which has been defined as some type of an emergency.

The question then comes up whether or not a new Cultural Arts Center is an "emergency" for a loan to go past your budgetary expenses for a Fiscal Year. Consequently, unless you all could first decide that this is an actual "emergency", you couldn't go forward anyway. I would imagine, based upon the opinions I have read, and the cases we have had before, that this does not look like an "emergency" circumstance. It is not one of those things that you have to do that is going to carry you beyond your budgetary limitations in this Fiscal Year. I don't think you would be permitted to get that loan in the first place.

Commissioner Lurie: You could say that the first loan we applied for in the amount of One Million Dollars wasn't a necessity either - so it was illegal to apply for the first loan . . .

Mr. Lovell: It's questionable -

Commissioner Lurie: Why would this one be questionable if the first one wasn't questionable?

Mr. Lovell: I bring up the issue - what is the "emergency" here? You are going to have to sustain some type of justification that it is.

Commissioner Leavitt: I am going to vote "no" on it - I haven't changed my position . . .

Commissioner Christensen: It has to be unanimous, so there you are -

Commissioner Leavitt: My position has always been - I think you would be getting into a situation here where you are going to end up buying a building - three different buildings - you are going to build a Sports Complex, a Convention Center and a Cultural Arts Building Center, and I think it should be one complex. That has always been my position. We heard Budget reports a few weeks ago where we are looking at deficits of from Five to Nine Million Dollars for a consolidated City/County Government, and to borrow \$1,750,000

to remodel a gymnasium, to me, is a physical impossibility and I definitely don't think it's an emergency situation.

We hesitated, at the last meeting, to spend \$60,000.00, because of Budget problems, for Police protection in the Downtown area -

Commissioner Christensen: That wasn't the only thing -

Commissioner Leavitt: There were others, but the main thing is that we hesitated to spend \$60,000, basically because of Budget problems and I just can't, in good conscience, vote for this. So, my position hasn't changed. I'm still opposed to it.

Mayor Briare: Well, it makes it kind of a moot question - however, I've always known that people can change their minds when reasoned with . . . I do think it is proper that we discuss it for a moment, even though it appears to be a moot question. We've been discussing it for a good long time and my position has certainly changed on it for reasons that are immaterial right now, but I am convinced, to my satisfaction, that there is a need and that that place is a satisfactory location. However, I would like to avoid, for some very obvious reasons, to try to combine discussions on a Cultural Arts Center, if there is to be one, with the Downtown Sports Complex and a Downtown Convention Hall, because it's like comparing a project that the City of Las Vegas wants to do with a project that Boulder City wants to do. The Convention Authority is a separate entity in the City of Las Vegas and they have at least given the impression that they may be in favor of a Downtown Mini Convention Hall, or whatever you want to call it. They have not indicated, to my knowledge, any public support at this time toward a Sports Complex. I'm not so sure that the City, in any great substantial way unless it be by a Bond Issue, would be called upon to even talk about the Sports Complex. We know that's a long way down the line.

Commissioner Leavitt: Let me state my position: I don't even dispute the fact there may be a need for one. The only thing that I want to avoid repetition of a mistake that was made previously - which I consider to be a mistake. You have a facility built there that can be used for basically one purpose - football. And I think that was a mistake. They can play soccer over there, but I think that because the facility was built in such a way that you could have other activities there - I think your same problem is the way I see it right now. You are talking about one government entity building a Sports Complex and a Convention Center - the University is talking about a Sports Complex - the Convention Authority is talking about a Convention Center and we're talking about a Cultural Arts Center. It seems to me we ought to be able to get together and save the taxpayers a little bit of money in this situation and build one multi-purpose facility to be used for all of these functions. To build a Sports Complex to hold Basketball Games for a part time of the year and build a Convention Center to be used a part of the time of a year and then have a Cultural Arts Center that is used part of the time, to me, is ridiculous. I think you should build one facility where you can use it the year-round for all of these functions, and as to whether it is done by Room Tax from the Convention Authority, or by General Obligation Bonds, or something else, will have to be studied. I certainly think it does require study, and I think it is something that maybe we might put on the ballot for the General Election - to let people decide whether they want to go to General Obligation Bonds. Or, if the Convention Center has the authority, fine. If they have the money, fine. But still, it should go to the vote of the people whether it is to come through Room Tax or General Obligation Bonds.

I can't, in good conscience, see building three separate facilities when you can build one that will satisfy all of these functions. And, a mistake as far as I am concerned, is the Stadium - but that is past - that's over with. The Stadium is built - it is there - but I think if we could have taken a little time on it I think it could have been designed in such a way as to provide for baseball. Maybe it could have had a track - or even hold rodeos. There are a lot of things that could have been taken into consideration at that time which, in my opinion, were not - and it is used, for football,

about ten (10) times a year, and that's it, except for practice - and I think that's a waste of the taxpayers' money, and I don't want to see it repeated. So I am opposed to it.

Mayor Briare: Are there any other comments?

Commissioner Lurie: I would comment - since I was Chairman of the Committee that waited until your Committee made its final determination and researched all of the background information we had presented to us by the people on the Cultural Arts Center, I just feel there is a need for it. That is why I wanted to see the City obligate itself under a Debt Service so that this money can be set aside to pay for some capital improvements because we, at this point, do not have that many capital improvements projects on the boards, and all of the revenue we're having - that the taxpayers' are paying in now, is going for Police protection - Fire protection - Public Works and Salaries - and I think we have to obligate ourselves to some capital improvements if we're going to build Fire Stations, sub-Precinct Police Stations, or Cultural Arts, or Baseball diamonds - we have to set money aside and I say it's a mistake if we don't proceed ahead with some type of a Plan - follow the Plan we have - we have a 5-Year Plan and we haven't started too many projects proposed in that 5-Year Plan.

I feel that the Reed Whipple Center is a good location for a Cultural Arts Center. It would be used year-round. We all have our priorities and I agree with Commissioner Leavitt - there are some priorities that could come before Cultural Arts, but I think this is one that we have studied enough so that we don't need any further study to tell us we need a Cultural Arts Center. There is enough interest, and enough organization, to give that facility full time, and I feel we should have one.

The Sports Complex is something else. A Sports Complex is going to have to go to the people for a vote on a Bond Issue. It will have to go to the Legislature for a tax to retire the Bonds. I don't think we can even include a Sports Complex in with the Cultural Arts Center. I don't think the two are compatible - they are two different types of facilities there. That is my personal opinion on the matter of the Cultural Arts Center. I would like to see the City build a Cultural Arts Center and I think that Reed Whipple is an ideal location.

Commissioner Leavitt: I might also say, Mayor, I think the people of the City of Las Vegas are entitled to something better than a remodeled gymnasium. We've had bids come in here - first of all the estimate was a Million Dollars - the bid came in at \$1,400,000.00 - and now we're talking about \$1,750,000.00. Basically, what your problem here is that you are trying to remodel a gymnasium and call it a Cultural Arts Center, and I certainly think the people are entitled to something better than that. I do think it is compatible. I think you can have a Cultural Arts Center and at the same time and the same place you have a Convention Center, and the same place you have a Sports Complex. Architects, I am sure, can design a facility that would permit and benefit all three functions, and this is why I just can't bring myself about to vote to spend a \$1,750,000.00 to remodel a gymnasium. Again, it's a question of borrowing the money. It is not like the money is there - it's not like we're receiving it from Revenue Sharing or Federal Grants. What we are talking about here is going to a bank and borrowing \$1,750,000.00 and paying interest on it and I am just not, at this point, in what I have seen in the Budget, willing to do this.

Mayor Briare: I take it from your remarks then, that if it were Revenue Sharing money, you would not object to it?

Commissioner Leavitt: No - that's just one of the reasons. I'm also opposed to it for the other reasons I have just stated. What you are talking about, at this point, is an emergency Resolution, but I am also opposed to even using \$1,750,000.00 of Revenue Sharing money to remodel a gymnasium and call it a Cultural Arts Center -

whether it's from Revenue Sharing or not. What we're talking about today is borrowing the money. If you were able to get Revenue Sharing money, I would still be opposed to using it for that purpose. The money should be used for a multi-purpose facility.

Mayor Briare: The great difference between the spending of Revenue Sharing money and expenditures through interim financing - the short term borrowing method - is that it takes a unanimous vote on the one hand and a majority vote on the other.

I have asked Marvin Leavitt - before we started this meeting - to discuss a little bit the fact that the proposed Budget for County procedure, which Marvin is very knowledgeable in, to take \$650,000 expected Revenue Sharing monies in order to balance the Metro Police Budget.

I don't know that today is the proper time to do it, but it is going to have to be done prior to March 23rd, as far as I'm concerned. We, as the City Commission, are going to have to make a very serious decision as to what our Fiscal Policy is going to be: (a) Is it going to be a Policy whereby every dollar that conceivably can be gathered, notwithstanding the source, is going to be used for operating money? Or (b), are we going to take monies that are possibly to be used for capital improvements - as Commissioner Lurie alluded to - and use them for capital improvements, on the theory, as you all know and there is no use in expounding on it now, that if you are going to spend these monies this year, there is no guarantee of any next year. But, if you go ahead and build a building this year then, at leave, you've got it next year.

Commissioner Leavitt, I most highly respect almost all of your opinions, and I respect your right to have this one also because some of the arguments you have used are ones I was convinced were totally correct and I changed my mind about them.

Commissioner Christensen: Your Honor, I'd like to make a couple of comments on this: No. 1, you are talking about a multi-purpose facility - that if the Convention Authority has anything to do with it - unless they do it through grants to the cities - which they are limited in the amount they can give - if that is supported out of the Room Tax, then the conventions have first priority and everything else has to be scheduled around them on an availability basis, which is one of the reasons they needed a new Basketball Arena, but because they cannot schedule basketball games around conventions which are revenue-generating.

No. 2, it is the fiscal policy that the Mayor is talking about - whether we're going to have any Capital Improvement money through Revenue Sharing, or not, unfortunately is not in our hands. It's in the hands of some outside arbitrator that is called in during labor negotiations - who determines if there is any money available - and they don't care from where - they will give it to the employees unless it is previously encumbered. It's a little like using a tax loophole in business. We have a situation here wherein unless you encumber the money, they will pay everything that floats and shove it into salaries that are asked for. That has been the experience in the past.

No. 3 - I have to take a little offense, personally, at calling it a converted gymnasium. I helped in the construction of that building - as I'm sure you did - and it was not built as a gymnasium. It was built as a Cultural Hall and the gymnasium as the second use of the building.

Commissioner Leavitt: But you will have to admit it was used more as a gym than it was for anything else.

Commissioner Christensen: I will have to admit that it is a better Cultural Hall than it is a gymnasium - it has one of the poorest floors in the world for a gymnasium -

Commissioner Leavitt: But it was used more for a gymnasium -

Commissioner Christensen: It was used for a gymnasium because they needed the space - so they put the floor down and put the lines in - but it was not built as a gymnasium. If it had been built as a gymnasium it would have had a hardwood floor. Instead it has a concrete floor with asbestos tile on it, which is an entirely different factor. It was not built to even look like a gymnasium. I think the record will speak for that. You make it look as bad as you can by calling it a "gymnasium" and I like to look at it from the other standpoint.

Commissioner Leavitt: You talk about . . . of course, I guess you always have this argument - whether you're going to spend your money for capital improvements or operating expenses. My Number One Priority has been combating crime. I know we heard Budget Reports and there was no increase at all in those budgets for the Metropolitan Police Department, and I think that's where we have to place our first priority - combating crime - before we start building buildings. Until that gets under control and until Metro get to the point where it can control the crime in the City, I don't think we should go around building any more buildings. If it comes to a decision on that, that's the way I will vote. I will vote my Number One Priority - combating crime.

Mayor Briare: Commissioner, would you be in favor of increasing the Legislative limits set on financing the Metro Police?

Commissioner Leavitt: Not without representation because that's what you call "taxation without representation" . . . and if Consolidation comes about, you're going to have a different situation. You're going to have a new Tax Rate if the Consolidation and Annexation takes place and that \$1.94 is increased, or decreased by the Legislature. I don't know what the situation will be. If Senate Bill 601 is constitutional, we will then expand the City boundaries and we will all be on the Metropolitan Police Commission - and maybe that is a question that will become moot - as to the Tax Rate - because at that point we would have the combined Budget of the City and the County on which to work with.

Commissioner Lurie: On this Budget that we're putting in now for the Fiscal Year 1976/77, it has an increase in the Metropolitan Police Budget. Now, we can only allocate - and when we were up at the Legislature fighting that \$1.94 that we were told they were going to recess for four or five years - that particular figure - Now we are at that figure and they are coming back asking for an additional Million Dollars. All we can do is give the Metropolitan Police Department \$11,000,000.00 and the Sheriff's Department is going to have to spend that money as he sees fit to combat crime. That's up to him. We couldn't determine that . . .

Commissioner Leavitt: Let me ask this- do you understand that to be the maximum by Law . . .

Commissioner Christensen: I'd like to comment on that crime Number One Priority. I think crime is very high on all our priorities. It is especially high on mine. However, I think you are talking about the difference between having somebody operating within their Budget and writing a blank check. I happen to know that the County takes from the Police Department a 14¢ per gallon profit on the gasoline. Now, those kinds of things bother me. I'm not on the Board so I can't say anything about it, and here I am asked to contribute more money in order to get the Downtown policed properly. I think that's a mistake. I think when you start giving them a blank check, you open the door to more and more to which I consider to be blatant abuses. Consequently, I think you have to temper all these things with a little judgment in between, and I'm not going to try to sell the Police Department down. I think they do a tremendous job and I think possibly they need more money, but before I'm going to write them a blank check from the City's Treasury, I would like to see some of these things brought to a halt and, so far, we have been unable to do so.

Commissioner Leavitt: Well, I've never suggested a "blank check". What I'm suggesting is that we shouldn't borrow \$1,750,000.00 and

pay interest on it until you can determine what is going to be needed in the Metropolitan Police Department and what kind of deficit there is going to be . . .

Commissioner Christensen: How are you going to determine how much of a deficit - because if you ask the Police Department, they need four times as much as they've got, regardless of what the figure is -

Commissioner Leavitt: And what the situation is going to be the second half of the Fiscal Year when both the City and County have received reports that indicate up to a \$9,000,000.00 deficit, possibly, is going to exist. I don't see how anybody in the face of that evidence - that we have have that kind of a deficit - can go out and borrow money and pay interest on it. There is just no way I could vote for that - because that's what you are asking to do in this Resolution - you are asking permission to approve to borrow \$1,750,000.00 and pay interest on it and there is just no way I can justify that kind of action when I've been told by the Finance Officer - I've been told by the County people - that we're facing anywhere from a \$5,000,000.00 to a \$9,000,000.00 Budget deficit and that interest - you are going to pay interest on it - that interest is going to come out of the Budget - and the payments have to come out of the Budget. This just doesn't make good Fiscal sense to me.

Mayor Briare: Item No. 4 on today's agenda - what you have just stated is something that is going to be brought up under this Item No. 4, because Item No. 4 is strictly amongst the members of the City Commission for the purposes of our next joint City/County Consolidation Committee - and when I say "status" that is a pretty broad term, but inasmuch as it is my understanding that the Law relating to the special meeting of the State, that unless there is a unanimous consent among all members present, or all of the members are not present, you cannot have anything on the Agenda which is not contained in the Call. Included in the Call is this No. 4 relative to the Joint City/County Status.

However, if this is going to be in regard to the fact that the County is going to be Five Million Dollars in the hole and the City, hopefully, is going to be operating better than \$58,000.00 in the black, maybe this whole idea of Consolidation with respect to the people who reside within the City Limits of the City of Las Vegas, is not all it is pointed out to be. Obviously, there is something wrong - you certainly don't want to share in somebody's loss - you want to share in their profits. If the County is talking about a deficit of Five Million and the City of Las Vegas is talking about being in the black in the amount of \$58,000.00 - that's not the kind of a Budget picture I want to be in.

Commissioner Leavitt: Does that Budget include the revenue from the Strip for the second half of the year?

Director of Finance, Marvin A. Leavitt: Our Budget does not include the Utility Franchise Tax . . .

Commissioner Leavitt: I'm talking about Gaming and Liquor Licensing Fees -

Marvin Leavitt: No -

Commissioner Leavitt: I think the County might have taken that into consideration in their Budget - that they were going to lose those fees -

Mayor Briare: They were told to submit separate Budgets . . .

Commissioner Leavitt: But I know - the second half of the Fiscal Year the City is going to have that revenue. The City ought to be in pretty good shape, but the County is going to lose.

Marvin Leavitt: What makes it difficult at this point is - on the Metropolitan Police contribution - I don't know which entity it is going to be -

Commissioner Lurie: Our share will be 52-1/2 up to January, 1977 - you can figure on that, but my biggest concern is that pending consolidation, the City is financially sound. The only thing that we have to lose right now is the franchise for the Nevada Power - the Two Million Dollars . . . now if the County has to pay a deficit other than that, it is up to the County Commission to be responsible enough to balance their Budget. The City, I believe, has shown good faith in balancing its Budget and has cut out an area here that I don't agree with.

There is another question I have to ask on why some of the departments didn't follow the instructions by the City Manager to submit their budgets at 5% less than what they were last year. That question has really never been answered. Some of them have based on this last report we received this afternoon. I think that the City should look at our particular Budget for the next year, and the County is going to have to submit theirs and we can sit down after we get the Tentative Budget approved and try to put them together. I don't want to take on the Five Million the County is going to lose until the County can show us where they can save that money. They haven't shown us where they are going to save. They put the monkey on the City's back - they say "you have to come up with that additional savings" . . .

(Commissioner Woofter arrived at the meeting at the hour of 2:20 P.M.)

Commissioner Leavitt: I would like to suggest that at this time there is a full Board present.

Mayor Briare: You don't suggest it - you just come out and say it. It didn't do any good to wait for you Commissioner Woofter because Commissioner Leavitt still hasn't changed his mind. He's still opposed to it. I also mention it because of the fact that even on a "testing of the waters" at the last meeting, it was a 4-1 vote, but it still hasn't done much good. We did make the comment, however, that there is an expected - to finish out this Federal Revenue Sharing Program - we are crossing our fingers that it will be continued, but we are not banking on that - there is \$650,000.00 that has been tentatively committed for a Police Budget. A policy decision, I think, has to be made by this Board at the March 3rd meeting, or prior to the Public Hearing that is scheduled for Tuesday, March 23rd when we have a Public Hearing on the Tentative Budget - we're going to have to make a policy decision whether we are willing as the Governing Body of this City, to commit and spend monies of a Revenue Sharing nature for operating capital, because we never know from one year to the next that it is going to be continued and so commitments made this year are commitments that are going to be compounded in years to come should we fall short of these monies.

However, and this again, Commissioner Leavitt - I don't know whether this is the time right now to exercise any salesmanship - I am very impressed - I am going to make copies of it - in fact I think I gave you a copy of all the material relating to the Sale Lake City Bond Issue where the people of Salt Lake did a pretty good job of parlaying. You might be familiar with it. They parlayed a local - they parlayed a City - the County - the State Legislature and some Federal money to build a \$22,000,000.00 Cultural Arts Complex.

It is not inconceivable to me - in fact, I think that all of us, when the proper time comes we are going to have to get after some candidates for the State Legislature - when they go up to Carson City that they, first of all, recognize where they are from. And, secondly, an indication that the cities of Clark County, including North Las Vegas, Henderson and Boulder City, have some very, very serious problems that are not being solved at the Federal level, and since sometimes it appears hopeless to find solution at the Federal level, we're going to have to look to a healthy

State level - get some Laws changed to the point where the City of Las Vegas and, hopefully, the consolidated City, is going to have some sort of confidence in expecting revenues that are not presently earmarked for it, but rather pass right through the County into the State coffers - which is proportionately the wealthiest State in the Nation - but at the same time has cities with the same problems we are talking about right now. These are things where we are at the mercy of the State Legislature. And if that is not bad enough, we're at the mercy of Congress for some of these programs that we have to be able to resolve. Now, if that would be the case, I am still going to advise everybody that by the time March 3rd comes along - or March 23rd, whichever is proper - there is going to be a package planned for you to consider the possibility of reserving that Revenue Sharing money and not using it for operating capital - but to commit it in such a manner that it can be used only for capital expenditures and will not be subject to attack by any horse-traders . . .

Commissioner Leavitt: Mr. Mayor, I would like to suggest this: Maybe if we could have Staff prepare for us some kind of record as to what we will need to complete the Projects presently under way where Revenue Sharing monies have been allotted. For example, the Senior Citizens Center and the Southern Nevada Youth Foundation for a Sports Complex. They have had Revenue Sharing monies allotted to them and are in the process of being under way. I am sure there are other Projects that don't come to my mind at this time, but I think we should determine whether these projects are going to need any additional Revenue Sharing monies. And, if so, how much - in order to complete before we start giving out Revenue Sharing monies out for any additional projects. Let's complete the ones we've got under way before we start planning for new ones. It always winds up costing more than was originally estimated -

Commissioner Lurie: I was not aware that we were even talking about \$650,000.00 of Revenue Sharing money toward the Metropolitan Police Department Budget, at this meeting today.

Commissioner Leavitt: Maybe not - we are not talking about this point, but I think . . .

Marvin Leavitt: Maybe I ought to indicate how that \$650,000.00 got there - we added the \$650,000.00 to the revenue side of the Budget. It was arbitrary on my part where I put it on the expenditure side. I could have allocated it to several different areas. Whether I put it in Metro or not, the total amount of the Metro contribution is going to be the same whether or not Revenue Sharing funds are in there or not in there. So the fact that we take the \$650,000 out of there won't really come out of the Police - it's got to come out of the other City departments some place, because all we'll have to do is to put \$650,000.00 more of City funds into Metro and then try to take that \$650,000 out of other City departments.

I agree with you - I feel very strongly myself that Revenue Sharing monies should not be used for operating expenses. It is an Act that is going to end in December of 1976 and now we're getting only half a year of it that is included in this Budget. I feel very strongly on that - we argued for hours before the Factfinder this last year on that very subject and he did not agree with us - he went right ahead and said the Revenue Sharing money was available for employee salaries.

Mayor Briare: How did he respond to the question that would naturally follow - in the event you insist, and are successful in taking that Revenue Sharing money for purposes of the payroll, then what are we going to do next year when that is not available? How do they respond to a question like that?

Marvin Leavitt: As I recall, the response we got last year when we were discussing the subject is that he was looking at one year only - that he was only concerned with that one year.

Mayor Briare: There's a difference between that approach and the

approach I believe we have to take.

Marvin Leavitt: That's right.

Mayor Briare: Is there anything else anyone would like to add in here? Are there any further comments on this?

(No response)

Mayor Briare: Then, for obvious reasons, we will go on to the next matter.

City Manager, A. R. Trelease: Do you want to take any action ratifying that time and place?

Commissioner Leavitt: Are we going to vote on the Resolution?

Mayor Briare: What Resolution?

Commissioner Leavitt: The one we are here for - the one on the Short Term Financing -

Marvin Leavitt: You can't vote on the Resolution anyway - it requires a 10-day publication . . .

Mr. Trelease: There's no use in publishing it if you're not going to approve it.

Mayor Briare: This just takes a motion -

Mr. Trelease: To ratify to the State of the time and place.

M o t i o n

Commissioner Christensen: I so move.

Mayor Briare: The motion has been made. Are there any comments on setting the time of March 23, 1977 at 9:00 A.M. in the City Commission Chambers for the purpose of the ratification of the City Commission of the Budget -

Mr. Trelease: For the purpose of holding the Public Hearing on the Tentative Budget.

Commissioners Christensen, Leavitt, Woofter,
Lurie and Mayor Briare voting aye; noes, none.

Mayor Briare: Mr. Trelease, would you please make a note that I want to get together with you to coordinate a little research work and proposal to the City Commission on the subject of Revenue Sharing monies - a Cultural Arts Center - and other things. Let's do it in plenty of time so that everybody has an opportunity to read it prior to March 23rd.

Mayor Briare: The Clerk will prepare the proper Notices for publication relative to the Public Hearing.

Now, then, on the item of JOINT CITY/COUNTY STATUS - I wanted to bring this subject up for this reason: I realize that Chairman Leavitt is going to have an administrative meeting today and the Lord only knows what is going to come out of that. I think, if it is possible, we might speculate for a while what is going to happen in Court - if there is any value in so speculating . . .

Commissioner Leavitt: I learned a long time ago not to indulge in that kind of speculating - wait until they make a decision. But I do think this: I am going to request an administrative meeting be held at four o'clock today instead of three o'clock - Zack Taylor wants to come and personally make a presentation of the fifteen (15) names his people have selected as finalists to be considered for the City/County Manager's job. But, it would be my suggestion at that time, at that meeting, that the Joint City/County Consolidation meeting scheduled for the 27th, be cancelled and that we tentatively leave the one scheduled for March 10th. By that time we should have a Court decision. My

understanding is that Judge Wendell is going to make a Court decision very quickly - it is my understanding that he has cleared his calendar for a week in order to write the decision - he is in the process of writing it. As to anticipate what that is going to be, I think is an exercise in futility. Trying to guess what a Judge is going to do is just a waste of time. For that reason I would want to cancel the meeting on the 27th. That would be my suggestion.

Mayor Briare: I agree with you, Commissioner Leavitt. When the Judge does make a decision - let us, just for a second, suppose it goes to the Supreme Court. Then are we to sit back again, as we are at the moment, and wait for the Supreme Court to act?

Commissioner Leavitt: You have to remember we are not operating, at the present time, under Senate Bill No. 601. We are operating under an inter-local agreement between the County and the City. We are not operating under the Law the Judge is trying to decide so all we have actually done will not be affected by that decision. The question at that point, depending on what the decision is, is whether you want to continue to operate under that inter-local agreement or whether you want to go ahead and say - let's forget about it until the Supreme Court rules.

There are some very important decisions that will have to be made, as you are well aware of - the Ordinance is in Study Committee to cover the metropolitan cities act - the districting - all these things should be done by April 21st. There are some tough decisions to be made there. If the Supreme Court hasn't ruled by then - we have been assured by the Supreme Court they are going to give this expedient treatment on the calendar - right now they are setting their cases into 1977 - in April of 1977 - setting cases for oral arguments - those are cases that have already been up and already been briefed - not cases just filed, and this case would have been just filed. So they are about a year and three or four months behind right now insofar as oral arguments are concerned.

So unless they give us preference - unless they make a quick decision, I don't know what will happen at that point -

Commissioner Woofter: Isn't there a deadline of April relative to the redistricting?

Commissioner Leavitt: April 21st by the Law - 90 days before the last day of filing, the last day of filing being July 21st - 90 days prior to that is approximately April 21st, when the Districts have to be firmed so the people will know on days before the date of the close of filing what Districts they can run from if they want to file for office.

This is the next deadline besides the Budget problem. I think we're going to have to wait to see what Judge Wendell says and take a look at that decision and I would guess there is going to be an automatic appeal - and then determine what to do at that point. Maybe we will decide not to appeal - decide to accept the opinion and go that route. It does not necessarily mean that we automatically have to appeal. We may win.

In answer to your question, the only thing I can say is that we necessarily have to come to a screeching halt -

Mayor Briare: We have to come to a quiet slow-down -

Commissioner Leavitt: That's right. I don't see any sense in having any sub-committee meetings, or anything else, as far as that goes. It is difficult enough to get agreement between the two Boards when we were supposedly working under a constitutional law and without the Court problem. You know the problems we had trying to reach

an agreement with the County people on a lot of these things. I don't see any sense in opening up new wounds, or anything, until we at least get a clarification of where we are legally.

Mayor Briare: Can't you imagine the dilemma that each of the fifteen applicants for the top jobs are going to be faced with if they get a letter from Commissioner Leavitt which says you have been selected and would appreciate you coming to Las Vegas for the purpose of an interview, but we'd better remind you of the fact that this is in Court - that we don't know where we are going and we're not sure where we've been . . .

Commissioner Leavitt: I'm not sure I'm even going to write such a letter -

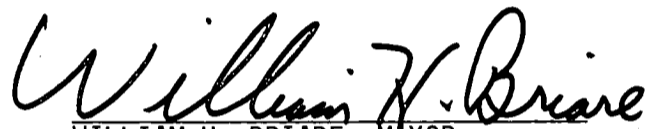
Mayor Briare: Would you care to come and discuss a future job with us? I can imagine the reaction on the part of some . . .

Are there any further comments on the matter of the City/County consolidation?

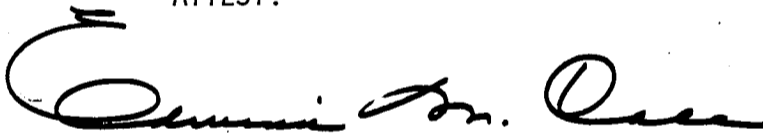
(No response)

Meeting adjourned at the hour of 2:40 P.M.

APPROVED.


WILLIAM H. BRIARE, MAYOR

ATTEST:


EDWINA M. COLE, CMC
CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of the Board of City Commissioners held October 26, 1977