

M I N U T E S

Las Vegas, Nevada
August 1, 1977

A SPECIAL MEETING of the Board of City Commissioners of the City of Las Vegas, Nevada, held this 1st day of August, 1977, was called to order by his Honor, Mayor William H. Briare at the hour of 10:00 A.M., with the following members present:

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

STAFF PRESENT

City Manager	William E. Adams
City Attorney	Mike Sloan
Director of Public Services	Laurence Hampton, P.E.
Director of Community Planning & Development	Donald J. Saylor, AIP
Director of Funds, Coordination & Projects	Ronald Jack
Director of Financial Management	Marvin Leavitt
Director of Cultural Services	Harold P. Foster
City Clerk	Edwina Cole
Minutes Clerk	Larry Martin

CAPITAL IMPROVEMENTS

Further discussion postponed until August 3, 1977

Mayor Briare: This is a Special Meeting of the Las Vegas City Commission and we will call it to order. The first item on the Special Agenda, is the discussion on Capital Improvements for the future, if we could possibly try to firm up something in the future. I think that with some of the matters that we are going to be discussing in the days to come, let alone the weeks and months to come; we are going to find ourselves in a very serious financial position. We will probably not know where we are going, if we don't make some firm decisions in the near future. I would hope that from a financial standpoint, since there is no great mystery as to how City Government is financed, we would be able to project, with a degree of accuracy, the monies that we can expect to receive in the years to come. Now historically it would appear to me, that we have been quite fortunate. That those projections have usually been underestimated. So we have always been able to manage some sort of a windfall in financing Government. I don't think this is a very sound way to finance City Government. It would appear to me that if there are any windfalls to come about, that we don't anticipate today, or during the course or the period of time that we are working in. If we can't plan and spend money that we don't have. So I think that if we are going to be make commitments, for monies that we can expect to receive, and we are going to be making commitments on money that we are not sure that we are going to receive, then I think the general public should know about it. They should know, so when we have to start cutting down on services, that we will be able to tell the public what services we are going to cut down on. In order to finance the commitments that were made in previous years. Now along with that, I wanted to ask our City Manager to put together a list of proposed projects, together with their estimated costs. Then to have this Commission review them and make comments or suggestions as to what they feel the long range planning of the City should be. Long range if you want to talk about the next 5 years. What it should be. Whenever a City makes commitments to the public, by virtue of

announcements to the press or whatever, that they are going to build this and they are going to build that, and then something else comes up, it gets pretty confusing. I would like to have some suggestions from this Commission that we can count on for future growth in this Community. Mr. Adams would you make some comments on your presentation here?

Commissioner Lurie: I would like to make a comment. I am not aware of having to cut back at the present time on any services, or any type of programs that we have already approved. I don't have anything before me that shows that we are going to have to cut back on any projects. Maybe they are going to be in Mr. Adams presentation, but I am under the impression that everything that we have approved, up until today, is a priority and a project that should be under design and in the process of being started. I am not aware of any projects that are going to be discontinued at the present time, or any services that are going to be cut back on for the residents of Las Vegas.

Mayor Briare: Nor am I, Commissioner, I think that is the exact reason for having the discussion on Capital Improvement Projects. If we don't have some sort of a firm commitment on what our Capital Improvement Programs are going to be, and we add on to them as the years go on; we are going to have to cut back on services. There is only so much money available. For example if the City were to approve a 3.5 Million Dollar loan, for a jail facility, what effect is that going to have on previously planned Capital Improvement Projects? What effect is that going to have on the operation of the jail, and where is the money going to come from to operate these things?

Commissioner Lurie: I understand that also. Then this other correspondence that we have received on the Capital Improvement Program proposal, is this a wish book? Is this on the basis similar to that 5 year Capital Improvement Program? It is just updated each year on availability of funds that we have?

Mr. Adams: Yes.

Commissioner Lurie: So basically this book is just a wish book. Things that the Departments would like to have and we would like to have, but there aren't any funds to proceed with Capital Improvements of these items.

Mr. Adams: Well what we have tried to do in this instance, is to go along with the original report that came through from L and H on establishing our Capital Plan. Do it each year as we come down, and try to come in with those things that we can fund and take care of. We have set up priorities within each Department as to what we think we are capable of doing for the next year. Then we will bring that to you for approval of those items if you wish us to proceed. In some cases, and part of our problem is that, we are involved in about 5 different sources of money. None of these conform, except one to our budget year. So we as a consequence, wind up in where the BOR Funds for instance, needs to be taken care of by the first of July. Convention Authority Funds, we take them as they come down the road. The Revenue Sharing Funds comes in based on a fiscal year beginning in October. Our own budget year of course starts in July, but it started in January and goes through that six months period. So as a consequence, when we bring these financial plans forward like in this case, that some of these things we are asking for, we may have already asked you to approve us to go forward on. Because of the financial set up that is involved, where we actually get the money from. But it is in essence a wish book. Some of the things are priority items that have come from each one of the Departments that our committee has put together, with a recommendations of the priorities within each division of money that we receive. Many of which we will be able to go forward with. Our General Funds section of this is rather small, because of problems that

we normally have in not being able to have additional funds for Capital Improvements out of our budget. But it is something we could ask for approval and receive, and still go forward with those we have in this book this year. We are not really saying that the items that we have in here, that those are our recommended priorities. Those are the things that we think need to be done in those particular areas. Admittedly as we get on down through the era, we may find that we need to have something other than one of these items. So it is not set in concrete, we can then go ahead and make a change and move something around.

Commissioner Leavitt: As I understand it, what this is is more or less an update of that 5 year Capital Improvement Plan we had, that I looked at when I first came aboard.

Mr. Adams: That is what we have done, although we have cut it down into more of a yearly basis, so we can give you an idea of where you are at.

Commissioner Leavitt: That 5 year Capital Improvement Plan that we have had in the past, you are reducing it down to a yearly situation then. But basically it is a wish book, and it is up to us to make a decision as to which priorities we want to use on each item, how we want to spend it, is that correct?

Mr. Adams: Right. We are recommending on the priorities, that beginning on Page 4 for instance, through the next four or five pages, are those projects that are broken down by funds. By the BOR Funds, by the State Park System, by the Convention Authority and what not. We have gone through and shown what we consider to be the priority items. We would ask of course any changes that you want to make or any alterations.

Commissioner Leavitt: From each funding source?

Mr. Adams: Yes, we thought it was more appropriate that you tie our ties from there, rather than try to go Departmental wise. Because, some money comes from some place and some from another.

Commissioner Leavitt: So this is based on anticipated revenue, from these funds sources that you have mentioned. This is one of the places where we can use that money for Capital Improvements, is that correct?

Mr. Adams: Yes sir.

Commissioner Leavitt: This isn't money that we have already received. It is anticipated projects, is that true?

Mr. Adams: That is generally true, now there are some cases....

Commissioner Leavitt: But the money is coming though?

Mr. Adams: Where the money is coming, yes.

Commissioner Lurie: There is some projects that have already been approved for funding, that are still under design, why haven't these projects been started? One project that sticks in my craw, is this warehouse facility down at the yard, that we have been talking about. The money has been set aside for four years now, and they haven't even turned a shovel full of dirt. To build a warehouse facility for the City. I just am sick and tired of having this thing come before us each year about priorities, yet when we approve a priority it never gets under construction. It is always delayed and the money just sits in a fund up there and nothing happens.

Mayor Briare: Let me make this comment too. I think that is one of the reasons exactly why, it would perhaps be wise for us to discuss the matter today. What happens is that management is given suggests by this membership, that this should be our Capital Improvement Program. This is the wish book and these are the things that we would like to see happen, but we never seem to know very far in advance as to whether it is going to happen or not. The warehouse is a perfect example. I think it was two years ago that that matter was first brought up. But it is understandable to me, why the City Management might be in a difficult position, because from time to time we change that. Things come up, and I am specifically talking about taking Revenue Sharing for example and using it for operational purposes. With that Revenue Sharing that we take and hire new policemen, we take Revenue Sharing to build this, we are taking it to do that, those are dollars that at one time it was thought that they were going to be used perhaps to build the warehouse. You don't have that situation. So if we are going to be making commitments, to use Revenue Sharing monies for operational use, or to repay Short Term Financing, or to do anything else with it, then we should indicate to the public what we are going to do without. We are going to do without a warehouse. Because we needed that money for operating purposes, or that we are going to do without this project. We are going to use it to pay interest on short term loans. But whatever we are going to do, I think we should be able to understand where the money is going to be taken from to meet these new requirements.

Commissioner Leavitt: Since this is projects that haven't been built yet, and it is money that hasn't been committed yet, how are we doing without something? The projects haven't been approved yet.

Commissioner Christensen: None of these projects have been approved.

Commissioner Leavitt: We are talking about proposed Capital Improvements.

Commissioner Christensen: No, I think what we are talking about are Capital Projects in progress. Those of the ones that have been approved. There is many dollars worth there that have been approved for some time and are still sitting somewhere. The warehouse is a good example. We have had that approved for I think four years.

Commissioner Leavitt: But the money is there for those projects. It is sitting in the bank drawing interest correct?

Commissioner Christensen: But that warehouse has been shelved a couple of times because it has been approved, then the money used for something else, has it not?

Commissioner Leavitt: The money is still there.

Commissioner Lurie: The money has been there and we have been trying to get the warehouse built for better control of City Purchases. I am still not satisfied with the answer of why we don't have the building?

Commissioner Leavitt: But the money is there for the warehouse isn't it?

Commissioner Lurie: Yes.

Commissioner Leavitt: It can't be used for something else. In other words, all the projects on this sheet that have been approved by the City Commission; the money is there sitting in the bank and the projects are being developed is that correct?

Mr. Adams: That is true, with the exception of the Public Works Projects. We are waiting for that answer to come down. This book is actually beyond what we have already set aside for construction purposes.

Commissioner Leavitt: What are we doing without?

Mr. Adams: Right at the moment, I am not sure that we really are. If everything goes like we are, money wise, we will be able to finish all of these projects. Part of our problem we are running into, one of the things that I have requested on the third meeting, was that we come back and establish us some funds priorities. One of which is our warehouse. We ran into several snags with that, in that we needed to redo the actual motor pool area, garage area that we have down there. We have finally got that aside now, so now we are in a position that we can do some design work on it. Some of those things we thought we needed to explain to you why we did it, and then to ask for any other changes in the present Capital Projects that are underway, any priority changes that you would like to make in those. Then we would ask for approval of this Capital Project, based on the priorities that we have set in these funding sources. Then we will go right ahead on where we are at now. At the present time, I think we are in a position of saying that; everything we have involved and underway, we have money for. Those things that we have in the wish book, the first couple of items we may have money for, the rest of them we are waiting for that stuff to come down the road. That would be a pure wish book operation beyond that. Like the BOR Funds for instance, where you have to get the request in now to be able to go ahead with it. We have already brought that to you and asked you to proceed on those.

Commissioner Leavitt: But the projects in the wish book have not been approved by the City Commission at this point?

Mr. Adams: Just a couple of them.

Commissioner Leavitt: The ones that are approved, you have the money for?

Mr. Adams: Right.

Commissioner Leavitt: So we are not talking about doing without anything. We are looking at the book and deciding what we want to do in the future in the area of Capital Improvements?

Mr. Adams: Yes, bearing in mind that we don't anticipate any changes in our revenue sources.

Commissioner Leavitt: The Mayor indicated that there was a financial problem, that is what I was trying to get at. Since there is no financial problem, because the money is there to build those projects, I can't understand what we are talking about.

Mayor Briare: I am sorry you misunderstood me Commissioner. Perhaps you were talking to the other Commissioner at the time. The point that I was trying to make, was that, the commitments that are to be made in the future, there should be a price tag attached to those commitments. That money should be reserved for those commitments only. Should those commitments change, or if we use that money for operational purposes, then I think everybody should be made aware of it, that they are going to do without that Capital Improvement because we have used that money for something else in the future. I am trying to get commitments made.

Commissioner Leavitt: Well I am not prepared to commit 5 years down the road.

Mayor Briare: Are you prepared to plan for 5 years down the line?

Commissioner Leavitt: Well planning is one thing, but then to say that you are going to commit the money at this point for those projects, and then later change our mind is a different thing. You indicated that we have got financial problems, and I can't see where we have financial problems, when the projects that we have approved, that the money is there. I don't think we should approve a project until the money is there.

Mayor Briare: Then I am still not making myself clear. I am not suggesting that we are having financial problems right now. I am suggesting that the way that we do Planning and Capital Improvement Projects, that we will have problems down the line. I am not suggesting that we have them right now. Does that answer that point?

Commissioner Leavitt: Well yes, I think it is clarified. I thought you indicated that we had some financial problems.

Mayor Briare: What I am saying is, that we are going to be taking monies for the operation of projects that is in the works right now. We are going to be taking monies that we don't have to spend for operational purposes. Now I will give you an example of what I mean. I want to ask Bill. On this document that you gave us, it refers to Capital Improvement Projects in progress. You indicated to Commissioner Leavitt with the exception of those items which are Public Works monies, LPW, that there is money in the City Treasury to complete all of these projects. Is that the impression that I understood that you gave the Commissioner?

Mr. Adams: Yes.

Mayor Briare: Then just going down the funding source, have you any idea how much money that is? Save and except the Public Works Department, how much money is in Escrow sort of speak. How much money is set aside to complete all of these capital projects in progress? (No response). Well it is quite substantial isn't it?

Mr. Adams: Yes, it is a substantial sum.

Mayor Briare: There is no way that that money can be used for any other purpose, other than what you show here on this list.

Mr. Adams: This is the way we are operating. Whatever money you set aside from General Revenue Sharing for instance for the Police Substation, that is the way we will see that it is spent.

Commissioner Leavitt: Well, it is my understanding that the Revenue Sharing money that has been allocated but not expended, can be reallocated, is that correct?

Mr. Adams: Yes.

Commissioner Leavitt: In other words, if the City Commission should change their mind on these projects before the constructions starts, it could change couldn't it? Not that I am suggesting that it should be done, I am just saying that due to the fact that the project hasn't begun, doesn't mean that the City Commission can't change its mind and decide not to do that project. The fact that money has been allocated but not expended, doesn't mean that it can't be reallocated for something else.

Mayor Briare: And when such reallocation takes place, I think it should be clear to everyone, when it is allocated, what it is that is going to be set aside because of that reallocation. You see what I am trying to get at?

Commissioner Leavitt: It has to be done in a Public Meeting, there is no other way it could be done.

Mayor Briare: I know that.

Commissioner Leavitt: Everybody has to know when you reallocate public money.

Commissioner Lurie: I think the bottom line to this whole discussion is, if the City decides to apply for a Short Term Financing of the 3.5 Million Dollars for their share of building the new detention facility. The money that it is going to take to retire the loan, where are we going to receive that money? Is that money going to be taken from the General Fund? If it is taken out of General Funds then what projects say from the Capital Improvements Program for 77 and 78 will be set back next year, two years, three years down the road? I think that is the bottom line. If that is the case, or is it another funding source in our General Funds that this loan will be retired from?

Mr. Adams: I think that in essence is what it involves.

Commissioner Lurie: I understand what the Mayor is trying to say now, we are looking for short term financing. The money has to be taken from one fund and if it comes out of a General Fund, then that money would be used to pay say 50% of the money needed to apply to BOR for say Freedom Park to complete the project. That basically is what it comes down to. Then we have to look at what our debt service is now, what it was four or five years ago, and are we in a position to borrow the 3.5 million without setting aside or cutting back these projects.

Mr. Adams: That is the idea. We anticipate of course that we will have additional funds that will be available for that purpose. As we go down across the years this is going to improve. It is the same thing that you attempt or in the same vain as a regular household, to keep a certain amount of money actually borrowed, so that you are working on that type of a thing. In the same essence that the homeowner does to pay off his taxes and keep it so he can run it off against IRS. Ours is in essence so that we can maintain our standard of borrowing.

Commissioner Lurie: I guess the question is; is our debt service low enough where applying for short term financing is not going to put us into any jeopardy of a Capital Improvement Program?

Mr. Adams: At this time we don't think so. It appears to us that we will be able to handle most of the programs that we have coming down the road. Some of the things and the items out of our wish book, and still be able to do that short term financing.

Commissioner Leavitt: Bill I am looking at this "wish book". The majority of these projects are not from Capital Fund, they are from Convention Authority Money, State Bond Money, Revenue Sharing money.

Mr. Adams: Right, we are staying rather consistent with the operation that the Commission has established....

Commissioner Leavitt: Your General Fund is where you get the money to retire the debt service, is this true?

Mr. Adams: That is true. Now it may well be that in the process, we may change some monies from one pot to another as the need may arise. But as it sits right now, we think we are capable of handling it across a period of time.

Commissioner Leavitt: I understand that the Debt Service of the City has gone from about 25 Million, it is down now to about 12?

Mr. Adams: Right at that as I recall. It is going down even more because some of our others are going to pay off.

Commissioner Leavitt: As far as the debts of the City at this point, it has dropped considerably.

Commissioner Christensen: I would like to get a little closer to the bottom line. We are talking about a 3.5 Million Dollar Loan as "our share of the detention facility". I think we had better take a close look at the fact that the 3.5 Million Dollar loan is a match for a portion of money that the County Commission has already set aside out of their Revenue Sharing Fund to start a detention facility. It does not say that 7 Million Dollars is going to start this detention facility. I hear the figure is closer to 22 Million. Now this is getting down to the point that I have asked, and Mike, I believe I asked Jan and he indicated that you were aware of it. Just exactly where the City's obligation legally is on the jail facility, because it is questionable in my mind, whether we are going to be able to support funding, half, of 22 or 26 Million Dollars worth of jail. It is again questionable in my mind whether we legally have to, and if we legally do have to, there is no question in my mind that we morally shouldn't have to, since the County has the responsibility and collects taxes from all the cities residents to do these things. Could you give us some kind of an answer on that?

Commissioner Leavitt: We have a Public Hearing set on that, I just wonder if we should take it up at this time, or wait until we have a....

Mr. Sloan: I would suggest that since we have had the Public Notice that we are going to be discussing this, it would seem to me to be a more appropriate time to go into that. We want to have a public presentation. Commissioner you will have a written opinion from the City Attorneys Office tomorrow that relates to AB 17 and the fairness and legality of the building.

Commissioner Christensen: That answers my question, but I think the point should still be made, that when we look down the road, you don't know what is going to come into your Capital Improvements, City wide, to fund this detention facility, if that is what comes up. Also I think you are on dangerous ground, when all of your capital improvements out of necessity come out of other funds. All of these other funds could end. You look at the Convention Authority funds. I foresee that if there is any situation on the Convention Authority that cuts into our funding, as appears is going to come into it to support bonds for the down town complex, which I support, then there may not be any Convention Authority money coming down the road in the future. When you have so many dollars, it has to go somewhere, and that money may not be there. The Revenue Sharing money is scheduled for so many years and then it could conceivably end suddenly. I hate to see us put in a position where 5 years down the road we are looking at no Capital Improvements anymore. Because our General Fund money is expended for other things, and is programmed to do other things for years to come. I think along with what the Mayor is talking about, that kind of is dangerous ground when you look further down the road. To have all of your Capital Improvement money tied up in one fund.

Commissioner Leavitt: If your funds are cut off, of course the project would die.

Commissioner Christensen: The Capital Improvements come out of those type of funds, which means that if those funds die, all Capital Improvements die. When all Capital Improvements die, I think you are in trouble.

Mayor Briare: Yes, because you are committed totally on your operating money.

Commissioner Christensen: You are committed totally on our General Fund Operating expenses.

Mr. Adams: That is true, that is in essence of where we are at. The Mayor and Commission and their policy establishment of setting General Revenue Sharing and the others for the Capital Plan and then we worked out of our....

Commissioner Christensen: Well we are better off than some entities, because some entities use this money that we are trying to use strictly for Capital Improvements for operating expenses also, which puts them in a deeper whole than we are.

Mr. Adams: Well we are in a position right now where I think we are all right. Now if funds start dropping off and we still have to continue projects, then those things we are going to have to come to you and say, "I am sorry we can't build this, or we will have to take money from some other place to do it".

Mayor Briare: That is exactly what we can be faced with.

Mr. Adams: I think we are alright, because the funds are coming in, we have the projects set for this year. The Revenue Sharing is coming, the Convention Authority is coming, the BOR is coming. Right now we are alright.

Commissioner Leavitt: Well isn't that true of anything, if the funding stops, you have to stop the program?

Mr. Adams: I think this is merely a matter of bringing up the Red Flag, saying "watch it, because it could happen to us", but right at the moment I think we are in good shape.

Mayor Briare: Wednesday's meeting of course is going to be a Public Hearing on the question of, "shall the City borrow 3.5 Million Dollars on a 5 year short term note?" I think because of the general description of the agenda this morning, that we certainly can refer to the construction of a jail. We are not talking about the financing, we are not talking about whether should the City borrow the money on short term financing. I think it has got to be. I think we can talk about the future needs of the County and the City, at a meeting where we are talking about Capital Improvement Projects. I want to refer to the jail.

Mr. Sloan: There has been much discussion in the press about the jail, as a subject matter for hearings. The matter was set for Wednesday, and my own thought was this. If comments were made by the Commission, that perhaps the public would like to respond to them during a hearing on that. It might be more appropriate to do it that way. I don't think that you are precluded from doing so. I didn't want to get in to giving a legal opinion on the jail situation or under the Capital Improvements part of this budget.

Mayor Briare: I don't want to talk about the conditions of the jail. I would like to talk however, about what the new jail is going to cost. Not as to whether we are going to borrow the money to do it. The County has 3.5 Million Dollars in their hands right now from Revenue Sharing Funds. The proposal before the City Commission is that we are going to talk about that Wednesday. Now if the City had 3.5 Million Dollars in Revenue Sharing Funds, it is conceivable that they wouldn't have to go out and borrow money. If you do end up with a 22 Million Dollar Jail, theoretically the City, save an opinion from the City Attorneys Office, is going to come up with 11 Million Dollars in an X number of years.

Commissioner Christensen: Lets put it this way the City taxpayers is going to come up with 11 Million Dollars to give to the City. Then they are going to come up with 40% of 11 Million Dollars and give to the County.

Mayor Briare: Then to operate. I don't know what it cost to operate, but I think that is a question that we are going to ask Wednesday. What is it going to cost to operate the jail? Because the Metro Police Department is going to have to operate the thing. In other words the tip of the iceberg is the construction of the jail.

Commissioner Christensen: The Capital Improvement portion is the cheapest portion.

Mayor Briare: Absolutely. It would seem to me that Commissioner Lurie, at our last meeting; if I recall Commissioner, you used a legislative phrase about the fiscal note. We will I assume, have a fiscal note attached for our discussion on Wednesday.

Mr. Adams: If we can shake it loose. We have been working on one.

Commissioner Lurie: I just attended a meeting this morning on the Criminal Justice Committee, where they have put this discussion off until their next meeting on the Detention Facility, Court House, Juvenile Facility. The reports that had been given to us indicate that we haven't even touched the tip of the iceberg yet as far as cost of this facility. We are looking at, in their reports, 25 to 30 Million Dollars. This is an underestimated cost, and I think what the County is basing their comments on, in going after the voters, as to what is available now. The funds that are available now. Not what is needed. I think that this is very important, and I have reservations about getting ourselves into a situation that just addresses what is available now, and what the actual need is. I know that serving on the Metropolitan Police Commission, that after the detention facility is built, it is going to come back to the Police Commission. That we are going to need "X" amount of dollars to not only staff it, but you are going to need the operating costs and furnishings and the things that go along with opening up this facility. That means that if we are responsible for 50% of that cost, and after reading this report, I have reservations about the detention facility. I am not opposed to the City putting in its share. If I know the bottom figure is going to be something that the City of Las Vegas' residents is going to be able to live with; and we are still going to continue with Capital Improvement Programs in future years. That is my main concern. What is acceptable to the voters, rather than what the actual need is. I think this comment here in this report, it says, "This could be a major short sighted error by the County". By going out to the voters and telling them one thing, but the actual need is going to be quite a bit more than what is on the surface, I think that is very important.

Commissioner Christensen: I think that probably the discussion on Capital Improvements has been fruitful, but I think that any further discussion is really mute, until we have had this Public Hearing on the question of whether we should borrow 3.5 Million to support building a new jail. I would move that we table this matter until such time as we have had the Public Hearing on the jail.

Mayor Briare: Right, and on your motion Commissioner, it is certainly within the realm of reason that after the Public Hearing on Wednesday, there really is no mandate by this Commission to take an action either affirmatively or negatively at that particular time is there?

Mr. Adams: On the jail matter, the Resolution will be there for adoption if you wish to proceed with short term financing. I have also requested that you apply the priority items to some of these Capital Projects, which is in essence those that I have in this book. Now those two items, the only action you would have to take on Wednesday the third, would be the action on the Resolution.

Mayor Briare: Well that is to go out and borrow money.

Mr. Adams: That is correct.

Mayor Briare: In other words what you are suggesting, you cannot take it under advisement, and then at a later meeting execute that Resolution?

Mr. Adams: No, I think the Resolution, the way it is set in the Statute, I think the Resolution would have to be adopted or dropped.

Mr. Sloan: I have a contrary recollection but I would have to check the statute. I think it says you have to have a hearing at least 10 days before you vote, but I think local Government Regulation Number 12 even gave an example of the 10 day notice requirement, that the vote itself could be taken at a recessed meeting.

Mr. Adams: I would yield to your opinion.

Mayor Briare: One other comment on the motion Commissioner. I think that probably we have set forth a few very substantial justifications for Metropolitan Government, because it sure is very difficult to try to make any plans or do anything along anything that would effect the tax dollars, that our citizens are obliged to pay. The two things that are being discussed over in the Countys side of the fence, you know this 7 Million Dollar Bond issue for the Juvenile Care Facility, and a substantial improvement on the hospital, which I don't think effects the tax rate. But the Juvenile Facility certainly does. It sure does make it difficult to try to, in a responsible manner, finance Government with something that you know you are going to have in hand. You sure don't do it. Any other comments?

Commissioner Woofter: There will be further discussion on this?

Mayor Briare: Yes, the motion is to postpone further discussion on this Capital Improvement discussion until after a decision is made on Wednesday, if it is to be made on Wednesday, after the Public Hearing. Is that correct?

Commissioner Christensen: That is correct.

Mayor Briare: Because we could just talk about this the rest of the morning. Any other comments? (No response). Cast your votes. Motion is approved.

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

CHANGING OF
BOARD MEETINGS
FROM TWO TO
THREE
Discussion only

Mayor Briare: The next item on the agenda for this morning is to discuss. (Pause) I hadn't intended Commissioner to have this introduced today. Mr. Sloan was hesitant to suggest to introduce it, but when I asked him I said "well we could at least discuss it prior to its introduction". It would be more in order if you wish to introduce it to do it Wednesday.

Commissioner Lurie: I thought we discussed at our last meeting, that the two items that would be discussed would be the Capital Improvement, the other was the Ordinance.

Mayor Briare: Right, to discuss the Ordinance, but not to introduce it today. Was that your comment Mr. Sloan?

Mr. Sloan: It was our thoughts that it would be more appropriate to introduce it on Wednesday.

Commissioner Lurie: It is on the agenda.

Mayor Briare: For Wednesday?

Commissioner Lurie: For Wednesday.

Commissioner Lurie: There is a Resolution and also there is an Ordinance. So it is on there for Wednesday, unless you want to discuss it today.

Mayor Briare: In the sense that the only time we can discuss something as a group is when we are officially called to order, it might be well to do it right now. I had indicated at our last meeting on the Ordinance, that you will introduce on Wednesday Commissioner, that I didn't see a need for a third meeting; and one that would be at night time on the suggestion that it would give more citizens an opportunity to participate in meetings. The odds against an item coming up on the agenda on a night time basis, as opposed to the other two meetings which are at day time, would be very very slim. Then the odds even get greater if a person had a zoning matter they wanted to discuss; then how does he know that it is going to be at night time, or one of the regular Wednesday meetings. I think Commissioner Leavitt had a very good point when he brought up that the appearance would be that the agendas on Wednesdays are being rushed. I would agree that that is probably the impression that is given. It certainly wouldn't have been intended, except that; well for whatever reason it is immaterial. I propose that instead of having a third meeting at night time, that we have that third meeting during the day, and that the agenda be arranged in such a manner, that all those items which the City Manager would put down, in his best judgement and consulting with his Department Heads, would be routine matters. Where by virtue of no protests on a Planning item, or by virtue of no protests on an appeal for a zoning matter, that it would appear that it could be handled in a rapid manner, that those be held in the morning. Then the standard procedure would be that at 2:00 on Wednesday afternoon, that all the Public Hearings be held. Then if in deed the Commission wants to be sure that everybody has an opportunity to be heard, this afternoon meeting could extend on until the business is concluded.

Commissioner Leavitt: Well Mayor, with a night meeting; Mr. Saylor could anticipate during the Planning portion, if they had a considerable amount of protest factors on an item and the show cause type hearings and such could be held at night. I think in that view, there is no question that more people would be able to appear and protest or speak in favor of very controversial items. I believe that we could schedule our more controversial items at night. That would hold down our day agendas to other items. Where there is a considerable protest factor, I would think that the developer would realize at that point that he is going to have to do something to take care of the protest factor, redesign it or something along those lines. I think controversial issues that come before the City Commission, if those issues could be scheduled at night, we would allow more participation with the citizens of the City. A large majority of the citizens work during the day time. Controversial issues you may want to schedule at night to allow the public to participate.

Mayor Briare: That Commissioner just didn't hold true last time when we held meetings at night time did it?

Commissioner Leavitt: That was because probably we were holding all the controversial things in the day time.

Mayor Briare: That is not so and you know it. You mean to tell me Commissioner that everytime you look at an agenda, you can distinguish between those that you think are going to be controversial and those that are not. You want to have all of the controversial ones at one time and all the noncontroversial items another time?

Commissioner Leavitt: I think that we can certainly anticipate, if you have 150 protestors on an item that you are going to have considerable protest factor at the City Commission Meeting.

Mayor Briare: You think that for the better operation of Government and for greater efficiency, and for more participation from the citizens, to get all those things into here in one night.

Commissioner Leavitt: What I am saying is, that you would get more citizen participation, which I think is a good goal. At present, we have had people sitting here that has had to leave, because they had to go to work. They couldn't stay and speak. I still think these people should be given an opportunity to come before us.

Commissioner Christensen: I would like to ask the City Manager a quick question. Some years ago we had four meetings a month and some of them were at night, was that half of them, one or how many was it?

Mr. Adams: It started out being half of them, and then we dropped it back to one.

Commissioner Christensen: It started out originally though in 1973 as being two day meetings and two night meetings, on Wednesdays, and the only time you got by on a Wednesday was when you had five Wednesdays a month is that correct?

Mr. Adams: That is correct.

Commissioner Christensen: Well I am going to make a comment here that might ink somebody, but I am going to lay it right out in front of the Public and everybody and the Press. One of the things that the City Government is supposed to be is close to the Public. We are the closest to the Public. We have all received a substantial increase in salary.

Commissioner Leavitt: Not all.

Commissioner Christensen: Yes all, just because it doesn't take effect yet. I would suggest that we amend this Ordinance to go back to four days a month, two of them being night.

Commissioner Lurie: First of all the Ordinance hasn't been introduced yet.

Commissioner Christensen: Well lets amend it before we introduce it then.

Commissioner Lurie: Well it will be referred to a committee, and the committee can bring back any recommendation they want. This happens to be an Ordinance that I was a sponsor of, and I appreciate the....

Commissioner Christensen: Could I suggest Commissioner Lurie, that you sponsor this Ordinance in a revised form, which indicates four meetings a month, two of them at day and two of them at night.

Mayor Briare: Well I am going to sponsor an Ordinance too and I am going to have four meetings a night, or during the day.

Mr. Sloan: We will prepare one for Commissioner Christensen for four meetings.

Commissioner Leavitt: I would also point out, one of the largest participations that I can remember since I was a City Commissioner, was the controversial Motorcycle Track at Lamb Park. If I remember correctly the entire seats of the audience were full, and the people were lined up behind, and that meeting was at night.

Mayor Briare: That is right, I remember that.

Commissioner Leavitt: I can't remember any day meetings that came even close to that. That was a controversial issue and we have had items that were just as controversial as that one.

I wasn't here during the Dayton Hudson, was there a large attendance? The greatest participation that ever occurred in here, was meetings at night. I think that is something to keep in mind.

Commissioner Christensen: That was worse.

Mayor Briare: Those are exceptions aren't they?

Commissioner Leavitt: Well, I am not so sure. As far as the Dayton Hudson I don't know. I don't think you have had anything quite that controversial. I also understand that the widening of East Charleston was a pretty controversial issue and that was at night.

Commissioner Christensen: Well that was just a lot of noise, there wasn't that many people.

Mayor Briare: Did you support the move to do away with night meetings?

Commissioner Leavitt: I think I did Mayor.

Mayor Briare: But you recognize your mistake.

Commissioner Leavitt: Yes I do. I think what has to be done as I indicated, the night meetings should be geared to take care of the more controversial issues. Then I think we will solve the problem. What I am getting at, is if the night meeting is held, that the idea that the more controversial matters, and the matters that there are considerable amount of protests, I think we should have night meetings to allow these people to come.

Mayor Briare: Well I think it is pretty obvious that you and I don't see eye to eye on this particular issue Commissioner. There is another one that is going to be developing, or several, but one of them in particular is this. When you indicate that people don't come to the meetings during the day time because they have to get to work, I think you are going to find some of these night time meetings and all the so called controversial ones are brought in at one meeting, you are going to find people that aren't going to be able to attend because they have to go to bed.

Commissioner Lurie: I think night meetings are important, and I will introduce the Ordinance on Wednesday.

Mayor Briare: O.K.

Commissioner Lurie: Now that we have had all the discussion. That is another reason for having an additional meeting, so we can discuss things as a body. Because if we can't discuss things together any more because of the Open Meeting Law, we can have additional meetings so we can air our differences and discuss them in the Public.

Mayor Briare: I would like to have an Ordinance written Mr. Sloan, indicating that we have four meetings a month, beginning at 10:00 each Wednesday morning. When there is a fifth Wednesday, there will be no meetings.

Commissioner Christensen: Well your Ordinance and mine will be the same, because the time of the meeting is set by Resolution.

Mayor Briare: Well O.K., I want you to know that I support your Ordinance. Well those are the only two items we had to discuss gentlemen, so I can't even ask if there is any other business can I? That is just a question now days that will no longer made.

Commissioner Lurie: You can discuss things, you just can't take any action.

Mayor Briare: No, Mr. Sloan is shaking his head no.

Commissioner Lurie: I read the Bill, the Bill says you can discuss as long as you don't take action.

Mr. Sloan: You might read it differently.

Commissioner Lurie: You are an attorney, I am a businessman.

Mayor Briare: We will adjourn.

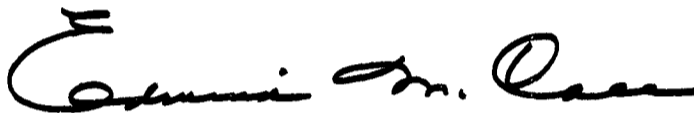
(Meeting adjourned at 11:05 A.M., August 1, 1977)

There being no further business to come before the Board, at the hour of 11:05 A.M., Mayor Briare declared this Special Meeting of the Board of City Commissioners
A D J O U R N E D.

APPROVED


WILLIAM H. BRIARE, MAYOR

ATTEST:


EDWINA COLE, CITY CLERK

APPROVED BY REFERENCE at a Regular Meeting of the Board
of City Commissioners held on the 12th day of August
1977