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City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
JANUARY 6, 2009
4:00 P.M.

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

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5 00 EACH THROUGH THE CITY CLERK'S OFFICE

- 1 CALL TO ORDER
- 2 ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW
- 3 Bill No 2008-57 – Annexation No ANX-29903 – Property location Approximately 1350 feet east of the North Hualapai Way alignment fronting the exit ramp for Clark County Highway 215, Petitioned by Las Vegas Valley Water District, Acreage 5 08 acres, Zoned R-E (County zoning), C-V (City equivalent) Sponsored by Councilman Steven D Ross
- 4 Bill No 2008-58 – Annexation No ANX-30397 – Property location On the southeast corner of Florine Avenue and Tomsik Street, Petitioned by Daniel Shannon, Acreage 1 42 acres, Zoned R-E (County zoning), R-E (City equivalent) Sponsored by Councilman Steven D Ross
- 5 Bill No. 2008-59 – Updates remedies and procedures pertaining to enforcement of the City's rights in drainage easements Sponsored by Councilman Steven D Ross
- 6 Bill No 2008-60 – Establishes a framework for transitioning the licensing and regulation of child care facilities within the City to the Nevada Bureau of Services for Child Care, and provides for a prospective repealer of the City's child care regulations Sponsored by Councilman Steven D Ross
- 7 Bill No 2008-61 – Establishes electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service Sponsored by Councilman Steven D Ross
- 8 CITIZENS PARTICIPATION Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee No subject may be acted upon by the committee 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
- 9 ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8 00 A M to 5 00 P M

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

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

- 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

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

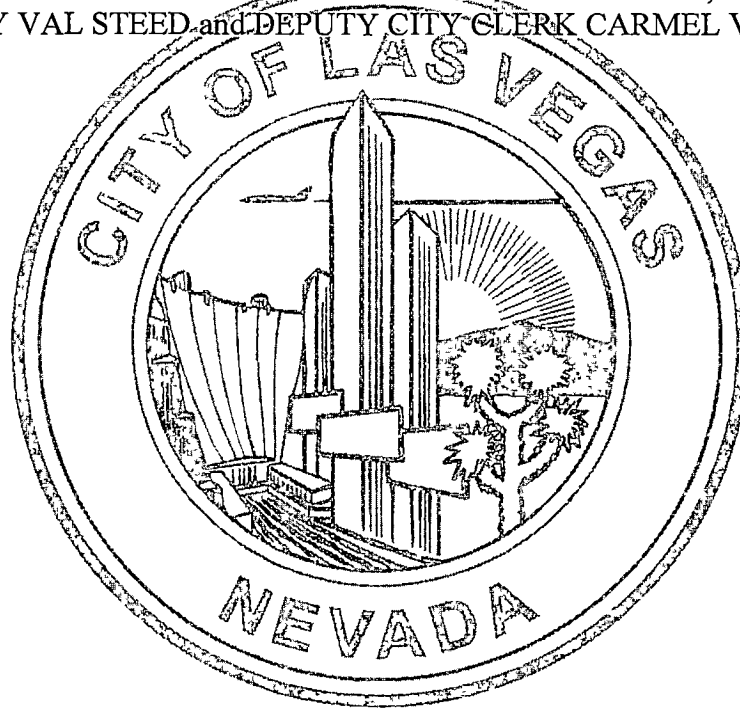
SUBJECT:
CALL TO ORDER

Minutes:

COUNCILWOMAN TARKANIAN called the meeting to order at 4:04 p.m.

PRESENT: COUNCILMEMBERS TARKANIAN and BARLOW

Also Present: ACTING DEPUTY CITY MANAGER MARK VINCENT, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK CARMEL VIADO



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge; Clark County Government Center, 500 South Grand Central Parkway; Las Vegas Library, 833 Las Vegas Boulevard North; Grant Sawyer Building, 555 East Washington Avenue; Bulletin Board, City Hall Plaza (next to Metro Records).



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No 2008-57 – Annexation No. ANX-29903 – Property location: Approximately 1350 feet east of the North Hualapai Way alignment fronting the exit ramp for Clark County Highway 215; Petitioned by. Las Vegas Valley Water District; Acreage: 5 08 acres; Zoned: R-E (County zoning), C-V (City equivalent). Sponsored by. Councilman Steven D. Ross

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located approximately 1350 feet east of the North Hualapai Way alignment fronting the exit ramp for Clark County Highway 215. The annexation is at the request of Las Vegas Valley Water District. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 16, 2009) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2008-57 and Location Map

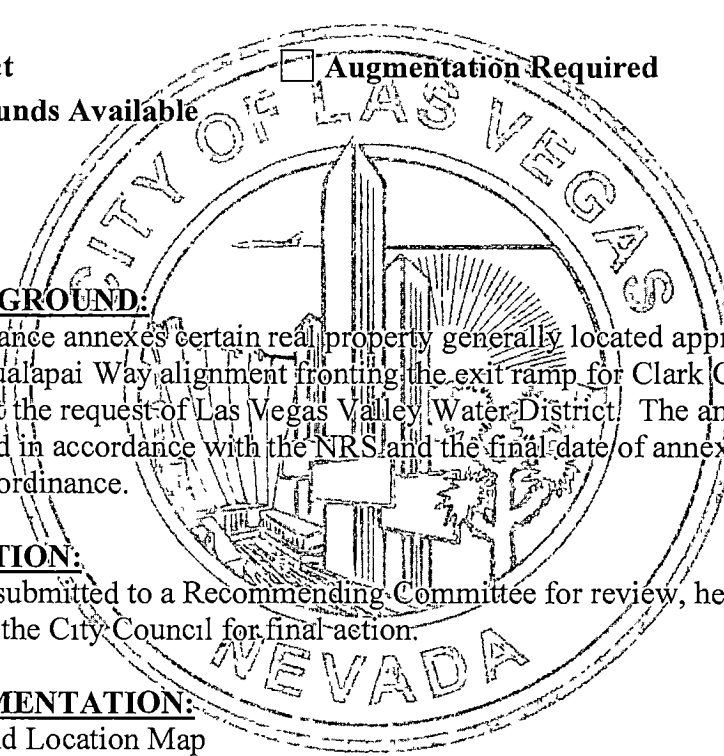
Motion made by RICKI Y. BARLOW to Approve as DO PASS

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that this annexation request was a routine item by the property for a single parcel. He recommended approval.



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BILL NO. 2008-57

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-29903)

Sponsored by: Councilman Steven D. Ross Summary: Annexes property described generally as located approximately 1350 feet east of the North Hualapai Way alignment fronting the exit ramp for Clark County Highway 215.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described real property:

That portion of the West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section 19, Township 19 South, Range 60 East, M.D.M., together with a portion of I-215 Las Vegas Beltway right-of-way as dedicated by instrument recorded in Book 20011204 as Instrument Number 02527 of Clark County, Nevada Records, described as follows.

The West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4), of Section 19, Township 19 South, Range 60 East, M.D.M., in County of Clark, State of Nevada.

SECTION 2: The City Council hereby determines that the described territory meets the requirements provided by law for annexation to the City for the following reasons:

- 1 A. The area to be annexed was contiguous to the City's boundaries at the
2 time the annexation proceedings were instituted;
- 3 B. More than one-eighth (1/8) of the aggregate external boundaries of
4 the area are contiguous to the City;
- 5 C. The territory proposed to be annexed is not included within the
6 boundaries of another incorporated city or within the boundaries of
7 any unincorporated town as those boundaries existed as of July 1,
8 1983;
- 9 D. The City is eligible to annex the described territory since the
10 landowners have signed a petition constituting one hundred percent
11 (100%) of the owners of record of individual lots or parcels of land
12 within the annexation area.

13 SECTION 3: The City will provide police protection through the Las Vegas
14 Metropolitan Police Department, fire protection, street maintenance, and library services
15 immediately upon annexation. Garbage collection by the company franchised by the City
16 will also be provided immediately. The City sanitary sewer system will serve the proposed
17 annexation area. Any connection to or extension of this sewer line to serve the annexation
18 area shall be at the expense of the landowners. Other services, such as participation in the
19 City's recreational programs, special education classes and programs, public works planning,
20 building inspections, and other City services will also be available immediately. Utilities
21 such as gas, electricity, telephone, and water are provided by private utility companies and
22 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
23 sidewalks and street lights which are not in place at the time of annexation will be installed
24 in the presently developed areas upon the request of the property owners and at their expense
25 by means of special assessment districts. Such improvements will be extended into the
26 undeveloped areas as development takes place and the need therefor arises, and will be
27 located according to the needs of the area at that time. Such installations will also be made
28 at the expense of the property owners, either by means of special assessment districts or as

1 prerequisites to the approval of subdivision plats, building permits or other land use or
2 development applications.

3 SECTION 4: The annexation of the described territory shall become
4 effective on the 16th day of January, 2009, and on that date the City will have the funds
5 appropriated in sufficient amount to finance the extension into the described territory of
6 police protection, fire protection, street maintenance, street sweeping, and street lighting
7 maintenance.

8 SECTION 5: The described territory, together with the inhabitants and
9 property thereof, shall, from and after the 16th day of January, 2009, be subject to all debts,
10 laws, ordinances and regulations in force in the City and shall be entitled to the same
11 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
12 levied by the City.

13 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
14 an accurate map or plat of the described territory and to record the map or plat, together with
15 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
16 Nevada, which recording shall be done prior to the 16th day of January, 2009.

17 SECTION 7: The described territory, which previously has been zoned R-E
18 (County of Clark classification), is hereby classified as C-V (City of Las Vegas
19 classification), which is deemed to be the City equivalent of the County classification.

20 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
21 clause of phrase in this ordinance or any part thereof, is for any reason held to be
22 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such
23 decision shall not affect the validity or effectiveness of the remaining portions of this
24 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that
25 it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
26 phrase thereof irrespective of the fact that any one or more sections, subsections,
27 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
28 or ineffective.

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SECTION 9: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-3-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2008, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

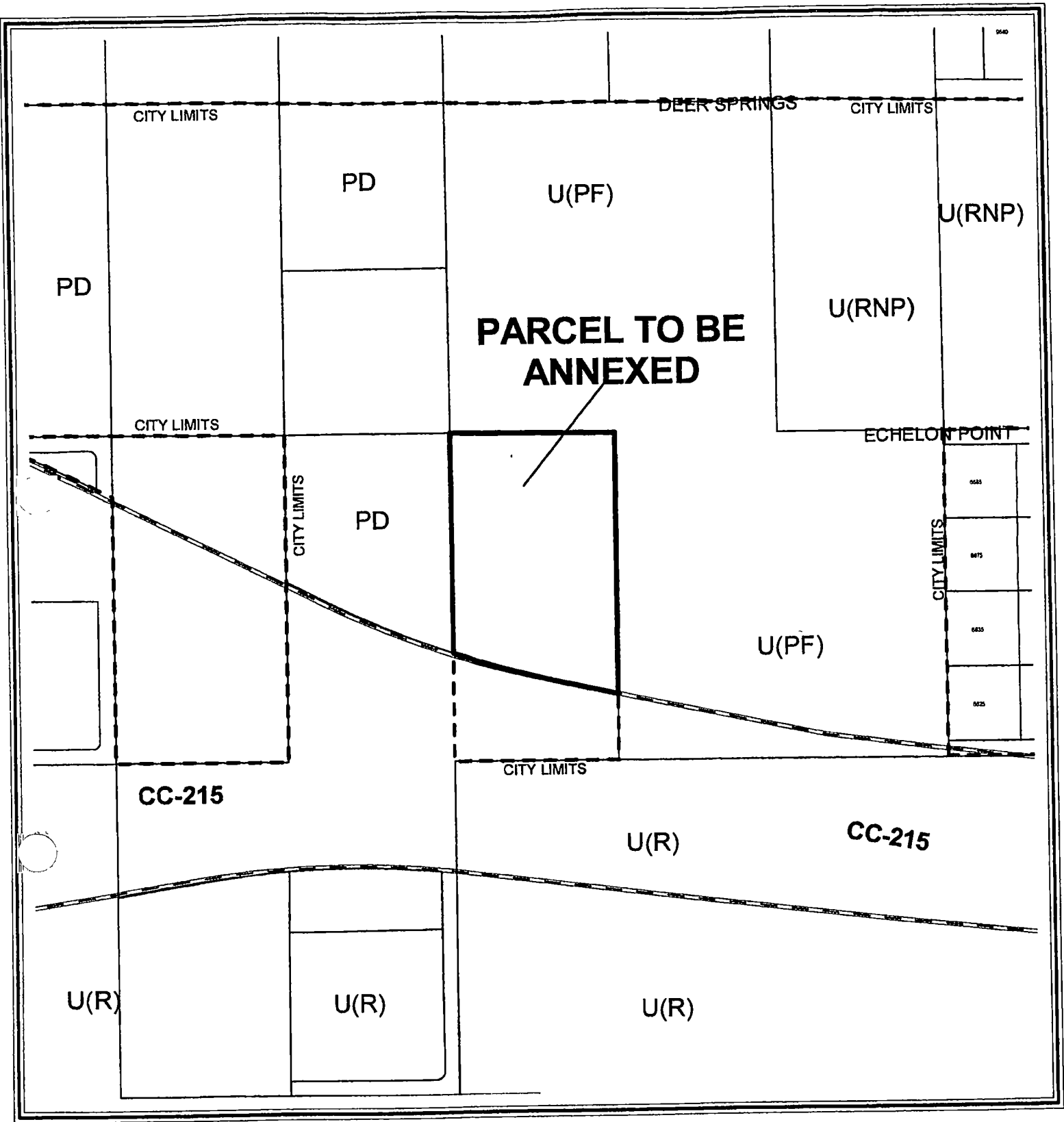
10 ABSENT: _____

11 APPROVED:

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13 By OSCAR B. GOODMAN, Mayor

14 ATTEST:

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16 BEVERLY K. BRIDGES, CMC
17 City Clerk



CASE: ANX-29903



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-58 – Annexation No. ANX-30397 – Property location: On the southeast corner of Florine Avenue and Tomsik Street; Petitioned by Daniel Shannon, Acreage. 1.42 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by Councilman Steven D. Ross

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southeast corner of Florine Avenue and Tomsik. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 30, 2009) is set by this ordinance

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2008-58 and Location Map

Motion made by RICKI Y. BARLOW to Approve as DO PASS

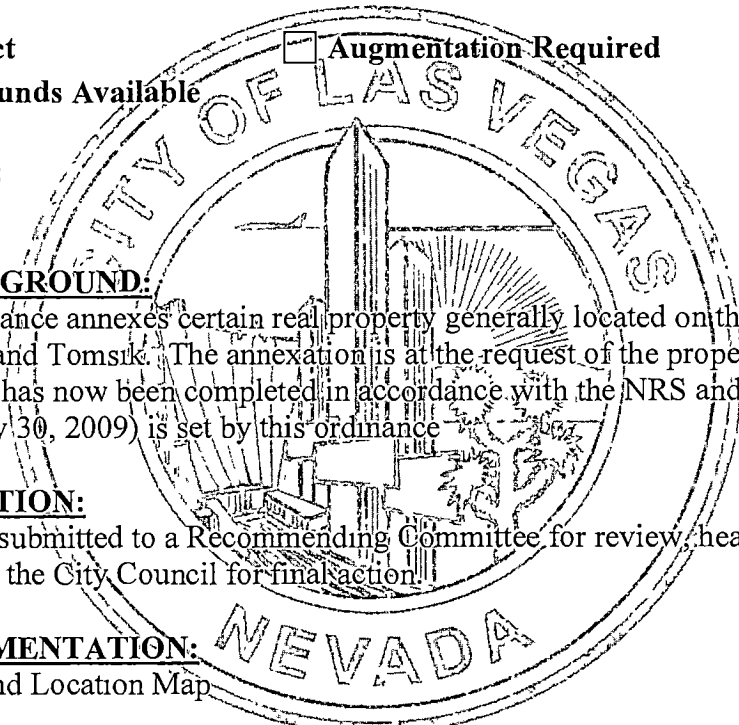
Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that this annexation request was a routine item by the property for a single parcel. He recommended approval.

CHIEF DEPUTY CITY ATTORNEY STEED confirmed that the parcel currently part of Clark County would be annexed to the City and would tie into City utilities if it wasn't already.



RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

ACTING DEPUTY CITY MANAGER MARK VINCENT stated that parcels annexed to the City paid higher taxes than parcels in Clark County. COUNCILWOMAN TARKANIAN suggested that more properties might seek to annex to the City in the current economic downturn, pointing out, services are better in the City.



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BILL NO. 2008-58

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-30397)

Sponsored by: Councilman Steven D. Ross Summary: Annexes property described generally as located on the southeast corner of Florine Avenue and Tomsik Street.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described real property:

That portion of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4), Section 4, Township 20 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, being LOT 1 and the adjacent half street right of way of FLORINE AVENUE (formerly CORALIE AVENUE, 30.00 feet wide as measured from centerline thereof) and the half street right of way of TOMSIK STREET (width varies) as shown on Parcel Map in File 30, Page 43 of Clark County, Nevada Records, described as follows:

COMMENCING at the south quarter corner of said Section 4; thence along the east line of the Southwest Quarter (SW 1/4) of said Section 4, North 00°23'58" East 670.64 feet; thence along the north line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of said Section 4 and along the centerline of said FLORINE AVENUE, North 87°42'05" West 340.85 feet to the POINT OF BEGINNING; thence continuing North 87°42'05" West 340.85 feet to the centerline intersection with said TOMSIK STREET; thence along the

1 centerline of said TOMSIK STREET, South 00°19'14" West 182.31 feet;
2 thence South 87°40'11" East 30.02 feet to the southwest corner of said LOT
3 1 as shown on said Parcel Map in File 30, Page 43; thence along the south
4 line of said LOT 1, South 87°40'11" East 310.58 feet to the southeast corner
5 of said LOT 1; thence along the east line of said LOT 1, North 00°23'58" East
6 152.47 feet to the northeast corner of said LOT 1 on the south line of said
7 FLORINE AVENUE; thence continuing North 00°23'58" East 30.02 feet to
8 the POINT OF BEGINNING.

9 BASIS OF BEARINGS: North 00°23'58" East being the east line of the
10 Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the
11 Southwest Quarter (SW 1/4) of Section 4, Township 20 South, Range 60
12 East, M.D.M., as shown on Parcel Map in File 30, Page 43 of Clark County,
13 Nevada Records.

14 Prepared by:
15 Brian Yu, PLS
16 Public Works, City of Las Vegas,
17 731 S. Fourth Street,
18 Las Vegas, 89101
19 byu@lasvegasnevada.gov

20 SECTION 2: The City Council hereby determines that the described territory
21 meets the requirements provided by law for annexation to the City for the following reasons:

- 22 A. The area to be annexed was contiguous to the City's boundaries at the
23 time the annexation proceedings were instituted;
- 24 B. More than one-eighth (1/8) of the aggregate external boundaries of
25 the area are contiguous to the City;
- 26 C. The territory proposed to be annexed is not included within the
27 boundaries of another incorporated city or within the boundaries of
28 any unincorporated town as those boundaries existed as of July 1,
1983;
- 29 D. The City is eligible to annex the described territory since the
30 landowners have signed a petition constituting one hundred percent
(100%) of the owners of record of individual lots or parcels of land
within the annexation area.

31 SECTION 3: The City will provide police protection through the Las Vegas
32 Metropolitan Police Department, fire protection, street maintenance, and library services
33 immediately upon annexation. Garbage collection by the company franchised by the City

1 will also be provided immediately. The City sanitary sewer system will serve the proposed
2 annexation area. Any connection to or extension of this sewer line to serve the annexation
3 area shall be at the expense of the landowners. Other services, such as participation in the
4 City's recreational programs, special education classes and programs, public works planning,
5 building inspections, and other City services will also be available immediately. Utilities
6 such as gas, electricity, telephone, and water are provided by private utility companies and
7 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
8 sidewalks and street lights which are not in place at the time of annexation will be installed
9 in the presently developed areas upon the request of the property owners and at their expense
10 by means of special assessment districts. Such improvements will be extended into the
11 undeveloped areas as development takes place and the need therefor arises, and will be
12 located according to the needs of the area at that time. Such installations will also be made
13 at the expense of the property owners, either by means of special assessment districts or as
14 prerequisites to the approval of subdivision plats, building permits or other land use or
15 development applications.

16 SECTION 4: The annexation of the described territory shall become
17 effective on the 30th day of January, 2009, and on that date the City will have the funds
18 appropriated in sufficient amount to finance the extension into the described territory of
19 police protection, fire protection, street maintenance, street sweeping, and street lighting
20 maintenance.

21 SECTION 5: The described territory, together with the inhabitants and
22 property thereof, shall, from and after the 30th day of January, 2009, be subject to all debts,
23 laws, ordinances and regulations in force in the City and shall be entitled to the same
24 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
25 levied by the City.

26 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
27 an accurate map or plat of the described territory and to record the map or plat, together with
28 a certified copy of this ordinance, in the office of the County Recorder of Clark County,

1 Nevada, which recording shall be done prior to the 30th day of January, 2009.

2 SECTION 7: The described territory, which previously has been zoned R-E
3 (County of Clark classification), is hereby classified as R-E (City of Las Vegas
4 classification), which is deemed to be the City equivalent of the County classification.

5 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
6 clause of phrase in this ordinance or any part thereof, is for any reason held to be
7 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such
8 decision shall not affect the validity or effectiveness of the remaining portions of this
9 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that
10 it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
11 phrase thereof irrespective of the fact that any one or more sections, subsections,
12 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
13 or ineffective.

14 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
15 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this _____ day of _____,
18 2009.

19 APPROVED:

20
21 By OSCAR B. GOODMAN, Mayor

22 ATTEST:

23
24 BEVERLY K. BRIDGES, CMC
City Clerk

25 APPROVED AS TO FORM:

26 Val Steel 12-3-08
27 Date

28

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 _____ day of _____, 2008, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

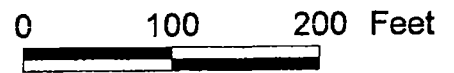
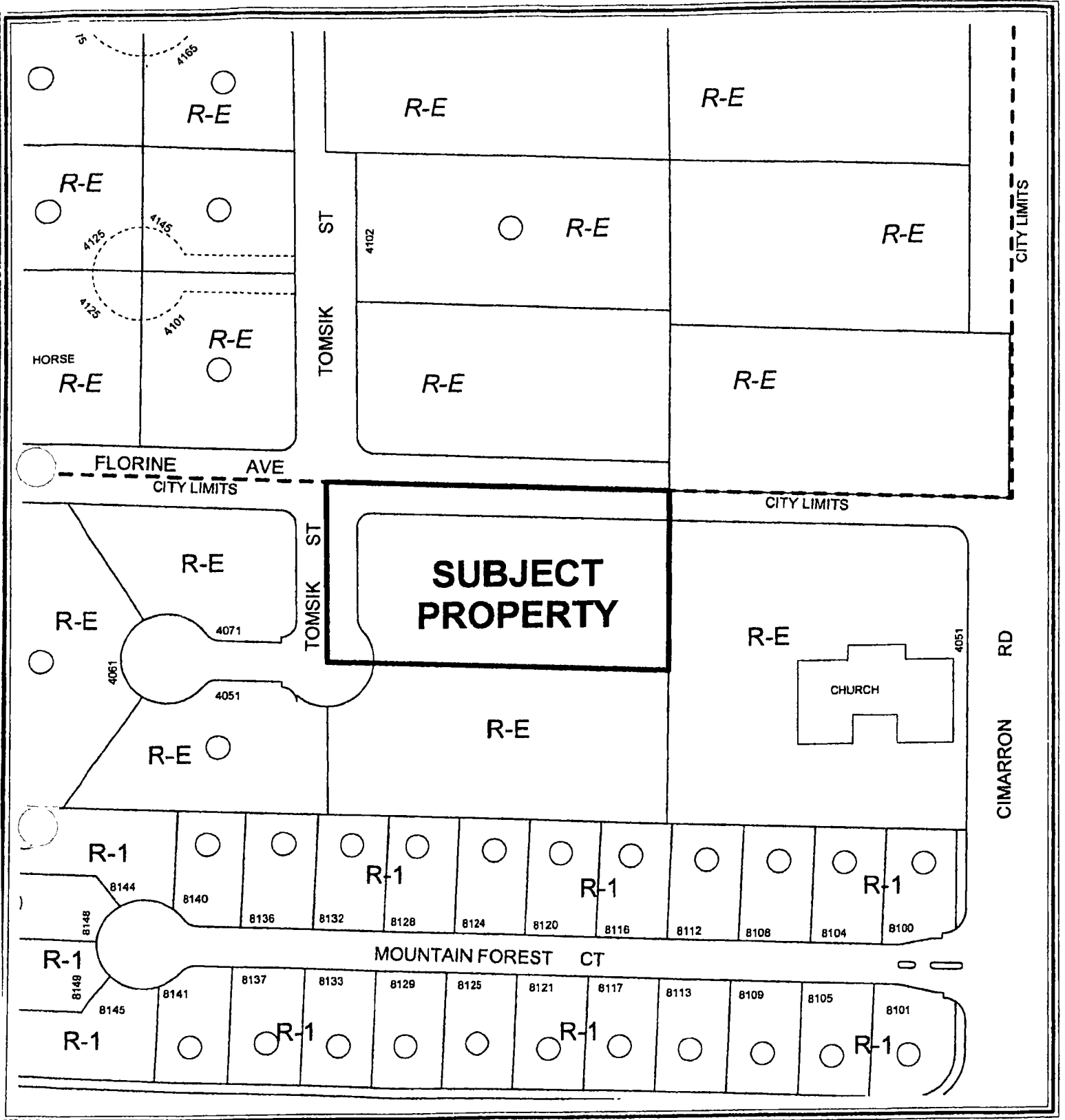
10 ABSENT: _____

11 APPROVED:

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13 By OSCAR B. GOODMAN, Mayor

14 ATTEST:

15
16 BEVERLY K. BRIDGES, CMC
17 City Clerk



CASE: ANX-30397



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-59 – Updates remedies and procedures pertaining to enforcement of the City’s rights in drainage easements. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Various provisions of the Municipal Code prohibit unauthorized obstructions and encroachments within drainage easements that run in favor of the City. This bill will clarify and strengthen those prohibitions, expand the enforcement authority available to the City, and authorize the use of nuisance proceedings for violations.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2008-59

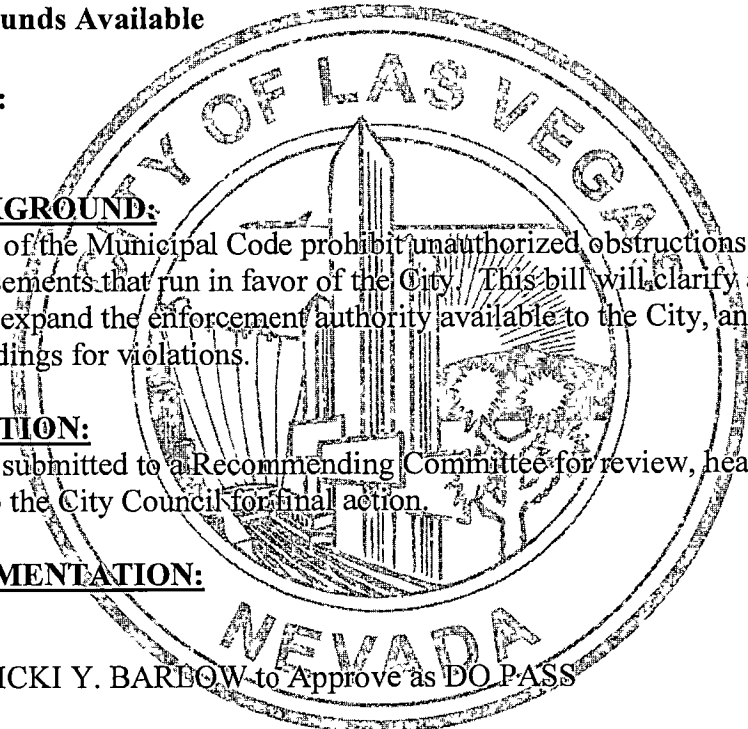
Motion made by RICKI Y. BARLOW to Approve as DO PASS

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHIEF DEPUTY VAL STEED stated that this item had been requested by the Public Works Department and was sponsored by COUNCILMAN ROSS. He explained this bill would better describe encroachment on drainage easements and would increase the City's remedies. Under this bill, he noted the City would be allowed to proceed against encroachment as a nuisance. He described the regulation process and recommended approval.



1 **BILL NO. 2008-59**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO UPDATE REMEDIES AND PROCEDURES PERTAINING TO**
4 **ENFORCEMENT OF THE CITY'S RIGHTS IN DRAINAGE EASEMENTS, AND TO PROVIDE**
5 **FOR OTHER RELATED MATTERS.**

6 Sponsored by: Councilman Steven D. Ross

Summary: Updates remedies and procedures
pertaining to enforcement of the City's rights in
drainage easements.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
8 AS FOLLOWS:

9 SECTION 1: Title 9, Chapter 4, Section 10, of the Municipal Code of the City of Las
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **9.04.010:** As used in this Chapter, unless the context requires otherwise, the following terms shall
12 be defined as set forth in this Section.

13 "Authorized official" means an officer of the Las Vegas Metropolitan Police Department and
14 any person designated and empowered by ordinance, by the City Manager or by the District Health
15 Officer to enforce the provisions of Title 9.

16 "Chronic nuisance" means the existence of any of the following conditions:

17 (1) When three or more nuisance activities exist or have occurred during any
18 thirty-day period on a property;

19 (2) When a person associated with the property has engaged in three or more
20 nuisance activities during any thirty-day period on the property or within one hundred feet of the
21 property;

22 (3) When the property has been the subject of a search warrant based on probable
23 cause of continuous or repeated violations of NRS Chapter 459; or

24 (4) When a building or place is used for the purpose of unlawfully selling, serving,
25 storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor
26 as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043.

27 "Criminal activity" means any activity defined as a misdemeanor in the Las Vegas Municipal
28 Code or as a misdemeanor, gross misdemeanor or felony in NRS Title 15.

1 "Imminent hazard" means any condition associated with real property that places a person's
2 life, health or property in high risk of peril when such condition is immediate, impending, or on the
3 point of happening or menacing.

4 "Owner" means any person having a legal or equitable interest in real property within the City.
5 For purposes of providing notice under this Chapter to an owner of real property, the term also
6 includes any agent or representative of the owner, or any person who acts as a manager or collects
7 rents regarding that property.

8 "Person associated with the property" means a person who, on the occasion of a nuisance
9 activity, has:

- 10 (1) Entered, patronized or visited;
11 (2) Attempted to enter, patronize or visit; or
12 (3) Waited to enter, patronize or visit, a property or a person present on the
13 property.

14 "Public nuisance," "nuisance," or "nuisance activity" means any of the following conditions:

15 (1) Any area, structure or object which by its nature, location, or character would
16 tend to attract and endanger the safety of any minor person.

17 (2) Any violation of Title 16, including violations of the codes pertaining to
18 building, construction, housing, and fire safety adopted thereunder.

19 (3) Any body of water which by its nature or location constitutes an unhealthy or
20 unsafe condition, including any accumulation of stagnant water that has become or is likely to become
21 a breeding area for insects.

22 (4) Any refuse, waste, litter or other material, regardless of its market value, which,
23 by reason of its location or character, is unsightly or interferes with the reasonable use and enjoyment
24 of adjacent properties, has a detrimental effect upon adjacent property values, or would hamper or
25 interfere with the containment of fire upon the premises. Examples include, without limitation,
26 decaying or non-decaying solid and semi-solid wastes, whether or not combustible, such as old
27 lumber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass and hedge
28 clippings, rocks, bricks, cinders, scrap iron, buckets, tubs, windows, screens, glass, bottles,

1 wastepaper, bedsprings, mattresses, discarded furniture and appliances, bedding and material cleaned
2 from animal or fowl pens, automobile parts, scrap paving material, and piles of earth mixed with other
3 waste material which may harbor insect or rodent infestations or may become a fire hazard.

4 (5) Any violation of Title 19 or Title 20 of this Code.

5 (6) Operating a business without a current license as required by Title 6.

6 (7) Any other act or condition, other than those permitted by NRS 40.140 and
7 202.450, which, by reason of its nature, character or location, interferes with the reasonable use and
8 enjoyment of adjacent properties, or which has a detrimental effect upon adjacent property values.
9 Such nuisances include without limitation the following:

10 (a) Weeds, turf grass, or uncultivated plant growth exceeding eight inches
11 in height, either on a vacant parcel or on a developed parcel at a location visible from public property;

12 (b) Dead trees, plants and other vegetation that present a fire hazard or are
13 otherwise a threat to property or to the health and safety of the public or a segment thereof;

14 (c) Graffiti, as defined in LVMC 10.48.060, that is allowed to remain for
15 more than twenty-four hours;

16 (d) Unpainted or painted buildings, walls, fences or other structures whose
17 condition has become so deteriorated as to create a hazardous condition; threaten collapse,
18 displacement, or other breakdown of structural integrity; permit decay, excessive cracking, peeling,
19 chalking, dry rot, warping or termite infestation; or create a condition of blight visible from public
20 right-of-way;

21 (e) Any vehicle that has been abandoned, or any vehicle in an obviously
22 mechanically inoperable condition, that:

23 (i) Is parked within a multifamily residential parking lot, in a
24 location that is visible from public property, including a street or alley;

25 (ii) Has been parked in the same location for more than seven
26 consecutive days;

27 (f) Criminal activity on any lot or premises within the City.

28 "Responsible party" means any tenant, occupant, lessor, lessee, manager, licensee or other

1 person having control over a structure or parcel of land in the City.

2 SECTION 2: Title 13, Chapter 32, Section 80, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **13.32.080:** (A) All unauthorized encroachments or obstructions upon any [street, public alley
5 or highway] public street or highway, public alley or public easement in the City, including abandoned
6 and unregistered motor vehicles, where provision for removal is not otherwise prescribed, shall be
7 removed by the City Manager, or his designee, and the cost of such removal shall be a debt to the City
8 and shall be paid prior to the release of the property or vehicle causing the encroachment or
9 obstruction. The Metropolitan Police Department shall report all such encroachments and obstructions
10 to the City Manager.

11 (B) The City Manager shall not cause the removal of any encroachment or
12 obstruction, including any abandoned or unregistered vehicle, as prescribed in Subsection (A) of this
13 Section, until he has given the owner of such property causing the obstruction or encroachment
14 twenty-four hours prior written notice to remove it. In the event the owner cannot be ascertained by
15 reasonable efforts, the written notice shall be attached to or posted on the obstruction or encroachment
16 and the period of notification shall begin to run upon such posting.

17 SECTION 3: Title 20, Chapter 4, Section 50, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **20.04.050:** (A) It is unlawful for anyone to construct, erect or place any building, structure or
20 improvement on any land within any proposed or existing flood control channel as set forth on the
21 Master Plan of Flood Control Channels Map, excepting, however, when conduit is used instead of an
22 open channel, the City Council upon recommendation of the Planning Commission may allow
23 buildings, structures, or other improvements above the area occupied by the conduit.

24 (B) Except as authorized by the Director of Public Works, it is unlawful to do any
25 of the following with respect to a drainage easement that runs in favor of the City or another
26 governmental entity:

27 (1) Place or erect any structure within the boundaries of the
28 easement; or

1 (2) Deposit or place any object or material that encroaches upon the
2 easement.

3 (C) Except as authorized by the Director of Public Works, it is unlawful for the
4 owner of property subject to a drainage easement that runs in favor of the City or another
5 governmental entity to:

6 (1) Knowingly permit the placement of a structure within the boundaries
7 of the easement;

8 (2) Knowingly permit the deposit or placement of any object or material
9 that encroaches upon the easement; or

10 (3) Fail to remove any such structure, object or material, upon notice by the
11 City to do so, within the time period specified by the notice.

12 (D) A violation of this Section or any other provision of this Title constitutes a
13 public nuisance.

14 SECTION 4: Title 20, Chapter 8, Section 140, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **20.08.140:** The Director of Public Works is [hereby appointed to administer and implement]
17 responsible for the implementation, administration and enforcement of this Chapter. Whenever the
18 provisions of this Chapter refer to the Director of Public Works, that reference includes the Director's
19 designee. The Director, with the approval of the City Manager, may authorize employees of other
20 departments to enforce any or all provisions of this Title.

21 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
22 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
23 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
24 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
25 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
26 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
27 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
28 invalid or ineffective.

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SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steel 12-3-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-60 – Establishes a framework for transitioning the licensing and regulation of child care facilities within the City to the Nevada Bureau of Services for Child Care, and provides for a prospective repealer of the City’s child care regulations. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Under Nevada law, the primary responsibility for the licensing and regulation of child care facilities rests with the Nevada Bureau of Services for Child Care (the “Bureau”). For many years the City has exercised its option under State law to license and regulate child care facilities locally. As a cost-saving measure, and in order to facilitate standardized regulation, it is proposed to transition the regulation of these facilities to the Bureau. This bill will accomplish the transition, as well as provide for the repeal of the City’s child care regulations following the transition period.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

- 1. Bill No. 2008-60
 - 2. Business Impact Statement
- Submitted after Meeting - Bill No. 2008-60 First Amendment

Motion made by RICKI Y. BARLOW to Approve as DO PASS as First Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

JIM DiFIORE, Business Services Manager, explained that this bill would amend the child care facility and family care home definition to match the licensing requirements for the State of

RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

Nevada. He noted this bill would also repeal the Code that gives the City the authority to license child care facilities, giving the State the full authority after May 2009. He pointed out that the amended requirements would be consistent with licensing requirements of the Cities of Henderson and North Las Vegas where the State currently regulates child care facilities.

Regarding the proposed First Amendment, MR. DiFIORE explained that the bill would repeal the City's workcard requirement for applicants. He stated the State of Nevada has the authority to seek background checks on facilities they regulate and he stressed that the State's background checks were as stringent as the City's suitability checks. He noted that Clark County has different requirements for child care facilities from the State

COUNCILWOMAN TARKANIAN requested the reason for the City move to allow the State to regulate child care facilities, stating she had received calls of concern regarding the level of oversight the State would provide. MR. DiFIORE explained that the City would realize a major cost savings by allowing the State to take over regulating child care facilities. He stated that regulating child care facilities costs the City nearly 3/4 of a million dollars while only generating \$22,000 of revenue.

MR. DiFIORE stated that additional reasons for enacting this change included adopting the standards of the State and the Cities of Henderson and North Las Vegas to make the requirements consistent across those jurisdictions. He explained that corporate childcare providers had experienced difficulty coping with separate regulations in different jurisdictions and had requested that the City make its requirements more consistent with other jurisdictions.

MR. DiFIORE pointed out that the City has had more stringent requirements than the State, but pointed out that the City was required to adopt the State's requirements whenever the State standards were changed. He also noted that the State investigators are trained social service workers who typically educate individuals on childcare methods as well as provide enforcement. In contrast, he stated that City staff are enforcement officers, resulting in a vast difference in the treatment of the provider by the City and the State.

TEDDY RUSSELL, Las Vegas resident, expressed support of the item.

1 **BILL NO. 2008-60**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH A FRAMEWORK FOR TRANSITIONING THE LICENSING
4 AND REGULATION OF CHILD CARE FACILITIES WITHIN THE CITY TO THE NEVADA
5 BUREAU OF SERVICES FOR CHILD CARE; TO CONFORM CERTAIN DEFINITIONS TO
THOSE USED BY THE BUREAU; TO PROVIDE A PROSPECTIVE REPEALER OF THE CITY'S
CHILD CARE REGULATIONS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Steven D. Ross

7 Summary: Establishes a framework for
8 transitioning the licensing and regulation of
9 child care facilities within the City to the Nevada
Bureau of Services for Child Care, and provides
for a prospective repealer of the City's child care
regulations.

10 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

11 AS FOLLOWS:

12 SECTION 1: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 5,
14 reading as follows:

15 **6.24.005:** (A) NRS Chapter 432A and associated regulations establish the Nevada Bureau of
16 Services for Child Care (the "Bureau") as the agency responsible for the licensing and regulation of
17 child care facilities within the State of Nevada. However, those provisions also afford certain local
18 governments the option of licensing and regulating child care facilities within their respective
19 jurisdictions, and the City has exercised this option over a period of many years. The City Council
20 now intends to transition the licensing and regulation of child care facilities within the City to the
21 Bureau. Of necessity that transition will take place in phases over a period of time. It is the intent of
22 the City Council and the Bureau as follows:

23 (1) Beginning on or about January 1, 2009, new license applications will
24 be sent to and processed by the Bureau and, as to applications approved, all subsequent licensing and
25 regulatory activity regarding those licensees will be addressed by the Bureau.

26 (2) Beginning May 8, 2009, all licensing and regulatory activities otherwise
27 occurring under this Chapter will proceed under the jurisdiction, authority and regulations of the
28 Bureau.

1 (B) In the event an issue comes up during the transition period that is not adequately
2 addressed by State law and regulations, or by the provisions of this Section, the Department shall have
3 the authority to apply the provisions of this Chapter as deemed necessary or appropriate.

4 SECTION 2: Title 6, Chapter 24, Section 10, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.24.010:** As used in this Chapter, unless the context otherwise indicates, the following terms
7 shall have the meanings that are ascribed to them as follows:

8 "Accommodation Facility" means a commercial business establishment, not directly related
9 to child care, that provides limited facilities for the custody of customers' children, with or without
10 compensation, for not more than three and one-half hours in any twenty-four-hour period.

11 "Board" means the Child Care Licensing Board of the City of Las Vegas.

12 "Board of Health" means the Clark County District Board of Health.

13 "Child Care Center" means any facility which provides day or night care, or both day and night
14 care, for compensation, for more than twelve children.

15 "Child Care Facility" or "facility" means an establishment operated and maintained for the
16 purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for
17 compensation, to [one] five or more children less than eighteen years of age. For the purpose of this
18 definition, "furnishing care" does not include:

19 (1) The occasional care of a neighbor's or a friend's child for a period not to exceed
20 four weeks.

21 (2) Care provided in the home of a natural parent or guardian, foster home as
22 defined in Chapter 424 of NRS or maternity home.

23 (3) Care provided in a family dwelling in which the only children received, cared
24 for and maintained are related within the third degree of consanguinity or affinity by blood, adoption
25 or marriage to the person providing the care.

26 The term includes without limitation an accommodation facility, outdoor youth program, and summer
27 camp program.

28 "Child Care Institution" means a facility in which the licensee provides care during the day and

1 night and provides developmental guidance to sixteen or more children who do not routinely return
2 to the homes of their parents or guardians.

3 "Child with Special Needs" means a child who does not function according to expectations
4 appropriate to his or her age and who regularly requires special assistance or accommodations.

5 "Department" means the Department of Finance and Business Services.

6 "Director" means either the licensee of a child care facility or a person appointed by the
7 licensee who is responsible for managing the operation of a child care facility.

8 "Family Child Care Home" means a facility within a family dwelling in which care is provided
9 for compensation, without the presence of parents, for at least [one,] five, but not more than six
10 children.

11 "Group Home for Child Care" means a facility within a family dwelling in which care is
12 provided for compensation without the presence of parents, for at least seven, but not more than
13 twelve children.

14 "On-site Child Care Facility" means a facility that:

15 (1) Is located on the premises of a business for the purpose of providing child care
16 services to the employees of the business;

17 (2) Provides care on a temporary or permanent basis, during the day or night, for
18 compensation, to one or more children under the age of eighteen years old who are not related within
19 the third degree of consanguinity or affinity to an owner or manager of the business; and

20 (3) Is owned, operated, subsidized, managed, contracted for or staffed by the
21 business.

22 "Outdoor Youth Program" means a program for the provision of services, while living
23 outdoors, to persons under eighteen years of age who have behavioral problems with mental health
24 or problems with abuse of alcohol or drugs. "Outdoor Youth Program" does not include any facility,
25 activity or program operated by or on behalf of a governmental entity, or licensed by the State.

26 "Preschool" means a facility in which the licensee has established specific goals to enhance
27 each child's cognitive, social, emotional, physical and creative development. A preschool may be part
28 of another type of child care facility. A preschool may allow the number of children stated on its

1 license to attend one or more class sessions per day provided that each session does not exceed four
2 hours, including recesses, and there is a recess between sessions.

3 "Regulations" means the City of Las Vegas Regulations and Standards For Child Care
4 Facilities adopted by the City Council in addition to the provisions of this Chapter.

5 "Special Needs Facility" means a child care facility with forty percent or more of its authorized
6 enrollment consisting of children with special need.

7 "Summer Camp Program" means a program offered during the summer for the care of children
8 under eighteen years of age. "Summer camp program" does not include recreational programs
9 affiliated with or conducted by the City, another governmental entity or a year-round recreational
10 program offered and conducted by a non-profit organization.

11 SECTION 3: Effective May 8, 2009, Title 6, Chapter 24, of the Municipal Code of
12 the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

13 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
14 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
15 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
16 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
17 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
18 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
19 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
20 invalid or ineffective.

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SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steel 12-3-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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**BUSINESS IMPACT STATEMENT
BILL NO. 2008-60**

(Establishes a framework for transitioning the licensing and regulation of child care facilities within the City to the Nevada Bureau of Services for Child Care, and provides for a prospective repealer of the City's child care regulations)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2008-60, that will establish a framework for transitioning the licensing and regulation of child care facilities within the City to the Nevada Bureau of Services for Child Care, and provide for a prospective repealer of the City's child care regulations.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Not applicable

Beneficial effects:

Not applicable

Direct effects:

Not applicable

Indirect effects:

Not applicable

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: December 3, 2008

FIRST AMENDMENT

BILL NO. 2008-60

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH A FRAMEWORK FOR TRANSITIONING THE LICENSING AND REGULATION OF CHILD CARE FACILITIES WITHIN THE CITY TO THE NEVADA BUREAU OF SERVICES FOR CHILD CARE; TO CONFORM CERTAIN DEFINITIONS TO THOSE USED BY THE BUREAU; TO PROVIDE A PROSPECTIVE REPEALER OF THE CITY'S CHILD CARE REGULATIONS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Establishes a framework for transitioning the licensing and regulation of child care facilities within the City to the Nevada Bureau of Services for Child Care, and provides for a prospective repealer of the City's child care regulations.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 5, reading as follows:

6.24.005: (A) NRS Chapter 432A and associated regulations establish the Nevada Bureau of Services for Child Care (the "Bureau") as the agency responsible for the licensing and regulation of child care facilities within the State of Nevada. However, those provisions also afford certain local governments the option of licensing and regulating child care facilities within their respective jurisdictions, and the City has exercised this option over a period of many years. The City Council now intends to transition the licensing and regulation of child care facilities within the City to the Bureau. Of necessity that transition will take place in phases over a period of time. It is the intent of the City Council and the Bureau as follows:

(1) Beginning on or about January 1, 2009, new license applications will be sent to and processed by the Bureau and, as to applications approved, all subsequent licensing and regulatory activity regarding those licensees will be addressed by the Bureau.

(2) Beginning May 8, 2009, all licensing and regulatory activities otherwise occurring under this Chapter will proceed under the jurisdiction, authority and regulations of the

1 Bureau.

2 (B) In the event an issue comes up during the transition period that is not adequately
3 addressed by State law and regulations, or by the provisions of this Section, the Department shall have
4 the authority to apply the provisions of this Chapter as deemed necessary or appropriate.

5 SECTION 2: Title 6, Chapter 24, Section 10, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **6.24.010:** As used in this Chapter, unless the context otherwise indicates, the following terms
8 shall have the meanings that are ascribed to them as follows:

9 "Accommodation Facility" means a commercial business establishment, not directly related
10 to child care, that provides limited facilities for the custody of customers' children, with or without
11 compensation, for not more than three and one-half hours in any twenty-four-hour period.

12 "Board" means the Child Care Licensing Board of the City of Las Vegas.

13 "Board of Health" means the Clark County District Board of Health.

14 "Child Care Center" means any facility which provides day or night care, or both day and night
15 care, for compensation, for more than twelve children.

16 "Child Care Facility" or "facility" means an establishment operated and maintained for the
17 purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for
18 compensation, to [one] five or more children less than eighteen years of age. For the purpose of this
19 definition, "furnishing care" does not include:

20 (1) The occasional care of a neighbor's or a friend's child for a period not to exceed
21 four weeks.

22 (2) Care provided in the home of a natural parent or guardian, foster home as
23 defined in Chapter 424 of NRS or maternity home.

24 (3) Care provided in a family dwelling in which the only children received, cared
25 for and maintained are related within the third degree of consanguinity or affinity by blood, adoption
26 or marriage to the person providing the care.

27 The term includes without limitation an accommodation facility, outdoor youth program, and summer
28 camp program.

1 “Child Care Institution” means a facility in which the licensee provides care during the day and
2 night and provides developmental guidance to sixteen or more children who do not routinely return
3 to the homes of their parents or guardians.

4 “Child with Special Needs” means a child who does not function according to expectations
5 appropriate to his or her age and who regularly requires special assistance or accommodations.

6 “Department” means the Department of Finance and Business Services.

7 “Director” means either the licensee of a child care facility or a person appointed by the
8 licensee who is responsible for managing the operation of a child care facility.

9 “Family Child Care Home” means a facility within a family dwelling in which care is provided
10 for compensation, without the presence of parents, for at least [one,] five, but not more than six
11 children.

12 “Group Home for Child Care” means a facility within a family dwelling in which care is
13 provided for compensation without the presence of parents, for at least seven, but not more than
14 twelve children.

15 “On-site Child Care Facility” means a facility that:

16 (1) Is located on the premises of a business for the purpose of providing child care
17 services to the employees of the business;

18 (2) Provides care on a temporary or permanent basis, during the day or night, for
19 compensation, to one or more children under the age of eighteen years old who are not related within
20 the third degree of consanguinity or affinity to an owner or manager of the business; and

21 (3) Is owned, operated, subsidized, managed, contracted for or staffed by the
22 business.

23 “Outdoor Youth Program” means a program for the provision of services, while living
24 outdoors, to persons under eighteen years of age who have behavioral problems with mental health
25 or problems with abuse of alcohol or drugs. “Outdoor Youth Program” does not include any facility,
26 activity or program operated by or on behalf of a governmental entity, or licensed by the State.

27 “Preschool” means a facility in which the licensee has established specific goals to enhance
28 each child’s cognitive, social, emotional, physical and creative development. A preschool may be part

1 of another type of child care facility. A preschool may allow the number of children stated on its
2 license to attend one or more class sessions per day provided that each session does not exceed four
3 hours, including recesses, and there is a recess between sessions.

4 "Regulations" means the City of Las Vegas Regulations and Standards For Child Care
5 Facilities adopted by the City Council in addition to the provisions of this Chapter.

6 "Special Needs Facility" means a child care facility with forty percent or more of its authorized
7 enrollment consisting of children with special need.

8 "Summer Camp Program" means a program offered during the summer for the care of children
9 under eighteen years of age. "Summer camp program" does not include recreational programs
10 affiliated with or conducted by the City, another governmental entity or a year-round recreational
11 program offered and conducted by a non-profit organization.

12 SECTION 3: Title 6, Chapter 86, Section 50; of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.86.050:** Applicants for a work card for the following are subject to the provisions of Section
15 6.86.060:

16 (A) [Employees of child care facilities licensed under Chapter 6.24;

17 (B)] Employees of adult nightclub establishments licensed under Chapter 6.06B; and

18 [(C)] (B) Employees of erotic dance establishments licensed under Chapter 6.35.

19 SECTION 4: Effective May 8, 2009, Title 6, Chapter 24, of the Municipal Code of
20 the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

21 SECTION 5: Section 3 of this Ordinance shall become effective on May 8, 2009.

22 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
23 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
24 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
25 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
26 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
27 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
28 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,

1 invalid or ineffective.

2 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

6 APPROVED:

7
8 By _____
OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BEVERLY K. BRIDGES, CMC
City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 1-7-09
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as amended and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-61 – Establishes electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Owners of unoccupied properties often discontinue water service in order to avoid paying for waste collection service. It has been suggested that tying waste collection service to electric utility service, rather than water service, will encourage such owners to maintain their water service. It is hoped that, with water service still available, property owners and owners' associations will be more likely to maintain landscaping on such properties.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2008-61
2. Business Impact Statement

Motion made by RICKI Y. BARLOW to Approve as DO PASS

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None), (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that COUNCILMAN ROSS had proposed a change in the basis of requiring trash service from water service to electrical service. He explained that the landscaping dies when properties are vacant and the intention of this change was that owners would be able to continue to maintain the landscaping on their landscape properties without having to pay for waste collection service.

RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

BOB COYLE, Republic Services of Southern Nevada, noted that COUNCILMAN ROSS' office had worked with his company on this proposal and expressed his support of the change.

COUNCILWOMAN TARKANIAN expressed her support, noting that her constituents had explained that they end their water service because they did not want to pay for trash collection on a vacant property.

CHIEF DEPUTY CITY ATTORNEY STEED explained that the Code previously required that if a site produces garbage, the property owner was required to pay for waste collection. He stated that ordinance had been difficult to enforce and the City had decided to tie the requirement for waste collection to water service, with the theory that if the property is using water, it is generating garbage. Regarding this change, he stated that the theory in this case works on the assumption that if electricity is being used, the property is generating garbage.

MR. COYLE noted that the City is less stringent than Clark County where property owners are required to show proof that all utilities have been turned off in order to stop paying for trash collection. He pointed out that the City is only requesting one utility be turned off rather than all utilities.

ACTING DEPUTY CITY MANAGER MARK VINCENT clarified that the City is looking for a more consistent and objective trigger for requiring waste collection. Using property owners with vacations as an example, he noted that turning off the water while leaving the power on was unlikely as the homes were usually on an automatic watering system for the landscaping. He explained that using water service as the requirement for waste collection sprang from the theory that as the landscaping is watered, waste is produced. He stated that using electrical service compared to water service for the trigger for waste collection was a matter of preference, noting that it was unlikely property owners would turn off both water and electricity.

CHRIS WARE, City Attorney's Office, stated that the City had no statistics on the number of garbage complaints that have been handled in the past. He suggested the number of people affected by this bill would be very small as the majority of property owners usually left either the water service or the electrical service on for landscaping and security. He noted that some Home Owners' Associations (HOAs) had stated that they could maintain the landscaping if this option were approved and stated this change could help a small number of properties.

COUNCILWOMAN TARKANIAN suggested that this change would not encourage property owners to keep their water on. She noted that Wards 1 and 5 do not have a large number of HOAs and this would not address the landscaping problems of a large number of properties. She added that this bill would have no impact on properties who had turned off all utilities.

ACTING DEPUTY CITY MANAGER VINCENT stated that this bill targets HOAs who want to maintain the landscaping on vacant properties within their associations.

TEDDY RUSSELL, Las Vegas resident, expressed his support, noting watered landscaping improved fire safety.

RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

Regarding Republic Service's policy for abandoned homes, MR. COYLE stated that a letter would be sent to the property's HOA informing them of the situation. He explained that trash will continue to be collected as long as Republic Services is aware that there is a problem at the property. He stated the costs for the collection are recouped by placing a lien on the property with the bank bearing the responsibility for the trash bill.

1 **BILL NO. 2008-61**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE CITY'S SOLID WASTE REGULATIONS CONCERNING
4 MANDATORY WASTE COLLECTION SERVICE REQUIREMENTS, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilman Steven D. Ross

Summary: Establishes electric utility service,
rather than water service, as the basis for
6 requiring a property to subscribe to mandatory
7 solid waste collection service.

8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: Title 9, Chapter 8, Section 210, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **9.08.210:** (A) To ensure the uniform, safe and sanitary treatment of solid waste in the City and
13 to discourage the illegal handling and disposal of solid waste, it shall be mandatory for any person
14 owning, occupying or managing any premises in the City which are connected to [water] an electric
15 utility service to subscribe to solid waste collection service provided by the City or its authorized
16 franchisee and to pay the charges specified in this Chapter. No person may discontinue paying for
17 solid waste collection service for his or her premises, unless such premises are not connected to
18 [water] an electric utility service for the entire billing period.

19 (B) In order to discontinue paying for solid waste collection service pursuant to
20 Subsection (A) of this Section, a person must request discontinuation of service and provide proof that
21 no [water] electric utility service to the premises is provided. No fee may be charged to discontinue
22 service or to reestablish service to the premises after service has been discontinued pursuant to this
23 Subsection (B).

24 (C) All charges for regular or periodic services provided by the City, its franchisees,
25 or their duly appointed agents[,] pursuant to this Chapter shall be billed on the first business day of
26 the quarterly or monthly billing period, as applicable, and shall be due and payable on the last day of
27 the billing month; provided, however, that charges for on-call service may be billed at the time of
28 service. All charges for services under this Chapter, including the penalties for delinquent payment,

1 shall constitute a debt and obligation of the legal owner of the premises to the City or its franchisee,
2 and such person shall be liable therefor in a civil action commenced by the City or its franchisee in
3 any court of competent jurisdiction for the recovery of such charges and penalties.

4 (D) If any person fails to pay the charges authorized by this Chapter by the date they
5 become due and payable, a penalty shall be added thereto of three dollars per quarter (or fraction
6 thereof) for residential accounts and two percent per month (or fraction thereof) of the delinquent
7 amount for commercial accounts.

8 (E) A customer shall be entitled to a refund of any advance payment for service he
9 or she has made upon presenting proof that a connection to [water] an electric utility service did not
10 exist at the customer's premises during the entire billing period for which the advance payment was
11 made. All refunds from a franchisee to a customer shall be paid within thirty days from the date of the
12 customer's request for reimbursement or date of franchisee's knowledge that a refund is owed.

13 (F) No person shall accept and no franchisee shall offer or give any solid waste
14 collection, transportation and disposal services or curbside recyclables collection services without
15 charge, or shall offer or give a discount, refund or rebate of any charge authorized by this Chapter,
16 except that this provision does not apply to any credits or refunds issued pursuant to Section 9.08.340,
17 charitable organizations which are exempt from federal income tax pursuant to Section 501(c) of the
18 Internal Revenue Code or as further provided by franchise agreement.

19 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
20 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
21 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
22 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
23 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
24 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
25 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
26 invalid or ineffective.

27 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
28 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is

1 required or the failure to do any act is made or declared to be unlawful or an offense or a
2 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
3 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
4 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
5 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

6 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

10 APPROVED:
11
12 By _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:
14 _____
15 BEVERLY K. BRIDGES, CMC
City Clerk

16 APPROVED AS TO FORM:
17 Val Steed 12-3-08
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

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APPROVED:

13

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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BUSINESS IMPACT STATEMENT

BILL NO. 2008-61

(Establishes electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2008-61, that will establish electric utility service, rather than water service, as the basis for requiring a property to subscribe to mandatory solid waste collection service.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable. Unable to identify particular businesses or types of businesses that might be affected

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Unable to identify

Beneficial effects:

Potential decrease in number of properties whose landscaping is not maintained

Direct effects:

Unable to identify

Indirect effects:

Potential decrease in number of properties whose landscaping is not maintained

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: December 3, 2008

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

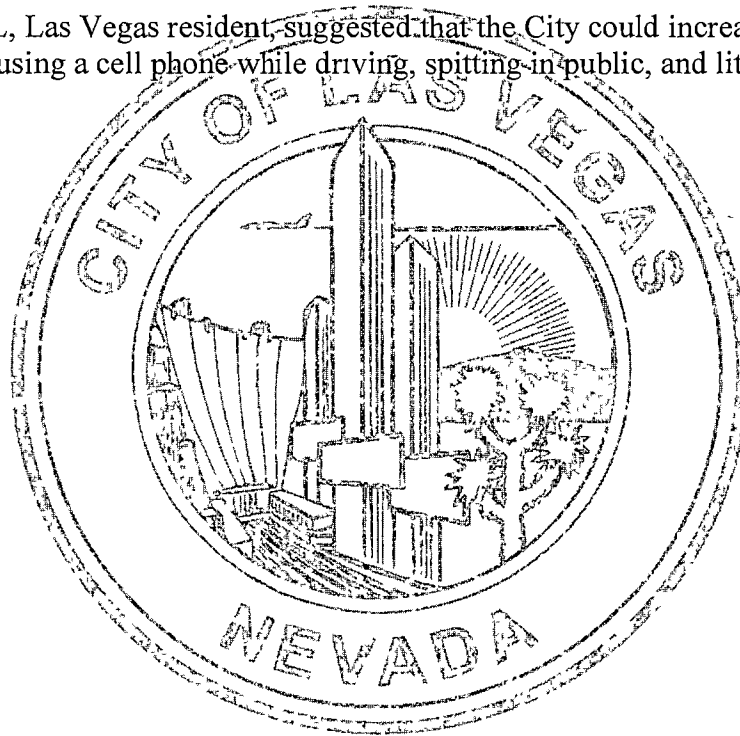
DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee 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:

TEDDY RUSSELL, Las Vegas resident, suggested that the City could increase its revenue by imposing fines for using a cell phone while driving, spitting in public, and littering.



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 6, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

Minutes:
Meeting adjourned at 4:38 p.m.

Respectfully submitted,



Carmel Viado, Deputy City Clerk II

