Charter Commission
Special Meeting Minutes
City of Las Vegas Council Chambers
1700 North Grand Avenue
Thursday, August 19, 2021 at 1:00 p.m.

Call to Order

Chairman Apodaca called the meeting to order at 1:05p.m.

Roll Call

Present
Commission Chair Apodaca
Commission Vice Chair Salazar
Commissioner Ludi
Commissioner Einer
Commissioner Phillip Martinez
Commissioner Matt Martinez

Absent
Commissioner Madrid

Also Present
Darlene Arguello, City Staff
Scott Aaron, City Attorney

Approval of Agenda

Chairman Apodaca amended the agenda by eliminating Item IV and Item V due to no minutes to approve at this time and no public input.

Chairman Apodaca called for a motion to approve the amended agenda.

Commissioner Ludi made a motion to approve the agenda.

Commissioner Einer seconded the motion.

Motion passed unanimously.

Chairman Apodaca thanked Vice Chair Salazar for preparing the proposed amendments for presentation to the Council. He elaborated on the process of the amendments getting passed and voted on.

Chairman Apodaca thanked the Commission and stated that it has been an honor to work with all of them.

Chairman Apodaca talked about the powers of the Governing Body and them having the control as outlined in the Charter the whole time but they didn't realize or understand it. Further brief discussion was held.

Commissioner Einer stated that recently an ordinance was written by a City Councilor and is attempting to get it enacted in accordance with Article VI, Section 6.05.

Further lengthy discussion was held in regards to the duties and the leadership of the Governing Body.

Discussion:

(1) Review and Consideration of Action on Recommendations for Revisions to Current City Charter:

Commissioner Einer asked if everyone had an opportunity to review the proposed amendments.

Commissioner Ludi asked about previous discussion on omitting powers on Section 1.01. Commissioner Einer commented by saying that it changed and it would have no actual affect on the Charter.

<u>Amendment #1</u>: Increasing the number of Councilors from four (4) to eight (8).

Commission Vice Chair explained his outline on the amendments. He explained that the only verbiage on Section 2.01(B) that would change is the number of Councilors from four (4) to eight (8). If passed, then Section 2.03(B) and (C) would also have to change to coincide with Section 2.01(B).

Commissioner Ludi stated that Councilor Romero had suggested that a candidate should have residency in that ward no less than ninety (90) days. Chairman Apodaca explained that the State Statute states where you intend to make your residence, therefore it could be in conflict if they change it.

Further lengthy discussion was held.

Commission Vice Chair Salazar explained his timetable chart for elections and terms for City Councilors that he prepared and submitted.

Further lengthy discussion was held on the elections and terms.

Commissioner Matt Martinez talked about the election and extension of terms if the City considers next year moving to the general election.

Commissioner Einer proposed using language to rather than dates in regards to having the City elections coincide with the general election.

Further lengthy discussion was held in regards to the elections and having eight (8) Councilors in each ward and how their terms would run.

Amendment #2: Changing election requirement from simple majority, (fifty percent 50% plus one (1) to highest number of votes cast and removing run-off elections.

Commission Vice Chair Salazar explained to the Commission the verbiage change on Section 8.01(F) for the election of all municipal elective offices. He removed the verbiage "a simple majority, defined as fifty percent (50%) plus one (1)". It will be by a simple majority and read "the highest number of votes". This will eliminate the run-off elections as proposed by the Commission.

Section 8.01(G) would be eliminated in its entirety.

Further brief discussion was held.

Amendment #3: Modifying the method of appointment of City Manager by Mayor and City Council.

Section 5.01(A) modifying the method of appointment of City Manager by Mayor and City Council – Chairman Apodaca stated that the proposed amendments to this section would require the Mayor to bring forth a list of up to three (3) qualified candidates for City Council review.

Vice Chair Salazar read the verbiage that the Commission had previously agreed upon. The proposed amended verbiage will read: "The Mayor shall provide a list of at least three (3) qualified candidates, with qualifications as set forth in the City Charter, for the position of City Manager for Council review. The Governing Body shall select a City Manager from the pool of applicants provided".

Further lengthy discussion was held as to this proposed process.

City Attorney Scott Aaron expressed to the Commission that currently the hiring process has been extremely difficult. He stated that people are applying from outside of the City and are expecting very high wages. He further elaborated on the possible issues that could arise from opening up these positions.

Further lengthy discussion was held.

City Attorney Aaron stated that neutering the Mayor's powers would cause difficulty with getting any qualified individual to run for the position. He also stated that if there are only

checks on the Mayor and none on the Council, then the style of government they would have would be no executive power and strictly legislative.
Chairman Apodaca explained that this is a compromise from a position that the Council is taking and explained the compromise that they as a Commission came up with to satisfy both the Mayor's and Council's positions. He further elaborated as to the Commission's reasons for proposing this amendment.

Commissioner Phillip Martinez expressed that although the County has no Mayor, this process worked well in the selection of their County Manager. He explained the process and stated that they advertised the City Manager position and got together an advisory committee for interviews. He further elaborated on the process taken and stated that the committee interviewed the candidates and scored them. This process was used for vetting of qualified candidates.

Commissioner Matt Martinez expressed his thoughts on this process and elaborated on his past experiences when he was Mayor and stated that the Mayor should be able to select a City Manager that he can work with. He also stated that previously when they advertised the position, they received many applications and elaborated on the issues that this caused.

After further and lengthy discussion, the Commission agreed change the proposed amendment as to Section 5.01(A) method of appointment of City Manager to require the Mayor to bring forth or present no less than two (2) qualified candidates for Council's review.

Vice Chair Salazar stated that this same proposal and verbiage would apply to Sections 5.04(C) appointment of City Attorney, 5.05(C) appointment of City Clerk and 5.06(B) appointment of Chief of Police and will be amended the same.

Amendment #4: Modifying the time for the periodic review of the City Charter and specifying the duration of a Charter Commission.

Vice Chair Salazar read Section 1.05(A) Charter Review. The current review requirement is to occur within five (5) years after the effective date of this Charter, and not less than once every ten (10) years thereafter. The proposed amendment will read "review to occur within three (3) years after the effective date of this Charter, and not less than once every five (5) years thereafter". In addition to the following sentence, The Governing Body shall set the duration of the Commission, ***add: "not to be less than six (6) months or greater than one (1) year"***, and such other terms and duties as the Governing Body deems advisable, not inconsistent with the provisions herein.

Chairman Apodaca moved on to other recommendations.

Recommendation 1: Section 2.07(A) Organizational Meeting.

Commissioner Einer stated that Charter calls for foundational work and the Governing Body should establish themselves how they do things.

Further brief discussion was held on establishment of the ordinances.

Commissioner Matt Martinez talked about the Organizational Meeting and the top ten priorities. He suggested that they include some wording to give the Governing Body an opportunity to meet and breakout into a sub-committee or maybe have a work session to come back at a second Council meeting and put the list together.

Further lengthy discussion was held.

Vice Chair Salazar stated that these are only recommendations and not amendments and this is just to bring these to the Governing Body's attention.

Chairman Apodaca stated for the record that these are just recommendations and not amendments and the Commission is just bringing to the Governing Body's attention what is not happening or being done.

Further lengthy discussion was held.

Chairman Apodaca entertained a motion for the acceptance of the proposed amendments to the City Charter and the included recommendations for the City Council.

Commissioner Einer made a motion to accept the proposed amendments with the recommended changes that the Commission has agreed on at this session.

Chairman Apodaca stated there was a motion to accept the proposed amendments with recommended changes as presented today and called for a second.

Vice Chair Salazar seconded the motion.

Motion passed unanimously.

Chairman Apodaca stated for the record that he received a message from Commissioner Madrid that she was unable to attend the meeting today and stated that she was favorable towards the passages.

Commissioner Matt Martinez stated that they want to make sure there are enough teeth to cover when they don't do what they should. He stated he wasn't sure if it needed to be at this level or recommended between now and the time the Council reviews the recommended changes but they need to make sure that there are consequences for not doing what they're supposed to or violating the Charter.

Further brief discussion was held and Chairman Apodaca stated that this issue has been a difficult one that the Commission has struggled with.

Commissioner Einer stated that the opportunity to rectify that lies in Section 9.01(G) and 9.03(E) as to establishing a Campaign and Ethics Board and enacting an ordinance for enforcement and with fines attached.

Further brief discussion was held.

Chairman Apodaca closed discussion and thanked the Commission for their service. He invited them to the next City Council meeting in September to present their proposed amendments.

Adjournment

Chairman Apodaca entertained a motion to conclude the business of the Charter Commission.

Commissioner Ludi made a motion to adjourn.

Commissioner Einer seconded the motion.

Motion to adjourn passed.

Meeting adjourned at 2:43 p.m.

Commission Chair Apodaca

9/1/2021
Date