

MINUTES

ASSEMBLY
GOVERNMENT AFFAIRS
March 7, 1977

MEMBERS PRESENT: Chairman Murphy
Mr. May
Mr. Craddock
Mr. Jeffrey
Mr. Mann
Mr. Moody
Mr. Robinson
Mrs. Westall
Mr. Jacobsen

GUESTS PRESENT: See attached list

The Chairman called the meeting to order at 7:30am.

ASSEMBLY BILL 360

Tom Moore, representing Clark County, told the committee that the Clark County Treasurer supports this bill because this will give elected officials the authority to transfer funds to the county treasurer to be maintained there and it would expedite the release of these funds upon termination of these trust agreements.

Assemblyman Schofield told the committee that an example of this practice would regard a trust account of the police department. This bill would clarify the statutes.

ASSEMBLY BILL 263

Assemblyman Westall told the committee that this bill which would put a public member on the Public Service Commission was a direct request of the members in her district. Her research showed that the original intent of the law was to have a member of the public on the commission.

Mr. Heber Hardy, member, Public Service Commission, told the committee that he did not like the provision on lines 7 and 8 of page 1. The Governor is responsible for appointing a responsible person to a vacancy. He added that these qualifications would not help the rate hike situation because even if there was a member representing the public, the PSC is not supposed to take sides, it is to sit as a judge over both sides. They try to maintain low prices and to make sure the utilities remain solvent. Businesses are consumers too.

Assemblyman Westall told Mr. Hardy that the public needed to stay solvent also.

Assemblyman May told the committee that he like the broad language regarding the qualifications of the public member.

ASSEMBLY JOINT RESOLUTION 17

Assemblyman Mann told the committee that the Elections Committee has a bill before it now that makes the position of public administrator appointive, but AJR 17 makes most of the county level positions appointive and therefore taking away the people's power to choose.

Assemblyman Robinson said that when he polled his district almost 90% of his constituents favored the appointment of the public administrator in Clark County. He told the committee that the main reason for this is that last election the public administrator spent \$80,000 to get elected and it depends on who dies without a will as to how much salary he gets because he gets a commission from each estate he handles. We can take this position and make it appointive with a civil service salary out of the commission and then donate the rest to the county treasury, then the county can reap the rewards.

Tom Moore representing the County of Clark told the committee that the Board of County Commissioners has not taken a position on this measure but two of the county officers have. Lorreta Bowman, County Clerk and W. W. Galloway, County Treasurer feel that this is a degeneration of people's right to vote their officials, even though the county officials would have control over the appointments, the people can only vote for one of those county commissioner.

Assemblyman Kosinski, sponsor of the bill, told the committee that outside of the District Attorney and perhaps the County Commissioners, all of the other elected officials lack public exposure and they get their office not on how qualified they are but on how well they run a campaign. With this measure the county officials would be able to choose the most qualified person to fill the office. After a question by Assemblyman May, Mr. Kosinski told the committee that Frank Daykin, Legislative Counsel, said that the county commissioner would handle the appointments.

Mr. Barton Jacka testified in opposition to the resolution because it erode away the means by which the peoples' voices are heard. After a question by Assemblyman Craddock, Mr. Jacka said that he would have no problem with having this appointment apply to the public administrator. He added that this position was the same type as the county surveyor and that last session that position was made an appointive one.

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Assemblyman May suggested to have this bill amended to only include the public administrator or just watch the action of the Elections committee on a similar bill.

SENATE BILL 25

Robin Bogich, Reno City Clerk told the committee that the property requirement has been struck down as unconstitutional in every case that it has been challenged. This bill needs to be signed by the Governor prior to March 24 to eliminate any problems that might arise as a result of that requirement in the Reno city charter, since filing opens on that day.

No opposition was offered.

SENATE BILL 86

William Hancock, State Public Works Board told the committee that he was in favor of this bill.

John Crossley of the Legislative Counsel Bureau told the committee that this function has been transferred to the Governor's office.

No opposition was offered.

SENATE BILL 114

Mike Medima representing the Nevada State Prison told the committee that this bill deletes some outdated language and brings the law into good accounting practices. He added that the American Institute of CPAs suggested these procedures. The only thing being changed in this bill is language referring to fund accounting, no parts of the law referring to the operation of the prison are being changed.

COMMITTEE ACTION

AJR 17 - Mr. Mann is to get an opinion from the Legislative Counsel regarding the constitutionality of the measure before the committee takes action.

SENATE BILL 25 - Mr. Mann moved to amend and Do pass, seconded by Mr. Craddock, passed unanimously. The amendment being to strike the 25 year old age requirements and replace them with "qualified elector".

SENATE BILL 86 - Mr. Mann moved DO PASS AND PLACE ON CONSENT CALENDAR, seconded by Mr. Jacobsen, passed unanimously.

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COMMITTEE ACTION CONTINUED :

SENATE BILL 114 - Mr. May moved a DO PASS, seconded by Mr. Jacobsen, passed unanimously.

The committee then turned their discussion to ASSEMBLY BILL 17 which had been reported out of a subcommittee headed by Mr. May.

Chairman Murphy said that the committee appreciated all of the efforts of Mr. May and Mr. Robinson in the subcommittee on this matter. He told the committee that he received a letter from the Chairman of the Clark County Board of County Commissioners stating their desire that the committee's consideration of A.B. 17 be postponed. A copy of the letter is attached as Exhibit 1. He added that the Commissioners have not been available for several dates that were considered for this hearing and that all due courtesies had been extended to both sides. This bill has been around long enough for the Commissioners to give input and that the Commissioners have to set their priorities as they see fit.

Chairman Murphy then called upon Mr. May to explain the subcommittee report. This report is attached as Exhibit 2. This rather large package includes a letter from the Tax Department through a sheet entitled "ACTUAL COST TO THE CITY OF LAS VEGAS AND COUNTY OF CLARK".

Chairman Murphy then called on Mr. Robinson, the other member of the subcommittee, and asked if he wanted to add anything to Mr. May's introduction. Assemblyman Robinson said that he would have liked to put more emphasis on the inequities of funding as shown on the last two pages of Exhibit 2.

Assemblyman Craddock asked if the figures in Exhibit 2 are verified by both County and City representatives. Mr. Bunker, representing the City of Las Vegas, told the committee that the figures did originate with the City but that they are also documented in the County presentations.

Assemblyman May told the committee that there should be no surprises in these figures or the materials references as both sides were provided as many copies as they had requested of my subcommittee report at least a week ago. That was enough time for disparities to be pointed out.

Assemblyman Mann asked the committee to look very carefully at amendment 14 as it resolves the main question as Mr. May explained. Money is put into one fund, subtract from the total budget of the police department and split that budget 50-50. That is the kind of partnership that is equitable to all.

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TESTIMONY ON A. B. 17 CONTINUED

After testimony from Assemblyman Kosinski on A. J. R. 17, which has been included with the rest of the testimony on that measure in these minutes, the committee's attention went back to A. B. 17.

Assemblyman Jeffrey asked how the county made a profit by servicing metro police vehicles.

Assemblyman Robinson told him that one way was to sell gas to the vehicles at 60¢ per gallon instead of the 53¢ or whatever it is actually costing the county and then charging the city half of the total amount of gas purchased and not subtracting the profit made on each gallon. This profit is money that the county does not have to pay when it pays its half.

Mr. Bunker told the committee that prior to making the budget of the County Government each year, the County Automotive Division submits to Metro Police Department what their cost will be, for the next budget year. That is on a fixed rate, and in many cases the work done on the vehicles for the year does not exceed the amount of service charged for. Whether there is body, fender work or tune up, the amount of work done on these vehicles doesn't cost as much as we were charged under that flat rate. This is another way the County makes a profit by running the garage.

Sheriff Jacka indicated they have not received a credit back on these monies as of this date for the past four years.

Assemblyman Craddock said that this whole matter should wait until the Clark County consolidation matter is solved.

Assemblymen Mann and Robinson said that they did not feel that this issue could wait any further, that the county had been getting away with for four years and that that was long enough.

Chairman Murphy then asked if Mr. Bunker would explain the intentions of Amendment No. 14 and then if Mr. Tom Moore, representing Clark County, would explain Amendment 29.

Mr. Bunker told the committee that Amendment No. 14 encompasses the following points: 1) the police commission membership would be divided on a 2, 2 and 1 basis, the City of Las Vegas having two members, County of Clark having two members, and the sheriff of the Metropolitan Police Force being the fifth member and Chairman of the Commission, but only voting in the case of a tie. We support this tie breaking vote because we feel that the Sheriff, if anyone, will have the good of Metro in mind when he votes. 2) 50-50 funding, meaning that all revenue from any police service will accrue to the Metro Police Department and that their budget will then be presented to the entities reduced by that amount of contract services.

TESTIMONY ON A. B. 17 CONTINUED

Mr. Bunker continued: Point 3) a guide for future membership on the Commission based on a population figure of 60,000 which will then allow for the addition of another member on the Commission.

Mr. Moore then outlined the proposed amendment no. 29 by saying that essentially the amendment incorporates the amendments in no. 14 that were acceptable to the County and the differences appear in the composition of the Metro Police Commission. The County's proposal is that the Commission be composed of three members from each of the political entities, that there be a chairman selected from one entity and that the entity that does not have the chairmanship will then have an additional member so that it would be a 4-3 representation, rotating annually with the first Chairmanship being decided by the flip of a coin. The 50-50 funding requirement is contained in the County's proposed amendment with the addition of the word entire. The County also takes the position of trying to maintain its historic revenue basis. The 4th point in Amendment 29 is that the personnel officer should be selected by the Metro Police Cmsn, as opposed from the Board of Civil Service Commission, but by the Sheriff. He then submitted two documents for the record, attached as Exhibits 3 and 4. Document 1 is a Commission briefing report that indicates the financial impact of Amendment 14 to the County, the second Document is a transcript of a court case where it becomes very obvious that Judge Foley is very concerned with the conditions in the Clark County Jail and that something is going to have to be done to improve the facilities and these capital expenditures should be shared equally.

After further testimony by Mr. Moore regarding specific figures on the Exhibits, Assemblyman Craddock asked him if he felt that the County is actually paying more than its fair share after all the expenses have been taken out. Mr. Moore answered affirmatively.

Mr. Bunker then pointed out a surplus of money in the County's ledger sheet which amounted to \$578,000.

Assemblyman Mann commented that part of the problem has been that the County Commissioners have hidden behind the "historical revenue base" for long enough. He added that he could not be concerned about the historical revenue earning capabilities because he is looking for equity for the people of the City of Las Vegas in terms of the Metro Police Dept.

Mr. Moore commented that he was in a somewhat awkward position in that his County Commissioners have taken a position in favor of maintaining historic sources of revenue.

Sheriff Jacka gave the committee a brief history of the Metro's airport function.

Assemblyman Robinson commented that the inequities regarding the

TESTIMONY AND REMARKS REGARDING A. B. 17 CONTINUED

Mr. Robinson continued: Police Department were established at the time of the consolidation of the police forces and that they were indeed an oversight; no one picked them up but he thought probably that the County was very happy that it wasn't picked up. The inequity has gone on for several years now, and there is no reason why but now they have decided it's a historical right that they have and now it shouldn't be meddled with. He couldn't see why just because they received a windfall gain by an oversight in the beginning, that it should be allowed to continue on and on. Of course it means that there is going to have to be a readjustment in the County Budget, but why don't they look at it from the viewpoint that they had the benefit of it for a few years and now it is going to come to an end, instead of insisting that they keep making their profit.

Mr. Myron Leavitt, former City and County Commissioner of Clark County told the committee that when he was on the County Commission which entitled him to a position on the Metro Police Commission he had voted for 50-50 funding. He mentioned that the cost of security provided by Metro is funded directly from landing fees and if the cost of security goes up then so does the landing fees. What happens in the end is that the City pays 52% of the cost of security at the airport because of the way the money is funded to the federal fund and then back through.

Everyone present agreed that if annexation in Clark County happened then the entire tax base in Clark County would have to be looked into.

Chairman Murphy read a letter from Margerette Segretti, chairman of the Clark County Democratic Central Committee saying that the Central Committee supported the concepts as outlined in A. B. 17 with Amendment No. 14 added on.

Chairman Murphy asked both sides if they felt that they did not received a fair and thorough hearing on the matter now before the committee. Mr. Bunker, City, said that he felt the city had received a fair hearing. Mr. Jacka, Metro Police Department, agreed that the hearing was fair. There was no reply from the people representing the County, but there were also no objections raised.

COMMITTEE ACTION - A B 17

After a lengthy discussion, Mr. Mann moved that the committee amend and adopt amendment no. 14, seconded by Mrs. Westall, passed unanimously. The amendments to the Amendment were to sections 3 and section 10.

Mr. Mann then moved to recommend AMEND AND DO PASS to the members of the Assembly, seconded by Mrs. Westall, the motion passed with

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everyone but Mr. Craddock voted in support of the motion.

There being no further business to come before the committee,
Chairman Murphy adjourned the meeting.

Respectfully submitted,

Kim Morgan

Kim Morgan, Committee Secretary

THALIA M. DONDERO
CHAIRMAN



Board of County Commissioners

CLARK COUNTY COURTHOUSE
200 EAST CARSON AVENUE
LAS VEGAS, NEVADA 89101
702 386-4011

March 4, 1977

The Honorable Patrick M. Murphy
Chairman
Assembly Government Affairs Committee
Nevada State Legislature
Capitol Complex
Carson City, Nevada 89710

Dear Chairman Murphy:

The Clark County Commission will be unable to attend your committee meeting at 7:30 a.m., Monday, March 7, for a hearing on A.B. 17. We have a regularly scheduled Water District meeting on that date to review the proposed legislation (S.B. 40) on the Southern Nevada Water Project. (The Commission is also unavailable on Tuesday due to our annual budget meeting.)

We are greatly concerned about this proposed legislation and are highly desirous of appearing before your full committee. Members of the Commission are scheduled to meet with the Legislative Commission on Thursday, March 10, at 9:30 a.m. We urgently request that you continue your hearing until that date in order to afford the Clark County Board of Commissioners an opportunity to present its case before your full committee. (The Commission has Wednesday, March 9, as an open date and could appear then should it be impractical to consider our Thursday request.)

In the event you find that you cannot accommodate us in our request, may we again remind you of the possible fiscal impact of A.B. 17?

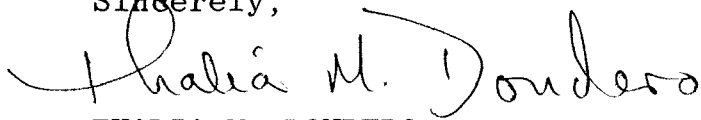
The 50-50 funding concept as proposed by Amendment No. 14 would require the County to contribute \$1.5 million over our tentative budget. This, together with other legislative proposals being considered which would either lessen our income or increase our expense, places Clark County finances in a precarious position.

The Honorable Patrick M. Murphy
March 4, 1977
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Your attention is directed to Page Three, Item 5, of the Subcommittee Report. The members conclude "This specific area could best be left unresolved until a more definitive attitude toward consolidation has become apparent in this legislative session."

The Clark County Commission feels the whole bill (A.B. 17) should be considered in the same light.

Sincerely,

A handwritten signature in cursive script that reads "Thalia M. Dondero". The signature is written in dark ink and is positioned above the typed name and title.

THALIA M. DONDERO
Chairman

TMD:lj

ASSEMBLY GOVERNMENT AFFAIRS SUBCOMMITTEE REPORT
CONCERNING ASSEMBLY BILL 17

February 25, 1977

To: Patrick Murphy, Chairman

Dear Chairman Murphy:

Your subcommittee on Assembly Bill 17 consisting of myself and Assemblyman Bob Robinson has on various occasions met both semiformaly and informally with one or more representatives of the city of Las Vegas, County of Clark, and the Metropolitan Police Department of Clark County.

The subcommittee wishes to thank profusely those of the above-referenced political subdivisions and the Metropolitan Police Department for their cooperation, sincerity, and willingness to cooperate with regard to meeting times within logistic limitations.

The logistics involved in being able to meet with one or more members of the three entities has caused the delay occasioned by this report. The subcommittee has been able to make some progress with regard to the provisions of Assembly Bill 17 and has been unable to reach agreement in certain other areas. These items are listed below for the edification of yourself and the Committee on Government Affairs.

Among those areas of agreement found in Assembly Bill 17 are the following:

1. The concept of 50-50 funding. The disagreement within this concept arises from the fact that there are presently certain funds generated by the Metropolitan Police

Department that have traditionally been diverted to the general fund of one or the other of the two political entities concerned, i.e., see attached.

2. In the proposed amendment attached, we have reached agreement that items D and E should be inserted as found on Page 2 of the proposed Amendment #14.

3. We have reached consensus with regard that the effective date of the measure should be on the passage of the bill instead of July 1, 1977, provided, however, that the final actions of the Assembly Committee on Government Affairs does not cause local government budget processes presently in progress to be interfered with to a degree that would cause excessive discomfort to either of the two political subdivisions involved.

4. The 2-2-1 concept has been discussed thoroughly along areas the sheriff is proposed to sit as a non-voting chairman acting only in tie-breaking capacity. Other alternatives have been explored and no unanimous agreement has been reached with regard to a 2-2-1 concept, 3-3-1 concept member, the odd member in either case being not the sheriff but a rotating member serving for a period of one year being first appointed from the City of Las Vegas for the first year with the County having the smaller number of members selecting from its memberships the chairmanship for the first year. The second year the alternating member would swing to the

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County's favor with the City having the lesser number of appointees, and in the second year selecting the chairman from its members.

5. The 60,000 population figure referenced in your amendment is tied directly into actions being considered by this Legislature regarding possible annexation of urban areas in Clark County by the City of Las Vegas. This specific area could best be left unresolved until a more definitive attitude toward consolidation has become apparent in this legislative session.

6. We have reached agreement that the personnel officer and his duties as referenced in the Amendment #14 on Pages 4 and 5 should remain as presented. The subcommittee did investigate the possibility of using a fixed ad valorem rate by the City and County with regard to the Metropolitan Police Department funding and have reached unanimous agreement this concept is extremely impractical (see attached).

The subcommittee would recommend that the Committee chairman schedule as soon as practical a full Committee hearing day to resolve the problems inherent in this subject matter.

Signed,

Paul W. May, Subcommittee Chairman
Bob Robinson, Member

Department of Taxation

CARSON CITY, NEVADA 89710

In-State Toll Free 800-992-0900



MIKE O'CALLAGHAN, Governor

JOHN J. SHEEHAN, Executive Director

February 22, 1977

The Honorable Paul May
Legislative Building
Carson City, Nevada 89710

Dear Mr. May:

The question you posed "was the amount of ad valorem tax required by Clark County and the City of Las Vegas to produce \$13,000,000 for each entity?" The following is based on the assessed valuation for 1976-77 (at the moment we do not have the valuations for 1977-78.)

It would require a tax rate of \$0.7213 on an assessed value of \$1,802,285,995 for Clark County to generate \$12,999,889; a rate of \$0.7214 would generate \$13,001,691;

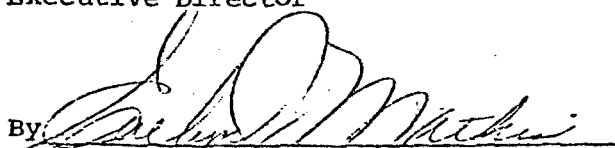
It would require a tax rate of \$2.1299 on an assessed valuation of \$610,343,267 for the City of Las Vegas to generate \$12,999,701 or a rate of \$2.13 to generate \$13,000,312;

Or, for each entity to contribute \$13,000,000 each to Metro it would take a tax rate levied by the City three times greater than the rate levied by the County to produce the same dollar amount. The current levy by the County is \$1.1305 and by the City of Las Vegas, \$1.4122. All entities in Clark County have been at the \$5.00 maximum for a number of years.

If I can be of any further assistance to you, please do not hesitate to contact me.

Very truly yours,

John J. Sheehan
Executive Director

BY 
(Mrs.) Evelyn J. Mathis
Local Government Budget Analyst

EJM:em

STAFF REPORT

SUBJECT: Historical Contributions to Las Vegas Metropolitan Police Department

Attached is table I showing the City of Las Vegas and County of Clark contributions to the Las Vegas Metropolitan Police Department. The table shows both the hard cash contribution and the in-kind service value. Excluded from both the City's and County's contributions were in-kind space charges for rent, utilities, janitorial and etc. The City provides approximately 140,000 square feet of space to LVMPD and the County provides approximately an additional 115,000 square feet.

The augmentations as shown on this table were for the following:

1. Fiscal Year 1973-74 The \$274,280 the County contributed was for the purchase of uniforms, weapons and accessories.
2. Fiscal Year 1974-75 The City and County contributed an additional \$890,799 and \$805,600 for operations. In addition to these amounts the County contributed \$100,000 for a command and control project and an additional \$13,005 for weapons, uniforms, and accessories.
3. Fiscal Year 1975-76 The City and County made an additional contribution for operations of \$500,000 and \$745,187 respectively. The County also contributed an additional \$180,000 for the purchase of a helicopter.
4. In Fiscal Year 1976-77 the City and County made additional contributions for operations of \$332,000 and \$664,525 respectively.

Table II as attached shows the costs and services that the County provides that are not comparable to any services that the City provides.

Table III shows the Public Safety monies the County receives to provide it's share of the cash contribution to LVMPD,

As can be seen from the table the County has consistently contributed amounts in excess of the 47.5 percent as mandated by the Tax Commission.

KW/ef

Table 1 Comparison of City / County Contributions From FY 1973-74 to 1976-77

	1	2	3	4	5	6	7	8	9	10	11	12
	1973-74			1974-75			1975-76			1976-77		
County												
Initial Funding	7,143,483			8,437,293			9,595,162			10,713,626		
Augmentation	2,742,284			4,186,055			4,251,872			6,615,255		
County Services	2,849,777			3,738,322			4,651,088			4,804,133		
Total County	12,745,544			16,361,670			18,498,122			22,332,994		
City												
Initial Funding	9,145,139			9,325,430			10,591,227			11,836,044		
Augmentation	0			890,794			500,000			332,000		
Total City	9,145,139			10,216,224			11,091,227			12,168,044		
Total Metro	21,890,683			26,577,894			29,589,349			34,501,038		
City %	54.3			51.3			50.3			50.6		
County %	45.7			48.8			49.8			49.4		

475

Table II County Services Not changed *

	73-74	74-75	75-76	76-77
Additional County Charges				
Data Processing	1,793,325	2,786,600	3,092,204	3,250,000
Purchasing Service	2,132,700	2,617,500	4,254,000	4,258,700
Comptroller's Services	630,200	660,500	1,092,300	1,100,900
Telephone expenses	231,170	350,000	370,000	300,000
Total	2,849,777	3,738,322	4,657,104	4,500,600

* Maintenance charges for structural, electrical and
 sewer charge are not included in this
 City of Las Vegas and County. These
 charges

Table III County Revenue Items Not Public Services
 So. Ev. 1976-77

Revenue Item	76-77
Cash of Prisoners	1,091,000
Traffic tickets	50,000
Airport Public Safety Charge	770,300
Fast Las Vegas Public Safety	818,600
Paradise Public Safety Charge	3,320,500
Summers Manor Public Safety	722,250
Winchester	1,519,150

April 30, 1976

MEMORANDUM

report indicates that the county now provides Metro with "free" valued at \$732,489, without considering space, or \$990,849, w/ space.

At the time the Legislature mandated consolidation of the Las Vegas Metropolitan Police Department with the County's Sheriff's Department, each organization had filed a budget for its individual operation, as follows:

City of Las Vegas Police Department	\$8,861,865
Sheriff's Department	\$6,887,375

These two budgets, when added together, established the initial ratio required to be appropriated by each entity in support of the consolidated department, to wit:

City of Las Vegas	56.27%
Clark County	43.73%

In the County's budget of \$6,887,375 were appropriations necessary to provide security at McCarran International Airport.

Also included were appropriations to provide security (law enforcement) for Winchester, Paradise, East Las Vegas, and Sunrise Manor, as well as the rest of the unincorporation towns and the balance of the unincorporated area.

Law enforcement in Clark County, including the Airport, represented 43.73% of the total consolidated police budget.

The City of Las Vegas has as much responsibility as the County to provide quarters for the Metropolitan Police Department. The County currently provides a total of 114,000 square feet without charge to Metro Police, and, additionally, furnishes services without charge to Metro from our Building and Maintenance Department, alone, of \$267,381 per year. *The county has now also undertaken the maintenance of the newly opened jail at the City Hall and the new police substation.* In addition, the County's Data Processing Department furnishes data processing services valued at \$309,204, again without charge to Metro.

The County's Purchasing Department provides services costing the County \$42,546, and the County's Comptroller's Office provides services of \$109,638, again without charge to Metro.

While Metro pays the bulk of their telephone expenses, the County still incurs \$3,720 per year from telephone services to Metro.

In the past, the City has charged Metro for many of the services that the County provides without charge.

After the first year's operation of Metro, the State Tax Commission (Department of Taxation) adjusted the percentage contributions to Metro from 43.73% to 47.5% for the County and reduced the City from 56.27% to 52.5%. This change was made because of the increased demand for police services at the Airport and in the unincorporated areas of the County.

The City should remember that, while it is making a 52½% contribution toward Airport security, the County is making 47½% toward police protection in the City of Las Vegas.

Memo

SUBJECT: Space and Services Furnished Metro Police Without Compensation

Previous reviews have been made of the consolidation of LVPD with the County's Sheriff's Department. This report, therefore, will omit those items that are well established and cover only those areas that are presently under discussion.

Problem: Both the County and City have responsibility to furnish space to Metro Police. The formula used by the City of Las Vegas to arrive at the value of their space, however, is so different from that employed by the County, that a fair comparison cannot be reached.

Discussion:

1. At the time the Legislature mandated consolidation of the Las Vegas Metropolitan Police Department with the County's Sheriff's Department, each organization had filed a budget for its individual operation, as follows:

City of Las Vegas Police Department	\$8,861,865
Sheriff's Department	\$6,887,375

These two budgets, when added together, established the initial ratio required to be appropriated by each entity in support of the consolidated department, to wit:

City of Las Vegas	56.27%
Clark County	43.73%

In the County's budget of \$6,887,375 were appropriations necessary to provide security at McCarran International Airport.

Also included were appropriations to provide security (law enforcement) for Winchester, Paradise, East Las Vegas, and Sunrise Manor, as well as the rest of the unincorporated towns and the balance of the unincorporated area.

Law enforcement in Clark County, including the Airport, represented 43.73% of the total consolidated police budget.

2. After the first year's operation of Metro, the State Tax Commission (Department of Taxation) increased the percentage contributions to Metro from 43.73% to 47.5% for the County and reduced the City from 56.27% to 52.5%. This change was made because of the increased demand for police services at the Airport and in some unincorporated areas of the County.

The City should remember that, while it is making a 52½% contribution toward Airport security, the County is making 47½% toward police protection in the City of Las Vegas.

3. From the outset, the County's Data Processing Department has furnished data processing services that are this year valued at \$309,204.00. Metro has never been charged for these services.

The County's Purchasing Department has provided services that this year will cost the County \$42,546.00.

The County's Comptroller's Office has provided services that this year will cost \$109,638.00, again without charge to Metro.

While Metro now pays the bulk of their telephone expenses, the County has, in the past, paid substantial bills and still incurs \$3,720.00 per year for telephone services to Metro.

In the past, the City has charged Metro for many of the services that the County provides without charge.

The attached interoffice memo from the City's Budget Officer to the City Manager reflects that the City is attempting to include in its cost the amortization of the bond issues on City Hall, as well as other property obtained by City Hall that is being used by Metro Police.

I would suggest that this is not proper and cite the following example:

The City of Las Vegas purchased the Ed Fountain building on the corner of Las Vegas Boulevard North and Stewart Streets. The City leased this building to Clark County Automotive for what we would suggest is a fair rental for the property. It is immaterial that County Automotive uses this property to service Metro vehicles, and for the City to attempt to recover the costs associated with the amortization has to be improper.

If the City is attempting to amortize the cost of City Hall, then the County must also be allowed to plug in a comparable figure for all County facilities.

The City, in the above memo, indicates that Metro is occupying some 140,615 sq. ft. of City Hall. Metro's figures indicate that number should be 78,837 sq. ft., and this includes the City Jail.

The County's figures indicate Metro occupies 104,000 sq. ft. in the County Courthouse and Jail, with an additional 10,000 sq. ft. at the substations.

Conclusion:

The County has never charged Metro for data processing, maintenance, telephone or administrative overhead. On the other hand, the City of Las Vegas has charged for some, but not all, of these services.

Before any attempt is made to re-negotiate the percentage amounts contributed by each entity, guidelines should be established to establish that there is uniformity in the method of figuring contributions.

STAFF REPORT

SUBJECT: FUNDING OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT

When the funding apportionment formula was established by the Nevada Tax Commission in 1974, it was based upon the understanding that revenues of the County and the City before the merger of the two police departments would continue to be the revenues of the respective entities thereafter. It was further understood that revenues for the combined police department would be derived solely from the contributions of the participating entities and not from any other revenue source. The revenues in question which resulted from the care of federal prisoners, parking citations, interest on fund balances and the payments by county agencies for police services were revenues which accrued to the County before the merger and therefore should still accrue to the County. Although a more equitable disposition of these revenues may have been possible at the time the funding formula was determined, the fact remains that the disposition referred to here was the one considered by the Tax Commission when it established the 52.5/47.5% formula. If it had been decided to allow any of the aforementioned or other revenues to accrue directly to L.V.M.P.D. a different funding apportionment formula would have been reached.

The automotive profits referred to by the City representatives do not accrue to the County general fund but are retained by the automotive fund and are used to reduce the cost of next year's automotive services to all participants including Metro.

I am aware that since the 52.5/47.5% apportionment formula was established, there have been significant changes in the variables upon which the formula was based as well as considerable changes in services and revenues of both entities. Possibly a change in the formula is in order, but I don't believe any changes can be made at this time because of the provisions of N.R.S. 280.190; i.e., a funding plan cannot be prepared at intervals of less than four years.

/kh

CLARK COUNTY OBJECTIONS TO PROVISIONS CONTAINED IN A.B. 17,
CHANGING THE COMPOSITION OF THE METROPOLITAN POLICE COMMISSION

Composition of the Commission: In counties with one participating city, both the city and the county are allowed at least one member on the Metropolitan Police Commission. One member is allowed for each 60,000 in the resident population, but not for any fraction thereof. In actual application, if 1970 Bureau of the Census figures are used in determining representation on the Commission, the city could have two (2) members and the county, one (1). If the most recent Regional Planning Council estimates were to be used, each entity would be allowed two (2) representatives on the police commission.

Assessment of Costs for Operating the Metropolitan Police Department: In counties with one participating city, A.B. 17 provides that the city and county shall share equally in the capital and operating costs of the department. While on the face of it a 50/50 funding formula appears to be equitable, Clark County questions the real equity of the proposed formula. When the Metropolitan Police Department was merged from the Las Vegas Police Department and the Clark County Sheriff's Office, the Nevada Tax Commission developed a funding formula based upon several criteria--to wit, police expenditures, general fund revenues, crime rate, police calls, traffic accidents, permanent population, transient population, and geographic area in the two entities. Each factor was weighted by the tax commission, and a final funding formula of 52.5% (city) and 47.5% (county) was derived. A 50/50 funding formula ignores such real indicators of need such as the number of calls for service in each entity, major crimes, and numbers of accidents and substitutes a false "democratic" apportionment.

Additionally, Clark County currently provides services to MPD for which Metro is not charged and which are not reflected in the County's 47.5% contribution to the department. Included among such services are such items as rent-free space, data processing and Comptroller's office services (e.g., payroll, claims processing, etc.), purchasing services, telephone services, and maintenance services. A conservative figure for the provision of such services on an annual basis amounts to \$900,000. Should the 50/50 funding formula eventuate, Clark County proposes reducing its 50% contribution by the \$900,000 figure.

Inflexibility of the Funding Formula in the Case of One Participating City: A.B. 17 provides for the development of a new funding formula in the event there is only one participating city upon request by a majority vote of each of the governing bodies of the participating political subdivisions. If Clark County had one representative on the commission to the city's two, it is doubted that the county could possibly effect a new funding formula. If the configuration were two (2) city representative and two (2) county representatives, it would require a unanimous affirmative vote to effect such action. It is again doubted that a new funding formula could occur under those circumstances.

Provision to Return Police Department Generated Revenue to the Police Department Fund: Currently, approximately \$29,300 is being realized in revenue annually as a result of the care of federal prisoners, traffic tickets written at McCarran International Airport, and from airport public safety charges. Additionally, the unincorporated towns of East Las Vegas, Paradise, Sunrise Manor and Winchester are paying a total of \$5,642,763 for police services.

Were the police departments not consolidated, the requirement for the care of federal prisoners would reside with the sheriff. Revenue from such care, along with revenue generated as a result of police services at the airport (a county function mandated by statute), should rightfully return to the county. Were it to be put into the police department fund to offset expenditures, Clark County would propose to reduce its 50% contribution by \$920,300. Since the county is also mandated to provide for police services to unincorporated townships, Clark County would additionally propose to reduce its 50% contribution to MPD by \$5,642,763.

Clark County's current fiscal year contribution to Metro amounts to 26% of the revenue in the county's general fund. For the sake of comparison, if the same general fund figure is used to compute the 50% contribution level, and revenue generated by regional services were not returned to the county as outlined above, the county's contribution to Metro would amount to 33% of the county's general fund. It is doubtful that the county could continue to provide all services mandated by law to local residents if it were required to place 33% of its general fund revenue into the Metropolitan Police Department.

Sheriff to be Chairman of the Police Commission and Have Voting Powers:

It is patently unsound management to have the chief administrative official of the department serve on the department's governing board. Not only does such action irreparably muddy the distinction between department administration and policy setting, but it also places the sheriff in an extremely untenable situation on a practical basis. The possibility of tie votes occurring on a commission evenly divided by affiliation with a political entity (i.e., city, county) cannot be overlooked. It is difficult to contemplate an individual who is directly tied to the operations of the department not being impacted by the expected outcome of his vote. That is to say, one would expect the sheriff to vote in a tie situation in a manner that, in his opinion, would best serve the department. Whether the substance of that vote would duplicate that of another commission member not serving in a dual role of policymaker/administrator can only be conjectured.

ITEM: THE PROPOSED CHANGES IN THE COMPOSITION OF THE BOARD MAY HAVE ABSOLUTELY NO EFFECT IN RECTIFYING THE CURRENT DISHARMONY BETWEEN THE CITY OF LAS VEGAS AND THE COUNTY OF CLARK RELATIVE TO REPRESENTATION ON THE COMMISSION.

Recent statements made by City of Las Vegas officials in the local press indicate that emotions have clouded any logical appraisal of the representation and funding questions. Not only does the City apparently feel that it is not represented, it additionally feels that the County is knowingly profiting from the funding arrangement. See item following.

ITEM: THE STATE TAX COMMISSION APPROVED THE CURRENT FUNDING FORMULA GIVEN THE FACT THAT CERTAIN REVENUES FROM THE OPERATION OF THE METROPOLITAN POLICE DEPARTMENT ARE RETURNED TO THE COUNTY.

It is quite conceivable that, were such revenues to be made available directly to the Police Department to defray costs of operation, the formula set by the Nevada State Tax Commission might very well have been a 60%/40% City-County split, or some formula untenable to the City, assuming that any formula aside from a 50%/50% split is unacceptable.

ITEM: THE PLACEMENT OF CITY COMMISSIONERS ON THE POLICE COMMISSION WOULD NOT UNEQUIVOCALLY SOLVE THE APPARENT PROBLEMS IN FUNDING THE DEPARTMENT.

Any funding formula set by the Police Commission would have to be submitted to the City Commission and the County Commission for approval, as well as to the Nevada Tax Commission, which would be charged with making the final funding formula decision in the event the two entities could not agree on a formula (as is currently the case and with which the City Commission takes exception, it should be pointed out).

ITEM: PLACING CITY COMMISSIONERS ON THE POLICE COMMISSION WILL NOT RESULT IN ANY BETTER REPRESENTATION FOR ANY LOCAL CITIZENS.

Clark County Commissioners, who currently comprise the Police Commission, have been elected at large and represent all residents of the county. City Commissioners would represent essentially the same constituent groups that County Commissioners represent, although some segments of the population would be over represented by virtue of being represented by both a City Commissioner and a County Commissioner serving on the Police Commission. Clark County questions whether the concern of the City Commissioners is to promote equitable representation for citizens of the Las Vegas Valley or whether their real concern is personal participation on the Commission.

ITEM: ON WHAT BASIS IS THE COMPOSITION OF THE BOARD DETERMINED?

The City and the County, under the amended bill, would be allowed one seat on the Commission per 60,000 population. However, is the population that figure set at the last census in 1970 or the most recent population estimates set by the Clark County Regional Planning Council? It should also be pointed out that the annexation measure proposed would result in the County's having one (1) representative on the Police Commission while the City would have three (3).

ITEM: EITHER THE CITY COMMISSION OR THE COUNTY COMMISSION COULD, IN EFFECT, OVERRIDE ACTION TAKEN BY THE METROPOLITAN POLICE COMMISSION.

Should the Police Commission approve, as a hypothetical example, a \$40 million annual budget for the department on the assumption that each entity would fund half, either Commission (City or County) could hold that it did not have enough available revenue to fund the budget at \$20 million and could override the action taken by the Commission. This is essentially the arrangement that exists currently, and would solve none of the apparent problems currently cited.

ITEM: THE POSITION IN WHICH THE BILL PLACES THE SHERIFF IS MANAGERIALLY UNTENABLE.

It is managerially unsound to have the chief administrative official of a department serve on that department's governing board, and, indeed, be the chairman thereof, as well as have a tie-breaking vote in policy matters that directly affect the operation of his department.

RECOMMENDATION: That this piece of legislation be held in abeyance until the annexation question is answered.

/bw

STAFF REPORT

SUBJECT: RETAINED EARNINGS IN AUTOMOTIVE FUND

The County Financial Report for FY 1975-76 showed that the automotive fund had a retained earnings of \$544,776. This large amount might indicate that the automotive fund is making excessive profits at the expense of those agencies that use their services, but this is not the case, as the following explanation clearly demonstrates:

The Automotive Division charges the using departments for the replacement of vehicles, which charges are slightly higher than the depreciation expenses. The increased charges are made because replacement costs have been substantially greater than the original purchase costs, the costs upon which the depreciation expense is based. Therefore the retained earnings should be adjusted to reflect the monies restricted to be used for vehicle replacement. This adjustment for FY 75-76 is shown:

	Depreciation Expense	Replacement Expense
Metro	396,179	650,531
County	<u>311,284</u>	<u>376,183</u>
Total	707,463	1,026,713

This difference is \$319,250, which should have been reflected in the Financial Report as a reserve for replacement.

Additionally, in FY 1975-76 the County general fund paid for employee fringe benefits and liability insurance. These costs should have been expensed against the automotive fund. The amounts are:

Fringe Benefits	\$131,350
Liability Insurance	<u>11,856</u>
Subtotal	\$143,206

If the retained earnings shown in the Financial Report are adjusted for the above expenses and the restricted reserve for replacement, the corrected results reflect a \$87,498 retained earnings figure, which is less than 3% of their operating expenses. These monies are retained by the Automotive Division and are used the next year to offset costs, therefore benefiting all who are served by the automotive fund.

/bw

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

Inter-Office

MEMORANDUM

To : Jerry Cahill
From : Joan Middleton *JM*
Subject : L.V.M.P.D. Revenue 75/76

Date: 2/11/77

Care of prisoners	\$ 94,220
Work cards:	
County	50,473
City	29,214
Bicycle licenses	128
Records & Traffic Bureau reproduction	79,565
Airport Security transfer	<u>638,758</u>
	\$892,358

PAID INTO COUNTY GENERAL FUND
Based on 1976-77 Budget Projections

SERVICES PERFORMED BY METRO

AIRPORT SECURITY (Paid by Airlines)	\$770,300
FEDERAL PRISONERS (Paid by Federal Government)	\$100,000
PARKING CITATIONS (Paid by public)	\$50,000
PROFIT MADE BY COUNTY FOR SERVICES TO METRO POLICE VEHICLES	\$327,000
INTEREST ON ENDING FUND BALANCE KEPT IN COUNTY GENERAL FUND (5½%)	\$50,000
	<hr/>
	\$1,297,300*

*which is 12% of total County contribution to Metro budget.

ACTUAL COST TO CITY OF LAS VEGAS AND COUNTY OF CLARK

CITY OF LAS VEGAS

\$12,292,937

COUNTY OF CLARK

\$11,003,626

-1,297,300

\$ 9,706,326

ACTUAL PERCENTAGE PAID BY CITY OF LAS VEGAS & COUNTY OF CLARK

CITY OF LAS VEGAS

64.5%

COUNTY OF CLARK

35.5%

COMMISSIONERS Exhibit 5
 THALIA M. DONDERO
 CHAIRMAN
 DAVID B. CANTER
 VICE-CHAIRMAN
 SAM BOWLER
 ROBERT N. BROADBENT
 MANUEL J. CORTEZ
 JACK R. PETITTI
 R. J. "DICK" RONZONE
 GEORGE F. OGILVIE
 COUNTY ADMINISTRATOR
 Phone: 386-4011

Office of the County Administrator
 CLARK COUNTY COURTHOUSE
 LAS VEGAS, NEVADA

February 28, 1977

COMMISSION BRIEFING REPORT

SUBJECT: METRO BUDGET (FY 1977-78)

LVMPD presented a requested budget of \$29,666,600 which represented a "hold the line" request of \$25,985,914 together with an additional \$3,680,686 for new positions, services, supplies and capital.

Based upon the \$1.94 statutory maximum on the City's required contribution and the existing funding formula, the Clark County tentative budget shows funding of \$23,588,080 with \$12,304,992 (52.5%) from the City of Las Vegas and \$11,133,088 (47.5%) from Clark County with \$150,000 listed from Other Sources.

The budget for the department tentatively recommended by the County's consultants, Planalysis, Inc. is \$25,081,050 which requires funding of an additional \$1,429,970. Using the existing formula the additional contributions would be:

City - \$783,809 for a total of \$13,088,801
 County - \$709,161 for a total of \$11,842,249

A request has been made to change the funding formula to 50-50. The 50-50 formula of the recommended budget would result in the following contribution changes:

	<u>Present Formula</u>	<u>50% Formula</u>	<u>+ or -</u>
City	\$13,088,801	\$12,465,525	-\$623,276
County	11,842,249	12,465,525	+ 623,276

This, then, would require the County to contribute an additional \$1,332,437 to the \$11,133,088 presently reflected in its tentative budget as its contribution, while the city would be required to increase its anticipated contribution of \$12,304,992 by merely \$160,533.

GEORGE F. OGILVIE
 COUNTY ADMINISTRATOR

GFO/bw

The suggestion that retention of certain monies by Metro might be a panacea for that department's financial woes is wishful thinking. True, the County is generating some \$820,300 from Airport charges. However, the County is supplying some \$732,489 in services (not including space) to Metro without charge. In the event that the aforementioned income is to be retained by Metro, the County would insist on payment for services rendered.



Office of the District Attorney

CLARK COUNTY COURTHOUSE
LAS VEGAS, NEVADA 89101
(702) 386-4011

GEORGE HOLT ^{Exhibit 4}
DISTRICT ATTORNEY

THOMAS D. BEATTY
ASSISTANT DISTRICT ATTORNEY

JAMES BARTLEY
COUNTY COUNSEL

CHIEF DEPUTIES
DONALD K. WADSWORTH
RAYMOND D. JEFFERS
MELVYN T. HARMON
DAN M. SEATON
LAWRENCE R. LEAVITT
H. LEON SIMON
JOEL M. COOPER

JOE PARKER
CHIEF INVESTIGATOR

KELLY W. ISOM
ADMINISTRATIVE OFFICER

February 23, 1977

TO: THALIA DONDERO,
Chairman, Board of County Commissioners

FROM: JAMES M. BARTLEY,
County Counsel

Re: Halpin, et al vs. Ralph Lamb, et al - Civil LV 76-193

INFO BOARD 2038
2/23/77 (KH)

Pursuant to the hearing held on the 8th day of October, 1976 in the above referenced action and the discussion therein, the attached Order was entered dismissing the City of Las Vegas as a defendant in the action.

JMB:nw
Attach.

James M. Bartley
JAMES M. BARTLEY
County Counsel

RECEIVED
FEB 24 9 34 AM '77
COUNTY
COMMISSIONERS

CHARLES POWER HALPIN, et al,)
)
 Plaintiffs,)
)
 vs.)
)
 RALPH LAMB, etc., et al,)
)
 Defendants.)
)
)
)
)
)

Civil-LV -76-193, RDF

MINUTES OF THE COURT

Dated: October 12, 1976

PRESENT: Hon. ROGER D. FOLEY District Judge

Deputy Clerk: LINDA LEA SHARER Reporter: NONE APPEARING

Counsel for Plaintiff: NONE APPEARING

Counsel for Defendant: NONE APPEARING

MINUTE ORDER IN CHAMBERS XXX

~~FORWARDED BY:~~

IT IS ORDERED that the Court sua sponte dismisses the City of Las Vegas as a defendant in this action. (MONROE v PAPE, 365 U.S. 167)

ENTERED

OCT 16 1976

CLERK OF DISTRICT COURT
 DEPARTMENT OF CLERKS
[Signature]

CAROL C. FITZGERALD, CLERK
 BY: *[Signature]*
 Linda Lea Sharer
 Deputy Clerk

This is the time fixed by this Court for the Sheriff of the County of Clark, the Mayor of the City of Las Vegas, and the Chairman of the Board of County Commissioners of Clark County to show cause before this Court why the Court should not order that appropriate action be taken to ensure that adequate medical treatment be afforded all of the prisoners in the Clark County Jail.

MR. JOHNS

Since the filing of the Petition, there have been no significant changes except that they did have a mass medical call yesterday, and perhaps there's been more attention to medical complaints since this happened. But other than that, there's no new information that we would present at this time.

THE COURT: Alright. Mr. Alhstrom, I have read several articles in the paper about this, and in this mornings' Sun there's an article that brought to my attention something that I apparently was not aware of, and that is, that the City, Mayor and the City Council are compelled by law to pay 52.5% of the costs of running the Police Department.

MR. ALHSTROM: Yes.

THE COURT: and they have, as I understand it, they have nothing to do with the budget, that in the event something I'm going to talk about later, the drastic need of this community for a new jail for which the City automatically pays 52% of whatever expense is incurred under the control of the Board of County Commissioners, if that's so, I didn't know that. I thought the City was equally responsible with the County for the maintenance of the Metropolitan Police Department.

MR. ALHSTROM: We're responsible in the fact that we do pay 52% to Clark County treasury.

THE COURT: You'r just putting up the money -- and the City is equally responsible for the maintenance of the Metropolitan Police Department, and does the Metropolitan Police Department set the budget for Metro and do you put up that money - - .

MR. ALHSTROM: We have no control.

THE COURT: Doesn't that exist with the merger of the City and County now - - -

MR. ALHSTROM: No. We were at one time, but we've been relieved of that. We do have a Motion to Dismiss out on a couple of grounds. But I thought that if Mr. Johns was going to clean up these and make these allegations that they were responsible, then I would anticipate that, but frankly we have nothing to do with the control of the jail. We have nothing to do with the running, we just pay the money.

THE COURT: Well, if that's the case -- the reason I ask the Mayor to be here, - and you as his counsel, was because I felt that assuming there's some truth to these allegations that we have a money problem, and if we have a money problem, we need the people who appropriate money for the jail, and I assume it was on some matching basis between the City and the County.

Secondly, of course, the City of Las Vegas was named by the Petitioners in their per se application.

Well, let me ask Mr. Bartley and Mr. Moore, do you agree with Mr. Alhstrom that the City has nothing to do, say if an emergency comes up, and you have to have another two or three hundred thousand for the jail immediately, does the County Commissioners just say, "Okay, here's where we get it" - - and the City as I say, ponies up their share; Is that the way it works?

MR. BARTLEY: Well, that isn't quite it. It is true that under the formula as to taxation under the Metropolitan Police Commission Act, and as set by the Tax Commission, the split on the percentages the 52% to the City.

THE COURT: Was this allocation made by the Tax Commission?

MR. BARTLEY: Yes.

THE COURT: It's not pursuant to a state statute?

MR. BARTLEY: It's pursuant to the formula within the state statute.

THE COURT: Within the state statute.

MR. BARTLEY: Well, it's a little more complicated than that, your Honor.

THE COURT: Well, you can see I don't know what the facts are. I wish you'd - - -

MR. BARTLEY: In the last legislature the City built ^{up} and the're limited to a specific tax rate that can be compelled on the budget. I didn't bring the Act with me. But we have an additional problem should that come about.

THE COURT: You're talking about the \$5 constitutional limit?

MR. BARTLEY: No, I'm talking about the specific limit to the City under the Metropolitan Police Act in dollars and cents, that they can only charge them so much. That was the new amendment at the 75 session that the City, I believe, got adopted. So that when it completely went over to the County Commissioner, ^{acting} bidding ex officio, the Metropolitan Police Commissioner's Act, I gather, was to protect the City.

THE COURT: Let me interrupt you there. That is the law then in Nevada?

MR. BARTLEY: Yes sir.

THE COURT: These County Commissioners are ex officio, the Police Commission?

MR. BARTLEY: That is right.

THE COURT: And they establish a budget?

MR. BARTLEY: They establish a buidget.

MR. BARTLEY: And the City simply contributes 52%?

MR. BARTLEY: And the City simply contributes to it. Now, when you get the additional funds - come of course, it gets to be a more complicated matter.

THE COURT: How about an emergency situation, what would be the situation in that event?

MR. BARTLEY: Well, again I can just recall that it has happened again with the jail itself, we're talking about recently, not in the - not too distant past, it is necessary that we open the City Jail or what use to be the City Jail - -.

THE COURT: Yes.

MR. BARTLEY ___ and require funds for the same for that and, of course, we felt that was rather an emergency situation. And in that instance roughly, when the budget was already set, and all the Ad valorem was pretty much used unless you were going to rob something else, some other -- item, finally between cooperation the City did contribute some more and the County did contribute some more. The Metropolitan Police - -.

THE COURT: Well, let me focus in on this. The administration of the Metropolitan Police Department, which would include its jail facilities is in the hands of the County Commissioners and they sit as a Police Commission; is that correct?

MR. BARTLEY: Let's get it real correct. The administration of the jail under the Metropolitan Police Act is in the Sheriff. The actual operation and administration is in the Sheriff. It's ^{not} really ^a true - - police commission in the sense that they exercise authority over the matter.

They are really the budgetary, the Metropolitan Police Commission does adopt the budget and control the fiscal affairs, but they do not control the operation.

THE COURT: Well, isn't that also true of the administration of all of the officers, employees of the Metropolitan Police Department, the Sheriff is their boss?

MR. BARTLEY: Right.

THE COURT: In other words, he doesn't administer the jail differently than he controls the police officers under his jurisdiction, does he?

MR. BARTLEY: That would be correct.

THE COURT: I mean, in the sense of power?

MR. BARTLEY: That's right your honor.

THE COURT: The County Commissioner sitting as the Police Commission then don't have any more say so over the day to day operation of the Metropolitan Police Department insofar as the appointment of officers and assignment of duties than they do over the jail?

MR. BARTLEY: That is correct.

THE COURT: The jail isn't a special breed of cat here then? I want to make sure that I had it clear in my mind.

MR. BARTLEY: That is correct.

the court: I understand that. The Sheriff is charged with the administration of the Metropolitan Police Department?

MR. BARTLEY: That is right.

THE COURT: But the money comes from the Police Commission - - .

MR. BARTLEY: That is correct.

THE COURT: - - - which is now the County Commission, Police Commission?

MR. BARTLEY: Yes, your Honor.

THE COURT: But you say pursuant to statute and by some formula and implemented by the Tax Commission, the City simply comes up with their share of the money?

MR. BARTLEY: That's correct.

THE COURT: Okay, Thank you.

MR. BARTLEY: Unless they can agree on something different, and I might say for the record there is a different Chairman for the Police Commission than there is for the County Commission.

the court; Who chairs the Police Commission?

MR. BARTLEY: Mr. Ronzone is actually the Chairman of the Police Commission.

THE COURT: Alright. I read the papers and watch television but I guess I miss a lot of things.

Mr. Alhstrom, do you agree generally with Mr. Bartley's statement?

MR. ALHSTROM: I agree with what he said and what your Honor said. We just pony up the money.

THE COURT. Alright.

Mr. Moore, did you have anything you wanted add?

THE COURT: The voters of course have two points of view. They want all the services in the world and they want them now but they don't want to pay for them. The same people who complain about taxes and will vote down bond issues will yell and scream because the services are not adequate. I am well aware of that. I'm well aware of the problems that Mayor Briare and his council and Mrs. Dondero and her Commission have, and I appreciate those of you have come here today.

I will say at this point I don't see any emergency situation which requires any remedial order of this court at this time. So I will allow this case to proceed in the ordinary fashion.

The Court will consider in due course the motions to quash service made by Mr. Moore on behalf of - - Are you appearing for the Sheriff?

MR. MOORE: For the Sheriff and the County, your Honor.

THE COURT: Because no Summons was issued? Of course that I can correct. Remember, Mr. Moore, I'm dealing - - you were a law clerk for Judge Brennan, you know that prisoners don't have all the know how in filing legal papers, but I can correct that. The clerk and I should have done it in my own order. It was really my oversight, you're pointing out that a Summons be prepared and issued, and the Summons be directed to the Sheriff. But I'll enter an order by minute order now - - Mr. Clerk but I'm going to deal only with the Sheriff, and since the County Commissioners are not parties, I will at this time grant the Motion to Quash the Service of this Court's Order and discharge the County Commissioners from any further responsibility in this case at this time.

The Sheriff of course will remain a party Defendant and the Court, will unless Mr. Johns has some objection, entertain a Motion from Mr. Alhstrom that the City of Las Vegas be dismissed as a party in veiw of the information we obtained at the outset.

Do you have any objection to that?

MR. JOHNS: I would, your Honor, I would prefer a little more time to look into the matter.

THE COURT. Alright.

MR. JOHNS: But in addition to the representation made here today, the City does sentence people through their court.

THE COURT: That is true. Well - - you then can file in the appropriate time a Motion to Dismiss the City and Mr. Johns may respond.

MR. ALHSTROM: I'd appreciate him cleaning this up, cause some allegation to hold us in there, if we're going to respond to it. Right now, there is nothing other than representation before this court to hold us in there.

THE COURT: Well, the charges of course all have to do with the treatment of prisoners in the jail. The Sheriff is responsible for the jail, that's been established. You're concern about the City because prisoners sentenced by Municipal Judges are serving time in jail?

MR. JOHNS: Yes, that's a fact. I would like to look into it too. Now, Mr. Halpin, was sentenced by the Municipal Court, and apparently it's quite possible that the individual who died was also sentenced by the Municipal Court.

THE COURT: Why would that make any difference? We have federal prisoners - - -

MR. JOHNS: The ability to put somebody in there is certainly a factor, I think.

THE COURT: How would it bear upon the allegations of this Petition that - - well, in addition to the medical one there is the complaint that they don't have the law library. I never did find that impressive. But some courts have.

There is a complaint about going to court in jail clothes. Mr. Halpin is in jail clothes here. How do these matters affect the City if their only function is to participate in 52% of the cost of the jail?

MR. JOHNS: Well of course, as to clothes, as I stated, your Honor, the problem is more severe in Municipal Court than it is in District Court. At least there when they go to jail, and its usually a jury trial, they do make some effort, or their attorneys do, to see that they have civilian clothing on.

But I don't think there's any effort at all in Municipal Court, as I indicated Mr. Halpin was sentenced by a Municipal Judge.

THE COURT: I don't want to make your task any more difficult, as I say, the Court does appreciate that, although I didn't call you first you're serving here without fee.

Let's do this. Mr. Alhstrom, file whatever motion you think is appropriate attempting to have the Court discharge the City, dismiss the City as a defendant.

MR. ALHSTROM: Thank you, your honor.

THE COURT: Then after Mr. Johns responds, I'll rule on that. And then the Sheriff, really the principal party here, will have 20 days in which to answer the complaint, and we will proceed in the normal fashion.

Counsel do you have anything further to indicate?

MR. BARTLEY: I think Mrs. Dondero would like to make a statement.

THE COURT: Mrs. Dondero?

MRS. DONDERO: Yes, your Honor. I just wanted to indicate to you that we are getting ready for the bond issue for the Spring election, and it will be primarily for new courtrooms and Justice Building and also a new jail, detention facility, and as soon as we get this - - we had intended to have it on the ballot for this November election - - but we ran into some problems as you well know - - but we do intend to have it on for the Spring election.

THE COURT: I apparently didn't read that carefully either. I understood something about a new court building, but that would be a separate building, separate from the present building?

MRS. DONDERO: I think it is intended to be the same building, only renovated, you know, and probably go up - to make more courtroom space.

THE COURT: And additional jail service?

MRS. DONDERO: Yes, new jail facilities will undoubtedly go elsewhere, probably out at the prison farm location, or some place like this.

THE COURT: Oh, I see.

MRS. DONDERO: But it was our intention to have it on the November ballot. But, as I said, it will be on the Spring ballot.

THE COURT: At the time of the City election?

MRS. DONDERO: Yes.

THE COURT: Well, thank you Mrs. Dondero for being here.