

City of Las Vegas

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RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART
COUNCIL CHAMBERS
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
TUESDAY, JANUARY 18, 2000
4:00 P.M.

CALL TO ORDER:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL.

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 1/19/2000 CITY COUNCIL MEETING.

1. Bill No. 2000-2 - Establishes the means of recommending appointments to the Planning Commission and the basis for determining the corresponding terms of office Proposed by: City Attorney Bradford R. Jerbic Committee: Full Council

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 2/2/2000 CITY COUNCIL MEETING.

2. Bill No. 2000-4 - Prohibits the transportation of high-level nuclear waste within the City limits. Sponsored by: Mayor Oscar B. Goodman Committee: Full Council

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 1/19/2000 CITY COUNCIL MEETING.

3. Bill No. 2000-1 - Annexation No. A-15-99(A) - Property Located: Near the northeast corner of Buffalo Drive and Constantinople Avenue; Petitioned By: Tabernacle of Praise Church of God in Christ, et al.; Acreage: Approximately 15.78 acres; Zoned: P-F and R-E (County Zoning), C-V and U (R) (City Equivalents). Sponsored by: Councilman Larry Brown Committee: Councilmen Brown and McDonald
4. Bill No. 2000-3 - Includes the City Manager in decisionmaking regarding the continued employment of the Director of the Las Vegas Metropolitan Police Department Citizen Review Board. Proposed by: City Manager Virginia Valentine Committee: Councilmen Brown and McDonald

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND. A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8 00 to 5 00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza
Clark County Government Center, 500 S. Grand Central Parkway
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

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(TVA) Las Vegas Full Council Meeting Mtg TUES. 18 JAN '09 (CHAND) 4 016)

(BILL 2000-4) (PUBLIC HEARING)

.. < (2 1/2 - 3 mins) > ..

Item 12.

• TOM MCGOWAN. 720 So. CASINO CENTER BLVD.

• The Bill is UNLAWFUL ON CONSTITUTIONAL AND STATUTORY GROUNDS, since it VIOLATES THE INTERSTATE COMMERCE ACT AND THE SEPARATION OF POWERS CLAUSE, and IGNORES THE FACT THAT BOTH FEDERAL AND STATE HIGHWAYS ARE BEYOND LOCAL JURISDICTION AND CONTROL, and THAT A CLAIM OF IMPACTIVE CONSEQUENCES UPON PUBLIC HEALTH AND SAFETY CANNOT BE FILED PRIOR TO THE ACTUAL OCCASION OF CAUSE.

• It FAILS TO DIFFERENTIATE BETWEEN 'COMMERCIAL' AND 'DEFENSE-RELATED' HIGH LEVEL NUCLEAR WASTE, but is OMNI-INCLUSIVE OF BOTH, -- WITHOUT REGARD FOR NATIONAL SECURITY. -- It FAILS TO IMPOSE THE SAME TRANSPORT PROHIBITION UPON 'OTHER' FORMS OF TOXIC HAZARDOUS WASTES AND CARGOES, including CHEMICALS which, in the instance of an accident, would cause FIRES GENERATIVE OF THERMAL ENERGY OF UP TO 7000° DEGREES; -- BEYOND THE CAPABILITY OF ANY FIRE DEPARTMENT(S) ON THE PLANET TO EVEN APPROACH, MUCH LESS CONTROL AND SUPPRESS.

• It MAKES IT IMPOSSIBLE FOR DOE TO REMOVE THE VOLUME OF TRANSURANIC WASTE STORED AT THE NTS, PURSUANT TO TRANSPORT TO THE 'WIPP' REPOSITORY AT CARLSBAD, NEW MEXICO, -- and MAKES IT IMPOSSIBLE TO RETRIEVE AND REMOVE RADIONUCLIDES-CONTAMINATED GROUNDWATER UNDERLYING AND IMPACTING BOTH THE NTS AND 'OFF-SITE' DOWN-GRADIENT LOCALES INCLUDING BEATTY, AMARGOSA VALLEY, PAHRUMP, ASH MEADOWS, THE GREATER LAS VEGAS VALLEY, LAKE MEAD AND THE LOWER COLORADO RIVER, -- PURSUANT TO TRANSPORT AND STORAGE AT AN OUT-OF-STATE REPOSITORY OR REMEDIATION FACILITY.

• OUT OF GREATEST SIGNIFICANCE, -- it FAILS TO COMPREHEND THE AXIOMATIC FACT THAT THE UNDERGROUND HYDRO-GEOLOGIC DOMAIN IS NATURALLY-ORDERED AS IN A STATE OF VARIABLE DYNAMIC FLUX ONSOING OVER THE ENTIRE TERM OF THE GEOLOGIC TIME-SCALED CONTINUUM, FROM INCEPTION THROUGH COMPLETION; -- CONSEQUENTLY: --

-(P. 1A) -

② It's IMPOSSIBLE TO GUARANTEE THE 'SAFE, SECURE' UNDERGROUND STORAGE OF HIGH LEVEL NUCLEAR WASTE BY ANY COMBINATION OF NATURAL AND ENGINEERED BARRIERS, OVER ANY ENDURING TERM, - EITHER AT YUCCA MOUNTAIN, NEVADA, OR ANYWHERE ELSE ON THE PLANET (!).

③ THEREFORE, -- THE FUNDAMENTAL CRUX ISSUE IS NOT 'TRANSPORTATION', PERSE, BUT THE UNDERGROUND STORAGE OF HIGH LEVEL NUCLEAR WASTE; -- WHICH IS TANTAMOUNT TO THE DIRECT INJECTION OF TOXIC RADIONUCLIDES INTO THE HUMAN-ACCESSIBLE ENVIRONMENT, THEREAS ENSURED IMPACTIVE UPON CURRENT AND FUTURE GENERATIONS, FOR THE REST OF GEOLOGIC TIME.

* BUT THE BILL ADDRESSES THE 'SYMPTOMATIC EFFECTS', WHILE FAILING TO ACCURATELY IDENTIFY AND ADDRESS THE CRUX ISSUE 'CAUSE', AND; -- SINCE A LOCAL ORDINANCE CANNOT PRECLUDE OR COUNTERMAND A CONGRESSIONAL DIRECTIVE, -- THE SOLE ENSURED EFFECTIVE MEANS OF ADDRESS OF THE FUNDAMENTAL CRUX ISSUE PROBLEM OF UNDERGROUND STORAGE OF HIGH LEVEL NUCLEAR WASTE IS TO AGGRESSIVELY LOBBY THE CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO REPEAL THE 'NUCLEAR WASTE POLICY ACT', COMPLETELY AND PERMANENTLY (!) -- AND ANYTHING LESS IS A NET COST-PROFLIGATE, ISSUE-EXACERBATIVE AND ENSURED FAILURE-INHERENT EXERCISE IN ABJECT FUTILITY (!).

A MAYOR AND CITY COUNCIL THAT DOESN'T FULLY UNDERSTAND THE ISSUE OF NUCLEAR WASTE, IS UNQUALIFIED TO EFFECTIVELY ADDRESS AND RESOLVE IT, AND IS MORESO A PART OF THE PROBLEM THAN THE SOLUTION.

④ I STRONGLY RECOMMEND YOU REJECT AND DISDAIN BILL 2000-4, WITH FULL PREJUDICE AND IN PERPETUITY, -- OR STAND FULLY ACCOUNTABLE AND LIABLE FOR POLITICALLY-EXPEDIENT 'POSTURING' IN VIOLATION OF BOTH APPLICABLE LAW AND REASON (!). AT THE EXPENSE OF THE UNWITTING, UNSUSPECTING AND COMPOUND-IMPACTED PUBLIC (!).

• Thank You / ~

RECOMMENDING COMMITTEE MEETING MINUTES
CITY HALL, 400 EAST STEWART AVENUE
COUNCIL CHAMBERS
TUESDAY, JANUARY 18, 2000
4:00 P.M.

ATTENDANCE: Mayor Oscar Goodman
Councilman Michael McDonald
Councilman Larry Brown
Councilwoman Lynette Boggs McDonald (left at 5:07 p.m.)
Councilman Lawrence Weekly (arrived at 4:14 p.m. and left at
5:07 p.m.)
Councilman Michael Mack (left at 5:07 p.m.)

EXCUSED: Councilman Gary Reese

ALSO PRESENT: Virginia Valentine, City Manager (left at 5:10 p.m.)
Doug Selby, Deputy City Manager
Brad Jerbic, City Attorney
Val Steed, Chief Deputy of Governmental Affairs

CALL TO ORDER: Mayor Goodman called the meeting to order at 4:13 p.m.

ANNOUNCEMENT MADE: Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S Grand Central Parkway
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

1. **Bill No. 2000-2** – ESTABLISHES THE MEANS OF RECOMMENDING APPOINTMENTS TO THE PLANNING COMMISSION AND THE BASIS FOR DETERMINING THE CORRESPONDING TERMS OF OFFICE. Sponsored by: City Attorney Bradford R. Jerbic

Committee: Full Council

Mayor Goodman advised that the same procedure was put in place by the County Commission for the purpose of making the terms of the Planning Commissioners coterminous with the Council member that makes the appointment. Adoption of the Bill would not require any Planning Commission member to resign, but rather will track the time of expiration.

Councilman McDonald explained that when the matter was introduced, discussion was held among the Council members as to how the intent of the Bill could be accomplished as soon as possible. Unfortunately, the media misinterpreted and said that the current Planning Commissioners would be terminated. He apologized if any of the Planning Commissioners took offense, but assured that the intent was to have the Commissioners and the Council members run coterminous in order to achieve a like philosophy between the Planning Commission member and the Councilman that makes the appointment. The current Commissioners will serve their terms and appointments will be made as vacancies occur.

Mr. Steed recommended a First Amendment to Bill No. 2000-2 to include the following changes: That Chapter 2.44 reflect the manner in which Planning Commissioners will be appointed in the future. That Page 2 reflect that any appointments made at the 1/19/2000 Council meeting take effect on the effective date of the ordinance. That the language for the Board of Zoning Adjustment be readopted to move it from Title 19 to Title 2 of the Las Vegas Municipal Code, changing that language to omit the provision that mandates that one of the Board of Zoning Adjustment members also be a member of the Planning Commission, leaving it as an option only.

Tom McGowan, 720 South Casino Center Boulevard, stated he could find no reason to object to the proposed ordinance; however, he recommended that affected future members of the Planning Commission be able to retain their independence from the Council.

Louise Ruskamp, 8500 Log Cabin Way, asked if the appointments to be made to replace Planning Commissioners Leni Skaar and Michael Mack will be for the remainder of those terms and whether the Planning Commission membership will be increased due to the increase in Council members. Mayor Goodman answered that the changes will be in effect and the replacements will serve concurrent with the terms of the appointing Council members. An increase in Planning Commission members would require legislative action.

Since, according to the subject Bill, vacancies will be filled on a rotating basis, Ms. Ruskamp asked how the Council intends to fill the three available vacancies. Mayor Goodman responded that he, Councilman Reese, and Councilwoman McDonald would make the appointments to fill those vacancies.

Ms. Ruskamp supported the Bill. She commended the Planning Commissioners for the fine work they have done. With the exception of one of the Commissioners, she has never had a problem in being able to contact any of them to discuss her concerns. While Ward 6 has no representation on the Planning Commission, she does not see it as a problem because the Commissioners have always worked well with the public, and they have a lot of respect for one another and the public.

There was no further discussion.

Councilman M. McDonald recommended Bill No. 2000-2 be forwarded to the Full Council with a "Do Pass" recommendation as a First Amendment. Mayor Goodman, Councilmen Brown, Weekly, Mack, and Councilwoman McDonald concurred.

(4:13 - 4:24)
1-18

2. Bill No. 2000-4 – PROHIBITS THE TRANSPORTATION OF HIGH-LEVEL NUCLEAR WASTE WITHIN THE CITY LIMITS. Sponsored by: Mayor Oscar B. Goodman
Committee: Full Council

Mayor Goodman stated that Councilman McDonald felt concerned about the constitutionality of the Bill because of a previous precedent he was made aware of that was set in 1987. However, Mayor Goodman did not feel that the subject Bill is illegal, and that in order to effectuate change, people have to be willing to take chances, such as the risk the forefathers of the United States took at the Boston Tea Party so that the citizens might have taxation with representation, and the chance Rosa Park took to stand up to the laws of segregation. Although the subject Bill does not rise to that magnitude, it does make a statement that the citizens of Las Vegas oppose nuclear waste from being transported through the City. Laws can change, just as the Department of Energy, according to the newspaper, is reevaluating its position as far as the safety of Yucca Mountain because of the shift of plutonium and the fact that it spilled into the potable water supply. The Mayor received a letter from Attorney General Frankie Sue Del Pappa commending the City of Las Vegas for taking a stand, because she too feels that the municipalities in Nevada have to make a strong statement to Washington against nuclear waste.

Councilman McDonald stated that, as a member of the Nuclear Waste Committee for the past four years, he strongly opposes nuclear waste in Nevada, and concurred with Mayor Goodman that the municipalities must take a strong stand against its transportation and storage locally. And although he has witnessed firsthand the preparedness that has taken place at Yucca Mountain to receive nuclear waste, he is still concerned about the human error factor. He assured Mayor Goodman that he would stand beside Mayor Goodman in the fight against nuclear waste, and even go to jail, if necessary; however, he could not support the Bill because he felt that it could not be enforced, for no local law enforcement agency is going to pull over the transporting trucks and issue a citation. The battle needs to be fought at the federal level, using all the available tools and state representatives to make a statement against nuclear waste.

Councilman Brown agreed with Councilman McDonald's statements. He added that when he joined the City work force in 1984, he worked as the official nuclear waste representative for the City of Las Vegas, and he attended almost every official meeting locally and throughout the country regarding nuclear waste for the next three and a half years. The Nuclear Waste Policy Act was created in congress to address the issue of nuclear waste being stored on-site. It was very clear that the only way the Nuclear Waste Act was ever passed at a national level was because it was based on equity, as far as a location site in the country. There were sites being considered all over the country and

they were all to be scientifically evaluated for potential nuclear waste storage and reduced down to ultimately three sites, and then finally the best scientific site was to be chosen.

That was the foundation of the Nuclear Waste Policy Act. However, in the interim, that science was condensed into a tight time frame, which resulted in the so called "Screwed Nevada Bill," which basically designated Yucca Mountain as the site for nuclear waste storage, without studying the Washington and Texas sites. So, the national bill, that was to scientifically define a site, became political.

As the nuclear waste representative for the City of Las Vegas, Councilman Brown had the opportunity to tour Yucca Mountain more than once, which afforded him the opportunity to meet many of the scientists and people that work at Yucca Mountain. Many of those people are very respectable and are dedicated to developing the science to determine whether Yucca Mountain is the appropriate site for nuclear waste storage. Many of those scientists are residents of Las Vegas and are hopefully beyond reproach of the politics of the overall issue.

Nevertheless, Nevada is presently the designated site for the storage of nuclear waste, if Yucca Mountain is proven to be able to handle the capacity. The time frame for that to occur is very tight, somewhere between the years 2010 to 2012, or it truly becomes a crisis.

There is a lot to be said for the Nevada delegation, because many of the nuclear reactor sites are tied into states that have tremendous political influence. Therefore, the State of Nevada has done a wonderful job of being able to put it off so long, given that what was conceived as equitable legislation turned into a truly political football.

It is very surprising that the media reported that Bill No. 2000-4 is simply a political move on behalf of the City to do something, when the process that was supposed to be based on scientific equity has been nothing but politics for the past 15 years. Hopefully, the science will once again become the focus. But one way or another, the City of Las Vegas is a small municipality that will be tremendously impacted by Yucca Mountain and therefore has to utilize every tool imaginable to make sure that the health, safety, and welfare of the local citizens are protected. It would be ludicrous to think that there is science that would support the transportation of nuclear waste right through the heart of an established community. But if that is what the federal government is saying in a draft environmental impact statement, then what else can the City do but place as many obstacles as possible. Bill No. 2000-4 is the only tool that the City Council has to put the message out that it will do everything possible to protect its constituents. He strongly supported the ordinance.

Councilwoman McDonald supported the Bill. She pointed out that Nevada is one of the smallest delegations represented in Washington DC, and must put up every possible roadblock. There may be challenges ahead as far as the enforceability of the Bill, but that is not a question for the present. He concurred that a strong message needs to be

made that the City will do everything in its power to fight nuclear waste from coming through its communities.

Mayor Goodman noted that Bill No. 2000-4 was drafted with full knowledge as to existing state law from 1987 which pre-empted the City from getting involved with federal highways. Although it has precedent value, it does not mean that it would be upheld. In addition, City Attorney Jerbic found a similar ordinance that was enacted in Santa Monica, California, that has not been challenged legally, but it exempts areas that were pre-empted by state law. The City could pass an ordinance to that of Santa Monica, but that, in effect, would be an emasculated, worthless ordinance. If Bill No. 2000-4 is violated, the person driving the nuclear waste vehicle would be arrested and brought before the court for adjudication, at which time the constitutionality of the Bill can be argued

Councilman Weekly stated that he has visited Yucca Mountain and has seen the casts that would house the nuclear waste at Yucca Mountain. There are many respectable scientists that strongly believe that nuclear waste could be stored safely, but he is afraid of the unknown. Therefore, he suggested that as the City continues the fight at the federal level, the scientists, many that are residents of Nevada, be contacted to educate the Council members for better preparation in the fight

Judy Tricle, Nevada Nuclear Waste Task Force, 3926 Bushnell Drive, expressed her support of Bill No. 2000-4, as a person that works very hard against Yucca Mountain. Until recently, the Task Force worked without any government funding and was fully supported by donations from people in support of the fight against nuclear waste.

She noted that there are many other municipalities that have similar laws, and the leaders of those municipalities also have doubts as to whether their laws will stand up in court. But as more similar laws are passed throughout the country, the more it becomes a grassroots effort. In fact, she has received two calls from Japan because the country is very nervous about its nuclear industry and is awaiting the outcome of Bill No. 2000-4.

As a matter of information, she indicated that in New Mexico the State and the City of Santa Fe decided to fund an alternate route around the City of Santa Fe to the plant in Carlsbad. The ranchers who lived next to that route sued the City of Santa Fe and the State, because they felt that their property values would diminish, and they won the case. Also, three additional hearings on the Environmental Impact Statement were set by the Department of Energy because a representative from Ohio became very upset about the amount of waste that would come through Ohio and he felt that not enough attention was given to the Midwest. There are also groups throughout the country that are compiling information on incidents that have occurred, and put that information on the Internet.

Councilman McDonald stressed that Nevada needs organizations such as the Nevada Nuclear Waste Task Force to help fight nuclear waste and get the message out to other states and make it a grassroots effort.

Tom McGowan, 720 South Casino Center Boulevard, expressed that he is opposed to the storage of nuclear waste anywhere on the planet. He felt that it is not a Nevada centric issue, and that the subject Bill is unlawful and in violation of the State Commerce Act and the Separation of Powers Clause. State highways are beyond local jurisdiction and control, and a claim of impact and consequence upon public health and safety cannot be filed prior to the actual occasion. The Bill fails to impose the same transport prohibition on other forms of toxic hazardous wastes and cargos, which in the instance of an accident would cause fires of up to 7,000 degrees, which is beyond the fighting capability of any fire department on the planet.

If the Council were acquainted with nuclear weapons testing, it would know that nuclear waste is already in the water, or will be in the future, and in the children's milk. It is impossible to guarantee the secure underground storage of high-level nuclear waste by any combination anywhere. The storage of nuclear waste is not solely Nevada's problem; it is a human universal problem. The crux issue is not transportation, but the underground storage of nuclear waste. The sole effective means of addressing the fundamental issue problem of underground storage of high-level nuclear waste is to aggressively lobby Congress and the President to repeal the Nuclear Waste Policy Act completely. He recommended that Bill No. 2000-4 be rejected, since, in his opinion, the City Council is unqualified to effectively address and resolve the issue of high-level nuclear waste storage.

Mayor Goodman noted that the City has no jurisdiction over Yucca Mountain or the repository, but it does have jurisdiction over what is in the best interest of the citizens of Las Vegas. The Bill is limited solely and specifically to the prohibition of high-level nuclear waste being transported within the City limits. He also noted that as Mayor of the City, he is ready to use the powers afforded him under the Charter in emergencies.

There was no further discussion.

Mayor Goodman recommended Bill No. 2000-4 be forwarded to the Full Council with a "Do Pass" recommendation. Councilmen Brown, Weekly, Mack and Councilwoman McDonald concurred. Councilman McDonald could not support it.

(4:24 – 5:06)

1-356

3. **Bill No. 2000-1 – ANNEXATION NO. A-15-99(A) – PROPERTY LOCATED: NEAR THE NORTHEAST CORNER OF BUFFALO DRIVE AND CONSTANTINOPLE AVENUE; PETITIONED BY: TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST, ET AL; ACREAGE: APPROXIMATELY 15.78 ACRES; ZONED: P-F AND R-E (COUNTY ZONING), C-V AND U (R) (CITY EQUIVALENTS). Sponsored by: Councilman Larry Brown**

Committee: Councilmen Larry Brown and Michael McDonald

Mr. Steed stated the Bill is in order

No one appeared in opposition.

There was no further discussion.

Councilman Brown recommended Bill No. 2000-1 be forwarded to the Full Council with a "Do Pass" recommendation. Councilman McDonald concurred.

(5:06 – 5:07)

1-1871

4. **Bill No. 2000-3 – INCLUDES THE CITY MANAGER IN DECISION-MAKING REGARDING THE CONTINUED EMPLOYMENT OF THE DIRECTOR OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT CITIZEN REVIEW BOARD.**
Proposed by: City Manager Virginia Valentine
Committee: Councilmen Larry Brown and Michael McDonald

Councilman McDonald noted that the County Commission approved the interlocal agreement and a similar bill.

Chief Civil Deputy City Attorney John Redlein stated that Bill No 2000-3 is in order and it ensures that the City Manager is included in the decision on the term of service for the director of the Citizen Review Board. The City and County ordinances relative to the matter are the same. Councilman McDonald confirmed with Mr. Redlein that the County Commission, County Manager, City Council, and the City Manager would be involved in the decision-making process of the director of the Board.

Gary Peck, American Civil Liberties Union of Nevada, 325 South Third Street, felt that the Council raised very legitimate concerns about its hiring and firing authority. Since those concerns have been resolved, he hoped that the Bill would be adopted without any complications so that an executive director can be hired and members to the Board can be appointed. He commended the Council and the County Commission for their efforts in resolving some of the concerns.

Mayor Goodman noted that he would make some comments, perhaps even recommend an amendment, at the 2/19/2000 City Council meeting on the Bill, because he feels that a stronger ordinance is needed.

Tom McGowan, 720 South Casino Center Boulevard, reminded the Council that the City Manager works for the entire City Council. Furthermore, the County pays 58% of Metro's budget, while the City pays 42%. The same percentage of disparity applies to the funding of the Citizen Review Board and its director, which gives the County a greater share of valid interest in the control of term of service of the director. The City has not proven that it gets less than a 42% share of Metro's services in return for its share of Metro's funding. Therefore, the Mayor's attempt to ordain that the City Manager and the County Manager shall have equal control over the terms of service of the Citizen Review Board director is unfair. Unless, the City and the County equally share in the funding of Metro and the Citizen Review Board, in which case the disparity between the property

tax rates paid by County and City residents would be raised, and would defeat the City's intent to achieve tax equity between the City and the County. He suggested that unless the funding disparity is resolved, Bill No. 2000-3 be rejected. He advised that the City Council confer with him to become familiarized with some of the issues, because he knows what he is talking about. If the Council does not act accordingly, someone is going to end up in jail

He requested that his comments be typed verbatim and be included in the minutes in compliance with NRS 241.

Councilman McDonald stated that, in fairness to City residents, it is important that the City Council and the City Manager be involved in the hiring and firing process of the Citizen Review Board director. He also felt that it is important that the members of the Board be educated on what police officers go through during their shifts.

There was no further discussion

Councilman Brown recommended Bill No. 2000-3 be forwarded to the Full Council with a "Do Pass" recommendation. Councilman McDonald concurred.

(5:07 – 5:17)
1-1900

CITIZENS PARTICIPATION

Tom McGowan, 720 South Casino Center Boulevard, claimed that there was no quorum to hold citizens participation. He advised that it is imperative that the City Council members become informed on the issues before the City Council in order to serve the public with integrity and responsibly. Each member of the Council should make independent decisions and not act in haste. The Recommending Committee meeting addressed two very important issues. But things are not always what they seem and require closer scrutiny in order to achieve an accurate perception and make fully informed decisions. Total quality can only be obtained through a consensus. The Council does not have to listen to his suggestions or listen to him, but it better do its job right or it will pay the price.

Gary Peck, American Civil Liberties Union of Nevada, 325 South Third Street, indicated that the work card issue has received a lot of attention. He hoped that the City would act appropriately as it relates to exotic dancers, which is an activity protected by the First Amendment, and that the exotic dancers not be denied work cards based merely on allegations of police officers, but that they be entitled to adjudication by a court of law. Many police officers, according to the newspapers, are referring to work cards for that profession as privileged work cards. Despite the opinion of the District Attorney, he did not believe that the City agrees with it. He requested that the City Council set a clearly articulated policy that everyone can understand. Councilman McDonald suggested that Mr. Peck participate in the dialogue, if the Council should decide to go forward with setting a policy.

Mr. Peck added that the intent to prosecute to the full extent every single case of prostitution is foolish. In his opinion, the District Attorney is behaving like a child throwing a tantrum because

he did not get his way and because he does not want to offend Metro. Metro needs to be told that work cards for exotic dancers are a matter of right.

Morgan Gensious, 588 Oakmont Place, suggested that the City Council send a message to the rest of the country against nuclear waste storage by adopting more progressive environmental policies, which would give the City more credibility in terms of drafting a bill against high-level nuclear waste. As an outsider, he opined that the City should build a positive reputation outside of the valley in order to help in its goals of redevelopment and attracting other businesses and a more educated workforce.

(5:17 – 5:33)
1-2320

ADJOURNMENT:

The meeting adjourned at 5:33 p.m.

/gpb