



CITIZEN OUTREACH

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January 18, 2017

Brad Jerbic
Las Vegas City Hall
495 S. Main Street
Las Vegas, NV 89101

Dear Mr. Jerbic,

I am writing with regard to a pending proposal for early renewal of the agreement the City of Las Vegas has with Republic Services for residential and commercial trash collection.

According to NRS 295.20, *“The registered voters of a city may... (2) Require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, approve or reject it at the next general city election or general election.”*

My question is this: Would a city council vote to approve this new contract with Republic Services be subject to a possible citizen referendum in line with NRS 295.20?

In researching this issue, I found the following...

“In the city of Reno zoning changes are effected by city ordinance enacted by the Reno City Council. A municipal ordinance may be either legislative or administrative. Kleiber v. City of San Francisco, 18 Cal.2d 718, 117 P.2d 657 (1941). The decision in Denman v. Quin, 116 S.W.2d 783, 786 (Tex.Civ.App. 1938), offers an oft-used test for drawing the distinction: ‘An ordinance originating or enacting a permanent law or laying down a rule of conduct or course of policy for the guidance of the citizens or their officers and agents is purely legislative in character, and referable, but an ordinance which simply puts into execution previously-declared policies, or previously-enacted laws, is administrative or executive in character, and not referable.’ This legislative-administrative dichotomy is often vague, but it is this very

vagueness which has given the courts considerable leeway in balancing two competing interests: that of protecting government from unwarranted harassment and the equal interest in protecting benefits to be won through direct legislation.”

Not being a lawyer familiar with this sort of thing, this leaves me uncertain as to whether or not an ordinance passed by the Las Vegas city council awarding a contract for trash collection could be subject to a referendum per NRS.

Any assistance you can provide to help clear this matter up for us would be greatly appreciated.

Respectfully yours,



Chuck Muth
President

cc: Mayor Carolyn Goodman
Councilwoman Lois Tarkanian
Councilman Bob Beers
Councilman Bob Coffin
Councilman Stavros S. Anthony
Councilman Ricki Y. Barlow
Councilman Steven D. Ross