

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD
ON WEDNESDAY, JULY 18, 2018 AT 6:00 P.M. IN THE CITY OF LAS VEGAS
COUNCIL CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: Vincent Howell
David G. Romero
David A. Ulibarri, Jr.
Barbara A. Casey

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
David Silva, Acting City Attorney
Chris Lopez, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Ulibarri, Jr. asked for prayers for the kids, coaches and parents as they traveled to Regionals with the Little League Team.

APPROVAL OF AGENDA

Councilor Ulibarri, Jr. made a motion to approve the agenda.

Mayor Tonita Gurulé-Girón asked if there was a second on the motion. There was no second to the motion.

Councilor Casey stated that the majority of the Council had made agenda requests on several occasions and had been ignored or rejected and stated that items never

appear on the agenda. She advised that it was difficult for this Council to approve an agenda that has nothing in it that they want.

Councilor Casey advised that another concern was that the four positions had not been filled and should have already been named by Mayor Gurulé-Girón, as she stated that two of the positions would be filled within two weeks at the June Council meeting and would be addressed at a Special meeting. Councilor Casey stated that more than two weeks had gone by and nothing had happened, she added that statutory and Charter timelines had been missed, that they had not re-organized and that the Charter was also a concern to her.

Councilor Casey advised that as stated by Mayor Gurulé-Girón, "it was her due diligence in looking for someone who was highly qualified to fill the four positions", and added that the Mayor knew since December, that at least three of those positions needed to be filled by the end of April, after the Run-Off Election. She advised that Mayor Gurulé-Girón stated she would advertise those jobs and conduct a nationwide search although after researching, she found that it was not listed on the City's website, any job sites or Workforce Solutions website, which listed all jobs throughout the state, the Albuquerque Journal or the Santa Fe New Mexican. Councilor Casey stated that this needed to be addressed, that they had waited long enough and they needed to take action in moving the City forward. She stated that the Police Department could not follow through with their collective bargaining and that other departments were working on hold.

Councilor Casey advised that the whole time she had been a member of the Council, her agenda requests had never been honored as well as Councilor Howell's and Councilor Romero's as well. She added they would like items on the agenda that they could discuss that were concerns of their constituency and should be addressed as soon as possible.

Mayor Gurulé-Girón stated that there was a process regarding filling the positions, and asked City Clerk Fresquez to read a memo into the record as follows:

MEMORANDUM

Subject: RESPONSE TO NOTICE OF SPECIAL GOVERNING BODY MEETING

From: Mayor Tonita Gurule-Giron

To: Casandra Fresquez, City Clerk
Vincent Howell, City Councilor
Barbara Perea-Casey, City Councilor
David G. Romero

Date: April 26, 2018

I am in receipt of a "Notice of Special Governing body Meeting called by a majority of Governing Body." This Notice is improper and the City Clerk is directed NOT to publish Notice of this Meeting.

The Governing Body adopted, by Resolution 02-17, on July 17, 2002, the City of Las Vegas Governing Body Rules of Procedure. This has been in effect since that time and has never been revised or repealed. Procedurally, this Resolution has always been followed. While the Council has the right to call a special meeting, the Charter is not clear that they have a right to set a particular date and they do not have the right to set the Agenda.

This Resolution allows for preparation of all meeting Agendas by the City Clerk, through the Mayor and City Manager. I have not approved the addition of the issuance of a Request for Proposals for a search for a new City Manager. Therefore, such an Agenda item is inappropriate.

Also, the City Charter, in Section 5.01, states that the Mayor shall appoint a City Manager, subject to Council Approval. Therefore, it is my decision as to how the City Manager will be selected, not the City Council Members. I am preparing a plan for the process that I intend to use in selecting a new City Manager which will be presented by me at the Organizational meeting of the City Council. It is inappropriate for the City Council to attempt to subvert the City Charter by placing such an item on an Agenda for a City Council meeting.

No Request for Proposal process can force me to name any particular person as the City Manager.

For these reasons, I am directing the City Clerk to NOT publish the Notice of Special Meeting.

Further, it appears that the other Councilors have been in violation of the Open Meetings Act in the preparation of this Notice. It would appear that the process of a "rolling quorum" has been used. It would also appear that there was a prior violation of the Open Meetings Law at the time of the censure vote of my Administration. A referral to the Attorney General's Office for further investigation is appropriate for these violations.

Mayor Gurulé-Girón advised that she had provided the memo to the Optic although was never followed up by them and anything given to them was never represented. She addressed Mr. Brooks and stated that in the attempt to give him a corrected or an accurate story, he ignored or circumvented the process, only publishing what was convenient and never getting both sides of the story. Mayor Gurulé-Girón stated she had never ignored the wishes of the Council and that the memorandum just read was clear on the process and that this was not a good

time to discuss the Special Audit due to the attorney not being available for the discussion. She advised that she did call an Organizational meeting, that it was an impossibility for three Councilors to have an emergency, not being able to attend and that it was her due diligence to set meeting dates and she did not have to set meetings to accommodate Councilors.

Mayor Gurulé-Girón stated that regarding contracts, Randy Vanvleck, who the City had a contract with, had been previously contacted by Interim City Manager Ann Marie Gallegos although he failed to get back to the City. She stated that they were moving forward and spoke with City Attorney Danelle Smith, who had worked on the City contracts. Mayor Gurulé-Girón added that they still needed to negotiate the contracts with the individuals who were recommended for Police Chief and City Attorney and added that the contracts had been given to her last week (Friday) and stated that she was reviewing the contracts and that she would be having a meeting with the individuals who had been offered the positions, hopefully by the end of this week, if not, no later than next week.

Mayor Gurulé-Girón stated that regarding the Special Audit that once there was an exit conference it was final and there was nothing further to discuss and added that it was public and available on the State Auditor's website. She stated that she did not know why another Special Audit would be needed and added that this Special Audit cost \$80,000.

Mayor Gurulé-Girón advised that regarding advertising for the positions, she had been speaking to individuals to get the word out, that they may apply if interested and added that they had received applications. She advised that the interview committee would bring recommendations to the Council, consistent with policy and would be advertising the City Manager position through ICMA. She added that she was unaware of other agenda item requests that were not honored and was aware of only two.

Councilor Howell stated that the three Councilors signed the first agenda request for discussion and approval or disapproval for the search of a City Manager, and if they would have had that meeting, everyone's concerns would have been discussed and that was the importance of the agenda item request. He stated that on the second agenda item requested, was not to review the Special Audit although to discuss the recommendations that were made from the Special Audit and questioned that if the City spent that much money on the audit, why wouldn't

they want to discuss the recommendations as a team and to get input from the public on those recommendations.

Councilor Howell advised that he thought it was important to be inclusive and in his opinion, felt that Council had not been included in a lot of the decision making processes that had been happening in the last year and a half. He added that he thought the Mayor had made many unilateral decisions that really affected the team building concept that they should have.

Councilor Howell stated that he was very disappointed in the lack of acknowledgement of the Council's requests for agenda items and that it was important that the public knew that the Council was very interested in making sure the community's interests were held up front. He stated that the community needed to move forward and for the Council to have the opportunity to give input into some of the critical and very demanding decisions that had to be made such as the appointees, the goals and objectives that had been discussed at several retreats and that it was important that Council was included and personally felt they had been alienated by the Mayor and she made this Governing Body very divisive.

Councilor Howell stated that the community advised him of the Governing Body not working together and that it was important to work as a team and that the Mayor hears all of Council's comments, in order to make a decision. He advised that the Council wanted to include their feedback, and were needed by the community to lead the City forward and addressing issues that were brought up through public input.

Councilor Ulibarri, Jr. advised that the Special Audit had been discussed and the things that needed to be done were explained to them and was understood by him although was not sure if it was understood by his colleagues. He stated that he was never aware of the agenda item that was requested to be placed on the agenda by the rest of the Council.

Heated discussion took place regarding several issues of divisiveness among the Governing Body.

Councilor Romero apologized to the public for what was happening, he stated that he was taking a stand for all his colleagues and that every single one of them deserved to be heard. He advised that he had been in discussion with the Mayor

and could easily say that more than likely he could get an item on the agenda although would not be fair to everyone. Councilor Romero advised that everyone should be able to place an item on the agenda and stated that he supported Councilor Howell regarding the agenda item and informed that Councilor Howell mentioned it during an open meeting, that there was not a rolling quorum and that the process was followed.

Councilor Romero advised that he was taking a stand and was the voice for everyone and that he spoke with Mayor Gurulé-Girón regarding a couple of agenda items which did not fall through although stated that it was not fair for everyone, due to there being times that he might be in the minority and because of that it did not mean that it should not be placed on the agenda. He advised that he was taking a stand for the majority tonight and asked Mayor Gurulé-Girón to please be willing to listen to Council and place items on the agenda.

Councilor Romero stated that he was not here when the Special Audit took place, he had no idea what the City was doing and that he would have liked for the officials to inform him of the Special Audit and felt that it was about time that any Councilor should be able to place anything on the agenda.

Mayor Gurulé-Girón stated that there was a process to place items on the agenda, and advised that when she was contacted by Councilor Romero, she worked with him as she does with anyone, that Councilor Casey had not come to her personally regarding agenda items and that she worked with Councilor Howell on the resettlement. She advised that she had never turned down anything that had come to her other than the two and regarding the second agenda item requested had not been turned down and stated that the Attorney needed to be present.

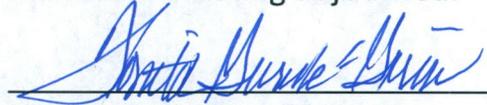
Mayor Gurulé-Girón suggested a Town Hall meeting to discuss the Special Audit, so that it may be open to the public, open for any questions. She commended Councilor Romero for his professionalism.

Councilor Romero advised that thirty minutes had been wasted. He stated that he was going to stick up for the Councilors and that their voices of their constituents should not be shut down.

Mayor Gurulé-Girón asked once again if there was a second motion on the approval of the agenda. There was no second.

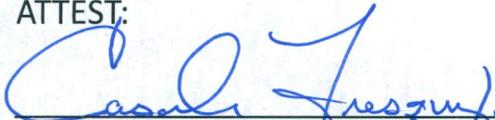
ADJOURN

Mayor Gurulé-Girón then asked for a motion to adjourn. Councilor Casey made a motion to adjourn. Councilor Howell seconded the motion. Mayor Gurulé-Girón called the meeting adjourned.



Mayor Tonita Gurulé-Girón

ATTEST:



Casandra Fresquez, City Clerk