

Carolyn G. Goodman, Mayor (At-Large)
Brian Knudsen, Mayor Pro Tem (Ward 1)
Victoria Seaman (Ward 2)
Olivia Díaz (Ward 3)
Francis Allen-Palenske (Ward 4)
Cedric Crear (Ward 5)
Nancy E. Brune (Ward 6)



City Manager Jorge Cervantes
City Attorney Bryan K. Scott
City Clerk LuAnn D. Holmes

City Council Agenda

Council Chambers · 495 South Main Street · Phone 702-229-6011
City of Las Vegas Internet Address: www.lasvegasnevada.gov

April 19, 2023
9:00 AM

40. R-19-2023 - Discussion for possible action regarding a Resolution adopting a procedure regarding ordinance proposals initiated by individual members of the City Council - All Wards

Minutes:

MAYOR GOODMAN wished to take ownership of this item. She said that both she and her husband have been Mayor for 12 years each and have found over the years that every time there is a new political body, history must be relearned, and the costs of things must be determined. She spoke to former City Manager BETSY FRETWELL about procedures of how new Councilmembers could learn the history of their ideas. At that time, there was a procedure and policy put in place as guidance, but it expired in May 2022. She revisited the idea with former City Manager SCOTT ADAMS and believed that as new members are seated on the Council, that they check with the City management to guide them through their ideas. MAYOR GOODMAN said she also consulted with CITY MANAGER JORGE CERVANTES on how to guide new Councilmembers, as well as continue to educate seated Councilmembers. She asserted that this matter is not a power grab by City management, and the matter originated with her continuously after sitting on the Council for many years. She noted that legal counsel is supported by taxpayer dollars, and everyone must work together. As her term is ending and as a new Mayor and Councilmembers come on board, she questioned how to prevent slippage and staff time when something has been done repeatedly. She felt the logical way is through City management and the legal department that helps to protect sensitive issues that Council wishes to bring forward. She acknowledged RON MURRAY, who spoke under Item 7, stating that this matter was something that she has been pushing for because she loves the community and wants to help move things forward by way of a very simplistic process and procedure. The Mayor complimented MR. CERVANTES, who she said has been a stalwart and supporter of all things the Council has wished for, and she commended him for his work.

MR. CERVANTES said the City Attorney's Office and the City Manager's Office were asked to look at a procedure where staff is given an opportunity to provide a report to the Council regarding fiscal impacts and operational or legal challenges of proposed ordinances. At the moment, the process is done in different ways. Sometimes the elected official comes to the City Manager's Office, sometimes they go through the City Attorney's Office, or sometimes they go to a department director. Sometimes staff has the opportunity to review potential impacts and challenges with the Councilmember, other times an agenda is posted without that opportunity. He clarified that neither the City Attorney nor the City Manager has the authority to deny any Councilmember the ability to put an item on the agenda.

Through a PowerPoint presentation, a copy of which was submitted as backup, ASSISTANT CITY ATTORNEY JEFF DOROCAC presented a procedure for the Council's consideration. MR. DOROCAC said the goal of this procedure was to ensure that staff could communicate transparently to the individual Councilmember and the entire Council what the operational impacts, fiscal costs, and legal implications could be, as well as any relevant historical information. They wish to provide this information initially so it can be communicated to Council before an item is placed on a meeting agenda, before a department deploys staff, and before the City Clerk's Office notifies the public that the concept is being considered. He explained that currently, an ordinance idea from a

Councilmember(s) can come to one of four people including the City Manager, a chief, the City Attorney, or a department director. Generally, staff utilizes the procedure that the departments use, which involves the bill being drafted, it being circulated among the departments, and then finally for the sponsor(s) to see the drafted language before it is placed on a Council agenda. Currently, the sponsor is not alerted of the fiscal, legal, or operational impacts, and there is no way for the entire Council to be alerted of those issues before the item is placed on an agenda. The proposed process considers putting something in place up front when the idea is presented to staff.

MR. DOROCAK explained the process, stating that if an idea comes from one Councilmember, the idea must be e-mailed to the City Manager and City Attorney, it is then reviewed for legal implications and other risks. The CFO (Chief Financial Officer) will provide the financial impact and costs, and the City Manager will provide the operational implications. Briefings will be used to present those reviews, as well as any additional comments from staff, so that all are informed of what staff believes to be the implications of the proposed ordinance. The City Manager, in that venue, can make a recommendation on the concept. This has been seen in the past, is nothing new, and is authorized by the charter. Lastly, the sponsor is asked whether they would like to move forward with placing the ordinance on an agenda.

COUNCILMAN KNUDSEN shared a story about meeting with constituents, two of which had different experiences pertaining to a City ordinance. Given this, he did not think the Council should take its responsibility for laws lightly. He thought it was important to take time in thinking through how laws are imposed on the constituents they represent because it impacts their lives. The Councilman believed this Council has done a good job of outlining three priorities, which include public safety, healthcare, and economic diversification. He also believed staff has taken those priorities to heart, and the Councilmembers have had multiple opportunities to weigh in on what was presented. He took pride in MR. CERVANTES having listened to the policy direction given to him, and the Councilman read from the city charter regarding the role of the City Manager. COUNCILMAN KNUDSEN said the job of the Council is to establish policy, and MR. CERVANTES' job is to carry it out. He was aware of this resolution, noting he did not agree with its first iteration; however, he had a chance to weigh in with his opinion. He reiterated that MR. CERVANTES hears the Councilmembers and presents things independently. He also recognized all City management and staff who have listened to policy direction from a diverse Council. The Councilman expressed the need to find balance in diverse perspectives and believed staff developed a procedure that allows the Council to be informed and educated before making a vote. He believed this resolution reflects the intent of what the Mayor spoke about.

Referencing the last step of the proposed procedure, COUNCILWOMAN DIAZ asked if her power, as a Councilmember, will be stripped of introducing an ordinance to benefit her constituents or the City of Las Vegas because of the resolution. MR. CERVANTES replied that neither he nor the City Attorney has the authority to do so. The intent of the resolution is to present information to consider. He noted that this is no different than how legislation is handled. She verified with MR. CERVANTES that their Council authority will not be eroded. Second, the Councilwoman wished to know what happens when there is an emergency. MR. CERVANTES stated that the charter has a provision that the Mayor would declare an emergency, and under the declaration, it gives the City Manager the authority to implement certain things that must be ratified within 30 days by the Council.

COUNCILWOMAN SEAMAN asked if MR. CERVANTES has attended her Breakfast Buz, town hall meetings, or met with her and her constituents in her community. He replied that he had not. The Councilwoman asked MR. CERVANTES if he will be able to recommend or not recommend any ordinance if the resolution passes. MR. CERVANTES said his job is to brief the Council on the impacts and that is it; however, he could provide a recommendation if it is wanted by the Council. She also asked if the new procedure would delay an ordinance brought forward only by Council, as she understood the proposed procedure was for elected Councilmembers and not staff. MR. CERVANTES confirmed there could be a delay up front but time is saved on the back end by not having items abeyed. COUNCILWOMAN SEAMAN stated that while she knows MR. CERVANTES' meetings with the Councilmembers is not a violation of Open Meeting Law because he is not an elected official, in her opinion, the Recommending Committee and Open Meeting Law are obsolete by allowing MR. CERVANTES to act as a taxpayer-funded lobbyist in a non-public forum when he is not an elected official. She could not support and would vote no on the resolution for this and many other reasons. She stated that when she asked him in a March 7th meeting why this item was being proposed, he stated that it was in response to bringing back her animal handler bill, which she felt was singling out an elected official and was appalling to her. MR. CERVANTES replied that this was incorrect and said it was used as an example.

MR. DOROCAK confirmed that there is the possibility of a delay, noting that it could be one or two weeks in order to gather information. However, with information communicated early, it could save issues or questions down the road. From a legal perspective, the proposed procedure would not be designed to violate Open

Meeting Law, and it does not violate Open Meeting Law as written. The City Manager is not an elected official and can be present at briefings and can relay his recommendation or not.

COUNCILMAN CREAR said he liked the procedure and expressed the importance of gathering information in order to make an educated decision and establish the best policy possible to represent the citizens of Las Vegas. He stated that a thought or idea may not always make sense and a person may not always have all of the information needed to put forth an ordinance. The Councilman said personally, he would love as much information as possible, as although he has sat on the Council for five years, there is a lot of history that he would like to understand, as well as what has been vetted and whether something has appeared before the Council in the past. He welcomed the research of staff and often seeks their recommendation. COUNCILMAN CREAR appreciated MR. CERVANTES' knowledge and said he personally seeks his opinion on matters.

COUNCILWOMAN BRUNE asked MR. DOROCAC to describe the process if two or more Councilmembers propose an ordinance. MR. DOROCAC said if two or more Councilmembers are in favor of a concept, this process would not apply to them, and staff would use the procedure designed for City departments and will begin working on it with the sponsors. Staff may get feedback from the City Attorney's Office or City management because they will know about the topic. The affected department will be made aware of the concept from the sponsors and will be asked to assist in drafting language. If the sponsors are satisfied with the drafts, an item would be placed on an agenda. MAYOR GOODMAN said in years past, there have been instances of two sponsors. She noted this matter is about collecting historical information, data, and associated costs to make an informed decision. COUNCILWOMAN BRUNE believed the procedure should be a blanket policy regardless of how many Councilmembers are involved. MR. CERVANTES thought that was a good idea, and MR. DOROCAC concurred, stating that they can make that change and would apply to one to three Councilmembers, as four would be an Open Meeting Law violation.

COUNCILWOMAN ALLEN-PALENSKE said as an experience elected official but new to the City, learning the ins and outs of city government is a lot. She viewed this resolution with fresh eyes and without any emotional attachment to any specific issue or City staff members. She believed it would save citizens thousands of dollars and staff time from being used on any type of reactionary idea. It allows for staff to tell the Council upfront about the pros and cons and lets them know if there is a conflict with the law or if it simply does not make sense. The Councilwoman believed having more information up front is only a benefit to navigating the complex layers of city government. She complimented staff for their dedication and noted that this resolution is something the next city manager will largely participate in, so she viewed MR. CERVANTES' role as trying to leave the Council better than he found it. She supported the resolution because more information is never a bad thing, and even with this resolution, the elected official is the only one that presses the button for the people they represent.

MR. DOROCAC confirmed for COUNCILMAN KNUDSEN that the procedure will apply to ordinance ideas from Councilmembers, and the procedure, which was attached to the resolution as backup, will be updated accordingly.

See Items 7 and 55 for related discussion.

Motion made by Brian Knudsen to Approve with updated procedural language as recommended by Councilwoman Brune and as articulated by the Assistant City Attorney

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Nancy Brune, Cedric Crear, Carolyn Goodman, Brian Knudsen, Olivia Diaz, Francis Allen-Palenske; Against-Victoria Seaman;