MINUTES

City of Las Vegas

CITY HALL COUNCIL CHAMBERS, 400 STEWART AVENUE, LAS VEGAS, NV 89101
229-6011 (VOICE) • 386-9108 (TDD)

SPECIAL CITY COUNCIL MEETING OF DECEMBER 11, 2006

CITY COUNCIL	PRESENT	EXCUSED
MAYOR OSCAR B. GOODMAN	☒	☐
COUNCILMAN GARY REESE MAYOR PRO-TEM	☒	☐
COUNCILMAN LARRY BROWN	☒	☐
COUNCILMAN LAWRENCE WEEKLY	☒	☐
COUNCILMAN STEVE WOLFSON	☒	☐
COUNCILWOMAN LOIS TARKANIAN	☒	☐
COUNCILMAN STEVEN ROSS	☒	☐
DOUG SELBY, CITY MANAGER	☒	☐
BRAD JERBIC, CITY ATTORNEY	☒	☐
BARBARA JO RONEMUS, CITY CLERK	☒	☐

APPROVED BY REFERENCE: FEBRUARY 7, 2007

ATTEST:

CITY CLERK

MAYOR

City of Las Vegas

SPECIAL CITY COUNCIL MEETING
STRATEGIC PLANNING WORKSHOP
Mirabelli Community Center
6200 Hargrove Avenue
Las Vegas, Nevada
CITY OF LAS VEGAS INTERNET ADDRESS: http://www.lasvegasnevada.gov

December 11, 2006
12:30 PM

All items on this agenda are scheduled for action unless specifically noted otherwise.

Duplicate CD/DVD's may be available at a cost of $5.00 per CD/DVD through the City Clerk's office.

NOTE: Cellular phones are to be turned off during the Council meeting.

1. CALL TO ORDER

2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

3. PLEDGE OF ALLEGIANCE

4. Discussion and possible action regarding legislative issues affecting the City of Las Vegas - All Wards

5. Discussion and possible action regarding communication efforts within the City of Las Vegas leadership - All Wards

6. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the City Council. No subject may be acted upon by the City Council unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

7. ADJOURNMENT

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

Mirabelli Community Center, 6200 Hargrove Avenue
City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AFFIDAVIT OF ELECTRONIC MAILING (email)

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **4th** day of **December, 2006**, a copy of NOTICE, the attached of which is a true and correct copy of the Public Hearing – re: **Special City Council Meeting – Strategic Planning Workshop** to be held on the **11th** day of **December, 2006**, at **12:30 P.M.** was electronically mailed (emailed) to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

Paula Clark

SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this
4 day of December, 2006

NOTARY PUBLIC in and for said County and State

YDOLEENA YTURRALDE
Notary Public State of Nevada
No. 04-93365-1
My appt. exp. Nov. 18, 2008

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **4th** of **December, 2006**, a copy of NOTICE, the attached of which is a true and correct copy of the Public Hearing – re: **Special City Council Meeting – Strategic Planning Workshop** to be held on the **11th** day of **December, 2006**, at **12:30 P.M.** was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

Paula Clark
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

4 day of December, 2006

NOTARY PUBLIC in and for said County and State

YDOLEENA YTURRALDE
Notary Public State of Nevada
No. 04-93365-1
My appt. exp. Nov. 18, 2008

AFFIDAVIT OF POSTING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Vicky Darling, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **4th** of **December, 2006**, a copy of NOTICE, the attached of which is a true and correct copy re: **Special City Council Meeting – Strategic Planning Workshop** which was held on the **11th** day of **December, 2006**, and which was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk and posted at five designed locations. The original affidavit of posting was inadvertently misplaced. This affidavit will serve to verify that the meeting was posted and mailed per NRS 241. The posting affidavit was notarized and that record is attached.

Vicky Darling

SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

~~6th day~~ of July 2007

Paula Clark

NOTARY PUBLIC in and for said County and State

PAULA CLARK
Notary Public State of Nevada
No. 00-60678-1
My appt. exp. Jan. 11, 2009

Page 9	DATE NOTARIZED	TYPE OF NOTARIZATION	DATE OF DOCUMENT	TYPE OF DOCUMENT	SIGNATURE OF INDIVIDUAL PRINTED	/ SIGNATURE	ADDRESS OF INDIVIDUAL	DETAILED IDENTIFICATION OF INDIVIDUAL	FINGE
1	11-13-2006	Acknow.	Auth to Release Info	11-13-2006	Lisa D Wallace	/ Lisa D Wallace	1300 Elizabeth #16 LV NV 89119	NVDL 4100107465	1
2	11-15-2006	Acknow	Auth to Release Info	11-15-2006	Yusef M. Cannon	/ Yusef Cannon	9907 Cherokee LV NV 89147	NVDL 1601489480	
3	11-15-2006	Jurat	Aff Posting-Audit	11-15-2006	Ian Spahr	/ Ian Spahr	400 Stewart Las Vegas NV	City ID - Known to Me	3
4	11-16-2006	Jurat	Aff of Mailing SID-1516	11-16-2006	Damita Simpson	/ [illegible]	400 Stewart Las Vegas NV 89101	City ID - Known to Me	Desto 11-20
5	11-16-2006	Jurat	Aff of Mailing SID-1506	11-16-2006	Damita Simpson	/ [illegible]	400 Stewart Las Vegas NV 89101	City ID - Known to Me	5
6	11-20-2006	Jurat	Aff of Mailing SID 1516	11-16-2006	Damita Simpson	/ [illegible]	400 Stewart LV NV 89101	City ID - Known to Me	
7'	11-20-2006	Jurat	Aff of Mailing (Tenants) SID1516	11-16-2006	~~Damita~~ Simpson	/ [illegible]	400 Stewart LV NV 89101	City ID - Known to Me	7
8	11-27-2006	Jurat	Aff of Mailing ANX-12215	11-27-2006	Damita Simpson	/ [illegible]	400 Stewart LV NV 89101	City ID - Known to Me.	
9	11-28-2006	Acknow.	Ltr of Spec Admin	11-28-2006	Shella J. Taylor	/ Shella Taylor	C/o PO Box 621218 Las Vegas NV 89162	HI DL 452259257	9
10	11-30-2006	Jurat	Aff of Mailing SID #1493	11-30-2006	Damita Simpson	/ [illegible]	400 Stewart LV NV 89101	City ID - Known to Me	
11	11-30-2006	Jurat	Aff of Mailing SID #1506	11-30-2006	Damita Simpson	/ [illegible]	400 Stewart LV NV 89101	City ID - Known to Me	11
12	11-30-2006	Jurat	Aff of Mailing CC.	11-30-2006	Ian Spahr	/ Ian Spahr	400 Stewart LV NV 89101	City ID - Known to Me	
13	11-30-2006	Jurat	Aff of Posting-RDA	11-30-2006	Ian Spahr	/ Ian Spahr	400 Stewart LV NV 89101	City ID - Known to Me	13
14	12-4-2006	Jurat	Aff of Posting-Spec CC Stat	12-4-2006	Ian Spahr	/ Ian Spahr	400 Stewart LV NV 89101	City ID - Known to Me	
15	12-7-2006	Acknow	FLA Power of Attorney	12-7-2006	Ronnie A. Escano	/ [illegible]	6430 Jacobs Field St. Las Vegas, NV 89148	NV DL 1402877592	15
16	12-7-2006	Jurat	Aff of Posting	12-7-2006	Melissa Brenneman	/ M Brenneman	400 Stewart LV NV 89101	City ID - Known to Me	
17	12-8-2006	Jurat	Aff of Mailing SID 1505	12-8-2006	Damita Simpson	/ [illegible]	400 Stewart LV NV 89101	City ID - Known to Me	17
18	12-12-2006	Jurat	Affs of Posting-RR	12-12-2006	Ian Spahr	/ Ian Spahr	400 Stewart LV NV 89101	City ID - Known to Me	

City of Las Vegas

Agenda Item No.: 1.

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006

SUBJECT:
CALL TO ORDER

Minutes:
PRESENT: MAYOR GOODMAN, COUNCILMEMBERS REESE, BROWN, WEEKLY, WOLFSON, TARKANIAN and ROSS

Also Present: CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGERS STEVE HOUCHENS, ELIZABETH FRETWELL and ORLANDO SANCHEZ, CITY ATTORNEY BRAD JERBIC and CITY CLERK BARBARA JO RONEMUS

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

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

Mirabelli Community Center, 6200 Hargrove Avenue

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge

Bulletin Board, City Hall Plaza (next door to Metro Records)

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

City of Las Vegas

Agenda Item No.: **3**.

AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006

SUBJECT:
PLEDGE OF ALLEGIANCE

Minutes:
MAYOR GOODMAN led the audience in the pledge.

City of Las Vegas   Agenda Item No.: **4.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 11, 2006

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: CHRISTOPHER KNIGHT ☐ Consent ☒ Discussion

SUBJECT:
Discussion and possible action regarding legislative issues affecting the City of Las Vegas - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
The City Council and Executive Team decided to conduct, during the 2006 fiscal term, three issue-specific strategic planning sessions. The first and second sessions held earlier this year, focused on the Key Performance Indicator initiative and on urban and suburban development concerns. This session will include a discussion of eminent domain, telecommunication franchise fees, affordable housing and homeland security and other general legislative matters.

RECOMMENDATION:
Receive presentations and direct staff accordingly

BACKUP DOCUMENTATION:
Submitted at meeting - PowerPoint presentation on 2007 Legislative Session; PowerPoint Presentations and Reports on Homeland Security, Affordable Housing, Telecommunication Franchise and Eminent Domain

Motion made by GARY REESE to Approve staff to move forward with all recommendations, staff to continue to follow up on the aforementioned bills both at the federal and state levels and any other bills pertinent to this Council, and staff to follow up on additional recommendations and requests made by Council

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
GARY REESE, LARRY BROWN, LAWRENCE WEEKLY, LOIS TARKANIAN, OSCAR B. GOODMAN, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:
DOUG SELBY, City Manager, explained that these quarterly workshops give staff an opportunity to work with Council on specific issues. The topics discussed were state and federal legislative issues, particularly homeland security, affordable housing, eminent domain and

telecommunication franchises. In addition, communication issues entailed the review of findings from the consultant's report, suggestions from the City Manager's office, open discussion and Council's direction to staff. RON PORTARO, President, Total Quality Resource Corporation, facilitated the meeting.

MAYOR GOODMAN thanked City staff for taking the time to attend this important strategic meeting and welcomed those in attendance. He then introduced SHERIFF DOUG GILLESPIE.

MR. PORTARO expressed appreciation in having the opportunity to facilitate this workshop and introduced TED OLIVAS, Government and Community Affairs Director.

MR. OLIVAS introduced Leanne Lee, the new legislative officer, and Misty Grimmer, Astroksy and Associates, and noted that the legislative session begins on February 5th and ends June 4th, totaling 120 calendar days. He then gave a detailed PowerPoint presentation, which was made a part of the final minutes, pointing out key dates, Senate and Assembly leadership/committees, bills of interest and some of the legislative issues.

CHIEF DAVID WASHINGTON, Department of Fire and Rescue, along with SHERIFF DOUG GILLESPIE, Las Vegas Metropolitan Police Department, presented a PowerPoint overview which was made a part of the final minutes and was relative to homeland security concerns and the proposed fusion center. EUGENE CAMPBELL, Assistant Chief of Homeland Security, and TIM McANDREWS, Emergency Management, were also present and available to answer any questions. CHIEF WASHINGTON noted there are four strategic issues in which the city of Las Vegas is engaged to help local and neighboring communities mitigate and respond to disaster. Las Vegas/Clark County lack a 24-hour, seven days a week, emergency operations center for the area's multiple jurisdictions to perform collaborative counter-terrorism planning, training and general emergency management activities. The city, Clark County and the Las Vegas Metropolitan Police Department (Metro) are spearheading a regional initiative to design such a complex. The intended site for this complex is a 55-acre parcel of city land near the intersection of the 215 Beltway and Hualapai Way in Ward 6. A fact sheet is being prepared to address the residents' inquiries and concerns. SHERIFF GILLESPIE added that at the Council's direction, staff is working together with Metro, Clark County and their Fire Department to obtain funding, as support is favorable from the federal government when the effort is regional.

CHIEF WASHINGTON commended MR. McANDREWS and MR. OLIVAS for their efforts relative to Homeland Security grants, as 13 million dollars for equipment, exercises and training was received for Fiscal Years 2001-2006. Staff has been working with health experts in an effort to continue the ongoing planning and public education regarding a possible widespread of the Avian flu. CHIEF WASHINGTON concluded by stating bill, BDR-751, seeks the funding for the development of the fusion center and bill, BDR-19-489, seeks to provide representation for the city of Las Vegas on the Nevada State Homeland Security Commission.

COUNCILMAN ROSS questioned if there was any opposition to BDR-751 and BDR-19-489. MR. OLIVAS responded that staff does not anticipate any opposition. During the 2005 Session, there was a bill to change the membership which was passed; since then, they have the support of

DR. KERRISON, Chairperson-State Homeland Security Commission, SENATOR HECK and other members of the Commission, including CHIEF CAMPBELL.

COUNCILMAN WEEKLY noted that staff was instructed by DR. SELBY to work with various health administrators and wondered if DR. QUALICK, Southern Nevada Health District, had been contacted and would he or a representative be included as staff at the center. CHIEF WASHINGTON responded there is a line of communication and police, fire and health officials will all be a part of the fusion center.

MAYOR GOODMAN asked if the proposed fusion center would replace the existing center. BETSY FRETWELL, Deputy City Manager, replied that the main EOC center would remain for regional purposes and the proposed center is for backup. Staff has hired a local company to assist staff in identifying who would use the facility and how the center will be maintained.

MAYOR GOODMAN noted that the Las Vegas Visitors and Convention Authority is taking pride in that their facility will have its own police and fire stations. With regards to safety concerns for residents and visitors, he believed the facility could be a source of funding for the regional center and should be looked into. In addition, he suggested having an oversight committee to review on an annual basis what is taking place at the center, given the concerns for constitutional rights. SHERIFF GILLESPIE concurred.

COUNCILMAN WEEKLY questioned how the public would be alerted in the case of an emergency. MR. McANDREWS responded that notification happens with a public information officer on staff; a tickler, which is an emergency alert system that is ran across the bottom of the television screen; or a reverse telephone notification system.

STEPHEN HARSIN, Director of Neighborhood Services, introduced DEBORAH MARSH, Executive Director-Lied Institute, University of Nevada Las Vegas, then gave a PowerPoint presentation, which was made a part of the final minutes, detailing past and current programs and projects, new initiatives for providing affordable housing, and identifying approaches that are being initiated by other agencies, private industry and the legislature.

MAYOR GOODMAN mentioned that he and DR. SELBY visited investment bankers and companies in New York that loan developers billions of dollars for construction projects throughout the world. It was pointed out that Las Vegas' development market is different than other places throughout the United States, in that we are a victim of our success. Carpenters and tradesmen are scarce due to projects on the strip, which pays more money than other projects. In addition, raw materials, such as glass, steel and concrete, are more expensive in Las Vegas than in others parts of the country. To alleviate come of the construction and affordable housing issues, it was suggested to have the City get involved in purchasing the raw materials and selling them to the developers in the community and lock in at a better price by buying in mass quantities. The Mayor believed this could be revolutionary and wondered if the City could venture into this possibility. MARK VINCENT, Director of Finance and Business Services, responded that there have been some discussions regarding this concept and agreed that it is worth looking into. In response to MAYOR GOODMAN'S question regarding the median price range of a resell home, MS. FRETWELL informed him that the median price range is $290,000.

MS. MARSH commented that she recently attended a forum with the Urban Land Institute (ULI) in Washington, D.C. dealing with land use policy. Issues were identified that the ULI would be addressing in the coming years, which included affordable housing, sustainability, transportation energy and development patterns. In addition, mapping was done to discover where Las Vegas is growing as a community; it was discovered that Las Vegas' mega region is Southern Nevada, Northern Arizona and California. As people continue to move to Las Vegas, we need to educate the community and our elected officials so that difficult decisions can be made and NIMBYISM will not be a foreign subject. Although it can increase densities, another means to affordable housing is through inclusionary zoning; it is quality development with open space and enhances residents' quality of life.

COUNCILMAN WOLFSON was pleased to hear that 18 teachers will be accepted into the Home Ownership for Educators program, which previously had no participants. MR. HARSIN added that many of these teachers are already teaching; approximately 15 will be renting homes and the remaining three would like to purchase homes. COUNCILMAN WOLFSON questioned why the program was limited to teachers only, and ORLANDO SANCHEZ, Deputy City Manager, responded that due to restrictive funding, the salary cap is $33,000, which is why the program was limited to teachers only. COUNCILMAN WOLFSON expressed interest in staff exploring other programs that offer similar types of incentives; MR. HARSIN indicated that there will probably be an opportunity for a similar type of program relative to income more so than career. Regarding affordable housing units, his staff is aware of other cities that require developers to offer a certain percentage of their developments for affordable housing prior to receiving entitlements. He understands inclusionary zoning but preferred to have more research into whether or not this would be appropriate for this community.

Relative to big builders cutting back in production, COUNCILMAN BROWN would like to see statistics for the calendar year 2006, as he believed the numbers could reflect as to where the efforts should be focused and, if in fact, the affordable housing issue has created more opportunity. MR. HARSIN concurred.

COUNCILMAN REESE commented that he has spoken with builders regarding affordable housing and spoke of samples of their huge concepts in designing. He realized there are ways to get around the high cost of these kinds of development and questioned if affordable housing dealt with what we can purchase or what we cannot even afford to rent. It was his opinion that discussions and issues will continue relative to all types of affordable housing. MS. MARSH added that the misconception deals with what affordable housing looks like. There are many ways to obtain affordable housing while keeping the development attractive. In addition, developers can be motivated via having accessory living quarters within a neighborhood of larger lot sizes or opting to have more apartments within a community.

COUNCILWOMAN TARKANIAN added that she has inquired and done research on the cubicle concept that COUNCILMAN REESE commented on previously, and she believed the cubicles look good when they are put together. MR. HARSIN informed her that preliminary research is being done and this concept may work well for Las Vegas. MAYOR GOODMAN referenced a downtown project, Live/Work, where the developers bring in prefabricated cubicles that are manufactured in China due to lower costs and shipped here in Las Vegas for their apartment complexes. In closing, he thanked MR. HARSIN and MS. MARSH for their presentation.

STEVE HOUCHENS, Deputy City Manager, gave a PowerPoint presentation which was made a part of the final minutes and entailed eminent domain and the impact of Question 2, Property Owner's Bill of Rights (POBR). He thanked CHARLES KAJKOWSKI, MARGO WHEELER, BRAD JERBIC and SCOTT ADAMS for their assistance with the report. He explained that eminent domain is the inherent power of the state to expropriate, or take, private property without the owner's consent. He pointed out that in October 2006, the City Council unanimously voted in favor of a resolution that mandates the City would not use eminent domain to take private property, without the consent of the owner, for purposes of transfer or lease to another for private commercial enterprise. Staff's recommendation is for the City to help with a community wide effort in educating the residents on the impacts of (POBR) initiative until the next election in 2008. In addition, staff would like the City to actively support the determination of the eminent domain issue at the legislature, so that it still works for the City and does shut businesses down; and relative to the public, redevelopment can still take place.

Notwithstanding that there have been resolutions and public proclamations declaring that eminent domain would not take place, MAYOR GOODMAN pointed out the fact that there is still a basic distrust that elected officials will do what they say they will do. He believed to alleviate the public's concern and to keep this issue from reappearing in legislation, a law needs to be passed relative to this issue even more so than educating the public.

MARK VINCENT, Director of Finance and Business Services, used a PowerPoint presentation to discuss telecommunication industry issues. The communications services provided by telecommunications and cable television providers are defined and divided into three general categories: telecommunications (voice) service, cable (video) service, and information (Internet/data) service. Cities have almost no regulatory or taxing authority over information services. However, there are varying degrees of regulatory and taxing authority over telecommunications and cable services. While it is possible that some compromise will take place on issues of service, it is important that the city of Las Vegas fights to retain control of its right-of-way (ROW) and protect the revenues associated with the ROW.

COUNCILWOMAN TARKANIAN questioned if more airtime was given to the telecommunications companies and if they are experiencing financial woes or is the goal to profit. MR. VINCENT did not believe financial troubles was the root, as within the first six months of this year, a collective 110 million dollars was spent by these companies in lobbying. He added that the competition is good, and the City would like to stay in the forefront of technology. CHRIS WARE mentioned that the present plan is to eventually be rid of broadcast analog television, approximately February 2009, which will free up a lot of spectrum in which government would like to give to public safety entities and auction off for other uses. However, broadcast digital television would still remain.

At MAYOR GOODMAN'S request, MS. FRETWELL briefed Council on previous discussions with congressional delegates that took place in Washington, D.C. MS. FRETWELL explained that there is a focus on reducing the regulatory oversight of the industry in an effort to stay globally competitive. There have been changes in both Houses relative to leadership, and there will probably be more opportunity during the dialogue for staff to continue to push for the principals Council continues to direct staff on, such as control of the right-of-way (ROW) and the reasonable fees for use of that ROW. Staff would also like to streamline what is done from a regulatory standpoint to avoid being overburden. There has been a franchise bill in Virginia, Texas and other states where a statewide franchise, rather than individual local franchise, has been adopted. This can create a unique situation for existing contracts and helps the industry have a more predictable regulatory environment. The recommendation is to meet with the telecommists and discuss our issues.

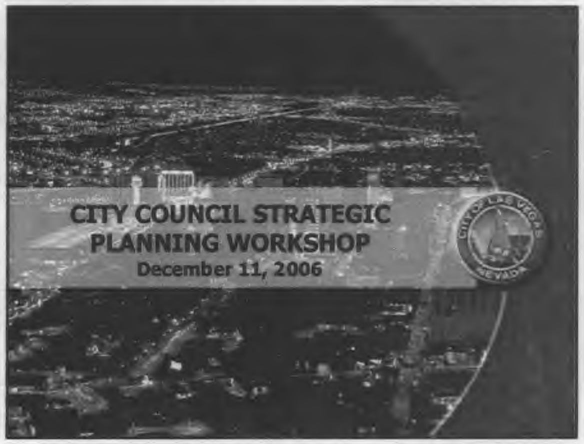
BRAD JERBIC, City Attorney, added that as a general rule, the United State Constitution prohibits the passage of any law that interferes with existing contracts. Staff could certainly assert should the law change and interfered with the City's existing franchising agreements.

COUNCILMAN REESE was concerned that revenues would be taken away as a result of both the Barton and Stevens bills. MR. VINCENT clarified for him that the two bills would not take away any revenues, although there could be an argument relative to future growth. Staff would like a standardized contract but have it managed at the local level. MS. FRETWELL added that local governments across the country have varying rates; however, the rates are in range to what the city's fee cap is, which is the statutory cap at five percent. In other states where the fee cap is much higher at seven to 12 percent where there is federal legislation, those states would probably see a decrease in the growth of their revenues as well as a decrease in the amount of revenues received from franchise fees.

MR. VINCENT clarified for COUNCILMAN ROSS that 60 percent of the general fund revenues goes toward public safety. If the funds are taken away, monies would be taken away from other general fund services, which is predominantly public safety. The Councilman agreed with COUNCILMAN REESE in not wanting to see a decrease in public safety revenues and understood MR. VINCENT'S point that state law prohibits having the rate higher than five percent. In addition, other states do not have the continued growth that Las Vegas is experiencing.

CITY ATTORNEY JERBIC verified for Council that a motion needed to be taken on each item should discussion take place on any legislation that has been recommended.

Meeting recessed at 2:37 p.m.



2007 Legislative Session Overview

Ted J. Olivas
Government & Community Affairs Director

2007 Legislative Session Key Dates

- Start of Session – February 5, 2007
- Committee Passage (1st House) – April 13, 2007
- 1st House Passage – April 24, 2007
- Committee Passage (2nd House) – May 18, 2007
- 2nd House Passage – May 25, 2007
- End of Regular Session – June 4, 2007
- Total – 120 Calendar Days

2007 Legislative Session Senate Leadership

- President – Brian Krolicki
- President Pro Tempore – Mark Amodei
- Majority Floor Leader – Bill Raggio
- Assistant Majority Floor Leader – Dennis Nolen
- Minority Floor Leader – Dina Titus
- Assistant Minority Floor Leader – Bernice Mathews
- 11 Republicans / 10 Democrats

2007 Legislative Session Assembly Leadership

- Speaker – Barbara Buckley
- Speaker Pro Tempore – Bernie Anderson
- Majority Leader – John Oceguera
- Assistant Majority Leader – Marcus Conklin
- Minority Leader – Garn Mabey
- Assistant Minority Leaders – Pete Goicoechea
  Joe Hardy
  Valerie Weber
- 27 Democrats / 15 Republicans

2007 Legislative Session Senate Committees

- Commerce and Labor
- Finance
- Government Affairs
- Human Resources and Education
- Judiciary

2007 Legislative Session
Senate Committees (continued)

- Legislative Operations and Elections
- Natural Resources
- Taxation
- Transportation and Homeland Security

2007 Legislative Session
Assembly Committees

- Commerce and Labor
- Constitutional Amendments
- Corrections, Parole and Probation
- Education
- Elections/Procedures/Ethics
- Government Affairs

2007 Legislative Session
Assembly Committees (continued)

- Health and Human Services
- Judiciary
- Natural Resources, Agriculture and Mining
- Taxation
- Transportation
- Ways and Means

2007 Legislative Session
City of Las Vegas Bills

- BDR 488 – Lease/Purchase Agreements for Public Works
- BDR 489 – City of Las Vegas Representation on Nevada Homeland Security Commission
- BDR 490 – Off-Site Improvements within Redevelopment Area

2007 Legislative Session
Nevada League of Cities and Municipalities Bills

- BDR 477 – Impact Fees
- BDR 480 – Residential Construction Tax
- BDR 481 – Effective Date of Legislation
- BDR 482 – Undergrounding of Power Lines
- BDR 483 – Fuel Tax

2007 Legislative Session
Nevada League of Cities and Municipalities Bills (continued)

- BDR 484 – Emergency Management
- BDR 485 – Interlocal Contracts/ Cooperative Agreements
- BDR 486 – Methamphetamine Abuse

2007 Legislative Session
Legislative Topics

- Affordable Housing
- Elections
- Eminent Domain
- Ethics
- Franchise Fees
- Homeland Security
- Homeless
- Home Rule
- Initiative Petitions
- Public Employee Benefits Program
- Public Employee Retirement System
- Procurement
- Public Lands
- Public Records
- Taxes
- Workers Compensation

2007 Legislative Session
Bills of Interest

- Total Number of Bills – 797 (as of 12/01/06)
- Eminent Domain
  - Currently 10 Bills, Various Sponsors
- Franchise Fees
  - **BDR 58-235**
    - Sponsor: Senator Townsend
    - Revises Authority to Impose Franchise and Other Similar Fees on Certain Public Utilities
- Homeland Security
  - **BDR 751**
    - Sponsor: Speaker of the Assembly
    - Appropriation for a Terror Early Warning Fusion Center in Clark County

2007 Legislative Session
Bills of Interest (continued)

- Home Rule
  - **BDR 446**
    - Sponsor: Senator Care
    - Legislative Study on Powers Delegated to Counties/Cities
- Procurement
  - Currently 25 Bills, Various Sponsors
- Taxes
  - **BDR 32**
    - Sponsor: Senator Beers
    - Reduces Amount Of and Revises Distribution of Basic Governmental Services Tax

2007 Legislative Session
Bills of Interest (continued)

- Taxes (continued)
  - **BDR 360**
    - Sponsor: City of North Las Vegas
    - Revises Provisions Governing Distribution of Tax Revenue to Library Districts
  - **BDR 749**
    - Sponsor: Assembly Committee on Government Affairs
    - Prohibits Changes in the Consolidated Tax Distribution in Clark County for a Period of 10 Years
- Airport Authority
  - **BDR S-228**
    - Sponsor: Assembly Committee on Transportation
    - Creates a Regional Airport Authority in Clark County

Federal Activity

- 2007 Federal Plan
  - Meeting with Mayor/Council/City Managers Office/Directors (Complete)
  - Plan Update in Progress (December 2006)
  - Potential Appropriations Requests
    - Regional Public Safety Complex
      - Terrorism Early Warning/Intelligence Fusion Center
    - Post Office Museum
    - Transportation Projects
    - Clean Cities Educational Outreach Program
    - Sustainability Project
  - Mayor/Council Approval (January 2007)

Federal Activity (continued)

- Current Public Lands Legislation
  - White Pine County Conservation, Recreation, and Development Act of 2006
    - Resolution approved by Mayor/Council in Support of Bill (October 18, 2006)
    - Amends Section 7 of Southern Nevada Public Lands Management Act of 1998 (SNPLMA) on Affordable Housing
      - Serves individuals/families with income not more than 120% of the Average Medium Income (AMI)

Federal Activity (continued)

- Amends Section 7 of Southern Nevada Public Lands Management Act of 1998 (SNPLMA) on Affordable Housing (continued)
  - Authorizes BLM to dispose of federal land to private entities for less than fair market value for affordable housing
  - Requires successful bidder of SNPLMA land sales over 200 acres to develop at least 5% of the total housing units for affordable housing
- Nevada Cancer Institute Land Bill
  - Approximately 80 Acres, Alta Drive/Hualapai Way
  - Bill Introduced December 6, 2006
    - Senator Ensign
    - Congresswoman Berkley

Congress

- Appropriation Bills Not Completed
- Potential Change in Focus in 2007
  - Superfund Programs
  - Brownsfield Programs
  - National Housing Policy
    - Emphasis on Affordable Housing Preservation and Creation
  - Water / Wastewater Infrastructure
  - Alternative Energy Incentives
  - Review Energy Policy
  - Climate Protection

State/Federal Legislative Topics

- Affordable Housing
- Eminent Domain
- Homeland Security
- Telecommunications

CITY OF LAS VEGAS NEVADA

Homeland Security

Chief David Washington
Fire & Rescue

Regional Public Safety Center

- 55-acre parcel; I-215 @ Hualapai (Ward-6)
- Partnership with allied jurisdictions
- Regional emergency operations center (EOC)
- Regional intelligence fusion center
- Regional police-fire-EMS 9-1-1 center
- Regional public safety training center

Intelligence Sharing – Fusion Center

- Specialized center designed to collect, analyze and disseminate intelligence
- Goal: Detect and prevent terrorist acts
- Staffed by intelligence experts from police, fire/rescue and public health
- Federal goal for FFY-2007 to develop nationwide network of fusion centers

Communications Interoperability

- Technical interoperability = equipment standards
- Operational interoperability = standard procedures & training
- Goal: By year-end 2007 all city 1st responders will have 100% technical & operational interoperability.

Homeland Security Grants

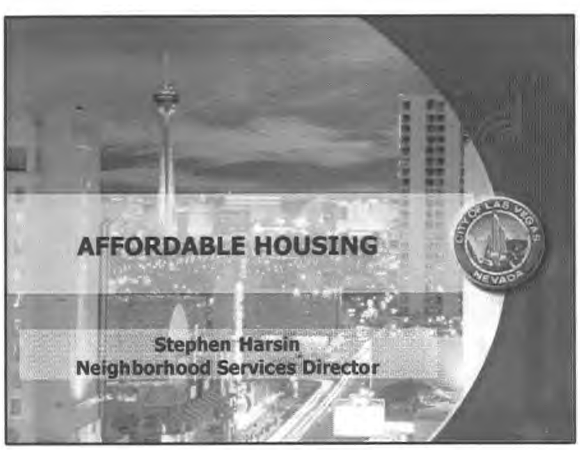
- FFY-2001 thru FFY-2006 city received $13 million for equipment, exercises & training.
- Grants equate to general fund savings
- Homeland security grants require a "regionalized" benefit and currently may not be used for new construction.

Pandemic/Avian Flu Plans

- Health experts predict a widespread pandemic but cannot pinpoint when.
- All city departments have been engaged in planning.
- Preserve continuity of government/operations (COG/COOP).
- Citizen and employee education
- Assisting critical vendors to develop plans

Items for Consideration

- Support the Regional Public Safety Complex (RPSC).
- BDR-751 - Seeks funding for the specific development of the intelligence fusion center, a component of the (RPSC) in Clark County.
- BDR-19-489 - Seeks to provide representation for the city of Las Vegas on the Nevada State Homeland Security Commission (NHSC).



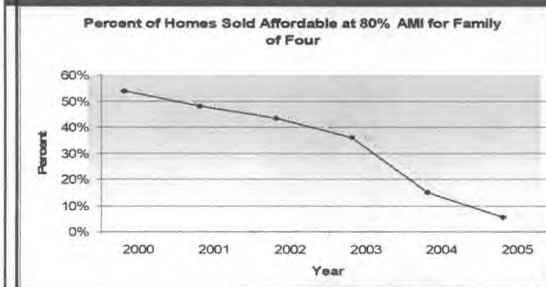
AFFORDABLE HOUSING

Over the past several years, the availability of affordable housing has dropped significantly in Las Vegas.

Contributing Factors

- Housing Market
- Land Costs
- Construction Costs
- Availability of Land
- Federal/State Funding

AFFORDABLE HOUSING



Source: HUD, Clark County Assessor, Las Vegas Planning and Development

Median price of a new home $310,000 Median household income $55,550, which qualifies for a mortgage of $175,750

Occupation	Starting Salary	Affordable Range
Teacher	$32,600	$108,800
Police	$43,285	$135,830
Firefighter	$38,168	$127,400
Admin Assistant	$32,115	$107,200
Carpenter	$41,766	$139,400

AFFORDABLE HOUSING

City Investment through federal, state and local funds

- Since 2000, the city of Las Vegas has invested nearly $76 million in federal, state and local funds.
- A combined total of 23 acres with an appraised value of $16 million has also been dedicated to affordable housing.

AFFORDABLE HOUSING

3,838 Units Have Come Online Since 2000

Recent Grand Openings

- Bonanza Pines III - 62 senior units
- Silver Sky Assisted Living - 90 senior units
- Sundance Village - 532 family units

AFFORDABLE HOUSING

Future Projects

Close to $24.5 million for 1,070 units (480 senior units 590 family units)

Senior Units

Senator Richard Bryan - 240
Deer Springs - 240

Family Units

Sonoma Palms - 238 Horizon Crest - 68
HELP Las Vegas - 89 Bridger Street - 80
Maryland Villas - 108 Gregory Street - 7

AFFORDABLE HOUSING

Highlights and Initiatives

Homeownership for Educators is a program that targeted resources towards the need of recruiting educators for the Clark County School District. Beginning January of 2007, 18 teachers will begin receiving assistance.

AFFORDABLE HOUSING

Highlights and Initiatives

A Community Land Trust is an affordable housing strategy that will take advantage of a 501C3 status and solicit private donations, funds and partnerships.

Land Acquisition Strategy is intended to rehabilitate blighted neighborhoods by acquiring vacant properties for affordable housing.

AFFORDABLE HOUSING

Actions by Others

There are over 10 other affordable housing initiatives that are underway valley wide by various interest groups, developers and agencies.

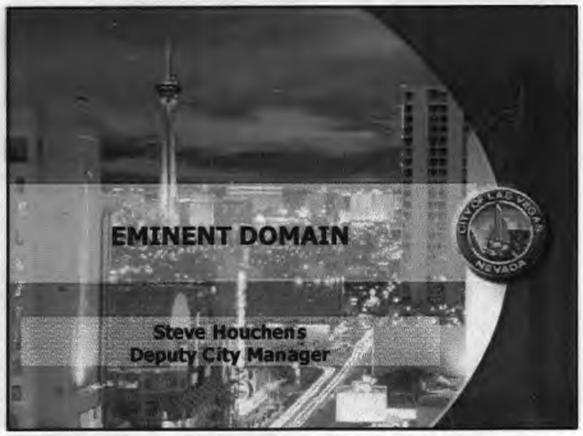
The city of Las Vegas has been active in collaborating with the SNRPC and focus groups that include the private sector stakeholders.

AFFORDABLE HOUSING

The affordability of housing is impacted by a variety of factors.

Three Key Issues the City is Facing

- Strategy for building additional units
- NIMBY (Not in my back yard)
- Tenant displacement/relocation issues



Eminent Domain

- ". . . inherent power of the state to expropriate private property without the owner's consent . . ."
- May also be known as "condemnation"
- May also be referred to as a "taking" or "quick take"

Eminent Domain – Public Use

Public Use includes:
- Roads, streets and highways
- Utilities
- Right of way
- Sidewalks, curbs and gutters
- Parks and trails
- Storm drainage
- Traffic signals

Eminent Domain – Public Use

- Public Use includes:
  - Facilities
  - Parking structures
  - Historic renovation
  - Transit and transportation
- Usually partial acquisition
- Seldom entire property

Eminent Domain – Private Use

- Private Use
  - Eliminates blight
  - Supports redevelopment
  - Assembles properties for private use
  - Assists third party development
  - Air rights
- Usually full parcels
- Partial acquisitions less common

Eminent Domain Process

Purchase of parcel

Public / Private?

Willing seller?

Condemnation?

Friendly (Tax benefit)

Eminent Domain Process, continued

Condemnation
(Appraisals)

Quick take

Litigation

Settlement

Resolution

Ballot Question 2
Citizens' Initiative for Constitutional Amendment

- Kelo – Controversial Supreme Court decision that fueled the fire
- PISTOL – People's Initiative to Stop the Taking of Our Land – Supporting organization
- POBR – Property Owner's Bill of Rights – Initiative
- Passed with 61.3% of the vote

POBR Initiative (excluding stricken sections)

2. Government's burden to prove public use
4. Prior to occupancy, property owner entitled to a determination by a district court jury as to public use
5. Property shall be valued at highest and best use without consideration of future dedication requirements
6. Just compensation – sum of money needed to place property owner in same position as if never happened

POBR Initiative (excluding stricken sections)

7. Fair market value – defined as highest price property would bring on open market
11. If property not used within 5 years, it will revert back to original owner at original purchase price
12. Property owner not responsible for legal fees
13. Government is any entity that has power of eminent domain
14. Any provision shall be deemed a separate and freestanding right

Issue for Consideration

POBR Initiative

- Community wide effort to educate residents on the impacts of the "Property Owners Bill of Rights"

Nevada Legislature

In the past, the Nevada legislature has looked at:

- Limitations on private to private transactions
- Defining public use
- Ascertaining "blight"
- Establishing requirements for public hearings
- Determination of valuation and
- Defining fair market value

City of Las Vegas

- Eminent Domain Resolution (R-83-2006)
- October 2006 City Council resolution
  - "The policy of the City is not to use eminent domain to take private property, without the consent of the owner, for purposes of transfer or lease to another for private commercial enterprise."

TELECOMMUNICATION FRANCHISE

Mark Vincent
Finance & Business Services Director

Telecom Provider Revenue

- The City has 9 Telecom FAs
  - $9.5 million in FY06
- The City also receives license fees from non-franchised telecom providers
  - $4 million in FY06
- These are GF revenues, 60% of which support public safety services

Telecom Industry Issues

- They want national or statewide franchises
- They'd like relief from franchise fees
- They want expedited and less regulated access to the ROW

Telecom Industry Issues, continued

- They want relief from funding PEG access channels
- They seek relief from "build out" requirements
- They oppose "net neutrality" requirements

Telecom Legislative Approaches

- Barton or Stevens bills, appear stalled for now
- Telecoms have been successful in other states
- 2007 bills may be introduced at the state level as a result of the Nevada telecom lobby

Issues for Consideration

- Support continued ROW management and preserve related revenues
- Conduct a round table discussion with NV telecom industry to address (existing and future) fairness and equity concerns and potential barriers for the telecom industry

CITY OF LAS VEGAS COMMUNICATIONS ASSESSMENT

Ron Portaro, JD/MBA
Total Quality Resources Corporation

Methodology

- Objective was to assess and gather information regarding the following:
  - The process and flow of communication
  - If the proper communication is being communicated
  - The methods employed and their effectiveness
  - The parties involved in communication
  - The consistency of communication
  - Overall thoughts and responses regarding the effectiveness of communications within the City
- Interviewed via short, informal series of questions:
  - Council Members, City Manager and Deputy City Managers, City Attorney, City Auditor, Directors from Planning, Public Works and OBD

Key Point #1
Joint Briefings

- Information exchanged is inconsistent from Council person to Council person
- Council members have varied backgrounds and years of experience
- Individual briefings waste time and resources

Key Point #2
Briefings Generally

- Different staff give briefings on same subjects
- Inconsistency in information given
- Staff selectively screen information
- Not enough time allotted for briefings
- Do not receive enough ward-specific information
- Council members should reschedule when they miss briefings
- Dept. directors should brief each other on interdepartmental issues
- Depts. should continue to provide advance agendas with summaries

Key Point #3
Good, Bad and Ugly Information

- More comments were made on this subject than any other
- Perception that staff often gives only positive information
- Need to create a culture where staff does not fear giving Council all relevant information

Key Point #4
Timeliness and Consistency of Information

- No consistency among depts. on how information flows
- Some Council members would like to receive information earlier, especially "hot" items
- CMO should establish more protocols for communication
- Council members differ in how they prefer to receive and review information
- Need greater accountability in tracking information

Key Point #5
CMO Formal Reporting

- CMO reports, monthly reports, emerging issues, alerts, etc. are a good source of information
- CMO should have standard protocols for how and to whom alerts are sent

Key Point #6
Hot Items

- Council members expressed that a better job could be done to:
  - Identify hot/sensitive items
  - Provide appropriate information to Council members
  - Provide information in a timely fashion
- CMO should institutionalize the process from the department level up
  - Establish a baseline system to disseminate info on hot topics
  - Engage executive assistants and liaisons in the process
- Develop a "Red Flag" system

Key Point #7
City Attorney & City Manager Communications

- City Manager and City Attorney should regularly coordinate briefings on sensitive items
- CM and CA should agree on substance of issue and then jointly brief Council
- CM and CA should identify a standardized process for alerts
- CM should develop standard protocols for communicating information

Key Point #8
Council and Department Communications

- Inconsistency between departments regarding staff members with whom Council directly communicates
- City Manager should work with dept. directors to establish protocol for Council-staff communications
- CMO should have more control over information flow
- Chain of command not always followed when Council communicates with staff and vice versa

Key Point #9
Timeliness of Council Involvement on Issues

- Confusion over process for handling constituent matters
  - When should the Council member take ownership of the issue vs. CM taking ownership?
- When should a Council member be notified of an issue?
- Need balance between allowing City Manager to do job and keeping Council informed of what lies ahead

Key Point #10
Liaisons and Communications

- No clear guidelines regarding liaisons' role
- No clearly defined authority; authority varies
- Concern that liaisons make decisions without authorization from Council member
- Liaisons work under Administrative Services, but in reality work for Council member

Additional Points from Other Respondent Groups

- CMO and City Attorney need better coordination on briefing items and hot items
  - Each should brief the other before briefing the Council
  - Educate staff on role of City Attorney, Home Rule, Public Purpose Doctrine, Dillon's Rule
- Conduct joint briefings between departments on interdepartmental issues

Communication Research Conducted by CMO

Communication themes from 8 U.S. cities w/Council-Manager govt:

1. No written core communication policy for City Manager's Office (CMO) and City Council (CC)
2. Offices contacted desire written core communication policy
3. Offices contacted desire CMO to directly contact CC
4. CMO should always be included in conversations w/ CC and dept. staff
5. CC briefings should be conducted by same individual for consistency

Recommendations

Implement strategies concerning the following:

1. Joint briefings by January 2007
2. Briefings conducted by same individual
3. Ward specific briefings
4. City Manager/City Attorney briefing policies
5. Council-staff communication policies
6. Coordination of interdepartmental communication
7. Council communication policies
8. Information delivery timelines
9. Chain of command
10. Council liaison policies and procedures

Implementation & Buy-In

- Implement strategies developed by the CMO and other offices
- Educate staff and Council regarding changes to or adoption of communication policies
- Receive buy-in from Council regarding changes
- Develop written policies and procedures that are clear, consistent and easy to understand

Action & Direction from Council

Direct staff regarding the following:

- Recommendations
- Implementation & Buy-In

Keys to Success

- Commitment
- Follow through on commitments
- Accountability – "No Lip Service"

HOMELAND SECURITY

City of Las Vegas

Homeland Security

White Paper

Prepared by:
Office of Administrative Services
Department of Fire & Rescue
November 2006

Executive Summary

The city of Las Vegas provides and continually seeks to deliver an integrated, comprehensive emergency management system, which prudently allocates resources to help manage risk to local residents and neighboring communities. By collaborating with local, state and federal emergency management agencies; health care and educational systems; and other stakeholders, the city is able to leverage available resources to meet strategic priorities of preventing and/or reducing potential dangers to residents.

The central themes of this White Paper will address the following four strategic issues, in which the city of Las Vegas is engaged to help local and neighboring communities mitigate and respond to disaster.

1. City's collaborative efforts with local, state and federal agencies to design and construct the Regional Public Safety Complex

2. City's alignment with local, state and federal emergency management and specifically, the Office of Homeland Security to provide a more efficient heterogeneous network in the reduction of vulnerability and damage to our community

3. City's collaborative efforts with local, state and federal agencies in the development of inoperability communications systems

4. City's cost-saving efforts through local, state and federal grant funding avenues to support emergency management initiatives

5. City's general planning efforts in response to the possible pandemic flu outbreak

Discussion

1. Regional Public Safety Complex (RPSC): Currently, the Las Vegas/Clark County region lacks a comprehensive public safety complex for the area's multiple jurisdictions to perform collaborative counter-terrorism planning, training and general emergency management activities. This gap often results in fragmentation of service delivery and failure to leverage the equipment, materials and personnel resources that each jurisdiction in the region has to offer to create an integrated emergency management system.

   To address this void, the city, Clark County and the Las Vegas Metropolitan Police Department (Metro) are spearheading a regional initiative to design and construct a complex that will provide a multitude of public safety capability enhancements including a state-of-the-art emergency operations center (EOC), a regional "intelligence fusion center," a combined police-fire-EMS communications center (9-1-1 dispatching) and a regional training facility for public safety personnel.

The intended site for this project is a 55-acre parcel of city land located near the intersection of the 215 Beltway and Hualapai Way in Ward 6. A strategic focus of this initiative is to engineer an integrated, regionalized approach to Southern Nevada's emergency management system. The city and Metro are seeking participation of all other cities in the region, as well as other public and private agencies involved in emergency incident management.

Federal Legislative Efforts: In October 2006, city staff and representatives of the state and other allied jurisdictions met with Senator Harry Reid to present the project and garner his support. The city is in the process of commissioning a consultant to develop a comprehensive business plan for the project. Senator Reid has indicated interest in the project and requested a copy of the business plan upon its completion in January, in order to pursue federal support for the project on behalf of the city and region.

2. Intelligence Sharing and Fusion: Joint Terrorism Task Forces (JTTFs) have been formed across the country by the FBI to maximize interagency cooperation and coordination to create cohesive units capable of addressing terrorism problems within the United States. The mission of the JTTF is to organize federal, state and local law enforcement agencies in a coordinated manner for the purpose of sharing information to help detect, prevent and respond to domestic and international terrorist organizations; or to individuals, who may threaten or attack United States citizens or interest abroad; or who may conduct criminal activity within the United States.

   In late summer 2006, Las Vegas Fire and Rescue became the first fire department in the state of Nevada to enter into a memorandum of understanding (MOU) with the Federal Bureau of Investigation (FBI) to become liaison members of the joint terrorism task force (JTTF). This partnership has enhanced the ability to share intelligence, including Top Secret information, which may result in the detection, prevention or apprehension of terrorists.

   "Intelligence fusion centers" are similar to JTTFs, but are focused more directly on how the intelligence affects the state and local region. Construction of an intelligence fusion center is a key component of the Regional Public Safety Complex. This center will be a specialized facility and will be staffed by a partnership of intelligence experts from law enforcement, fire/rescue and public health to collect, analyze and disseminate information about potential terrorist threats against the community.

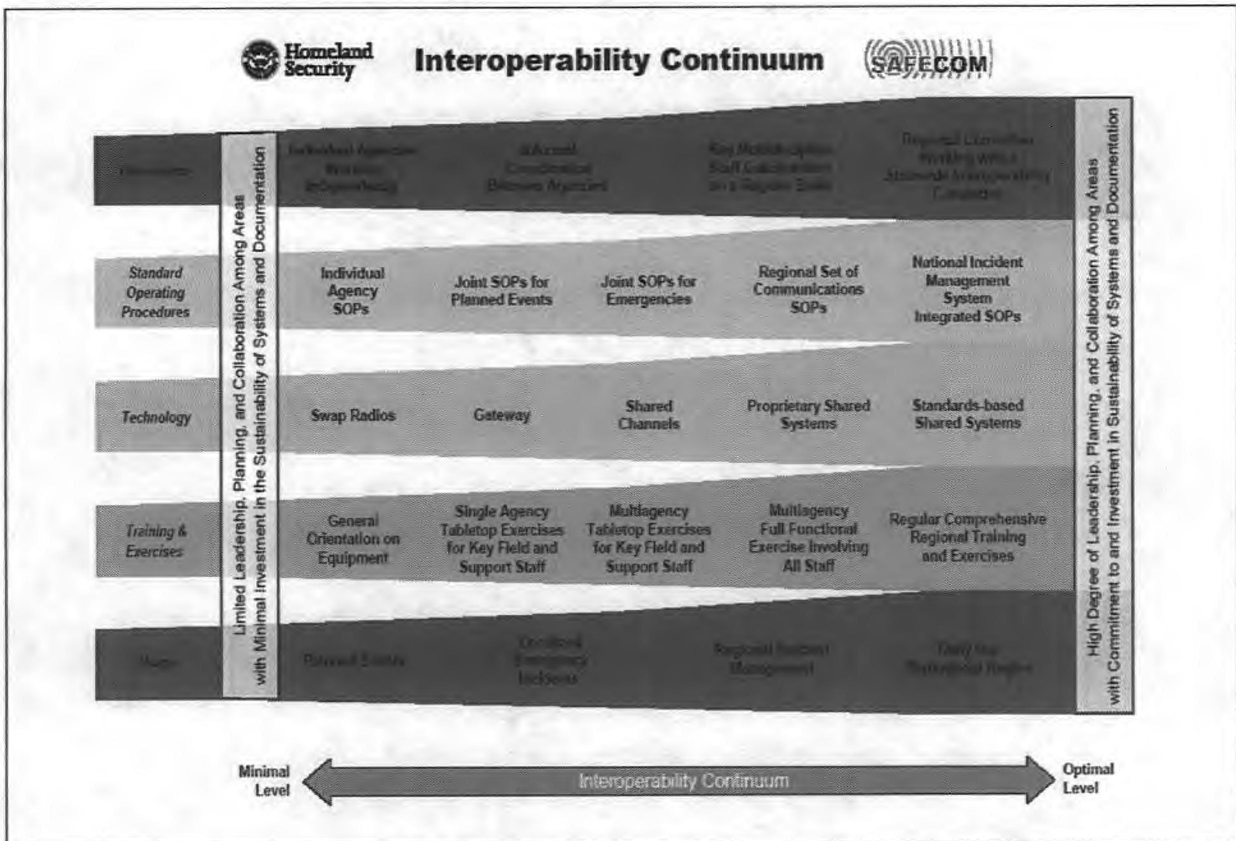
   Development of a national fusion center network is consistent with federal goals and is a key focus of the FFY-2007 United States Department of Homeland Security grant program. The Las Vegas Fusion Center will serve the southwest region of the country and will be directly linked to other centers in the nation facilitating the sharing of intelligence, both nationally and internationally.

   In the first quarter of FY 07, the city of Las Vegas continued to address its critical role in the maximization of intelligence interagency cooperation by creating the Management Analyst II position (Intelligence). The candidate will be an integral part of a team, which will analyze criminal and terrorist intelligence activities in local and surrounding jurisdictions.

State legislative efforts: In the upcoming 2007 state legislative session, BDR-751 seeks funding support for the development of a fusion center in Clark County; and, BDR-19-489 seeks to provide representation for the city of Las Vegas on the Nevada State Homeland Security Commission. Passage of these bills will support the city's efforts on the sharing of intelligence information and will enhance the city's emergency and homeland security programs.

3. Communications Interoperability. During an emergency or disaster, firefighters need to talk to Deputy Marshals, who need to talk to Metro, and so on, in order to share pertinent and emergency information. The need for compatible communication processes and equipment is referred to as *interoperability*.

   Interoperability is measured in levels from one to five, with five being optimal communication. Achieving optimal levels of communication is a function of two factors: equipment (technical) and training (operational). The following chart represents the functional levels of interoperability, beginning with minimal (Level I) and progressing to optimal (Level 5).



Designated city personnel are equipped with 800 MHz radios that allow for seamless communication and coordination between city departments, public safety agencies and other non-traditional safety partners.

The city works annually with public, private and charitable organizations to train city staff and practice response techniques. For example, Detention and Enforcement and Fire and Rescue staff have completed specialized training through the National Incident Management System (NIMS).

NIMS is the nationally recognized and mandated incident management tool; a core set of doctrines, principles, standardized terminology and organizational processes to facilitate effective, efficient and collaborative incident management across all jurisdictions and all levels of government. NIMS is broken down into six core components:

- Command and management
- Preparedness
- Resource management
- Communications and information management
- Supporting technologies
- On-going management and maintenance

In a concerted effort to provide the best method of communication during disasters and other emergencies, the city participated with regional partners to develop a nationally mandated Tactical Interoperable Communications Plan (TIC Plan) for Southern Nevada. Regional emergency exercises provide for adjustments to the plan.

Membership in the Southern Nevada Area Communications Council (SNACC) provides Level 5 Technical Interoperability with regional entities, such as Clark County Fire Department, the cities of North Las Vegas and Henderson, Clark County School District Police, Southern Nevada Water Authority and McCarran International Airport. Also, as of 2004, local ambulance companies, hospitals and the region's medical helicopter provider were integrated onto the SNACC system.

The use of shared radio channels allows city radio users to have Level 3 Technical compatibility with Metro. Metro is replacing its current radio system and anticipates an increased level of interoperability, which will help yield a better response time to assist community residents during emergencies.

In Fiscal Year 2004, only 50 percent of city radio users had Level 5 Technical Interoperability through membership in SNACC. At the same time, the NIMS program was in its infancy stages and was just being implemented nationally; therefore, few first responders had completed the training.

The city's progress to date includes:

➢ 94 percent of the city's first responders have Level 5 Operational Interoperability training through the NIMS Program

➢ 70 percent of city radio users have Level 5 Technical Interoperability through membership in SNACC

The city's goal is to complete NIMS training per federal standards by Oct. 1, 2007, to allow for the highest level of interoperability possible. By the end of 2007, 100 percent of city radio users will have participated in the training, thus allowing all city radio users to achieve Level 5 Technical Interoperability.

4. Homeland Security Grants. Participation in grant programs translates into direct fiscal savings for the city. Equipment, personnel and programs funded through grants would otherwise cause additional draw on the general fund or would disallow for any additional, essential programs for the improvement of homeland security.

   Since federal fiscal year (FFY) 2001, the city of Las Vegas has been eligible for federal grants through the Homeland Security Grant Program (HSGP). These grants are designed to fund specialized equipment, training and exercises for the city's public safety departments, as well as citizen preparedness initiatives through the U.S. Citizen Corps (e.g. Community Emergency Response Team (CERT) training). Beginning in FFY-2006, all programs funded through the HSGP must be coordinated with both local and statewide strategic plans in order to fully leverage the various projects and initiatives.

   Since FFY-2004, the Las Vegas/Clark County region has been a designated participant in the Federal Urban Area Security Initiative (UASI) grant program designed to provide funding to the nation's cities at highest risk to terrorist threats. The city of Las Vegas is the designated "core city" by the U.S. Department of Homeland Security (DHS). Since 2004, this program has provided the city $1,378,665 to fund many of the initiatives outlined in this report, as well as a wide array of training and equipment to our allied agencies, including the Las Vegas Metropolitan Police Department. In November 2005, the DHS announced that Las Vegas would be ineligible for this program beginning in FFY-2007. This ineligibility subsequently resulted in significant lobbying efforts at the federal level to overturn that decision. At the time of this report, the 2007 UASI city list has not been published by DHS.

   (The remainder of this page left blank for intended purposes.)

Depicted below is a summary table of homeland security grants awarded to the city.

Homeland Security Grant Summary – city of Las Vegas		
Fiscal Year	**Program Description**	**Amount**
FFY-01	Terrorism/WMD equipment, training & exercises	$280,000.00
FFY-01	Emergency management program/preparedness planning	$62,503.00
FFY-02	Contingency planning & training	$46,250.00
FFY-02	Citizen preparedness/community emerg. response teams	$67,528.00
FFY-02	Bomb squad robotics	$161,025.00
FFY-02	Emergency management program/preparedness planning	$62,503.00
FFY-03	Interoperable communications	$5,900,000.00
FFY-03	Bomb squad equipment and personal protective equipment	$1,802,389.00
FFY-03	Emergency management program/preparedness planning	$64,503.00
FFY-03	Citizen preparedness/community emerg. response teams	$62,353.00
FFY-04	Emergency management program/preparedness planning	$167,253.00
FFY-04	Citizen preparedness/community emerg. response teams	$221,614.00
FFY-04	Critical infrastructure protection – city jail perimeter gates	$58,000.00
FFY-04	Regional mobile animal shelter	$225,000.00
FFY-04	Terrorism/WMD training & exercises	$250,000.00
FFY-04	Metropolitan Medical Response System (MMRS)	$400,000.00
FFY-04	Bomb squad and hazardous material response equipment	$908,732.00
FFY-04	Videoconferencing and telecommunications equipment	$395,750.00
FFY-04	Emergency management program/preparedness planning	$179,592.00
FFY-05	Citizen preparedness/community emerg. response teams	$100,000.00
FFY-05	Bomb robotics and emergency response equipment/vehicles	$745,000.00
FFY-05	Metropolitan Medical Response System (MMRS)	$227,592.00
FFY-05	Emergency management program/preparedness planning	$179,592.00
FFY-06	Bomb squad/explosive device training	$276,354.00
FFY-06	Citizen preparedness/community emerg. response teams	$276,750.00
FFY-06	Emergency management program/preparedness planning	$179,592.0
FFY-06	Metropolitan Medical Response System (MMRS)	$232,330.00
	Total Awarded to City	**$13,532,205.00**

5. Pandemic/Avian Flu Preparedness. National health care experts are unable to provide a consensus for the anticipated severity or timeframe of the next influenza pandemic. However, experts do agree that another influenza pandemic will occur. Therefore, throughout 2006, all city departments have been engaged in pandemic/avian flu planning, in order to develop contingencies to ensure the continuity of operations (COOP) and continuity of government (COG) in the event of a pandemic flu outbreak in the region.

Specific steps of preparation include:

a. Analysis of potential levels of employee absenteeism
b. Identification of critical functions that must be performed so that essential city services continue
c. Identification of vendors that provide critical goods and services to the city and assisting those vendors to develop business continuity plans
d. Employee training and exercises have been incorporated into the process to validate the plans
e. Dissemination of public information through the city's web site and distribution of other print mediums at city facilities.

A final pandemic plan is scheduled for completion by January 2007 for incorporation into the city's all-hazard emergency operations plan.

Conclusion

While many more activities are in-progress than are itemized in this White Paper, the five strategic issues that have been outlined represent the core elements that serve as the framework of the city's current emergency preparedness and homeland security initiatives.
In the upcoming 2007 state legislative session, it will be crucial for the city to support BDR-751, which seeks funding support for the development of a fusion center in Clark County; and BDR-19-489, which seeks to provide representation for the city of Las Vegas on the Nevada State Homeland Security Commission. Passage of these bills will support the city's efforts in the sharing of intelligence information and will enhance the city's emergency preparedness and homeland security programs. Working with Senator Reid and the rest of Nevada's federal delegation in Washington, D.C., will also be important to secure support for the development of a new Regional Public Safety Complex (RPSC), which will serve as the central axis of collaboration, cooperation and coordination of the multiple jurisdictions and public safety agencies serving Las Vegas/Clark County.

City of Las Vegas

Affordable Housing

White Paper

Prepared by:
Neighborhood Services
November 2006

Affordable Housing Overview:

Recent record-breaking appreciation in land value and housing prices has resulted in a significant decline in the affordability of housing for even moderate income households in the Las Vegas Valley. According to the State Housing Division, Clark County experienced a continued decline in affordable housing units for working families earning a median income of $58,200. In 2006, the State Housing Division estimated the gap between the median income affordability and average house price to be nearly $156,300 for a new home and $98,200 for an existing home.

The rapid decline in housing affordability led state and local policymakers to reevaluate the definition of affordable housing and the strategies used to achieve it. Although traditional strategies for affordable housing focused on the use of federal and state funds leveraged to encourage the development or rehabilitation of affordable housing, policymakers have increasingly found the traditional approach unable to meet the explosion in demand for affordable housing caused by the rapid increase in housing costs. As a result, policymakers are looking to "out of the box" strategies involving development regulations (i.e. zoning), public/private partnerships, governmental low-interest construction/land acquisition loans and incentive programs to fulfill the demand for affordable housing. Additionally, Neighborhood Services is studying "best practices" utilized by other municipalities regarding the possible conversion of non-residential structures to affordable housing.

The following information relates to affordable housing opportunities, resources, and programs within the city of Las Vegas. In addition to describing the current and past programs and projects, this report also describes some of the new initiatives Neighborhood Services is undertaking for the provision of affordable housing, as well as identifying approaches that are being initiated by other agencies, private industry and the legislature.

Affordable Housing Funding

Community Development Block Grants (Construction/Acquisition/Rehabilitation)
CDBG funds may be used for new construction of public facilities and improvements other than for the general conduct of government, general government expenses, or political activities. Among the eligible uses are acquisition of real property (including multi-family rental housing), demolition activities, and rehabilitation.

Home Investment Partnerships Program (HOME)
The intent of the HOME program is to provide decent, safe, sanitary and affordable housing to lower-income households, expand the capacity of nonprofit housing providers, strengthen the ability of state and local governments to provide housing, and leverage private-sector participation. Eligible activities include homeowner-occupied rehabilitation, homebuyer down payment assistance, construction of new single family homes, construction of new multi-family homes, acquisition and/or rehabilitation of multi-family homes, land acquisition for housing, and tenant based rental assistance. The application process is open quarterly to qualified non-profits/corporations to when funding is available to develop affordable housing.

Low Income Housing Trust Fund (LIHTF)
The LIHTF was created to fund low-income housing activities and to serve as a match credit for required federally funded programs. The fund originates from the state's real estate transfer tax and distributed by the Nevada Housing Division according to the most recent state estimate of the population "Local Share." Eligible activities include down payment assistance, homeowner rehabilitation programs, rental housing (acquired, rehabilitated, and/or new construction), and tenant based rental assistance.

Housing Opportunities for Persons with AIDS (HOPWA)
HOPWA funds assist people (and their families) with AIDS or related diseases who are low-income individuals. Eligible activities include acquisition, rehabilitation, conversion, lease, and repair of facilities; new construction; project-based or tenant-based rental assistance; short term rent, mortgage and utility payments; supportive services; operating costs; technical assistance; and housing information services.

18% Set Aside
The 18% Set Aside funding stems from redevelopment funds set aside for affordable housing. The city uses this funding source to assist for-profit and non-profit developers in the provision of housing opportunities for low-income families earning less than 80% of the area median income in the community. Eligible uses include new single-family homes for homeownership, mortgage buy down, new multi-family rental housing, rehabilitation of existing multi-family rental housing, acquisition of rental housing, and property acquisition for housing.

Private Activity Bonds
Each year, the state of Nevada reserves a portion of its total volume cap of Private Activity Bonds to finance their single-family loan program. The remaining balance is allocated to the cities and counties to finance the new construction or acquisition /rehabilitation of multifamily units where a certain percentage of the units will be occupied by low-income households or seniors. The units must remain affordable for 30 to 50 years depending on the financing package and agreement with the state of Nevada.

Affordable Housing Programs

The following programs are funded by a single or combination of affordable housing resources described above. Each of these programs has produced successful outcomes that have encouraged continued investment.

Downpayment Assistance Program
In order to assist homebuyers in overcoming initial barriers to homeownership, the Neighborhood Services Department created the Downpayment Assistance Program, initially utilizing federal HOME funds. Beginning in 2006, the city of Las Vegas began utilizing its American Dream Downpayment Initiatives (ADDI) funding for its downpayment assistance program. The program was designed to aid qualified low- income homebuyers who wish to purchase homes located within the city of Las Vegas limits, have good credit, and qualify for the mortgage payments, but do not have the cash for the down payment and closing costs.

The home can be a new construction or existing single-family home, condominium, or manufactured housing unit. The following table illustrates the number of homebuyers assisted and funds invested since the program's inception in 1995:

Downtown Payment Assistance Program Activity since 1995

Organization	Number of Homebuyers Assisted	Expenditures
Economic Opportunity Board of Clark County	206 households	$984,886.86 HOME
Women's Development Center	117 households	$548,054.66 HOME
Community Development Program Center of Nevada	14 households	$64,367.34 HOME
Accessible Space, Inc.	7 disabled households	$58,049.68 HOME
Consumer Credit Counseling Services	4 households	$40,000 HOME

Tenant Based Rental Assistance Program (TBRA)
The Tenant Based Rental Assistance Program was created to provide rental assistance to homeless or near homeless families and individuals and assist them in obtaining skills, resources, and other assets to maintain self-sufficiency in covering living expenses. The program is funded by federal HOME funds and provides partial grants to cover the amount of funds needed for rent and utility services payments. To date, 419 persons have been assisted by the TBRA program.

City Investment through Federal, State and Local Funds:

The Neighborhood Services Department has developed or rehabilitated thousands of affordable housing units over ten years. The following tables list completed and planned units by type of development.

Construction - Family Rental Housing

Project	Number of Units	Investment	Year Completed
Shepherd Hills	195	$10,725,000 Private Activity Bond Cap; $290,000 LIHTF; $10,000 HOME	2000
Campaige Place	320	$8,000,000 Private Activity Bond Cap	2000
Sunset Park	48	$490,000 LIHTF, $10,000 HOME	2000
Running Springs	144	$1,700,000 Private Activity Bond Cap	2000
Blanchard Arms	16	$854,500 18% Set Aside	2001
City Center	300	$6,550,000 Private Activity Bond Cap; $548,130 HOME	2003
L'Octaine	51	$3,549,000 Private Activity Bond Cap; $1,160,000 HOME; $850,000 18% Set Aside	2005
Maryland Villas	108	$2,962,070 Private Activity Bond Cap	Under Construction
Horizon Crest	68	$2,000,000 HOME/LIHTF	Under Development
Bridger Street Apt's	80	$4,910,000 Private Activity Bond Cap	Under Development

Special Needs Housing

Project	Number of Units	Population	Investment	Year Completed
EOB Treatment Housing	10	Homeless	$185,000 HOME	2000
Shade Tree	414	Homeless	$250,000 CDBG	2000
Bonanza View	75	Homeless	$210,000 HOME	2003
Diversity Leadership (Housing Acquisition)	2	HIV/AIDS	$114,000 HOPWA	2005
Caminar – Acacia Gardens (Housing Construction)	8	HIV/AIDS	$734,317 HOPWA	2006
HELP USA – Phase I	89	Multi-family with emphasis on veterans	$1,300,000 HOME; Donation of land	Under construction

Construction - Rental Housing for Seniors

Project	Number of Units	Investment	Year Completed
Stewart Pines I	72	$521,229 HOME	2000
McKnight Sr. Village	110	$185,004 LIHTF; $183,798 HOME	2000
Vintage Desert Rose	184	$3,863,564 Private Activity Bond Cap; $300,000 HOME	2001
Stewart Pines II	49	$258,379.85 HOME; $91,620.15 LIHTF	2003
Louise Shell	100	$1,163,584 HOME; $113,584 LIHTF	2003
Bonanza Pines	96	$750,000 HOME	2004
Senator Harry Reid Senior Community	100	$3,997,816 Private Activity Bond Cap; $1,120,000 LIHTF	2004
Evergreen Granny Housing	100	$2,010,000 HOME; $240,000 LIHTF	2005
Silver Sky Assisted Living	90	$1,087,542 HOME	2006
Sonoma Palms Apartments	238	$6,158,617 Private Activity Bond Cap	Under construction
Senator Richard Bryan Senior Apartments	240	$360,792 LIHTF; $339,208 HOME	Under development

Acquisition/Rehabilitation Projects

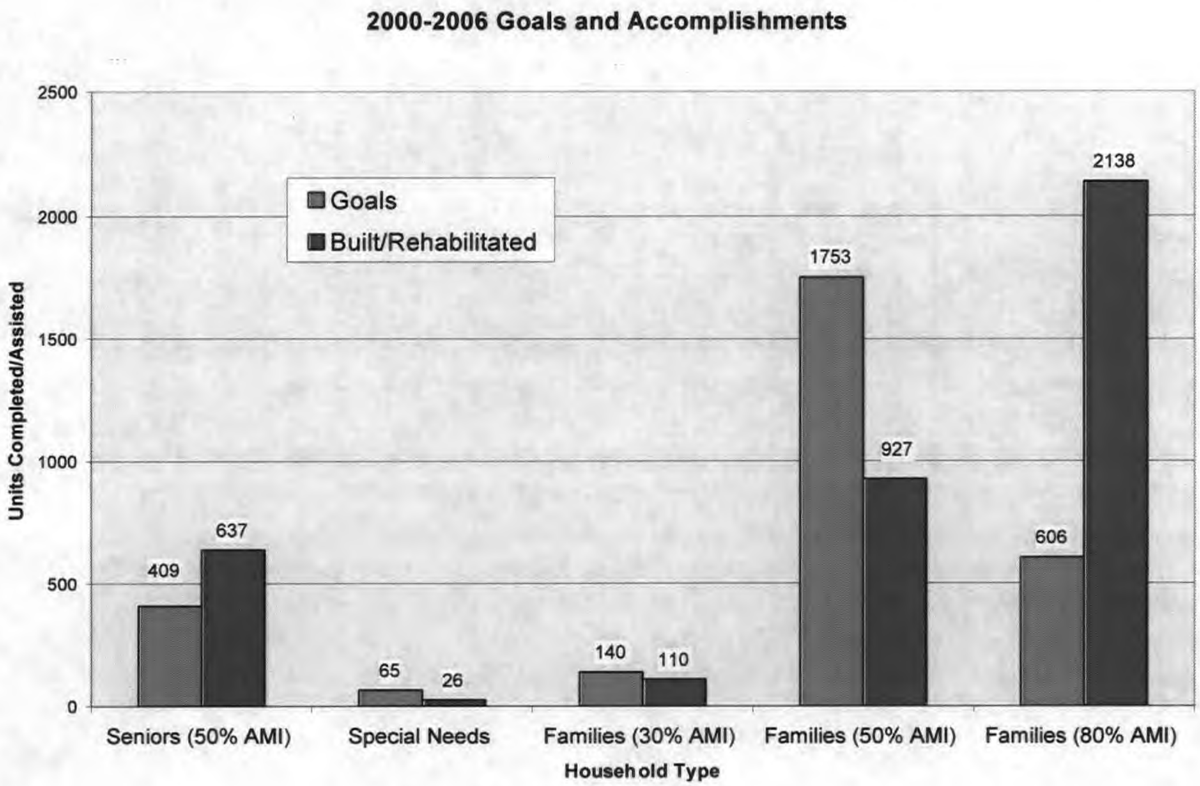
Project	Number of Units	Investment	Year Completed
Bel Aire Apartments	126	$1,510,764 HOME; $290,277 18% Set Aside	1996
Grand Madrid/Arville Apartments	374	$4,700,000 Private Activity Bond Cap	1997
Fremont Villas	138	$1,660,247 Private Activity Bond Cap	1998
Parkway Apartments	48	$782,071 10% Set Aside	1999
Robert Gordon Plaza	249	$713,564 LIHTF; $300,000 HOME	2000
Ogden Pines	49	$310,537 18% Set Aside; $454,500 LIHTF; $50,000 HOME	2000
Hilltop Apartments	113	$2,325,000 Private Activity Bond Cap	2003
Bonanza Gardens	168	$3,100,000 Private Activity Bond Cap	2003
Cedar Village Apartments	154	$2,270,000 Private Activity Bond Cap	2004
Stewart Villas	114	$2,235,000 Private Activity Bond Cap	2004
Emerald Breeze Apartments - Acquisition	100	$2,000,000 CDBG; $2,000,000 HOME loan; $2,437,236 18% Set-Aside loan	2005
Sundance Village Apartments	532	$21,817,800 Private Activity Bond Cap	2006
Deer Springs Assisted Living Units Independent Living Units	 90 150	The city patented the property specifically for affordable housing and will transfer the land to the developer in accordance with the DDA	Under Development
1501 North Decatur	TBD	$2,900,000 18% Redevelopment Set-Aside Paying off General Obligation Bond	Planning Stage
Monterrey Villas	90	$5,000,000 18% Redevelopment Set-Aside Paying off General Obligation Bond	Currently under litigation
951 E. Street	10	$850,000 Redevelopment Set A Side	Currently in negotiations

Construction - Single Family Homes

Project(s)	Number of Units	Investment	Year Completed
Scattered Sites (WNP)	8	$180,000 HOME; $100,000 LIHTF	2001
Scattered Sites (EOB)	11	$626,448 HOME	2002
Desert Sage	5	$440,000 18% Set Aside	2002
Scattered Sites (Habitat for Humanity)	17	$150,000 HOME	2003
Mi Casa En El Sol	40	$886,725 18% Set Aside Funds	2003
Country Ridge Town Homes	85	$566,271 HOME	2004
Scattered Sites (CDPCN)	4	$448,389 HOME	2005
M Street Project	10	$500,000 18% Set Aside Funds	Planning stage
Gregory Street (Habitat for Humanity)	7	$200,000 18% Set Aside	Under development

Goals, Accomplishments and Current Projects:

The city develops a Five-Year Consolidated Plan, updated each year with projections and actual housing counts that indicates affordable housing needs, resources, gaps and goals. The needs and gaps far out weigh the city's funding capacity. The city's goals are based on the cost to produce housing as compared to projected funding levels. The following chart shows the units completed, and progress toward meeting our affordable housing goals.



Current Projects:

Maryland Villas

The living areas, community room, and laundry room have been completed. The State Housing Division in response to the developer's request to delete the swimming pool from their approved application and plans presented optional amenities. After receiving bids, the developer, RPS decided to install the swimming pool. RPS is now in the process of obtaining bids for the pool.

Horizon Crest

The developer, Neighborhood Services staff and City Attorney met recently and resolved issues related to the agreement. The Salvation Army will provide a letter requesting a Notice To Proceed that will allow them to start grading work on the site.

Bridger Street Apartments

Staff is preparing an agenda item for approval of $1.5 million in HOME and/or LIHTF funds to fill the funding gap in this project. The developer, SDA Inc. completed a 300 unit project in 2003 in the same neighborhood, which was recently showcased and toured in a Citizens Academy session.

Help USA Phase I
This development received a temporary Certificate of Occupancy and has begun moving in its first tenants the first week of November. The Grand Opening will be scheduled for January of 2007.

Sonoma Palms Apartments
The developer, George Gekakis, estimates the first of these 238 affordable apartment units will be available in March of 2007. This development was originally slowed down by opposition from the neighborhood to the height of the buildings; however the developer responded by reducing the height and increasing perimeter landscaping as a buffer.

Senator Richard Bryan Apartments
The funding source for this project will likely be changed since the developer started construction without an agreement in place, which violates the regulations attached to the original funding source. However, by changing to Low Income Housing Trust Fund money, we should be able to keep the project moving forward.

Deer Springs Assisted Living Facility
The parcel map was recently approved by the city and delivered to the assessor's office for assignment of an APN number. The city attorney's office is finalizing the Development and Disposition Agreement (DDA). An extension was approved by the City Manager on November 17th for the Exclusive Negotiating Agreement to allow for completion of the DDA.

1501 North Decatur
The city recently settled a law suit related to acquisition of properties as part of this proposed future affordable senior housing development. We anticipate the developer will request HOME funds for this project, but there has been no correspondence in the past few months.

M Street Property
The M Street project at the corner of Madison and M Streets is currently on hold pending the outcome of the Community Land Trust project. Neighborhood Services had proposed reclassifying the property to Mixed Use, which would allow higher density development. After strong opposition to the change by surrounding residents, the reclassification efforts were abandoned.

Gregory Street Lots
Seven lots located on Gregory Street were purchased by the city using Redevelopment Set Aside Funds. The city issued a Request for Proposal to developers to construct seven new affordable single- family homes on these seven lots. Staff is currently in the process of developing the agreement for the development of the units.

New Initiatives:

Community Land Trust

On September 6, 2006, the City Council authorized Neighborhood Services to formally develop a Community Land Trust (CLT) through the Las Vegas Community Land Trust Steering Committee. The CLT will function as a nonprofit organization tasked with acquiring and holding land for the benefit of the community and residents.

The CLT model is in its early development stage, but once the tax exempt 501(c)(3) organization is officially established it will have a board of directors composed of people leasing from the CLT, residents in the surrounding community, and public representatives from local government, funding sources, or other nonprofits. The Neighborhood Services Department contracted with Burlington Associates to provide professional assistance in the development of a CLT, and staff continues to monitor progress towards that goal in partnership with the Steering Committee.

Homeownership for Educators Program (Pilot)

The creation of the Homeownership for Educators Program was developed to address the increasing difficulties faced by the Clark County School District (CCSD) in recruiting out-of-state teachers. The program helps qualified teachers become homeowners through rental assistance or mortgage buy down assistance, thereby helping the CCSD recruit new teachers. To be eligible, the teacher must work at a school located with the City of Las Vegas boundaries, as well as live within the city limits. To date, CCSD has received 36 applications for rental assistance and 4 applications for mortgage down payment assistance. A total of 15 teachers are scheduled to receive rental assistance in the amount of $500 per month, which will equal $90,000 of assistance during 2007.

Community Partnership Investment Program (CPIP)

Neighborhood Services created the Community Partnership Investment Program (CPIP) to rehabilitate blighted properties and develop affordable housing. The City Council approved $500,000 of General Funds and $500,000 of 18% Set-Aside Funds to acquire properties within the area bounded by Harrison Avenue, B Street, Washington Avenue and H Street, and $500,000 of HOME funds for rehabilitation or new construction. The Real Estate Division has purchased 11 parcels as noted in the following table. Staff continues to seek additional property for purchase and inclusion in the program. Neighborhood Services will solicit Request for Proposals from non-profit developers for property development.

Land Acquisition Strategy (11 Sites):

Location	Purchase Price Redevelopment 18% Set-Aside Funding	Purchase Price General Funds Funding	Council approval Date	Funding
Van Buren/F.15 acre		$30,009.00	2-16-05 #49	undeveloped
Jackson/H.16 acre/.356 acre (2 parcels)		$89,859.67	2-16-05 #50	undeveloped
621 Jackson .16 acre		$371.510.79	1-4-06 #7	Four-plex
600 W. Van Buren .18 acre	$34,330.60	$8,620.54	3-15-06 #8	Total 42,951.14 undeveloped
417 Jackson .08 acre	$37,916.50		4-19-06 #14	undeveloped
1016 G. Street .16 acre	$79,728.42		5-3-06 #15	undeveloped
305 Harrison .17 acre	$13,802.76		6-14-06	Tax Foreclosure County Treasurer - undeveloped
210 Jackson .16 acre	$18,480.72		6-14-06	Tax Foreclosure County Treasurer - undeveloped
713 Jefferson .15 acre	$24,689.47		6-14-06	Tax Foreclosure County Treasurer - undeveloped
610 W. Washington .16 acre	$15,164.97		6-14-06	Tax Foreclosure County Treasurer - undeveloped
General Funds		$500,000.00		
RDA Fund	$224,113.44			$275,886.56 - Balance
HOME Fund	**Funding for Rehabilitation or new construction only**			$500,000.00 - Balance

Actions by others:

Clark County School District's (CCSD) Coming Home Project:
The Coming Home Project is part of CCSD's Employer-Facilitated Housing Plan (EFHP), which helps licensed personnel obtain information about home buying and homeownership while offering assistance in the purchase of a home. EFHP includes a comprehensive homeownership education and counseling program. Described as "one-stop shopping" for teachers who seek housing, mortgage lenders, home counselors, realtors, home inspectors and title officers have come together to provide teachers with the best possible home buying assistance. KB Homes is an active participant in this program.

Clark County School District's (CCSD) - Attainable Teacher Housing:
This program is in some respects similar to a Community Land Trust. The school district will be utilizing currently owned land for the development and construction of affordable housing specifically for teachers. The program as they envision it would be modeled after a program currently underway at the University of California, Irvine and at the University of California, Channel Islands. The school district has distributed a Request For Proposal (RFP) for a study to determine the feasibility of the project. The study, once completed will provide the information needed to determine the direction and details of the program.

Focus Property group – Attainable Housing Program

This proposed program would fund first time homebuyers by providing down payment assistance to households earning between $47,000 and $71,000 annually, which equates to a family of four at 80% and 120% of Area Median Income (AMI) respectively. First time homebuyers would be defined as those who have not owned a home in the past 3 years and they must be able to qualify for either a conventional of FHA mortgage. The first time homebuyer may receive up to $30,000 of assistance in the form of a deferred loan to be repaid upon sale, refinancing or transfer of title. Focus intends to funds the program through contributions in increments of $1,000 per home sold above Area Median Price. The ultimate goal is to partner with the Southern Nevada Home Builders Association, gaming industry, unions, non-profits, financial institutions and government agencies.

Bureau of Land Management – Section 7 (b) Affordable Housing

The BLM has finalized an affordable housing provision under the Southern Nevada Public Lands Management Act (SNPLMA) section 7(b) allowing for the transfer of BLM lands to local government entities and Housing Authorities at less than fair market value for the development of affordable housing. The latest revisions to this Section increased the land acquisition discount to 95% for developments serving Extremely Low income residents, 90% for Very Low income and 80% for Low income. This further reduces the cost of land in support of affordable housing; however, mixed use/income housing is currently prohibited. The review process is still onerous requiring a significant time and dollar investment on the part of a developer before receiving any assurances that the land will be successfully transferred. The city is currently working under this process with a for profit developer, Tapestry Group, to complete the transfer of land located at Westcliff Drive and Tenaya Way for affordable housing.

SNRPC Workforce Housing Initiatives:

The mission of the SNRPC is to create seamless planning and coordination between all public jurisdictions covering seven priorities including infill development. One of the on-going efforts is the provision of affordable housing as led by the Workforce Housing Sub-Committee. In addition, the SNRPC commissioned the Southern Nevada Workforce Housing Study from the Restrepo Group, completed in April of 2006, covering affordable and attainable housing trends in Clark County. The report analyzes the County's affordable and attainable housing needs, supply and projects any gaps. The following are definitions from this Workforce Housing Study:

Affordable Housing:	Earning less than 80% AMI paying 30% of income for housing;
Attainable Housing:	Earning between 80% and 120% AMI paying 30% of income for housing
Workforce Housing:	Earning between 80% and 120% AMI

Springboard to Action Workforce Housing Group Committee:

This group is comprised of members from the private sector including realtors, bankers, consultants and local government agencies, housing authorities and the school district. Neighborhood Services attends the monthly meetings to share and learn information about affordable workforce housing efforts in local jurisdictions. The focus is to study the successes and failures of affordable housing programs to learn from others what works and what pitfalls to avoid. The Silver Sky Assisted Living and Community Land Trust have both been presented as best practices.

The Campaign for Affordable Housing
Negative stereotypes surrounding affordable housing have persisted for years and have never been countered forcefully or consistently. Polls show a majority of Americans support affordable housing programs, but they have not made their voices heard. Opposition to affordable housing makes it difficult and costly to complete projects and undermines efforts to win political support for funding and zoning approvals. Affordable housing is a major concern to Americans across the nation, but few citizens take action. The Campaign for Affordable Housing publishes a bi-monthly Newsletter featuring affordable housing success stories and conducts an annual affordable housing conference as well as:

1. Serves as a resource center and clearinghouse for local and regional organizations that want to make the dream of affordable housing a reality for all Americans.
2. Supports locally sponsored efforts to tell housing supporters how to make their voices heard in land use approvals and legislative debates.
3. Builds capacity of regional and local organizations to conduct public education programs and other grassroots campaigns.
4. Provides materials and advice for sponsors seeking project approvals, local government officials deliberating housing decisions and housing organizations undertaking public education campaigns (www.tcah.org)

Community Growth Management Initiative
In February 2004, the Clark County Board of County Commissioners (the "BCC") unveiled the Community Growth Initiative, an ambitious plan to deal holistically with the challenges of growth. This initiative was aimed toward improving the valley's quality of life while protecting the local economy, jobs and the availability of affordable housing. It also involved extensive discussions regarding land uses, water, transportation and a variety of environmental and social issues.

As part of this initiative, the BCC created the Community Growth Task Force (the "Task Force") who was charged with studying growth issues, seeking public input and engaging the community in a frank discussion about current and future growth in Southern Nevada. The Task Force was asked to propose concrete recommendations to the BCC regarding how to address some of the most important issues related to Southern Nevada's unprecedented growth. Task force members developed a menu of growth management strategies that fall into four core areas:

- Urban Design - Actions that encourage or reward development in identified and appropriate locations.
- Natural Resource Conservation – Actions that protect sensitive environmental resources such as water, air quality, species habitat and open spaces.
- Facility Adequacy, Timing and Planning – Actions that ensure timely construction, operation and maintenance of public infrastructure such as fire and police stations, schools, roads and flood control facilities to support new development and enhance existing development.
- Coordinating and Integrating Processes, Plans and Functional Assignments – Actions that address coordination with federal, state and local jurisdictions and the general public.

Legislative Actions:

White Pine Legislation
This proposed bill would amend the above noted Section 7(b) of the SNPLMA as follows:

- Define Affordable Housing as that which serves individuals or families with an income of not more than 120% AMI. (This represents an increase over the 80% HOME program cap).

- A provision stating that any affordable housing reservation of BLM lands for over 200 acres at least 5% of the total housing units on the land conveyed shall be developed for affordable housing.

These amendments would serve a segment of our population unable to attain affordable housing by recognizing the need extends beyond the 80% AMI and would automatically require affordable housing units without the review process for those land purchases exceeding 200 acres.

Increase Maximum Allowable Income
Based upon 2000 Decennial Census data the Area Median Income (AMI) for a family of four in Las Vegas is $58,200. The Department of Housing and Urban Development (HUD) presently recognizes 80% of AMI as the maximum allowable income for a four person household. Furthermore, HUD has determined that the cost of housing must not exceed 30% of a household's annual income to be considered affordable.

Therefore, the maximum affordable home purchase price for a family of four earning 80% of AMI in Las Vegas is $175,750. As of May, 2006 there were only 470 homes for sale at or below this price range including existing apartment complexes converted into condominiums. During the first quarter of 2006 only 123 homes out of a total of 3,378 home sales sold at or below this price with an average construction year reported as 1963 for these "affordable" homes.

While the Las Vegas housing market has slowed in comparison to the previous two years, the median price for a re-sale home is $285,000 and a new home is $310,000. This means that a household must earn not less than 151% of AMI to afford a re-sale home and at least 165% of AMI to afford the purchase of a median priced new home in Las Vegas. By raising the maximum allowable income for federally funded assistance to 120% AMI many more households would be able to afford home ownership.

The cost of housing has impacted the ability of many employment sectors to attract and or retain employees including teachers, police, firefighters, nurses and other sectors such as retail workers, carpenters and administrative assistants to name just a few.

Challenges and Obstacles:

Each year the development of affordable housing is dependent upon the availability of land and the existence of a developer capable of financing and constructing affordable housing. The development trends show that the city is more than meeting its goals for households earning between 51% and 80% of AMI, but we are short of our goal to serve the special needs populations, households below 50% and those at or below 30% AMI. The lower the income, the more subsidies required to make a development viable. Unfortunately, the public perception is that we are over subsidizing affordable housing developments. Non-profit housing developers must obtain bank financing just like market rate housing developers and in order to build a development that looks like a market rate development, there has to be a significant front-end subsidy so that the low rents can support the project.

Non-Homeless Special Needs Populations - This group includes persons who are developmentally or severely mentally or physically challenged; the frail elderly, alcohol or drug dependent and persons with or affected by HIV/AIDS. Development of housing for this population is very expensive and requires a high level of subsidy due in large part to operational costs that must be planned for the life of the project. This type of construction requires high quality, durable materials that can withstand the heavy usage associated with these populations. The city and other jurisdictions in the Las Vegas valley have only been able to attract one developer of such projects over the past 8 years. This causes us to question the need for such housing and consider the need for a survey to determine whether the goals are still applicable. If the need can be verified, we would consider conducting a nation-wide Request For Proposal specifically for Special Needs housing.

Not In My Back Yard (NIMBY) - While many residents will agree that the city needs to facilitate the provision of affordable housing, many do not want it in their neighborhoods. Affordable housing developers dedicate much of their funding to the design of a product that will blend into a neighborhood or improve the character of a neighborhood to counter the fear that affordable housing will reduce property values. Residents are often concerned about the future tenants and whether they will have the same values and respect for the neighborhood. This NIMBY attitude often stops a proposed project before it can be reviewed by the Planning Commission. Senior housing tends to be less susceptible to rejection as this population still benefits from a perception that seniors require fewer services, create less vehicle traffic and less intense use than families with children.

Land Availability - The supply of vacant land is limited and the costs have risen dramatically over the past two years. The city is working with both non-profit and for-profit developers to use BLM lands to develop affordable housing through the Section 7b and legislative processes. The process for approval has been time consuming and requires a large up front investment on the part of the developer, which has reduced the number of developers interested in this process. The city is actively seeking out opportunities to acquire land for affordable housing that can be transferred to qualified affordable housing developers through the Request For Proposal (RFP) process.

Development Subsidy Level - Housing developments, whether market rate or affordable do have to produce enough income from rents to maintain and manage the property and make the loan payments for the life of the project. When a developer plans out a project they create a proforma that outlines all of the development costs from land to construction as well as the operating costs for a period equal to the anticipated loan term. This information is provided to a lender who then uses the information to determine whether the proposed project qualifies for a loan and under what terms including length of loan and interest rate. This directly affects the rents that must be charged once the project is completed. Market rate developers can adjust their rents to equal whatever the market will bear and include developer fees to ensure a profit. However, affordable housing developers agree to fixed, reduced rents for periods up to 50 years and a development fee capped at 12% to 15%. In addition, affordable housing developers must provide reports and meet requirements attached to federal grant funds that market rate developers are not required to provide or meet. For example, affordable housing developers may be required to pay Davis Bacon or Prevailing Wage, which means that the cost of a project can be greatly increased over what a market rate developer would have to pay. For example, one project funded by the city experienced a $1,000,000 increase in project costs attributed to the requirement for Prevailing Wage. In addition, the requirement for Environmental Review, which can take up to 120 days delays projects and increases land acquisition costs, construction material costs, labor costs and can affect the interest rates on loans. Furthermore, the shortage of sub-contractors delays affordable housing projects especially when market rate projects, which are not subject to the same time issues, are able to hire all available labor before non-profit developers. These factors create a need for higher levels of subsidy and are not, as the public often perceives, a windfall for the developer. The development trends clearly show that the affordable housing development community is unable to make housing projects that serve 50% and 30% AMI residents "pencil – out". The city is attempting to provide multiple layers of funding along with land to help turn this development trend toward a positive outcome.

Private Activity Bonds - The regulations Private Activity Bonds are generally reserved for projects ranging from $5,000,000 to $30,000,000. Bonds' application fee to NV Housing is $1,250 plus $75,000 down payment toward costs of issuance upon approval of loan application. While Bonds offer a lower interest rate and tax credit benefit, the process is lengthy, normally requiring 6-9 months following local jurisdictional approval. Developers' overall project cost is impacted during this time because of escalating construction costs, which have the potential to create a funding gap prior to start of construction. Other challenges facing affordable housing developers are: developer fees are required to help finance the project; developer fees are capped at 12-14%; affordable housing developers have to compete with for profit developers for labor and material; developers have predetermined rental rates with no option to increase rents to keep pace with the market; changes in regulations; and increasing fees. One project analyzed reflected over $1.1 million in fees in addition to City's permits and Building & Safety fees. These fees included: LVVWD - $509,538; NV Power - $20,744; City's sewer connection - $292,938; City's transportation fees - $176,403; City's park fees - $97,536; and, City's tortoise fees - $5,159. Both Southwest Gas and Sprint waived connection fees for the affordable housing project. In order to work toward making Bond projects pencil, there must be a concerted effort to waive all fees and permit charges.

Tax Credits - Due to the timing of Tax Credit applications through the state the Neighborhood Services Department has changed the HOME funding application process to allow for multiple funding cycles during the year. Many affordable housing development proposals need both HOME funds and Tax Credits to create the necessary subsidy to build and operate the project. However, if a development is approved for HOME funds and is subsequently unsuccessful at obtaining Tax Credits the project is no longer viable. In the past such projects remained on the books and the HOME funds sat dormant until the developer could apply for Tax Credits again the following year. By allowing for multiple funding cycles the city can reallocate HOME funds from these projects and make them available to other proposed developments to ensure the funds never sit idle at the expense of other viable projects.

Next Steps:

Addressing the issue of affordable housing in the current economic climate requires a strong focus on innovation and collaboration. While the use of federal funds in the development of affordable housing will continue to be a valuable tool, it is not the only approach to affordable housing. Neighborhood Services is actively pursuing new ways to expand affordable housing opportunities including:

- Continue to work with state legislators to amend the Nevada revised statutes to expand eligibility to households earning up to 120 percent of area median income (current eligibility up to 80 percent AMI) for affordable housing built with the 18 percent set-aside funds. Work to eliminate the prevailing wage requirement on 18 percent set-aside projects.
- Expand the strategy for affordable housing beyond reliance on federal funds to include a regional approach and innovative partnerships with the nonprofit and for-profit sector.
- Collaborate with the Lied Institute for Real Estate Studies and the Springboard to Action Workforce Housing Group Committee.
- Strengthen partnerships with Planning and Development as well as the Office of Business Development in order to bring various aspects of affordable housing together in a multi-disciplinary approach.
- Continue collaboration and dialogue with the Las Vegas Housing Authority regarding affordable housing resources, projects and strategies.

City of Las Vegas

Telecommunication Franchise

White Paper

Prepared by:
Finance & Business Services
November 2006

Executive Summary

For several years, the telecommunications industry has waged a multipronged effort to reduce local government control over the use of its right of way (ROW) and the revenues it derives from that use. The telecommunications industry has argued that the vast array of differing regulations spanning the local governments across the nation make the playing field uneven, and even discourage competition and the introduction of new technology. Legislation is pending in Congress, and preemptive laws have been passed in several states, so the threat is very real. However, for decades local governments have been able to control access to their ROW, ensuring that other public assets and services are not excessively disrupted. Further, since the ROW belongs to the public, the local governments have charged fees for the right to use the public ROW, and those fees have grown to be substantial in helping local governments fund other essential services, including police and fire services. And finally, through the franchise agreements (FAs) the local governments have been able to look out for the public interest by ensuring minimum service levels and accountability of the telecommunication companies. While it is somewhat probable that some form of federal legislation will ultimately be enacted, it is important that the city of Las Vegas (City) fights to retain control of its ROW and protect the revenues derived from the FAs.

Background

Under Federal Law (Title 47), the communications services provided by telecommunications and cable television providers are defined and divided into three general categories: (1) telecommunications (i.e., voice) service; (2) cable (i.e., video) service; and (3) information (Internet/data) service. Cities have almost no regulatory or taxing authority over information services. Cities do have varying degrees of regulatory and taxing authority over telecommunications and cable services.

Because telecommunications and cable companies are now providing or intend to provide all three types of communication services, it is often difficult to separately analyze telecommunication and cable issues or proposed legislation affecting such issues. Many times, the driving force behind the proposed legislation is not the distinction between the type of service being affected or whether the legislation is proposed by a telecommunications or cable provider (or both), but is instead the industry's desire to preempt local franchising authority, ROW control and taxation. For purposes of this paper, cable and telecommunications service providers may be referred to collectively as "telecommunications" because they are so intertwined.

The City currently has nine FAs with telecommunication companies. Each of these franchised providers pays a five percent fee on the gross revenue, which they pass through to their customers. For fiscal year 2006, these FAs generated $9.5 million in fees, which constituted about two percent of the general fund revenues for fiscal year 2006:

Franchisee	**FY06 Fees**
Cox Communication	$ 4,673,500
Embarq (formerly Sprint)	$ 4,352,369
XO Communication	$ 417,609
Xspedius	$ 39,427
Wiltel	$ 18,182
IdaComm	$ 7,309
Electric Lightwave	$ 4,427
Level 3	$ 721
MCImetro	$ 100
Total Telecommunication Fees	$ 9,513,644

Cox and Embarq constitute 95 percent of these revenues. Several other telecommunication agreements are principally ROW agreements as these companies are selling capacity to other retailers and are not retailers themselves (e.g.., Witel, Level 3, and MCImetro).

In addition to the franchise fees that the City receives from franchised telecommunication providers, the City also receives comparable business license fees (five percent) from dozens of competitive, non-franchised telecommunication providers. Such providers do not have facilities of their own in the ROW but rather compete with the franchised providers by leasing facilities from them or through wireless technology. In fiscal year 2006, the City received over $4 million in license fees from the non-franchised providers (these fees are not included in the above table). Because the proposed legislation discussed below could affect license fees from non-franchised providers as well as franchise fees that the City receives, the total telecommunication fees at risk is actually closer to $14 million.

In the last two years, AT&T and Verizon, two telecommunications giants that have traditionally offered telecommunications but not cable services, have fueled the industry's lobbying effort to facilitate their entry into the market. The general issues being pursued by the telecommunication industry can be characterized into six major areas:

- They seek either national or statewide franchises because they claim it is impractical and too time-consuming to obtain franchises from thousands of local jurisdictions nationwide, and thus they are an impediment to investment and competition.
- They seek preemptive relief from franchise fees for two reasons:
    - First, the industry claims that telecommunications services are taxed more heavily than any other industry except for alcohol and tobacco. City staff does not believe this to be true, as evidenced by the report "Local Government Perspective on Telecommunications Taxes" sponsored by the National Association of Counties (NACO), National League of Cities (NLC), United States Conference

of Mayors (USCM), Government Finance Officers Association (GFOA) and Association of Telecommunication Officers and Advisors (NATOA).

- Second, the industry believes that franchise fees create competitive disadvantages. For example, satellite companies don't use the ROW and are exempt from local taxation under federal law, and some telecommunications providers are "grandfathered" in, giving them a competitive advantage over those that have to pay franchise fees. This issue has been raised by Cox cable regarding satellite providers. City staff believes that ROW usage demands a fee for private use of the public ROW.

- They seek expedited and less regulated access to the municipal ROW. City staff believes that local governments must maintain control of their ROW through their existing permitting processes, especially as more utilities and services demand that limited space.
- They seek preemptive relief from funding requirements for public, education and government (PEG) access channels. For Las Vegas, two points of the five percent Cox franchise fee (about $1.9 million) is used to fund the KCLV Channel 2 station, but no other PEG funding is required. Some Nevada cities like Reno require cable providers to pay support for PEG channels in addition to the five percent franchise fees.
- They seek preemptive relief from "build out" requirements. For example, AT&T does not want to be required to provide service to all local residents and businesses. AT&T's approach to technology will not enable it to reach all residents without more capital investment than it is willing to make. Cox, whose current FA requires "build out," will likely see this as an unfair advantage unless it has the same relief.
- They adamantly oppose any inclusion of "net neutrality" requirements in any legislation, which would essentially prevent discrimination against Internet content providers. For example, some service providers like AT&T want to charge by a measure of volume, thus charging content providers as well as users for services that require more bandwidth space. Some cities believe the discrimination allowed without the addition of net neutrality requirements could be used to adversely impact or even eliminate some content providers, particularly where content providers that are not affiliated with the franchisee try to compete with content providers that are affiliated with the franchisee. Thus, some cities lobby for the inclusion of net neutrality provisions in any telecommunications legislation.

Locally, neither Cox nor Embarq have launched overt Nevada campaigns to eliminate the franchise authority currently held by the City. However, Cox has complained that it has a competitive disadvantage in that satellite service providers do not pay franchise fees. Additionally, Cox has moved into the telephone business, for which it pays the five percent tax. City staff believes Cox will be watching the legislative discussions promoted by the Nevada telecommunication industry very closely, and they may raise new issues depending upon those outcomes.

While it appears on the surface that there is little local resistance, there is significant effort in congress, fueled by a $110 million telecommunications lobbying effort in the first six months of 2006 alone, to wrestle control of the local ROW from cities and counties with its related threat of a reduction in franchise taxes for use of the ROW. To complicate the local Cox relationship even further, the City is in the end stage of wrapping up a revenue and compliance audit sanctioned and paid for by the Regional Franchise Jurisdictions (RFJ), which is expected to have some findings against Cox.

Legislative Approaches to Telecommunications

Nevada Legislation: Senator Townsend introduced SB277 in 2005, which would have preempted Nevada cities and counties from imposing franchise fees on telecommunication and cable TV, essentially phasing them out over a two-year period. The bill failed to get out of Townsend's committee by a 4-3 vote, but an interim committee was established to study franchise fees before the 2007 session. No recommendation came out of that interim committee, but City staff believes Townsend has submitted a Bill Draft Request (BDR) concerning franchise fees for 2007. No specifics are known about Townsend's BDR as yet. Additionally, it is believed that AT&T is looking to get its preemptive bill introduced into the legislature as well, the details of which are unknown at this time. The Nevada telecommunication industry appears to be willing to discuss their legislation with local governments. A compromise position that retains ROW control and franchise fees for the City might be achievable.

Other State Legislation: Numerous other states have passed legislation preempting local government franchising of video services. In other states, the lobbying has been unsuccessful so far. Cable providers are often co-beneficiaries of preemptive legislation based on "level playing field" arguments. Texas was the first state to pass preemptive legislation concerning telecommunication providers' video service. California, Arizona, Kansas, Indiana, Kentucky, South Carolina, North Carolina, Virginia and New Jersey have also passed such legislation. There is no universal model for such legislation. In some cases franchise fees are negatively impacted, while in others there does not appear to be any significant impact on franchise fees.

Federal Legislation: Numerous bills have been introduced in both the House and Senate to preempt cities from franchising telecommunication providers wanting to provide video service. Some bills were narrowly focused only on video issues, while others were broader in scope. The two most prominent bills pending before Congress are the Barton bill in the House, which passed by a 3-1 margin in June, and the omnibus Stevens bill in the Senate, which has gone through name changes and which is now 290 pages long. The Barton bill does not appear to have a significant negative fiscal impact on local governments (i.e., those that only get a five percent franchise fee but no other PEG channel support). The latest draft of the Stevens bill but does not appear to have a significant negative fiscal impact on local governments. Even if the Stevens bill were to pass, it may be hard to reconcile it with the Barton bill, so adoption of any bill this year is doubtful. If a bill passes, it is anticipated that President Bush would sign it into law. If no bill passes, new bills will probably be pushed into 2007 and impacted further by the shift in congressional power.

Las Vegas Lobbying Efforts

The City's federal lobbyist, Ball Janik LLP, has been actively involved with the federal legislative proposals, and direct communication with the City's franchise officer has been helpful. Further, City staff has been proactive in dealing with the reality of the industry concerns and has played a role in working toward compromise as demonstrated by the City's meetings with Michael Sullivan from Senator Ensign's office. The federal delegation has been apprised of the City's concerns regarding the impact of the impending legislation, and not much more can be done until Congress begins to take action on these bills.

Regarding the Nevada lobbying effort, the City has partnered with the other large Nevada cities of Henderson, North Las Vegas, Reno and Sparks to form the Urban Government Consortium. The Consortium has engaged Marvin Leavitt to represent their interests in the 2007 session. Data has been collected to assist Mr. Leavitt in his efforts to defeat any Nevada bills that would diminish the City's local rights and tax revenues. The Consortium is currently pursuing a meeting with the Nevada telecommunication industry to discuss its proposed legislation.

Federal Communication Commission (FCC) Role

If no federal legislation passes this year, many believe the FCC is poised to act by adopting new rules governing franchising of video service. The experts think the FCC has very little authority to give the telecommunication providers what they want, but that the FCC has an agenda which will likely result in over-reaching rules. What those rules may be is unknown, and they may well be promptly tied up in court.

Other Observations

The industry (mainly AT&T and Verizon) has been engaged in intense lobbying at all levels to preempt cities from franchising telecommunication providers for video service. (In many states, cities don't have franchising rights over telecommunication providers to begin with, so preempting cities with regard to telecommunication services is not as important to the industry). The lobbying takes many forms, spilling into areas other than video service, and may include action at the Federal Communication Commission (FCC), in Congress, in state legislatures, and even at state Public Utility Commissions (PUC). Verizon has recently indicated that federal preemption is no longer necessary because it can continue to work successfully at the state level. When AT&T and Verizon do lobby for preemptive legislation, they extend an enormous amount of resources, both manpower and money, toward their lobbying effort.

Because some cities, unlike Las Vegas, would be hurt fiscally by these bills and because there are other objectionable portions of these bills (e.g., giving the FCC authority over the ROW), national organizations such as NATOA, USCM, NLC, NACO and the International Municipal Lawyers Association (IMLA) will continue to be active in opposing the bills. While City staff does not always agree with 100 percent of their positions, these associations remain a source of support and information. City staff will continue to monitor their progress and will from time to time participate in their lobby campaigns.

Cable Provider's Position

Where the cable industry stands at any particular time is hard to tell. For a while, the industry lobbied with cities and against the telecommunication providers, likely because cable providers saw strategic advantages in delaying the issue. However, in some states like California, the cable industry switches sides if it sees that it can get out of franchising based on level playing field arguments. For these reasons City staff suspects Cox may be likely to support any cable provider preemptive legislation if they believe it may pass. For example, in Arizona, Cox was successful in getting legislation limiting cities to a 4.5 percent franchise fee on cable service, and it might look to do the same here.

Conclusion

Cities have been relying on the national organizations, including NATOA, for most of their lobbying against the preemptive bills. The lobbying is generally reactive; it is hard to direct efforts until the details of new bills surface. Nonetheless, the City needs to continue to support the efforts of national organizations like NATOA, including participating in the underwriting of their legal costs, and will need to continue to communicate and strategize with both federal and state paid lobbyists. All reasonable efforts should continue to protect the City's ROW rights and revenues, but recognize that the City may need to relinquish other regulatory benefits such as PEG funding and build out requirements. City staff needs to be alert to changes in the definition of gross revenue and its right to audit compliance in the payment of franchise fees, especially if legislation is successful in moving the franchise level to the state or federal level. City staff believes compromise will be necessary on issues of service in order to preserve control of the ROW and sustain the revenue derived from that ROW use.

City of Las Vegas

Eminent Domain

White Paper

Prepared by:
Office of Administrative Services
November 2006

An Introduction to Eminent Domain

The city of Las Vegas, as well as other local and state governments, is often faced with the necessity of acquiring property for the expansion of services: such as roads, water and storm water systems, street lighting, traffic signals, facilities, parks, paths and trails. Typically, these properties will be acquired through a "willing buyer/willing seller" transaction. Often, the willing buyer/willing seller relationship does not exist and the government is faced with the need to "condemn" the property, wherein the government seeks the assistance of the court in acquiring property from the unwilling seller. This process of condemnation is called "eminent domain.[1]"

Eminent domain may occur in two dimensions:

1. The first dimension is that of condemning property owned by private concerns, (individuals, companies, etc.) which is ultimately used for public facilities and purposes consistent with the provision of governmental services, referred to a "private to public" transaction.
2. The second dimension is that of condemning property owned by private concerns and making that property available for other private concerns for investment in and development of their properties, referred to as a "private to private" transaction. The public purpose served by these transactions is the improvement of the economic health and well-being in the community that is served by the ability to privately invest in and/or develop these properties.

The private to public transaction is common and is vital to the provision of public assets and services. It would be impossible to consistently acquire land for roadways, paths, facilities, parks and other public assets and functions without the use of eminent domain. The latter private to private is the lesser used but more controversial dimension of eminent domain. The support of an economic base in communities is critical to the well-being of those communities, and it is likewise critical to eliminate blight in developing communities where it exists. Nevertheless, the concept of taking property from one private concern and making it available to another private concern might be construed as a redistribution of wealth.

The private to private issue is an item of concern in many communities. It is a tool of economic development and redevelopment, providing a way to buy and sell properties, usually with a benefit to the seller (contrary to what is often thought) both in the judicial support for a fair monetary settlement and also in obtaining tax advantages that sometimes result from a condemnation proceeding.

Nevertheless, there are some who feel that this type of condemnation is an unjustified and unpaid use of their land (despite the fact that sellers are fully compensated by the courts for their value). This has led to actions throughout the country to greatly restrict the

[1] Eminent Domain: Compulsory purchase in common law legal systems is the inherent power of the state to expropriate private property without the owner's consent, either for its own use or by delegation of the taking power to third parties who will devote it to "public uses," the most common example being public utilities or railroads.

ability to meaningfully use eminent domain in not only supporting economic development, but in some cases, providing basic services. Such is the case of the Nevada Property Owner's Bill of Rights (POBR) effort and many other legislative proposals that have been introduced and promoted in municipalities throughout the country.

Issue Summary

The impact of *Question 2,* also known as the POBR, on the 2006 Ballot, has prompted discussion and debate about the potential impacts to local governments in the state of Nevada. This paper is an introduction to eminent domain at the local, state and national level and the relative legislation that, if allowed to be incorporated into the Nevada Constitution, may potentially change the way in which the city of Las Vegas secures land.

Background

The Kelo[2] decision held that the U.S. Constitution does not prohibit the taking by the government of property for private economic development purposes. The dissent provided by Justice O'Connor, reveals the concern that "the specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz Carlton, any home with a shopping mall or any farm with a factory." Justice O'Connor's concern has resonated not only with property owners but with state legislators nationwide. While the Kelo decision was in line with then existing case law in most states, it set off a firestorm of public reaction which has led state legislators across the country to reexamine their eminent domain laws.

Eminent domain legislation in response to the United State Supreme Court decision in Kelo v. New London, has been considered in each of the 44 states that were in session in 2006. Legislatures have passed bills in 28 states to date; they are as follows:

- Enacted in 24 states – Alabama, Alaska, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Minnesota, Missouri, Nebraska, New Hampshire, North Carolina, Pennsylvania, South Dakota, Tennessee, Utah, Vermont, West Virginia and Wisconsin.
- Passed a constitutional amendment that will go on the ballot for voter approval in two states – Louisiana and South Carolina (in addition to Florida, Georgia and New Hampshire, which also enacted statutes).
- Vetoed by the governor in two states – Arizona and New Mexico (The Iowa legislature overrode the governor's veto).

The legislation generally falls into seven categories:

[2] The Kelo vs. New London case (decided June 23, 2005) was settled in the U.S. Supreme Court. The 5-4 vote determined the waterfront town was permitted to force out the owners of 15 homes who had been holding up the development of office buildings and housing near a research center being built by pharmaceutical company Pfizer.

- Prohibiting eminent domain for economic development purposes, to generate tax revenue or to transfer private property to another private entity.
- Defining what constitutes "public use;" generally the possession, occupation, or enjoyment of the property by the public at large, public agencies or public utilities.
- Restricting eminent domain to blighted properties and redefining what constitutes blight to emphasize detriment to public health or safety.
- Requiring greater public notice, more public hearings, negotiation in good faith with landowners and approval by elected governing bodies.
- Requiring compensation greater than fair market value where condemned property is the principal residence.
- Placing a moratorium on eminent domain for economic development.
- Establishing legislative study committees or stakeholder task forces to study and report back to legislature with findings.

The city of Las Vegas, the Redevelopment Agency and the Use of Eminent Domain

In March 1986, the city of Las Vegas Redevelopment Agency was created to evaluate and determine whether redevelopment was necessary to combat physical, social, or economic blight in various sections of the city.

- The Nevada Revised Statutes in Chapter 279 provides the authority for the Redevelopment Agency to perform the functions necessary for the redevelopment of an area identified in a redevelopment plan. The city of Las Vegas, a legally separate entity from the Redevelopment Agency, does not have the statutory authority to use eminent domain for redevelopment purposes. The city does have the statutory authority to use eminent domain for public purposes such as city building, roads, streets and alleys, etc. The scope of this authority is provided in NRS §37.010.

Several years passed before the Agency entered into an agreement with a consortium of downtown casinos to develop the Fremont Street Experience (FSE). The FSE required construction of a parking garage on property owned by thirty-two individual parcels, three of which were owned by the Pappas's. In November 1993, the Agency filed an eminent domain complaint to acquire the Pappases' property, and gained possession of the Pappases' land in January 1994 after the Pappases failed to oppose the Agency's motion for immediate occupancy. The Agency took possession of the property, demolished the existing building and constructed the parking garage.

More than three years after the district court had granted the motion for occupancy and the garage had been constructed, the Pappases filed a motion to dismiss the Agency's eminent domain complaint. The district court dismissed the Agency's eminent domain complaint. After an appeal process, the case made its way to the Nevada Supreme Court in which the Court concluded that the Agency's use of eminent domain was constitutionally permissible because both, the Federal and Nevada Constitutions allow the taking of private property for public use and because the Agency acted under a clearly defined economic redevelopment statute.

However, strong dissent was filed in this case. Justice Leavitt's dissent was based on his conclusion that the Agency's taking of the Pappases' property was not a proper public use. Under NRS §279.586(1) (a)[3], a redevelopment area must include a "blighted area, the redevelopment of which is necessary to effectuate the public purposes." Justice Leavitt pointed out that the Pappases' property was not a slum, as was the case in Berman v. Parker where the U.S. Supreme Court upheld the transfer of property taken by eminent domain from one private party to another private party. Nor, contended Justice Leavitt, did the Agency demonstrate that the taking of the Pappases' property was necessary, rather than desirable, for effective redevelopment as required by NRS §279.586(1) (a). Thus, Justice Leavitt concluded the taking of the Pappases' property was unconstitutional. After the Nevada Supreme Court decision, the case was remanded to district court. The city eventually settled the litigation and purchased the property for $4,500,000.00

In the early 1990's, the city entered into an agreement with the Stratosphere Corporation to develop the Stratosphere Hotel and Casino. Under the agreement, the Agency would acquire a number of parcels of property through the use of eminent domain and then transfer the property to the Stratosphere Corporation. In 1994, the Agency filed eminent domain actions to acquire two parcels of property owned by Paul Moldon and James Crockett. The district court granted motion to dismiss both eminent domain actions.

The cases were consolidated and appealed to the Nevada Supreme Court. The Court reversed the dismissals holding that the Agency was not required to amend the Redevelopment Plan to reflect the Stratosphere project. The two cases ultimately went to trial in district court. The Stratosphere purchased the two parcels from the owners after the trials.

The Initiative

The People's Initiative to Stop the Taking of Our Land (PISTOL) is an organization operating in the state of Nevada formed specifically for the purpose of creating the initiative known as the POBR and circulating petitions to collect signatures sufficient to qualify the Initiative for placement on the ballot for the November 7, 2006 general election. The stated mission of PISTOL is to protect individual property rights by advocating constitutional limitations on the governmental powers of eminent domain. The impetus for this initiative and others like it in several other states is the 2005 Kelo v. city of New London U.S. Supreme Court decision in which the court emphasized that, "Nothing in our opinion precludes any State from placing further restrictions on its exercise of the takings powers."

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[3] 1. If the legislative body determines that:

(a) The redevelopment area includes a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in NRS 279.382 to 279.685, inclusive

The Initiative proposes to amend the Nevada Constitution to restrict the exercise of eminent domain powers for redevelopment purposes. The Initiative seeks to amend Article I of the Nevada Constitution by adding to that Article a new Section 22 containing fourteen (14) distinct provisions. They include:

1. All property rights are hereby declared to be fundamental constitutional rights and each and every right provided herein shall be self-executing.
2. Public use shall not include the direct or indirect transfer of any interest in property taken in an eminent domain proceeding from one private party to another private party. In all eminent domain actions, the government shall have the burden to prove public use.
3. Unpublished eminent domain judicial opinions or orders shall be null and void.
4. In all eminent domain actions, prior to the government's occupancy, a property owner shall be given copies of all appraisals by the government and shall be entitled, at the property owner's election, to a separate and distinct determination by a district court jury, as to whether the taking is actually for a public use.
5. If a public use is determined the taken or damaged property shall be valued at its highest and best use without considering any future dedication requirements imposed by the government. If private property is taken for any proprietary governmental purpose, the property shall be valued at the use to which the government intends to put the property, if such use results in a higher value for the land taken.
6. In all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never been taken. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.
7. In all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market.
8. Government actions which result in substantial economic loss to private property shall require the payment of just compensation. Examples of such substantial economic loss include, but are not limited to, the down zoning of private property, the elimination of any access to private property and limiting the use of private airspace.
9. No Nevada state court judge or justice who has not been elected to a current term of office shall have the authority to issue any ruling in an eminent domain proceeding.
10. In all eminent domain actions, a property owner shall have the right to preempt one judge at the district court level and one justice at each appellate court level. Upon prior notice to all parties, the clerk of that court shall randomly select a currently elected district court judge to replace the judge or justice who was removed by preemption.

11. Property taken in eminent domain shall automatically revert back to the original property owner upon repayment of the original purchase price, if the property is not used within five years for the original purpose stated by the government. The five years shall begin running from the date of entry of the final order of condemnation.
12. A property owner shall not be liable to the government for attorney fees or costs in any eminent domain action.
13. For all provisions contained in this section, government shall be defined as the state of Nevada, its political subdivisions, agencies and public or private agents acting on their behalf and any public or private entity that has the power of eminent domain.
14. Any provision contained in this section shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision contained in this section be stricken for any reason.

Nevada Agencies Respond

In response to the growing concern expressed by Nevada government professionals about the inclusion of the POBR into the state Constitution, several agencies have been proactive in defining their response to the initiative. Responses include:

- Boulder City, Nevada

During the August 22, 2006 city council meeting, the city manager and the city attorney expressed opinions about the Initiative and the impacts it would have on their community. Such impacts included:

- ➢ Significant increases in the cost of land for essential road, flood control and other public works projects.
- ➢ If the land is not used within five (5) years, the land [acquired through an eminent domain action] could revert to the original owner. Projects such as the U.S. 95, Terminal 3 at the McCarran International Airport and the massive Army Cops of Engineers flood control plan necessarily take far longer than five (5) years to implement.
- ➢ Because the five (5) year rule required by the Initiative would violate federal law, Nevada stands to lose millions in federal highway funds each year.
- ➢ Governments will be paralyzed because the taxpayers cannot possibly afford to pay the endless claims for compensation.

- North Las Vegas

The city of North Las Vegas on October 18, 2006 adopted a resolution opposing the ballot Initiative and recommending an alternative that addresses the Kelo decision be developed through a deliberative legislative process without including the other

provisions that could potentially harm the taxpayers of Nevada. The resolution included their concern with the Initiative and the:
1) Ability of local government to provide necessary public infrastructure;
2) Cost to the taxpayers for that infrastructure; and
3) Ability to comply with federal regulations necessary to obtain federal funding.

- Clark County

On September 5, 2006, the county commission voted unanimously to prohibit the use of eminent domain for redevelopment purposes unless the property owner consents and to set strict policies on using eminent domain for purely public projects. The county urged other city councils to adopt similar policies. The commission also approved a resolution expressing opposition to *Question 2* (The POBR Initiative) and supporting the development of an alternative measure.

- Nevadans for the Protection of Property Rights, Henderson Chamber of Commerce, Las Vegas Chamber of Commerce, Nevada Contractors Association, Associated General Contractors, Southern Nevada Homebuilders Association, Nevadans for Nevada, Clark County, Clark County Regional Flood Control District, Southern Nevada Water Authority, Las Vegas Valley Water District, Regional Transportation Commission and several individuals.

A legal challenge was initiated to challenge the legality of the Initiative Petition. The Lawsuit's intention was to have the Initiative declared void in its entirety as unconstitutional and in violation of Nevada Statue. (The Nevada Supreme Court, in September of 2006, upheld the placement of the Initiative on the November 2006 ballot. Their comments included:

> We consider the constitutionality of NRS 295.009, which places a single-subject requirement on initiative petitions and whether the initiative petition at issue in this appeal, the Nevada Property Owners' Bill of Rights, violates that requirement. We conclude that NRS 295.009 is constitutional and that because the Nevada Property Owners' Bill of Rights embraces more than one subject, the initiative violates this statue. Even so, strong public policy favors upholding the initiative power whenever possible and NRS 295.009 does not prescribe a remedy for single-subject requirement violations. As the initiative includes a severability clause and facially and unequivocally pertains to a primary subject – eminent domain – we are compelled to sever Sections 1 and 8, which do not pertain to eminent domain, in lieu of removing the entire initiative from the ballot.
>
> Further, we confirm that initiatives proposing constitutional amendments must propose policy and not direct administrative details. Sections 3, 9and 10 of the initiative violate this threshold requirement and therefore must be stricken. The rest of the initiative, consisting of sections 2, 4, 5, 6, 7, 11, 12, 13 and 14 shall proceed to the ballot.

National Response to the Kelo Case

There is a chance that the Senate might take up HR 4772 (see Appendix 1) during the lame duck session. This is the bill that passed the House prior to adjournment. Senator Inhofe (R-OK) has introduced it and in a procedural motion, placed it at the Senate desk so it would go directly to the Senate floor and bypass the Committee system. It remains to be seen whether the Senate Judiciary Committee and its Chairman Arlen Specter (R-PA) will object to that move procedurally. The Judiciary Committee has been drafting an eminent domain bill and consulting with cities, the U.S. Conference of Mayors and others throughout the drafting process. This bill would likely be more measured and palatable to cities.

Nevada Legislature and Eminent Domain Bill Draft Requests

There are currently ten known bill draft requests that the Nevada Legislature may consider in the 2007 session. Unfortunately the details of the bill draft requests are unknown at this time. It is anticipated that they will address various provisions of the *Question 2* initiative petition. The city of Las Vegas Lobbying Team will be closely monitoring these bills.

Conclusion

In October of 2006 the City Council voted unanimously to approve a resolution stating, "The policy of the city is to not use eminent domain to take private property without the consent of the owner, for purposes of transfer or lease to another for private, commercial enterprise.

The city of Las Vegas has not taken a stance on the POBR ballot Initiative; however, several other agencies have made their position clear. Although the consequences of the Initiative are impossible to determine at this point, several organizations have provided comments on what they believe will be devastating impacts to local governments and their constituents (see appendix 2).

Appendix 1

NATIONAL LEAGUE OF CITIES
U.S. CONFERENCE OF MAYORS
NATIONAL ASSOCIATION OF COUNTIES
COUNCIL OF STATE GOVERNMENTS
INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION

Myth v. Facts

H.R. 4772 HAS NOTHING – ABSOLUTELY NOTHING – TO DO WITH THE *KELO* DECISION

FACTS:

- Supporters of H.R. 4772 are using *Kelo* as a Trojan horse. *Kelo* involved the direct condemnation of private property for economic development projects. This bill would gut local land use and zoning protections.

- H.R. 4772 in no way limits, alters, or affects the use of eminent domain for economic development. Instead, H.R. 4772 would undermine local zoning authority to protect private homes and businesses. The National Association of Homebuilders has called H.R. 4772 a "hammer to the head" of zoning officials.

- H.R. 4772 tilts the balance of power in favor of big developers - the very interest group that critics of the *Kelo* decision are supposedly opposing - in their negotiations with local communities. This advantage would translate into greater federal court intrusion into land use decisions that are traditionally the responsibility of state and local governments.

- The bill would impose a major new, unfunded financial burden on state and local governments, both in terms of added litigation expenses and potential damage awards.

- Don't be fooled. Property owners like Mrs. Kelo who want to challenge condemnation as contrary to the "public use" requirement already have the option to go directly to federal court.

PROTECT U.S. HOMEOWNERS AND VOTE "NO" ON HR 4772!

Appendix 2

Comments Provided by Nevada Taxpayers Association Staff for the Association's Members. January 2006

1. ***All property rights are hereby declared to be fundamental constitutional rights and each and every right provided herein shall be self-executing.***

Comment: This section states that the rights enacted are "self-executing." In theory, that means that a property owner need do nothing or perform any act to perfect the rights granted by the constitution. It is unclear why this section is needed.

2. ***Public use shall not include the direct or indirect transfer of any interest in property taken in an eminent domain proceeding from one private party to another private party. In all eminent domain actions, the government shall have the burden to prove public use.***

Comment: This precludes the use of eminent domain in any case where there is a taking that results in the property ending up in the hands of a private party. It effectively eliminates redevelopment projects that include private development. Further, it precludes what has been enacted by AB143 of the 2005 Session which tightened up the use of eminent domain. This section also begs the question: "What constitutes an indirect transfer?"

3. ***Unpublished eminent domain judicial opinions or orders shall be null and void.***

Comment: District Court opinions and jury verdicts are not published in the sense that Supreme Court decisions are published. Since there is a question if any opinion of a lower court would be considered published, this provision could potentially be used to say that the District Court has no power to issue a decision in the first place since its decision is not "published." Also, it appears that this provision is retroactive. If that is the correct reading, wouldn't this tell a litigant who prevailed in District Court (which could be a private citizen as well as the government) that their victory will be "null and void." Again, if this is the correct reading would that then require all cases to be tried by the Supreme Court, because that Court has the authority to publish its decisions?

4. ***In all eminent domain actions, prior to the government's occupancy, a property owner shall be given copies of all appraisals by the government and shall be entitled, at the property owner's election, to a separate and distinct determination by a district court jury, as to whether the taking is actually for a public use.***

Comment: Under this proposal, trials would have to take place before occupancy. This would cause major delays. Under present law, most individual cases are usually settled either (1) before a suit is filed, or (2) after the suit is filed (during construction), not before trial. In the meantime the project moves forward.
Depending on how "separate and distinct determination" is read it can mean that the property owner is entitled to a completely separate trial on the issue of public use. If that is the case it would take two jury trials in order to perfect the taking. Under any circumstances, from a practical perspective, it means that all eminent domain cases will be tried by jury as the right to a jury trial is "self-executing."

5. ***If a public use is determined the taken or damaged property shall be valued at its highest and best use without considering any future dedication requirements imposed by the government. If private property is taken for any proprietary governmental purpose, the property shall be valued at the use to which the government intends to put the property, if such use results in a higher value for the land taken.***

Comment: This section requires a forward looking appraisal based on the use the property will be placed and if higher than the current appraisal, the higher value must be used. Since it is unknown what is meant by "proprietary government purpose," would that phrase require the government to pay an amount greater than "highest and best use?" It seems this provision would be unfair to the government and hence the taxpayers to the extent the purchase price to the government could potentially exceed the purchase price than a non-governmental entity would pay.

6. ***In all eminent domain actions, just compensation shall be defined as that sum of money, necessary to place the property owner back in the same position, monetarily, without any governmental offsets, as if the property had never been taken. Just compensation shall include, but is not limited to, compounded interest and all reasonable costs and expenses actually incurred.***

Comment: This will increase the cost of takings; resulting in increased costs to all taxpayers because it eliminates the caps and sharing mechanisms currently provided in NRS 37.190. These increased costs can be substantial. At the present time, attorneys typically take these cases on a contingency basis, with the percentage based upon the difference between the amount the government originally offered and what the property owner finally gets with the lawyer's assistance.

7. ***In all eminent domain actions where fair market value is applied, it shall be defined as the highest price the property would bring on the open market.***

Comment: In this section "fair market value" is defined as the "highest price" the property would bring. Currently "fair market value" is considered to be the most probable price a property would bring on the open market. It would appear that highest price would allow outliers to be used to inflate the price, the cost of which is ultimately borne by the taxpayer. How would an appraiser apply a "highest price" standard?

8. ***Government actions which result in substantial economic loss to private property shall require the payment of just compensation. Examples of such substantial economic loss include, but are not limited to, the down zoning of private property, the elimination of any access to private property and limiting the use of private airspace.***

Comment: This provision applies to any government action not just eminent domain and would create numerous actionable offenses. This section would define as a taking, among other things, "the elimination of any access to private property," and "limiting the use of private airspace." This is too broad as limiting any access to property may not have a detrimental if other means of access remain available.

9. ***No Nevada state court judge or justice who has not been elected to a current term of office shall have the authority to issue any ruling in an eminent domain proceeding.***

Comment: Senior (retired) judges can hear cases where sitting judges disqualify themselves, because of a conflict. A pro tem judge, or a judge who is appointed by the Governor to fill a vacant judicial position, would be prohibited from ruling in an eminent domain case. Senior judges who routinely assist the courts, but who are not currently elected may no longer hear these cases. In turn, the workload of currently sitting judges will increase.

10. ***In all eminent domain actions, a property owner shall have the right to preempt one judge at the district court level and one justice at each appellate court level. Upon prior notice to all parties, the clerk of that court shall randomly select a currently elected district court judge to replace the judge or justice who was removed by preemption.***

Comment: This provision is one-sided as it does not allow government the same right to "shop." It would appear this section gives trial lawyers an advantage which doesn't appear elsewhere in the law. This is a substantial change from current law which allows the removal of a judge at the district court level for payment of a one-time fee. It also extends the removal process to Supreme Court judges who are removed for bias or conflict of interest by motion and supporting affidavits.

11. ***Property taken in eminent domain shall automatically revert back to the original property owner upon repayment of the original purchase price, if the property is not used within five years for the original purpose stated by the government. The five years shall begin running from the date of entry of the final order of condemnation.***

Comment: This provision would create a very small window for the government to do a major project. It is not uncommon for major projects which require obtaining multiple parcels of land, such as major road building projects to take longer than 5 years to acquire, design, go through environmental hearings before construction ever starts. This provision could effectively stop major road and highway projects. Examples of this are the 1-215 beltway in Southern Nevada and the 395 Project in Northern Nevada. If this provision were currently in place neither project could have even been considered.

Additionally, what does "use" mean. Is it enough if the government parks cars on the property? Also, if the government doesn't use the property within five years but in the sixth year constructs improvements, can the property owner wait for improvement to be constructed and then demand to buy back the property at the original purchase price? While the term "use" might be clarified by legislative action, this provision doesn't appear to work as drafted.

12. ***A property owner shall not be liable to the government for attorney fees or costs in any eminent domain action.***

Comment: Eliminating an award of attorney's fees to the government invites litigants to advance frivolous claims in eminent domain proceedings, which are defended at the expense of taxpayers. Without a provision to address "frivolous claims," this section is an incentive to contest an action every time a government uses eminent domain regardless of merit.

13. ***For all provisions contained in this section, government shall be defined as the State of Nevada its political subdivisions, agencies and public or private agent acting on their behalf and any public or private entity that has the power of eminent domain.***

Comment: Presently, utilities and mining companies also have power of eminent domain. This power has been used historically and has been considered to be in the public interest. This section then makes all actions by private entities subject to the same conditions as imposed on government, including the "right" to be subjected to "frivolous claims." In fact private entities could have more to be concerned about because they are generally viewed as "deep pockets."

14. ***Any provision contained in this section shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision contained in this section be stricken for any reason.***

Comment: Any provision continued in this section shall be deemed a separate and freestanding right and shall remain in full force and effect should any other provision contained in this section be stricken for any reason.

City of Las Vegas Agenda Item No.: **5**.

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: DECEMBER 11, 2006

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: CHRISTOPHER KNIGHT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Discussion and possible action regarding communication efforts within the City of Las Vegas leadership - All Wards

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**

☐ **Budget Funds Available**

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:
Since the October 18 Council Meeting, members of City Council and the Executive Team have participated in discussions and interviews with Business and Development Consultant, Ron Portaro to help determine the most successful methods of communication within the City of Las Vegas. This session will provide a forum for further discussion to improve communications within city government.

RECOMMENDATION:
Receive presentations and direct staff accordingly

BACKUP DOCUMENTATION:
Submitted at meeting - PowerPoint presentation and report on Communications Assessment

Motion made by GARY REESE to Approve Staff's recommendations, including the City Manager to follow up on the 10 recommendations as discussed and to implement a communication protocol, the City Attorney to provide the City Council with the latest version of the Open Meeting Law, and incorporate all discussion held by City Council.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
GARY REESE, LARRY BROWN, LAWRENCE WEEKLY, LOIS TARKANIAN, OSCAR B. GOODMAN, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:
MR. PORTARO gave a PowerPoint presentation which was made a part of the final minutes, in which he abreasted Council and staff members on a report dealing with communications within the City of Las Vegas. This report was an attempt by the Council and staff to identify areas for improvement and implementing strategies that bring about enhanced communications. Respondents almost unanimously agreed that as a whole, communications within the City of Las

Vegas are very good, yet there is room for improvement. Some of the key points regarding communication and information in need of further review included joint briefings; give information regardless if the information is good, bad or ugly; timeliness and consistency of information; handling hot items; timeliness of Council involvement on issues; and the roles and activities of Council liaisons. In addition, a key factor was perception versus reality, as Council has different experiences, diverse work histories and backgrounds. The goal now is to review the findings from the report, receive Council input, and for staff to receive direction from Council on implementing any changes.

Regarding communication on issues, including agenda items, amongst Council members, COUNCILMAN REESE pointed out that it is unclear on what can be discussed and what the boundaries are; he has often hesitated in speaking for fear of accusations of being unethical.

The recommendation is to implement strategies concerning the following: joint briefings by January 2007; briefings conducted by the same individual; ward specific briefings; City Manager/City Attorney briefing policies; Council-staff communication policies; coordination of interdepartmental communication; Council communication policies; information delivery timelines; chain of command; and Council liaison policies and procedures. In addition, implement strategies developed by the City Manager's Office and other offices; educate staff and Council regarding changes to or adoption of communication policies; receive buy-in from Council regarding changes; and develop written policies and procedures that are clear, consistent and easy to understand. MR. PORTARO closed by emphasizing that the keys to success is commitment, follow through on commitments and accountability - "no lip service".

MAYOR GOODMAN pointed out that this discussion emanated from the Royal Links matter where Council members were not given the same messages being delivered by different parties. Often times, the Council has felt that the messenger relates a message in which they believe is pleasing to Council. So, it is very important to have a common message, a common messenger and a truthful message in order for Council to make decisions that are trustworthy for the public. He has made it clear as to what his office may or may not say as liaisons to the public. It was his position that his liaisons cannot speak for him, and he believes it would be a dangerous policy having the liaisons speak for Council members.

MR. PORTARO confirmed for COUNCILMAN ROSS that the issue with messages given, whether good, bad or ugly was inclusive of the report and is something that needs improvement. The Councilman felt that Council cannot be good public servants if the members do not have all the information to make decisions necessary for this community. COUNCILMAN ROSS acknowledged that he has begun utilizing some of the recommendations, in that he has approached department heads and opposed to department members, as that is where the line of authority exists. His main concern is that information is given to Council sometimes minutes prior to Council meetings, which does not allow for time to review the information.

DR. SELBY explained to MAYOR GOODMAN that there are times that he is out of the loop, as someone below the director receives the information and then he is not aware of that information until a briefing. The Mayor then suggested if a Council member would like action from a particular department, the individual must go through the department head first or the individual below the department head has the information, it must be passed on to the department head immediately. The Mayor stressed it is critical that the City Manager's Office and each Council member are aware of what is going on at each department level. In addition, he believed Council should receive a report, perhaps in writing, of what is happening in the City to stay informed and it will serve as a moral booster.

COUNCILWOMAN TARKANIAN empathized for some departments, such as Neighborhood Services, where many things are happening and the department head is buried and may not be able to meet with Council at various times. She suggested establishing a policy within the departments whereby a staff member is selected and would meet with Council. DR. SELBY injected that there has to be more protocol and institutionalization so that he can be accountable for the departments. MAYOR GOODMAN confirmed that the protocol has to be within each department with the understanding that the accountability will be with the department head and staff. Dr. Selby, as City Manager, is entitled to be fully advised as to how each of us are interacting.

COUNCILMAN WOLFSON indicated that his liaisons know to a certain extent the policies and procedures he has for his office. They have his permission to state to a constituent that the decision is up to the Council or speak on his behalf on a general sense relative to his policies, and then communicate to him what was said. He does not think it is inappropriate for his liaisons to speak on his behalf.

COUNCILMAN ROSS was in agreement with both MAYOR GOODMAN and COUNCILMAN WOLFSON, in that his staff knows his policies in the office; however, nothing officially leaves his office without his review. He was disturbed by one of the points in the report regarding liaisons contributing to a certain amount of element of distrust with Council. MR. PORTARO responded that the statement was included as it was made by several individuals. The liaisons work at the direction of each Council member, and each Council member may not be aware of what other Council liaisons are doing. This can lead to gaps and the unknown, which is when fear and distrust creeps in. He also confirmed for the Mayor that the liaisons were not interviewed.

COUNCILMAN REESE stated he met with his liaisons from the beginning and shared his position and do not feel that his liaisons have ever misrepresented him. He supported having this forum and is comfortable in that his liaisons, after speaking with constituents, share that they will have to follow up with him first. He also commented on his displeasure of a recent suggestion in utilizing timecards for liaisons, as they are salaried employees and sometimes meetings are held in the early mornings or late evenings and there's no compensation for that.

MAYOR GOODMAN agreed with COUNCILMAN REESE'S comments relative to the Council being unsure of the boundaries and reiterated his concerns. CITY ATTORNEY JERBIC agreed that much of it deals with perception versus reality. He explained that a general rule of thumb is that if the issue is something that Council should vote on, then the members cannot build consensus on it. An agenda item can be discussed, as there is not a violation because a decision has not been made. He emphasized that a consensus cannot be made; however, Council can state how they stand on an item.

CITY ATTORNEY JERBIC clarified for COUNCILMAN BROWN that a consensus dealt with a quorum. He added that Council should be briefed every few years to inform Council of any changes relative to consensus, as it is an evolving area of law.

COUNCILWOMAN TARKANIAN referenced a past experience for her dealing with a consensus when she was on the school board. She emphasized that caution has to be taken when speaking on issues one feel strongly about, as in past training, she was advised that you cannot meet with more than two other individuals. CITY ATTORNEY JERBIC reiterated that a Council member would not be in violation if he or she stated his or her position on an item.

COUNCILMAN WOLFSON felt that there should be additional education relative to the Open Meeting Law, as it can be subject to interpretation. He added that the rule of thumb is just the opposite in the attorney arena, as it is encouraged and sometimes ordered to meet and discuss things amongst each other with the goal of a solution. He found the Open Meeting Law to be an inhibitance in some way, as Council members can learn from each other. He is in favor of the joint briefings, as long as an understanding is received as to what Council can and cannot do. CITY ATTORNEY JERBIC pointed out that the Attorney General's Office publishes a book regarding the Open Meeting Law, which includes a question and answer section on approximately 30 hypothetical issues and offered to provide each Council member with a copy of the most current version and at the Council's convenience, schedule a briefing.

COUNCILMAN REESE confirmed with CITY ATTORNEY JERBIC the fact that there will be a new Attorney General at the first of the year, whose opinions and ideas can be different and may respond to complaints in a different manner.

Relative to the discussed issues, MS. FRETWELL explained to MAYOR GOODMAN that the effort is to take the information given from Council and compose presentations that will change our culture and create opportunities for candor. Sometimes what is important to the City Manager's Office (CMO) may not capture the essence of what's important to Council or relative to political ramifications. In addition, some departments may receive information that is not passed on to the CMO. As a result, staff is trying to create a different type of briefing process, for example have Ward briefings, to help Council become more informed in what the City is engaging in. The CMO's goal is to support Council while doing the job they have been appointed to do. She believed it was time to dust off their protocol and not be bureaucratic and create a different type of briefing process to inform Council so that they can make the best decision on various issues that the City is facing.

COUNCILMAN ROSS thanked MR. PORTARO for the discussion and thanked MS. FRETWELL for her comments.

MR. HOUCHENS noted there appears to be two levels of communication, formal and informal. The challenge is to build a structure that accommodates both levels of communication to alleviate individuals making commitments that cannot be kept. He agreed with MS. FRETWELL'S comments and supported having Ward briefings.

ORLANDO SANCHEZ, Deputy City Manager, commented that this discussion has been educational for him. He agreed with having joint briefings, which will render a full understanding and Council will have the opportunity to hear the other's perspectives which will improve our communication. Part of the process is working with the City Attorney's Office and Internal Audit Office, as the more the CMO knows, the better equipped they will be in assisting the Council.

DR. SELBY felt that the discussion was enlightening and very productive. The fact that everyone wants to improve their communication skills is a sign of an organization that wants to excel. With the diversity of this organization, there is so much information that needs to be shared but sometimes selectiveness takes place in what is being shared, due to an eagerness to please. As a result, it does not serve the City if the information, good or bad, is not fully disclosed. With that, he suggested Council request from his office a protocol on communication, one that is not bureaucratic and does not hinder the ability to communicate. In addition, one that he can be accountable to Council on those critical communications needed for Council to do their job.

COUNCILMAN BROWN appreciated DR. SELBY'S recommendation regarding a communication protocol but did not believe the process would be pure. The freedom to meet, sometimes on demand when needed, is important to keep within the protocol. In addition, questions that are asked get related differently, as each Council member speaks in their own way. In the past, he has found it very productive to be able to sit down with DR. SELBY and others, as it has helped him do his job better. He would like to see a protocol in which impurity is recognized and does not stifle the diversity of the Council. As stated before, the goal is to develop a trust and a culture at the staff level so that everyone can feel comfortable in doing their job.

MR. PORTARO noted that the recommendations set forth deal with policy, protocol and procedures. There has to be implementation and everyone's commitment to buy in. He emphasized all can agree to disagree and respect and value the other person's opinion. He ended by emphasizing that there has to be commitment, follow through and accountability. He was privileged to serve the City and be a part of the City moving forward.

MAYOR GOODMAN confirmed for COUNCILWOMAN TARKANIAN that additional meetings will take place, as she was eager to have more and believed these meetings are a way to get to one another better. The Mayor added that upon completion, the issue will be placed on the agenda as a presentation from DR. SELBY. The Councilwoman suggested having a meeting aside from the Council meeting, whereby the focus can be on one item and there is room for flexibility to address each other's concerns. The Mayor concurred. MR. PORTARO noted that he would be available for any assistance as well, as there may be concerns that can be addressed prior to another meeting.

COUNCILMAN WOLFSON complimented KAREN COYNE on a recent briefing she gave. She had a detailed agenda with a list of topics and was prepared for the briefing. He encouraged this type of preparation and having advance notice with an agenda of what will be discussed allows Council to be prepared for the meetings. He would like to have this matter explored more on having an agenda or itemized bullets and if it would hinder Council, as there is fear that the list or notes become subject to a public records request.

COUNCILMAN WEEKLY asked if the next meeting would entail a follow-up on the directives from this meeting, as his main concern was accountability and more consistency. He added that he preferred to have had more discussion at this meeting dealing with the liaisons. In all fairness to the liaisons, COUNCILMAN WEEKLY noted that there is not an existing handbook or manual relative to their roles but there needs to be one. Having been a liaison before, the dynamics have changed tremendously. He pointed out that he advised his liaisons that although they work for him, they are devoted to the Council in general. He believed the liaisons should have an understanding on what is expected of them and what their true roles are, so the issue needs to be addressed further.

COUNCILWOMAN TARKANIAN noted that the liaisons' roles vary, and if there is an issue with any liaison speaking for a Council person, the Councilmember should be made aware of this immediately so it can be handled on specifics and not generality. MAYOR GOODMAN agreed and encouraged any one to contact him if there are issues on this matter or any others.

MAYOR GOODMAN thanked all for attending and looked forward to becoming a better City.

COUNCILMAN BROWN requested that CITY ATTORNEY JERBIC'S suggestion to provide Council with the latest version on the Open Meeting Law be included with the recommendations.

MR. PORTARO thanked Council for the opportunity to serve them. He also expressed appreciation to DR. SELBY and his staff, BRAD JERBIC, RADFORD SNELDING, CHARLES KAJWOSKI, SCOTT ADAMS, MARGO WHEELER and others for all of their support, hard work and willingness to be frank on addressing these issues.

2007 Legislative Session Overview

Ted J. Olivas
Government & Community Affairs Director

2007 Legislative Session Key Dates

- Start of Session – February 5, 2007
- Committee Passage (1st House) – April 13, 2007
- 1st House Passage – April 24, 2007
- Committee Passage (2nd House) – May 18, 2007
- 2nd House Passage – May 25, 2007
- End of Regular Session – June 4, 2007
- Total – 120 Calendar Days

2007 Legislative Session Senate Leadership

- President – Brian Krolicki
- President Pro Tempore – Mark Amodei
- Majority Floor Leader – Bill Raggio
- Assistant Majority Floor Leader – Dennis Nolen
- Minority Floor Leader – Dina Titus
- Assistant Minority Floor Leader – Bernice Mathews
- 11 Republicans / 10 Democrats

2007 Legislative Session Assembly Leadership

- Speaker – Barbara Buckley
- Speaker Pro Tempore – Bernie Anderson
- Majority Leader – John Oceguera
- Assistant Majority Leader – Marcus Conklin
- Minority Leader – Garn Mabey
- Assistant Minority Leaders – Pete Goicoechea
  Joe Hardy
  Valerie Weber
- 27 Democrats / 15 Republicans

2007 Legislative Session Senate Committees

- Commerce and Labor
- Finance
- Government Affairs
- Human Resources and Education
- Judiciary

2007 Legislative Session
Senate Committees (continued)

- Legislative Operations and Elections
- Natural Resources
- Taxation
- Transportation and Homeland Security

2007 Legislative Session
Assembly Committees

- Commerce and Labor
- Constitutional Amendments
- Corrections, Parole and Probation
- Education
- Elections/Procedures/Ethics
- Government Affairs

2007 Legislative Session
Assembly Committees (continued)

- Health and Human Services
- Judiciary
- Natural Resources, Agriculture and Mining
- Taxation
- Transportation
- Ways and Means

2007 Legislative Session
City of Las Vegas Bills

- BDR 488 – Lease/Purchase Agreements for Public Works
- BDR 489 – City of Las Vegas Representation on Nevada Homeland Security Commission
- BDR 490 – Off-Site Improvements within Redevelopment Area

2007 Legislative Session
Nevada League of Cities and Municipalities Bills

- BDR 477 – Impact Fees
- BDR 480 – Residential Construction Tax
- BDR 481 – Effective Date of Legislation
- BDR 482 – Undergrounding of Power Lines
- BDR 483 – Fuel Tax

2007 Legislative Session
Nevada League of Cities and Municipalities Bills (continued)

- BDR 484 – Emergency Management
- BDR 485 – Interlocal Contracts/ Cooperative Agreements
- BDR 486 – Methamphetamine Abuse

2007 Legislative Session
Legislative Topics

- Affordable Housing
- Elections
- Eminent Domain
- Ethics
- Franchise Fees
- Homeland Security
- Homeless
- Home Rule
- Initiative Petitions
- Public Employee Benefits Program
- Public Employee Retirement System
- Procurement
- Public Lands
- Public Records
- Taxes
- Workers Compensation

2007 Legislative Session
Bills of Interest

- Total Number of Bills – 797 (as of 12/01/06)
- Eminent Domain
  - Currently 10 Bills, Various Sponsors
- Franchise Fees
  - **BDR 58-235**
    - Sponsor: Senator Townsend
    - Revises Authority to Impose Franchise and Other Similar Fees on Certain Public Utilities
- Homeland Security
  - **BDR 751**
    - Sponsor: Speaker of the Assembly
    - Appropriation for a Terror Early Warning Fusion Center in Clark County

2007 Legislative Session
Bills of Interest (continued)

- Home Rule
  - **BDR 446**
    - Sponsor: Senator Care
    - Legislative Study on Powers Delegated to Counties/Cities
- Procurement
  - Currently 25 Bills, Various Sponsors
- Taxes
  - **BDR 32**
    - Sponsor: Senator Beers
    - Reduces Amount Of and Revises Distribution of Basic Governmental Services Tax

2007 Legislative Session
Bills of Interest (continued)

- Taxes (continued)
  - **BDR 360**
    - Sponsor: City of North Las Vegas
    - Revises Provisions Governing Distribution of Tax Revenue to Library Districts
  - **BDR 749**
    - Sponsor: Assembly Committee on Government Affairs
    - Prohibits Changes in the Consolidated Tax Distribution in Clark County for a Period of 10 Years
- Airport Authority
  - **BDR S-228**
    - Sponsor: Assembly Committee on Transportation
    - Creates a Regional Airport Authority in Clark County

Federal Activity

- 2007 Federal Plan
  - Meeting with Mayor/Council/City Managers Office/Directors (Complete)
  - Plan Update in Progress (December 2006)
  - Potential Appropriations Requests
    - Regional Public Safety Complex
      - Terrorism Early Warning/Intelligence Fusion Center
    - Post Office Museum
    - Transportation Projects
    - Clean Cities Educational Outreach Program
    - Sustainability Project
  - Mayor/Council Approval (January 2007)

Federal Activity (continued)

- Current Public Lands Legislation
  - White Pine County Conservation, Recreation, and Development Act of 2006
    - Resolution approved by Mayor/Council in Support of Bill (October 18, 2006)
    - Amends Section 7 of Southern Nevada Public Lands Management Act of 1998 (SNPLMA) on Affordable Housing
      - Serves individuals/families with income not more than 120% of the Average Medium Income (AMI)

Federal Activity (continued)

- Amends Section 7 of Southern Nevada Public Lands Management Act of 1998 (SNPLMA) on Affordable Housing (continued)
  - Authorizes BLM to dispose of federal land to private entities for less than fair market value for affordable housing
  - Requires successful bidder of SNPLMA land sales over 200 acres to develop at least 5% of the total housing units for affordable housing
- Nevada Cancer Institute Land Bill
  - Approximately 80 Acres, Alta Drive/Hualapai Way
  - Bill Introduced December 6, 2006
    - Senator Ensign
    - Congresswoman Berkley

Congress

- Appropriation Bills Not Completed
- Potential Change in Focus in 2007
  - Superfund Programs
  - Brownsfield Programs
  - National Housing Policy
    - Emphasis on Affordable Housing Preservation and Creation
  - Water / Wastewater Infrastructure
  - Alternative Energy Incentives
  - Review Energy Policy
  - Climate Protection

State/Federal Legislative Topics

- Affordable Housing
- Eminent Domain
- Homeland Security
- Telecommunications

Homeland Security

Chief David Washington
Fire & Rescue

Regional Public Safety Center

- 55-acre parcel; I-215 @ Hualapai (Ward-6)
- Partnership with allied jurisdictions
- Regional emergency operations center (EOC)
- Regional intelligence fusion center
- Regional police-fire-EMS 9-1-1 center
- Regional public safety training center

Intelligence Sharing – Fusion Center

- Specialized center designed to collect, analyze and disseminate intelligence
- Goal: Detect and prevent terrorist acts
- Staffed by intelligence experts from police, fire/rescue and public health
- Federal goal for FFY-2007 to develop nationwide network of fusion centers

Communications Interoperability

- Technical interoperability = equipment standards
- Operational interoperability = standard procedures & training
- Goal: By year-end 2007 all city 1st responders will have 100% technical & operational interoperability.

Homeland Security Grants

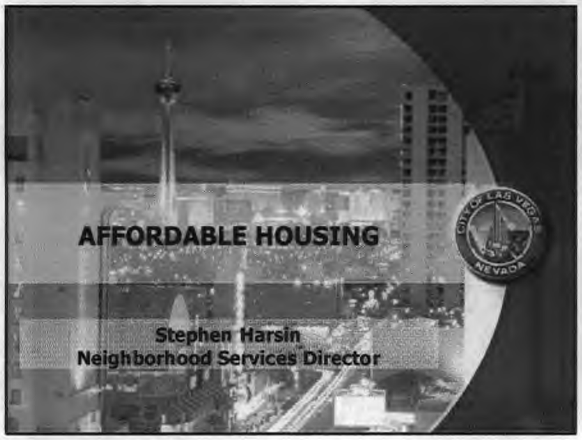
- FFY-2001 thru FFY-2006 city received $13 million for equipment, exercises & training.
- Grants equate to general fund savings
- Homeland security grants require a "regionalized" benefit and currently may not be used for new construction.

Pandemic/Avian Flu Plans

- Health experts predict a widespread pandemic but cannot pinpoint when.
- All city departments have been engaged in planning.
- Preserve continuity of government/operations (COG/COOP).
- Citizen and employee education
- Assisting critical vendors to develop plans

Items for Consideration

- Support the Regional Public Safety Complex (RPSC).
- BDR-751 - Seeks funding for the specific development of the intelligence fusion center, a component of the (RPSC) in Clark County.
- BDR-19-489 - Seeks to provide representation for the city of Las Vegas on the Nevada State Homeland Security Commission (NHSC).



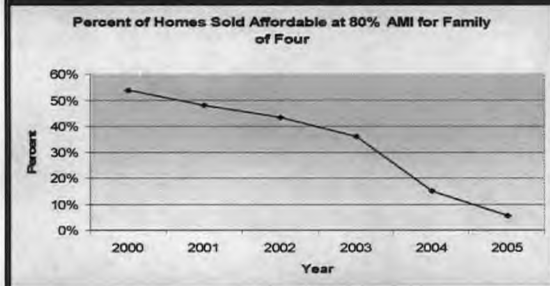
AFFORDABLE HOUSING

Over the past several years, the availability of affordable housing has dropped significantly in Las Vegas.

Contributing Factors

- Housing Market
- Land Costs
- Construction Costs
- Availability of Land
- Federal/State Funding

AFFORDABLE HOUSING



Source: HUD, Clark County Assessor, Las Vegas Planning and Development

Median price of a new home $310,000
Median household income $56,550, which qualifies for a mortgage of $175,750

Occupation	Starting Salary	Affordable Range
Teacher	$32,600	$108,800
Police	$43,285	$135,830
Firefighter	$38,168	$127,400
Admin Assistant	$32,115	$107,200
Carpenter	$41,766	$139,400

AFFORDABLE HOUSING

City Investment through federal, state and local funds

- Since 2000, the city of Las Vegas has invested nearly $76 million in federal, state and local funds.
- A combined total of 23 acres with an appraised value of $16 million has also been dedicated to affordable housing.

AFFORDABLE HOUSING

3,838 Units Have Come Online Since 2000

Recent Grand Openings

- Bonanza Pines III - 62 senior units
- Silver Sky Assisted Living - 90 senior units
- Sundance Village - 532 family units

AFFORDABLE HOUSING

Future Projects

Close to $24.5 million for 1,070 units (480 senior units 590 family units)

Senior Units

Senator Richard Bryan - 240
Deer Springs - 240

Family Units

Sonoma Palms - 238 Horizon Crest - 68
HELP Las Vegas - 89 Bridger Street - 80
Maryland Villas - 108 Gregory Street - 7

AFFORDABLE HOUSING

Highlights and Initiatives

Homeownership for Educators is a program that targeted resources towards the need of recruiting educators for the Clark County School District. Beginning January of 2007, 18 teachers will begin receiving assistance.

AFFORDABLE HOUSING

Highlights and Initiatives

A Community Land Trust is an affordable housing strategy that will take advantage of a 501C3 status and solicit private donations, funds and partnerships.

Land Acquisition Strategy is intended to rehabilitate blighted neighborhoods by acquiring vacant properties for affordable housing.

AFFORDABLE HOUSING

Actions by Others

There are over 10 other affordable housing initiatives that are underway valley wide by various interest groups, developers and agencies.

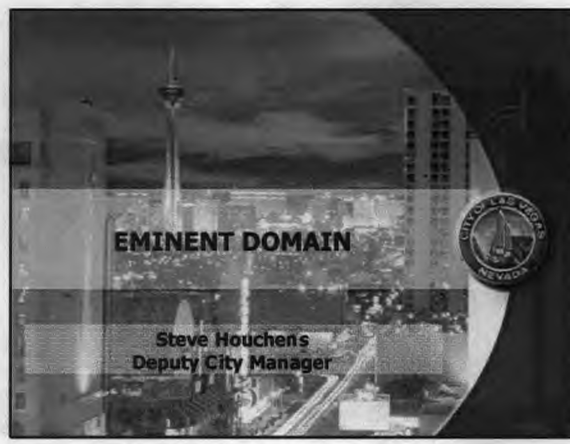
The city of Las Vegas has been active in collaborating with the SNRPC and focus groups that include the private sector stakeholders.

AFFORDABLE HOUSING

The affordability of housing is impacted by a variety of factors.

Three Key Issues the City is Facing

- Strategy for building additional units
- NIMBY (Not in my back yard)
- Tenant displacement/relocation issues



Eminent Domain

- "... inherent power of the state to expropriate private property without the owner's consent..."
- May also be known as "condemnation"
- May also be referred to as a "taking" or "quick take"

Eminent Domain – Public Use

Public Use includes:

- Roads, streets and highways
- Utilities
- Right of way
- Sidewalks, curbs and gutters
- Parks and trails
- Storm drainage
- Traffic signals

Eminent Domain – Public Use

- Public Use includes:
  - Facilities
  - Parking structures
  - Historic renovation
  - Transit and transportation
- Usually partial acquisition
- Seldom entire property

Eminent Domain – Private Use

- Private Use
  - Eliminates blight
  - Supports redevelopment
  - Assembles properties for private use
  - Assists third party development
  - Air rights
- Usually full parcels
- Partial acquisitions less common

Eminent Domain Process

Purchase of parcel

Public / Private?

Willing seller?

Condemnation?

Friendly (Tax benefit)

Eminent Domain Process, continued

Condemnation (Appraisals) → Quick take → Litigation → Settlement

Settlement → Resolution

Litigation → Resolution

Ballot Question 2
Citizens' Initiative for Constitutional Amendment

- Kelo – Controversial Supreme Court decision that fueled the fire
- PISTOL – People's Initiative to Stop the Taking of Our Land – Supporting organization
- POBR – Property Owner's Bill of Rights – Initiative
- Passed with 61.3% of the vote

POBR Initiative (excluding stricken sections)

2. Government's burden to prove public use
4. Prior to occupancy, property owner entitled to a determination by a district court jury as to public use
5. Property shall be valued at highest and best use without consideration of future dedication requirements
6. Just compensation – sum of money needed to place property owner in same position as if never happened

POBR Initiative (excluding stricken sections)

7. Fair market value – defined as highest price property would bring on open market
11. If property not used within 5 years, it will revert back to original owner at original purchase price
12. Property owner not responsible for legal fees
13. Government is any entity that has power of eminent domain
14. Any provision shall be deemed a separate and freestanding right

Issue for Consideration

POBR Initiative

- Community wide effort to educate residents on the impacts of the "Property Owners Bill of Rights"

Nevada Legislature

In the past, the Nevada legislature has looked at:

- Limitations on private to private transactions
- Defining public use
- Ascertaining "blight"
- Establishing requirements for public hearings
- Determination of valuation and
- Defining fair market value

City of Las Vegas

- Eminent Domain Resolution (R-83-2006)
- October 2006 City Council resolution
  - "The policy of the City is not to use eminent domain to take private property, without the consent of the owner, for purposes of transfer or lease to another for private commercial enterprise."

TELECOMMUNICATION FRANCHISE

Mark Vincent
Finance & Business Services Director

Telecom Provider Revenue

- The City has 9 Telecom FAs
  - $9.5 million in FY06
- The City also receives license fees from non-franchised telecom providers
  - $4 million in FY06
- These are GF revenues, 60% of which support public safety services

Telecom Industry Issues

- They want national or statewide franchises
- They'd like relief from franchise fees
- They want expedited and less regulated access to the ROW

Telecom Industry Issues, continued

- They want relief from funding PEG access channels
- They seek relief from "build out" requirements
- They oppose "net neutrality" requirements

Telecom Legislative Approaches

- Barton or Stevens bills, appear stalled for now
- Telecoms have been successful in other states
- 2007 bills may be introduced at the state level as a result of the Nevada telecom lobby

Issues for Consideration

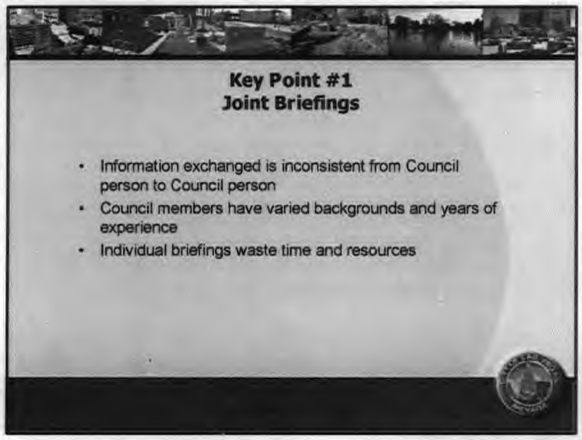
- Support continued ROW management and preserve related revenues
- Conduct a round table discussion with NV telecom industry to address (existing and future) fairness and equity concerns and potential barriers for the telecom industry

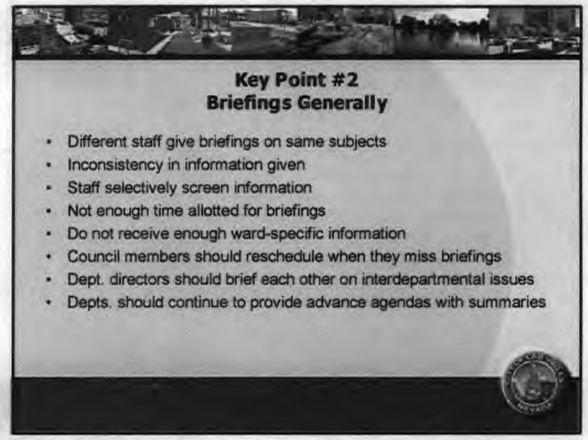
CITY OF LAS VEGAS COMMUNICATIONS ASSESSMENT

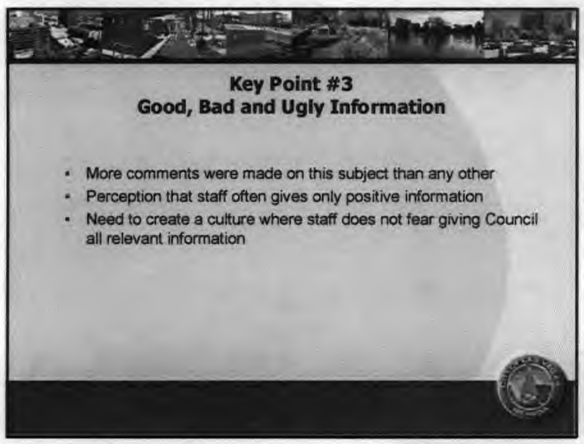
Ron Portaro, JD/MBA
Total Quality Resources Corporation

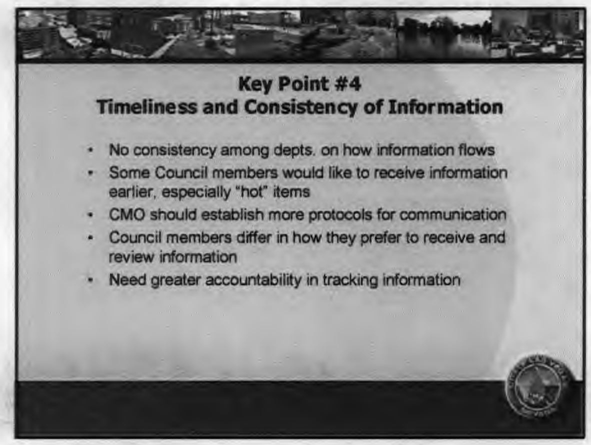
Methodology

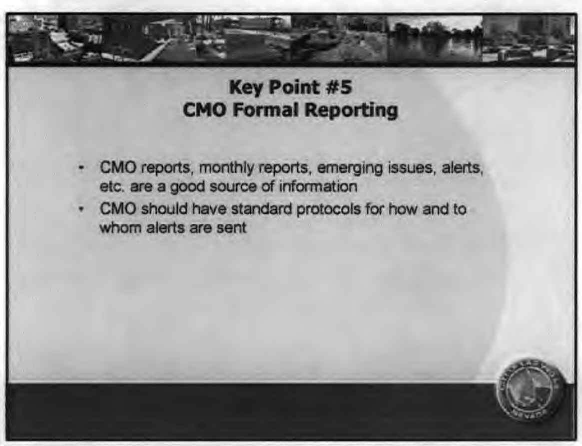
- Objective was to assess and gather information regarding the following:
  - The process and flow of communication
  - If the proper communication is being communicated
  - The methods employed and their effectiveness
  - The parties involved in communication
  - The consistency of communication
  - Overall thoughts and responses regarding the effectiveness of communications within the City
- Interviewed via short, informal series of questions:
  - Council Members, City Manager and Deputy City Managers, City Attorney, City Auditor, Directors from Planning, Public Works and OBD

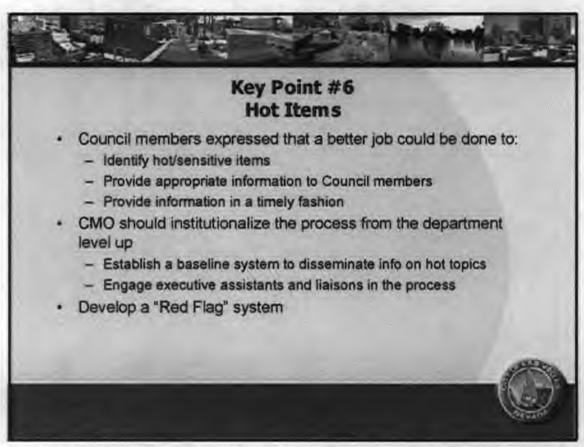

Key Point #1
Joint Briefings
• Information exchanged is inconsistent from Council person to Council person
• Council members have varied backgrounds and years of experience
• Individual briefings waste time and resources


Key Point #2
Briefings Generally
• Different staff give briefings on same subjects
• Inconsistency in information given
• Staff selectively screen information
• Not enough time allotted for briefings
• Do not receive enough ward-specific information
• Council members should reschedule when they miss briefings
• Dept. directors should brief each other on interdepartmental issues
• Depts. should continue to provide advance agendas with summaries


Key Point #3
Good, Bad and Ugly Information
• More comments were made on this subject than any other
• Perception that staff often gives only positive information
• Need to create a culture where staff does not fear giving Council all relevant information


Key Point #4
Timeliness and Consistency of Information
• No consistency among depts. on how information flows
• Some Council members would like to receive information earlier, especially "hot" items
• CMO should establish more protocols for communication
• Council members differ in how they prefer to receive and review information
• Need greater accountability in tracking information


Key Point #5
CMO Formal Reporting
• CMO reports, monthly reports, emerging issues, alerts, etc. are a good source of information
• CMO should have standard protocols for how and to whom alerts are sent


Key Point #6
Hot Items
• Council members expressed that a better job could be done to:
– Identify hot/sensitive items
– Provide appropriate information to Council members
– Provide information in a timely fashion
• CMO should institutionalize the process from the department level up
– Establish a baseline system to disseminate info on hot topics
– Engage executive assistants and liaisons in the process
• Develop a "Red Flag" system

Key Point #7
City Attorney & City Manager Communications

- City Manager and City Attorney should regularly coordinate briefings on sensitive items
- CM and CA should agree on substance of issue and then jointly brief Council
- CM and CA should identify a standardized process for alerts
- CM should develop standard protocols for communicating information

Key Point #8
Council and Department Communications

- Inconsistency between departments regarding staff members with whom Council directly communicates
- City Manager should work with dept. directors to establish protocol for Council-staff communications
- CMO should have more control over information flow
- Chain of command not always followed when Council communicates with staff and vice versa

Key Point #9
Timeliness of Council Involvement on Issues

- Confusion over process for handling constituent matters
  - When should the Council member take ownership of the issue vs. CM taking ownership?
- When should a Council member be notified of an issue?
- Need balance between allowing City Manager to do job and keeping Council informed of what lies ahead

Key Point #10
Liaisons and Communications

- No clear guidelines regarding liaisons' role
- No clearly defined authority; authority varies
- Concern that liaisons make decisions without authorization from Council member
- Liaisons work under Administrative Services, but in reality work for Council member

Additional Points from Other Respondent Groups

- CMO and City Attorney need better coordination on briefing items and hot items
  - Each should brief the other before briefing the Council
  - Educate staff on role of City Attorney, Home Rule, Public Purpose Doctrine, Dillon's Rule
- Conduct joint briefings between departments on interdepartmental issues

Communication Research Conducted by CMO

Communication themes from 8 U.S. cities w/Council-Manager govt:

1. No written core communication policy for City Manager's Office (CMO) and City Council (CC)
2. Offices contacted desire written core communication policy
3. Offices contacted desire CMO to directly contact CC
4. CMO should always be included in conversations w/ CC and dept. staff
5. CC briefings should be conducted by same individual for consistency

Recommendations

Implement strategies concerning the following:

1. Joint briefings by January 2007
2. Briefings conducted by same individual
3. Ward specific briefings
4. City Manager/City Attorney briefing policies
5. Council-staff communication policies
6. Coordination of interdepartmental communication
7. Council communication policies
8. Information delivery timelines
9. Chain of command
10. Council liaison policies and procedures

Implementation & Buy-In

- Implement strategies developed by the CMO and other offices
- Educate staff and Council regarding changes to or adoption of communication policies
- Receive buy-in from Council regarding changes
- Develop written policies and procedures that are clear, consistent and easy to understand

Action & Direction from Council

Direct staff regarding the following:

- Recommendations
- Implementation & Buy-In

Keys to Success

- Commitment
- Follow through on commitments
- Accountability – "No Lip Service"

Total Quality Resources Corporation
Report of Findings
City of Las Vegas Communications Assessment
December 5, 2006

Assignment:

TQR Corporation, through its president, Ron Portaro, will be facilitating the upcoming December 11, 2006 Las Vegas City Council Strategic Planning Workshop. Part of the agenda for the afternoon session is to examine communications within the City of Las Vegas and between and among the following:

- Mayor, Council and staff
- City Manger and Deputy City Managers
- City Attorney
- City Auditor
- Directors and their departments

To accomplish this task, persons responsible for the above-referenced positions, departments, and offices were interviewed:

Mayor and Council Members

Oscar B. Goodman, Mayor

Gary Reese, Mayor Pro Tem, Councilman

Larry Brown, Councilman

Lawrence Weekly, Councilman

Steve Wolfson, Councilman

Lois Tarkanian, Councilwoman

Steven D. Ross, Councilman

City Manager's Office

Dr. Doug Selby, City Manager

Steven Houchens, Deputy City Manager

Elizabeth Fretwell, Deputy City Manager

Orlando Sanchez, Deputy City Manager

Offices and Departments

Bradford Jerbic, City Attorney

Radford Snelding, City Auditor

M. Margo Wheeler, Director Planning and Development

Scott D.Adams, Director of Business Development

Charlie Kajkowski, Director - Public Works

Respondent Perception of Overall CLV Communications

Respondents almost unanimously agreed that as a whole, communications within the City of Las Vegas are very good. This report is an attempt by the Council and staff to identify areas for improvement and implementing strategies that bring about enhanced communications, not unlike many organizations striving for excellence.

The objective of the interviews was to assess and gather information regarding:

1. The process and flow of communication
2. If the proper information is being communicated
3. Who are the parties involved in communication
4. The consistency of communications
5. The methods employed in communications and the effectiveness of these methods
6. Overall thoughts and responses of respondents regarding the effectiveness of communications within the City of Las Vegas.

A short, informal series of questions were asked to gauge communications between and among the Council, City Manager, City Attorney and Auditor Offices, and several departments. Responses to these questions were compiled overall and in 3 groupings as follows:

1. Council Members
2. City Manager and Deputy City Managers
3. City Attorney, City Auditor, and Dept. Directors for Planning, Public works, and Business Development.

The results indicated that the level of communications was somewhat consistent between groupings. The Council-City Attorney category received a score of "good" and was the highest score. This score must be viewed in light of the limited exchange (as a whole) that respondents have with the City Attorney's office. The Council-City Manager category was scored above average followed by City Manager – City Attorney at average, Council – other departments and staff at below average, Council Members – Council Members at below average, and lastly council liaison – council liaison as poor.

Points of Interest:

1. Council members rated themselves lower than did other groups; a factor to consider is that council members are limited in their level of exchange with one another by open meeting laws and that the council position is part-time, as some members of the council have significant non-CLV work commitments in their varied professions. However, council members did feel that as a whole that they would prefer to have more contact with one another and improve communication and exchanges between and among their council colleagues

2. Most of the respondents felt that their individual communications were superior to that of the entire group; for example, while the council members overall rating of council – council communications was below average, most of them considered their individual rating significantly higher than the group rating.

3. Other departments and offices by their very nature do not have a foundation upon which to rate the communication between the City Attorney and the City Manager, and between council liaisons. Scoring was therefore unavailable for these categories by this group.

4. Respondents were asked to give an immediate (within 5 seconds) response. Therefore, the responses to this survey must be taken in that light, whether positively or negatively. There is no conclusion to be drawn that survey responses would have been higher or lower if respondents were given more time to think about the question.

Interview Responses – Las Vegas City Council

This portion of the assessment by far exceeds the short answer questions in terms of scope of review, depth of thought given prior to an answer, and both quantity and quality of information gathered from which conclusions may be drawn and action plans formulated to improve the level of communications in the City of Las Vegas.

The methodology used was an informal interview instrument crafted by Mr. Portaro with input from the City Manager's office. The instrument was a guide and was not used in a formal, structured way. The goal of the interviewer was to get the respondents to contemplate the questions and then to allow each respondent to discuss his or her thought and ideas in a free and open manner with no restrictions. Due to scheduling, some respondents were able to spend more time than others with the interviewer. While the minimum time spent was approximately 30 minutes, the maximum time was approximately 70 minutes. Respondents were told that their answers and comments would remain anonymous but would be grouped.

The review and reporting offered in this report is not based on scientific research, rather, it is based on the answers given by respondents to questions from the interviews. The goal in reporting the following information is to report the findings as objectively as possible. During the course of the assessment process and based upon a review of the assessment notes, a number of themes emerge. The objective is to identify issues and areas for improving communications that are raised often enough by respondents to warrant further attention, analysis, and study leading to an appropriate action plan.

In the following review, this report will identify emerging themes, or key points of interest as identified by more than just one or two of the participants in any group, and are issues of concern for a significant number of the entire respondent group.

The Assessment of the Mayor and Council

Emerging themes and key points regarding communications and information in need of further review were identified as follows:

1. Joint Briefings – This was the most discussed concept and championed by almost every member of the council. Current briefings are challenging in some regard as follows:
    a. Information exchanged in briefings is inconsistent from Councilperson to Councilperson. It is understood that different council members ask different questions and therefore the body of information may be more substantial and perhaps more detailed by the time the last person is briefed.
    b. Some of the members on council have different backgrounds and years of experience that could lend to a more thorough briefing if joint briefings were held. Joint briefings with 2 or 3 members of council at selected times would be very helpful.
    c. Individual briefings also waste time and resources of the city. Having several appointed times in the week prior to council meetings give enough flexibility for council members to come to a conference room to be briefed by the appropriate staff, be it City Manager, Attorney, or department staff.

2. Briefings Generally
    a. Different staff give briefings on same subjects. This creates inconsistency of information in briefings. Also an issue for other departments and offices. Have same person giving briefings.
    b. Inconsistency of when, who, what, and detail of information given at briefings.
    c. Members as a whole felt they were getting briefed on a "tell the council what they want to hear" basis too often. The pervasive concern of council members that briefings do not give all the bad and the ugly that they should give. Staff does not need to selectively screen information for briefings. Council members need to hear the bad news even if they don't like it. They would like a chance to work through the tough issues.
    d. More time needed for briefing for a couple of council members; or, more briefings. 30 minutes just scratches surface. Each council member should be asked what is their desire; i.e.- time needed/frequency

e. Ward specific briefings; these are welcomed by members. Perhaps C.M.O. could establish a protocol for briefings by 1. Ward 2. Hot items in other wards 3. Hot items generally 4. At-large items
f. Agendas for briefings with summary are good information tool
g. Council members need to take responsibility for getting information and being available for briefings; it is a 2-way street. If council member misses briefing meeting; he/she should follow up to get briefed; not C.M.O. C.M.O. should not get blamed for council member not having info that was available at a missed briefing.
h. Advance agendas from departments are useful, i.e. Steve Harsin (Neighborhood Services) summary agenda/ Karen Coyne (Detention Services) bullet point memo. Other departments do this as well.
i. Planning and Public works briefings are good. Make sure to send consistent staff person.
j. Department heads should get together and brief each other- ask the question " is this issue impacting another dept.; are they in the loop?"

3. Giving information to please the Council; fear of saying no - Good, Bad and Ugly information
   a. This topic, while discussed in item 2 above, merits its own discussion point. More comments (quantitatively) were made on this subject than any other. Some council members want more info than others.
   b. Perception by Council that too often staff gives only positive info:
      - because they want to please the council, or,
      - out of fear for saying no
      - from C.M.O. all the way down the ladder

   c. Concern that past council members were particularly hard on staff, creating an atmosphere of fear and resulting compliance with council persons wishes or creating the "please the councilperson" mentality. Current council needs to undo this mentality.

4. Timeliness and Consistency of Information
   a. Different methods and info from departments; no consistency of how information flows – some dept. heads are OK with how; others not.
   b. C.M.O. briefings for most part are good;
   c. Earlier information- some council members feel they need information earlier; especially hot items.
   d. C.M.O.- Needs to establish more protocols for communications
   e. Different council members have different preferences on how to receive and review information; i.e. – some like use of technology, others do not.
   f. Need accountability in tracking information.

5. C.M.O. Institutional and Formal Reporting and Information
    a. C.M.O. reports, monthly reports, emerging issues, alerts – City Manager does a good job with this information.
    b. Alerts – Most of the time OK; but C.M.O. should have standard protocols for how it is sent, and, to what staff in support of council member.

6. Hot Items – How they are handled
    a. While it is not the norm, a majority of council felt that we could do a better job from the department level up in
        1. identifying hot/sensitive items
        2. getting the appropriate information on the item to council
        3. doing it in a timely fashion
    b. Examples – legal opinions handed down; council needs a heads up or briefing; politically charged issues – need to know, grand openings in the ward.
    c. C.M.O. should institutionalize this process from the departments on up; should establish a baseline system to disseminate info on hot topics; engage executive assistants and liaisons in this process.
    d. Need for a "Red Flag" system

7. City Attorney and City Manager Communications
    a. City Manager and City Attorney need to regularly coordinate briefings on sensitive/hot items/ politically charged/ important contractual and BOTH should brief each other first, and then jointly brief council if possible. Agree on the substance of the issues.
    b. Alerts – Should have process identified between C.M.O, and City Attorney.
    c. Most of the time OK; but C.M.O. should have standard protocols for how it is sent, and, to what staff in support of council member.

8. Council and Department Communications

    This issue was a significant concern to council members as follows:
    a. Council can talk to some staff members in some departments and not to staff in other departments – creates confusion and inconsistency
    b. City Manager should consider establishing clear guidelines and policy with department heads as to what are acceptable protocols for Council-staff communications. Perhaps a workshop on this point. This should apply to liaisons as well.
    c. C.M.O. should have more controls over information flow. Need accountability for communications. Most of the time OK; but C.M.O. should have standard protocols for how it is sent, and, to what staff in support of council member.
    d. Concern that too many staff have access to Council without chain of command being followed or dept. head knowing about it.

9. Timeliness of Council involvement on issues
    a. When should a council member be engaged about an opportunity brought forward by a constituent; at what time should the City Manager handle it and when should the council member be brought in; no clear process here.
    b. When should a council member get an FYI or heads up on an issue? Need appropriate balance between allowing City Manager to do job and keeping council informed on what lies ahead.

10. Liaisons and Communications

    The role and activities of Council liaisons is a very challenging issue for council members. For the most part, council members felt that their liaisons did a great job, but were very concerned that liaisons as a whole were not working in the best interest of the council as a whole. Challenges:
    a. No clear guidelines as to the role of liaisons
    b. No clearly defined authority; it is perceived that some have different levels of authority than others
    c. Concern that liaisons are speaking and making decisions without the authorization of the council person they represent
    d. Some liaisons have too much power; not well controlled and monitored
    e. Liaisons work under org chart of administrative services, but really work for individual council member; loyalty is to council member; need to reconcile this or bring appropriate changes to reflect reality
    f. Liaisons contribute to element of distrust on 10^{th} floor
    g. Liaisons tells constituent something without actual discussion with council member; creates conflict.

Assessment of Responses by the Office of the City Manager, City Attorney, City Auditor, Directors of Business Development, Planning and Public Works

The 10 key points of interest were generated by comments made by the members of the City Council; the comments by other respondent groups as a whole are in line with those of council members. In addition to the 10 key points of the City Council, related topics of concern to these respondents included the following:

1. C.M.O. and City Attorney Office need to have more coordination of issues: i.e. briefing items and hot items/ sensitive items. Brief each other before council; educate and inform all staff on role of City Attorney, Home Rule, Public Purpose Doctrine, Dillon's Rule.

2. Joint briefings with/between departments involved would help communications between departments; a group briefing organized by C.M.O. on cross-disciplinary, cross departmental issues. Departmental sign-off sheet.

Consultant's Comments:

The foundations of the 10 key points of the findings are the comments and opinions of the Las Vegas City Council. The statements made in this document are the consultant's restatement of comments provided by respondents. An effort was made during the course of the interview and analysis to report findings as objectively as possible. The opinions expressed in the findings are not the opinions of the consultant but are rather a reporting of opinions of others.

Generally, all respondents believe that communication within the City of Las Vegas is very good, yet, there is room for improvement. It is the consultant's opinion that respondents were frank and open during the course of the interviews and that each participant expressed a willingness to be a part of a collective effort to bring about improved communications and exchange of information in the City of Las Vegas. Participants are also aware that there are political influences and personal dynamics that make a perfect system of communications unachievable. However, they also believe that acknowledging these factors while working towards improving communications will greatly enhance the opportunity for successful outcomes, resulting in the furtherance of the objective of the City Council in making Las Vegas into a world class city.

City of Las Vegas

Agenda Item No.: **6**.

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO RONEMUS

SUBJECT:

CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the City Council. No subject may be acted upon by the City Council unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:
No one appeared.

City of Las Vegas   Agenda Item No.: 7.

AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO RONEMUS

☐ **Consent** ☒ **Discussion**

SUBJECT:
ADJOURNMENT

Minutes:
The meeting adjourned at 4:21 p.m.