

ASSEMBLY BILL NO. 174—ASSEMBLYMAN ARBERRY
AND WILLIAMS

FEBRUARY 20, 2003

Referred to Committee on Government Affairs

SUMMARY—Creates Regional Business Development Advisory
Council for Clark County. (BDR S-1004)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to underutilized businesses; creating the Regional
Business Development Advisory Council for Clark
County; prescribing the powers and duties of the Council;
and providing other matters properly relating thereto.

- 1 WHEREAS, The Clark County Department of General Services
2 contracted with BBC Research and Consulting of Denver, Colorado,
3 to perform a regional economic disparity study of Clark County; and
4 WHEREAS, BBC Research and Consulting is a nationally
5 recognized and respected research firm in the area of local
6 government and discrimination in governmental contracting; and
7 WHEREAS, The study performed by BBC Research and
8 Consulting with the assistance of the Minority Business Enterprise
9 Legal Defense and Education Fund, Inc., of Washington, D.C.,
10 released in July 1994 found that available quantitative and
11 qualitative evidence indicates that Clark County played a passive
12 role in a pattern of marketplace discrimination against minority
13 businesses and businesses owned by women by infusing public
14 funds into a discriminatory marketplace; and
15 WHEREAS, The participants to the study include the City of Las
16 Vegas, Housing Authority of the City of Las Vegas, Clark County,
17 Clark County Housing Authority, Clark County Regional Flood
18 Control District, Clark County Sanitation District, Clark County
19 School District, Community College of Southern Nevada, Las
20 Vegas-Clark County Library District, Las Vegas Convention and



1 Visitors Authority, Las Vegas Valley Water District, Regional
2 Transportation Commission of Southern Nevada, University
3 Medical Center of Southern Nevada and University of Nevada, Las
4 Vegas; and

5 WHEREAS, The study performed by BBC Research and
6 Consulting concluded that the substantial evidence of significant
7 statistical disparities between the utilization and availability of
8 minority firms and firms owned by women in procurement and
9 contracting by Clark County could not be explained solely by
10 random events; and

11 WHEREAS, The study concluded, based on the decision of the
12 Supreme Court of the United States in *City of Richmond v.*
13 *J.A. Croson*, that sufficient factual bases existed to institute a
14 statutory framework to remedy the significant statistical disparities
15 found by the study; and

16 WHEREAS, Clark County established a Business Development
17 Advisory Council to meet with a variety of business organizations to
18 address the issues identified in the study and to discuss and
19 implement processes and procedures to enhance the opportunity to
20 obtain contracts by small local businesses owned by persons who
21 are members of racial or ethnic minorities, women or persons who
22 are physically disabled, in an effort to spur growth and economic
23 development in the local economy; and

24 WHEREAS, The Business Development Advisory Council has
25 implemented a variety of programs to improve the dissemination of
26 information regarding contracting opportunities within the
27 community, including, without limitation, developing outreach
28 efforts, workshops, training within the county government of Clark
29 County, development of monthly statistics to document the progress
30 of the programs and the review of bid specifications to ensure full
31 and open competition and to reduce barriers to bidding by
32 businesses owned by persons who are members of racial and ethnic
33 minorities, women and persons who are physically disabled; and

34 WHEREAS, The actions of the Business Development Advisory
35 Council have resulted in a process that increases the opportunities
36 for contracting with governmental and private entities in Clark
37 County by businesses that are owned by persons who are members
38 of racial and ethnic minorities, women and persons who are
39 physically disabled; and

40 WHEREAS, The results of the 2000 Census indicate that the
41 demographics of Clark County have changed dramatically over the
42 decade spanning 1990 to 2000, particularly with respect to
43 the growth of the minority population; and

44 WHEREAS, A follow-up study conducted by the Blue Ribbon
45 Committee on Race of the Clark County Urban Chamber of



1 Commerce in 2002 found no appreciable positive change in the
2 results reached by the study conducted by BBC Research and
3 Consulting and found, in fact, evidence of increasing statistical
4 disparities between the availability and utilization of minority firms
5 and firms owned by women for procurement and contracting by
6 agencies in Clark County; and

7 WHEREAS, It is imperative that public entities deal fairly and
8 openly with all persons and include all persons in the functioning of
9 the government, including, without limitation, in opportunities for
10 contracting and procurement with a public entity; now, therefore,

11

12 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
13 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
14

15 **Section 1.** As used in sections 1 to 10, inclusive, of this act,
16 unless the context otherwise requires, the words and terms defined
17 in sections 2 and 3 of this act have the meanings ascribed to them in
18 those sections.

19 **Sec. 2.** "Council" means the Regional Business Development
20 Advisory Council for Clark County created by section 5 of this act.

21 **Sec. 3.** "Disadvantaged person" means a person who is a
22 member of a racial or ethnic minority, female or physically disabled.

23 **Sec. 4.** The Legislature hereby finds and declares that a
24 general law cannot be made applicable for the provisions of this act
25 because of the economic diversity of Clark County, the unique
26 growth in population experienced in Clark County, particularly in
27 the minority population and the special conditions experienced in
28 Clark County related to the documented statistical disparities
29 between the availability and utilization of firms owned by minorities
30 and women for the procurement and contracting by public agencies
31 in Clark County.

32 **Sec. 5.** 1. The Regional Business Development Advisory
33 Council for Clark County is hereby created. The Council consists of
34 a single representative from each of the following entities:

- 35 (a) City of Henderson.
- 36 (b) Henderson Library District.
- 37 (c) City of Las Vegas.
- 38 (d) Housing Authority of the City of Las Vegas.
- 39 (e) City of North Las Vegas.
- 40 (f) Housing Authority of the City of North Las Vegas.
- 41 (g) Clark County.
- 42 (h) Clark County Health District.
- 43 (i) Clark County Housing Authority.
- 44 (j) Clark County Regional Flood Control District.
- 45 (k) Clark County Sanitation District.



- 1 (l) Clark County Water Reclamation District.
- 2 (m) Clark County School District.
- 3 (n) Community College of Southern Nevada.
- 4 (o) Las Vegas-Clark County Library District.
- 5 (p) Las Vegas Convention and Visitors Authority.
- 6 (q) Las Vegas Valley Water District.
- 7 (r) Regional Transportation Commission of Southern Nevada.
- 8 (s) Southern Nevada Water Authority.
- 9 (t) University Medical Center of Southern Nevada.
- 10 (u) University of Nevada, Las Vegas.
- 11 (v) Department of Transportation.
- 12 (w) Las Vegas Urban Chamber of Commerce.
- 13 (x) Hispanic Business Roundtable.
- 14 2. The Board of County Commissioners of Clark County, in
- 15 consultation with the Las Vegas Urban Chamber of Commerce,
- 16 shall solicit and encourage participation in the Council by other
- 17 governmental entities, private nonprofit entities organized to
- 18 promote business or encourage participation in government, and
- 19 private entities that employ 500 or more persons. Any such entity
- 20 that requests to participate must be included as a member of the
- 21 Council.
- 22 **Sec. 6.** The Council shall elect a Chairman, Vice Chairman,
- 23 Secretary and such other officers as the Council determines are
- 24 necessary from among its members. The term of each officer is 2
- 25 years. Any vacancy occurring in an office must be filled by majority
- 26 vote of the members of the Council for the remainder of the
- 27 unexpired term.
- 28 **Sec. 7.** 1. The members of the Council shall serve without
- 29 compensation.
- 30 2. The governmental entities who have a representative on the
- 31 Council shall jointly provide the Council with administrative
- 32 assistance and provide for the expenses of the Council.
- 33 **Sec. 8.** The Council shall meet at least once every 3 months, at
- 34 such times as are determined by the Council.
- 35 **Sec. 9.** The Secretary of the Council shall:
- 36 1. Record the minutes of each meeting of the Council;
- 37 2. Record the attendance at each meeting of the Council; and
- 38 3. Maintain the records and minutes of the Council.
- 39 **Sec. 10.** 1. The Council shall propose and implement
- 40 policies, programs and procedures to encourage and promote the use
- 41 of local businesses owned or operated by disadvantaged persons,
- 42 particularly in the area of contracting and procurement by public
- 43 agencies in Clark County.



1 2. On or before November 1 of each year, each public entity
2 which has a representative on the Council shall prepare and deliver a
3 written report to the Council which contains:

4 (a) The number of persons employed by the public entity,
5 disaggregated by major ethnic and racial categories, including,
6 without limitation, African-American, Asian, Caucasian, Hispanic
7 and Native American.

8 (b) Capital expenditures made by the public entity for the
9 immediately preceding fiscal year, disaggregated by discretionary
10 and nondiscretionary expenditures.

11 (c) The percentage of capital expenditures paid by the public
12 entity to disadvantaged persons or businesses owned or managed by
13 disadvantaged persons, disaggregated by ethnic and racial categories
14 and by gender.

15 (d) A summary of the efforts and programs used by the public
16 entity to encourage and increase the involvement in contracting by
17 disadvantaged persons and businesses owned or managed by
18 disadvantaged persons and any efforts or programs used by the
19 public entity to encourage the economic development of
20 disadvantaged persons and businesses owned by disadvantaged
21 persons.

22 (e) Such other information as the Council determines is
23 necessary to achieve its goals.

24 3. The Council shall encourage each public or private entity
25 which has a representative on the Council pursuant to subsection 2
26 of section 5 of this act to prepare and deliver to the Council an
27 annual report similar to the report required pursuant to subsection 2.

28 4. On or before January 15 of each odd-numbered year, the
29 Council shall prepare a report regarding the policies, programs and
30 procedures that the Council proposed and implemented during the
31 immediately preceding 2 years to encourage and promote the use of
32 local businesses owned and operated by disadvantaged persons,
33 using the reports received pursuant to this section, and shall submit
34 the report to the Director of the Legislative Counsel Bureau for
35 transmittal to the 73rd Session of the Nevada Legislature.

