

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Respondents.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Respondent/Cross-Appellant.

No. 84345

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**AMENDED
JOINT APPENDIX
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Southwest Cities. This is the highest and most prestigious award given by the ISO for rating fire suppression capabilities and facilities nationwide. Las Vegas is one of only nine cities across the nation to qualify for ISO Class 1. The ISO rating is based on response capabilities, the alarm facility and notification, number of apparatus, personnel and equipment, training and water supply system. The insurance industry utilizes this rating to set insurance premiums for the community. The Class 1 rating assures Las Vegas citizens the lowest fire insurance premiums.

The Fire Department determines its service area radius based on population densities. The following standards are used to determine service areas.

<u>Density</u>	<u>Service Radius</u>
Low (rural residential)	5-mile radius
Medium (suburban mixed-use area)	3-mile radius
High (downtown)	1.5-mile radius

The density of the population creates a major impact on the ability of the Fire Department to effectively service an area. Higher density areas require more equipment and personnel to service a greater number of structures. The high density areas also present an increased risk of fires spreading due to the close proximity of the buildings in these areas. Placing pockets of high density development in areas previously planned for low density residential contributes to inefficient fire service capabilities. The Fire Department is faced with the option of over-serving the rural areas surrounding the development at a high cost, or inadequately serving the high density pocket, while maintaining a proper level of service for the low density surroundings.

Automatic Aid Agreements

The City has automatic aid agreements with the Clark County Fire Department

and North Las Vegas Fire Department. Under this agreement, the boundaries between entities are ignored and the closest fire station to the emergency is dispatched, regardless of which entity experiences the emergency. The total resources of the agencies are available to each entity should a large emergency occur.

The City's Fire Department assumes responsibility for all responses to fires and emergencies occurring within County areas which are completely surrounded by City Boundaries (County Islands). Services are maintained by the City and appropriate taxes from the area are released to the City from the County.

"Las Vegas 2000 and Beyond" Actions relating to Fire Protection are:

- Enhance the current emergency delivery systems.
- Enhance all communication capabilities by incorporating technical advances.
- Increase frequency and quality of fire inspection.
- Educate public, builders and policy makers on fire prevention methods.
- Provide an adequate state of readiness commensurate with the fire problem in the community.

3D.2 Issues

Issue 1: Facilities and Land Use

By developing pockets of intense development away from the downtown core of the City, the effectiveness of the existing fire fighting facilities will decrease. In effect, the development of high density uses in rural areas leaves a choice of over-serving a rural area or inadequately serving the high density development.

Certain areas of the City are adequately serviced by Clark County and North Las Vegas. These areas do not need duplicated fire services from the City. Map 5 shows areas where Clark County and North Las Vegas service areas cover portions of the City.

Issue 2: Access and Circulation

The Fire Department must have access to and through all developments within the City to effectively respond to all emergency calls. Therefore, gated communities must be designed to allow police and fire response teams to access and circulate throughout the entire development.

Street names which are duplicated or streets which have different names at various parts of the Valley can cause delays for emergency response teams. A committee comprised of representatives from the entire Valley is presently examining this problem.

3D.3 Goal, Objectives, Policies and Programs

Goal: Provide efficient and cost-effective community facilities and services.

Objective A: Provide protection of life and property by providing efficient and effective facilities and services for fire prevention, fire suppression, hazardous material control, and emergency medical care.

Policy A1: Provide protection of life and property to the City of Las Vegas through effective planning and management for the City's Fire Services facilities.

Policy A2: Provide a professional department leadership planning function which ensures that all facets of mutual and local cooperative agreements are met and maintained.

Program A2.1: Establish, monitor and evaluate departmental goals and objectives for facilities and services on an annual basis.

Program A2.2: Annually develop, implement and update operations and planning in conjunction with "FIREPLAN 2000".

Policy A3: Reduce the severity of fire or emergency situations through an effective code enforcement program.

Program A3.1: Conduct inspections of all new construction job sites to ensure that the construction of fire safety items are in conformance with approved plans and that all new fire protection systems are installed and tested in compliance with all fire codes, standards, and ordinances.

Program A3.2: Conduct inspections of all occupied buildings on an "as-needed" basis, inspect all businesses applying for a business license, and act on all complaints or requests from the public.

Program A3.3: Conduct inspections/evaluations, issue appropriate permits and maintain records on all facilities that store, use or manufacture hazardous chemicals and or materials.

Policy A4: Improve all communication and mapping capabilities by incorporating technical advances of the Geographic Information Systems (GIS) of the City and County.

Policy A5: Minimize confusion through proper site design and street naming to facilitate emergency access of fire vehicles.

Program A5.1: Establish a set of design standards mutually acceptable to the police, fire, and planning agencies to facilitate emergency access.

3D.4 Evaluation and Implementation Matrix

The following Evaluation and Implementation Matrix (EIM) was prepared as a measurable summary of the above Policies and Programs. The EIM is to be used:

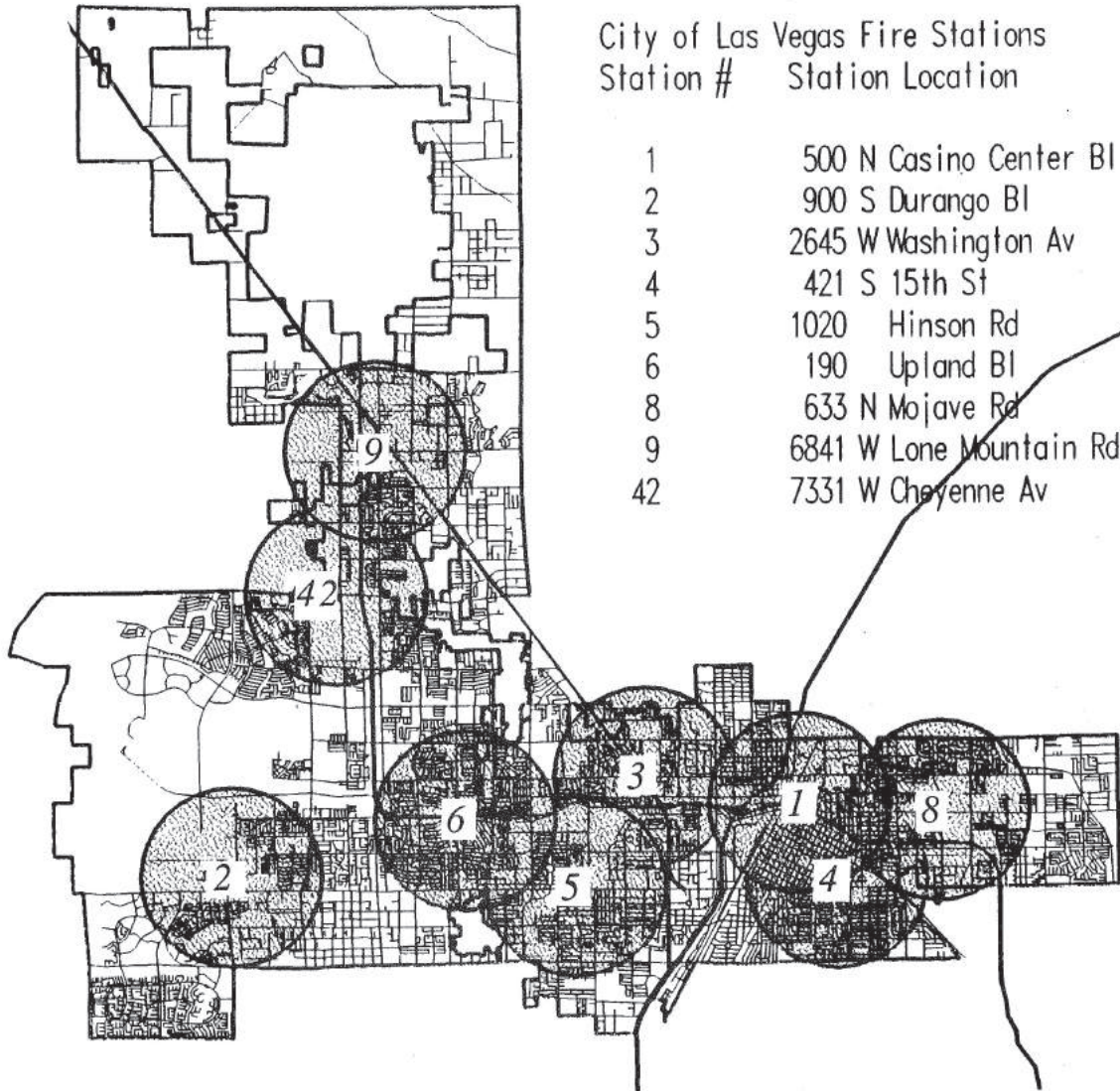
- as a method of measuring the implementation progress of the General Plan
- as a budgeting document for specific work programs
- as a tool for developing work programs

The following abbreviations apply to the Evaluation and Implementation Matrix

City Departments

CP	Community Planning and Development
FD	Fire Department
LVMPD	Las Vegas Metropolitan Police Department

Current Fire Station Locations with 3 Minute Response Areas



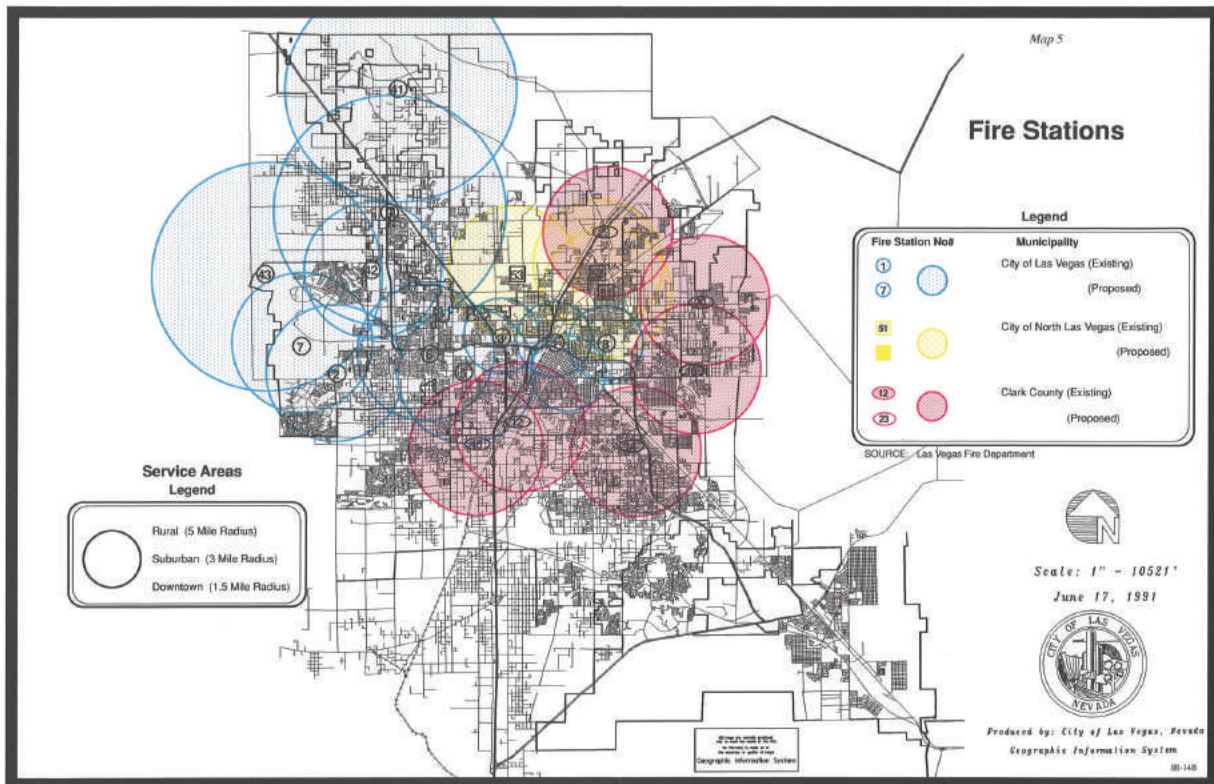
Produced by City of Las Vegas
Geographic Information System



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EVALUATION AND IMPLEMENTATION MATRIX: FIRE PROTECTION SERVICES					
POLICY (PROG.)	SUMMARY	RESPONSIBLE DEPARTMENTS	DATE OF IMPLEM.	ACTION/PRODUCT (RELATED PROGRAM)	REMARKS
A1	Continue to plan and manage the City's fire services.	FD, LVMPD	ongoing	Fireplan 2000 and Gen. Plan	ISO rating of 1.
A2 (A2.1)	Est., monitor and evaluate	FD, LVMPD	ongoing	Fireplan 2000 and Gen. Plan	
A2 (A2.2)	Long-term and short-term plans along with Fireplan 2000.	FD, LVMPD	ongoing	Fireplan 2000 and Gen. Plan.	
A3 (A3.1)	Inspect new construction for fire code violations.	FD	ongoing	Schedule and inspection criteria.	quality and safety standard for new development
A3 (A3.2)	Inspect occupied structures as needed.	FD	ongoing	Inspection program	
A3 (A3.3)	Thoroughly inspect hazardous materials handlers.	FD	ongoing	Inspection and report on results.	
A4	Use GIS	FD and CP	ongoing	Technical advance.	used in some applications
A5 (A5.1)	Coordinate street naming, addressing, and proper site design.	FD, LVMPD, CP other communities	ongoing	Revise ordinance for street naming/numbering.	

3E Education Services

3E.1 Background

Educational services in Las Vegas for students in kindergarten through twelfth grade are provided primarily by the Clark County School District. The School District is responsible for providing these services to all of Clark County. Jurisdictional boundaries of the various municipalities do not play a part in the School District's efforts to provide educational services. District zoning is the determinant factor of school service areas. The zone where a student lives determines what school he will attend. Therefore, a zone may include students from more than one local government. Because of this, it is impossible to assess the education delivery system in Las Vegas without analyzing the entire Las Vegas service area. (Map 6A-F)

Existing Inventory

In school year '91-'92, the Clark County School District provided 143 schools within the Las Vegas attendance area. The Las Vegas attendance area does not include Henderson,

Boulder City, Laughlin, Moapa Valley, Virgin Valley, Indian Springs, and rural schools. (Table 3)

Clark County School District proposes 17 additional elementary schools, 8 junior high schools and 4 senior high schools through 1995 for the Las Vegas Attendance Area. Presently, the schools are not designated to be located within the City of Las Vegas. If the City reaches its projected population in 1995 and 2000, it will be necessary to locate elementary schools within the City to service the newly developed areas adequately.

Analysis

In order to operate at an optimum level, elementary schools and junior high schools should be operated at 97% capacity. High schools should operate at 92% capacity. The extra space is utilized for extracurricular activities and special course needs. Using these criteria, the existing schools can serve 103,987 students. (Table 4)

The number of students that can be serviced adequately with the existing facilities can be compared to the existing and projected student enrollment


to assess the future needs of the Las Vegas area. (Table 5)

The numbers in Table 5 signify overcrowded elementary schools, junior high schools and high schools. To compensate for a lack of space within the existing schools and projected increases in student enrollment, the School District has implemented a number of programs.

The District has developed a ten year construction program, which outlines future construction of schools. The ten year construction plan takes into account current and projected deficiencies and attempts to alleviate these problems.

The District also has programs to mitigate overcrowding until permanent structures are provided. Some schools are equipped with portable classrooms which can hold an entire class of students per unit. Year round schools have been developed to allow more students to benefit from an existing school. This program breaks students into five tracks. The tracks are rotated so that only four tracks of students are serviced at a time. This allows the

Table 3

 Schools in Las Vegas Attendance Area			
Projected Schools '91-'92	Number of Schools	Avg. Capacity of Students/School	# of Students Served
Elementary Schools*	96	635	60,960
Junior High Schools	18	1,178	21,204
Senior High Schools	12	2,200	26,400
TOTAL	126	1,338	108,564
*includes 6th grade centers			
**Clark County School District also provides 8 special schools which service approx. 510 students			

Source: Clark Co. School Dist. provided school capacity figures

GP.CF Table 3 Schools;PM;pmv9-9-91

school to service approximately 22% more students than in 9 month schools.

The School District sets site criteria for determining school locations. The following is a summary of the current criteria.

Elementary Schools

- Elementary schools should be surrounded by secondary streets.
- Elementary schools should be developed on ten acre parcels or greater.
- Elementary schools have a capacity of 600 (9-month schools) to 730 (12-month schools) students.
- New elementary schools will be planned, assuming available capital funding, when developments in an area produce 200 or more students; or when existing schools reach their designated capacity.

Junior and Senior High Schools

- Junior High Schools have a capacity of serving 1704 students.
- Senior High Schools have a capacity of serving 2800 students.

"Las Vegas 2000 and Beyond" Actions relating to Education are:

- Establish the G.R.E.A.T. System

Table 4

Possible Students Served at Optimum Levels - '90-'91	
Elementary Schools*	59,131
Junior High Schools	20,568
Senior High Schools	24,288
TOTAL	103,987
*includes 6th grade centers	

Source: CCSD provided '91-'92 school enrollment projections

GP.CF Table 4 student serv;PM:pmv9-9-91

- a gang drug information system.
- Establish "Smart Moves" —a primary drug and alcohol prevention program.
- Establish "COSTAR" —an alternative high school.
- Expand latch-key/Safe-key programs, WE-CAN and pre-school programs.
- Provide alternative programs for non-college bound students and ...awareness of the Southern Nevada job Market.
- Bring education to the workplace—training for small business and satellite college centers.
- Survey businesses to identify educational needs.
- Develop business/community partnership programs...
- Expand four year old kindergarten programs by using community recreational facilities.
- Expand programs which allow children to learn at their own rate.
- Develop programs for teens to stay in school and acquire needed skills.
- Support programs for continuing education.

Table 5

Projected Enrollment vs. Optimum Capacity			
'91 Projected Enrollment	Current Enrollment	Optimum Capacity	Students Above Capacity
Elementary Schools*	61,911	59,131	2,780
Junior High Schools	20,297	20,568	0
Senior High Schools	26,133	24,288	1,845
TOTAL	108,341	103,987	4,354
*includes 6th grade centers			

Source: CCSD provided '91-'92 school enrollment projections

GP.CF Table 5 Enrollment;PM:pmv9-9-91

3E.2 Issues

Issue 1: School Overcrowding

The Clark County School District currently uses year-round schools which can service 22% more students than 9-month schools to alleviate the strain of overcrowded elementary schools.

Elementary, junior and senior high schools are currently operating above permanent building seating capacities. After the development of planned elementary, junior high, and senior high schools for the '91-'92 school year, the schools are still projected to be overcrowded based on projected enrollment.

Issue 2: Joint-use Contract

The joint-use contract between the City and the School District allows maximum use of the land at minimum expense to both entities. The contract allows the City Parks and Leisure Department to use School District facilities after school hours for activities and programs.

Issue 3: School Locational Standards

School locations should address safety and access. The School District sets site criteria which address safety issues for determining school locations.

3E.3 Goal, Objectives, Policies And Programs

Goal: Provide efficient and cost-effective community facilities and services.

Objective A: Promote the development of adequate educational facilities in accordance with City growth patterns.

Policy A1: Inform the Clark County School District of City land use and circulation plans.

Program A1.1: Encourage neighborhood planning and design which will result in minimum conflict between school sites and major traffic arterials.

Program A1.2: Coordinate with the Clark County School District in planning public education facilities in the City.

Program A1.3: Coordinate plans with the University of Nevada for the expansion of facilities, including community colleges, throughout the City.

Program A1.4: Utilize the General Plan future land use maps to assist in appropriately locating school facilities.

Policy A2: Coordinate with land developers and the School District to identify school facilities in new developments as needed.

Program A2.1: Assist the School District in strategically locating neighborhood elementary school sites.

Program A2.2: Encourage the School District to adopt quality facility designs which are aesthetically sensitive to their surrounding neighborhoods.

Policy A3: Cooperate with the Clark County School District in its efforts to seek funding for adequate educational facility funding.

Objective B: Support joint use of City and School District facilities to improve levels of community service without duplicating investment in public facilities.

Policy B1: Continue joint use of school facilities between the School District and the City.

Policy B2: Design local parks adjacent to elementary and junior high school sites, when feasible, to facilitate joint use.

Policy B3: Cooperate with the School District to identify and acquire land to develop as joint park/school sites.

3E.4 Evaluation and Implementation Matrix

The following Evaluation and Implementation Matrix (EIM) was prepared as a measurable summary of the above Policies and Programs. The EIM is to be used:

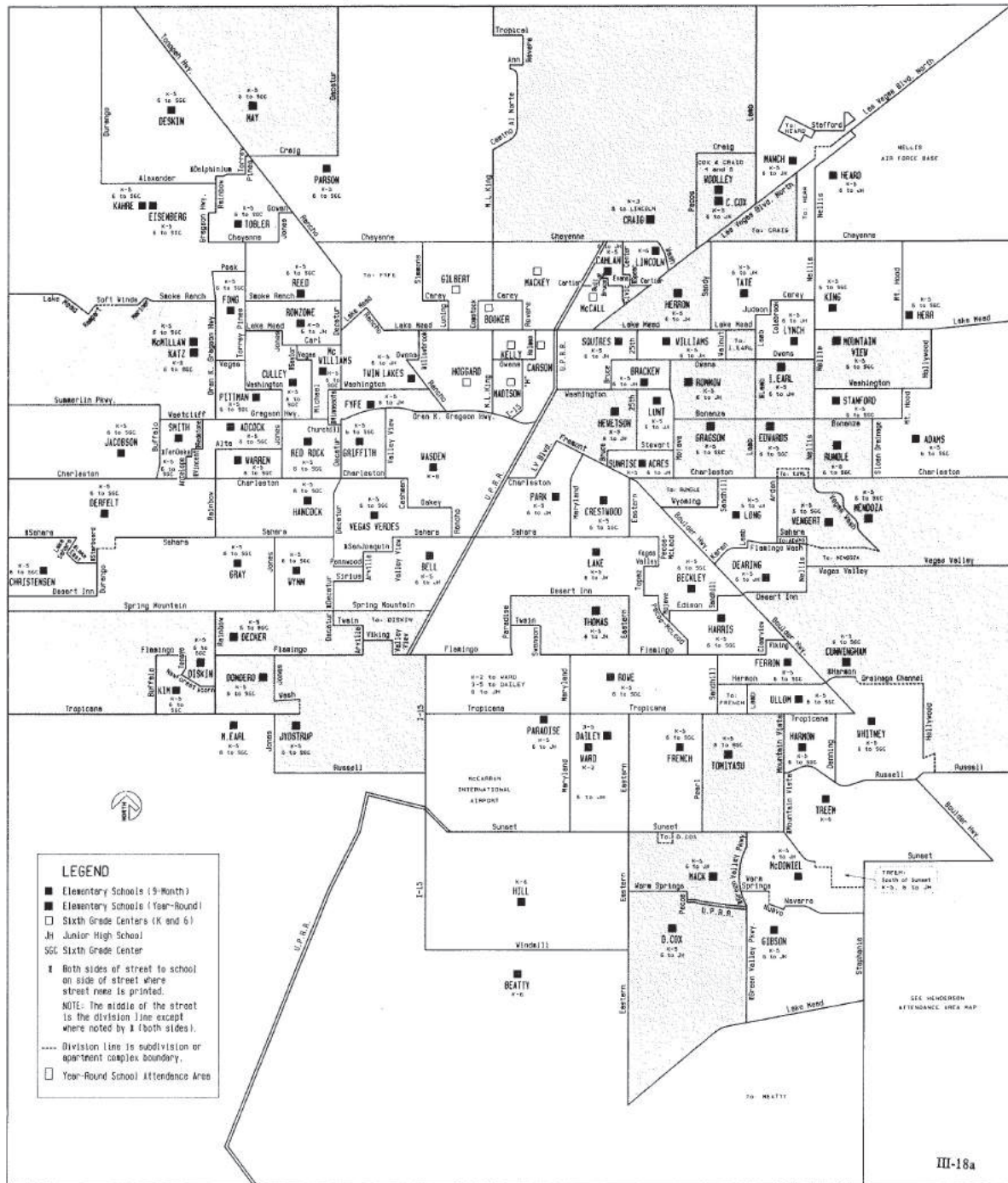
- as a method of measuring the implementation progress of the General Plan
- as a budgeting document for specific work programs
- as a tool for developing work programs

The following abbreviations apply to the Evaluation and Implementation Matrix

CP	Community Planning and Development
CCSD	Clark County School District
FN	Finance Department
PL	Parks and Leisure

Las Vegas Valley Elementary Attendance Area 1991-92

Map 6A



FACILITIES AND TRANSPORTATION SERVICES DIVISION 3/91
DEMOGRAPHICS AND ZONING SECTION (1982) 199-2573

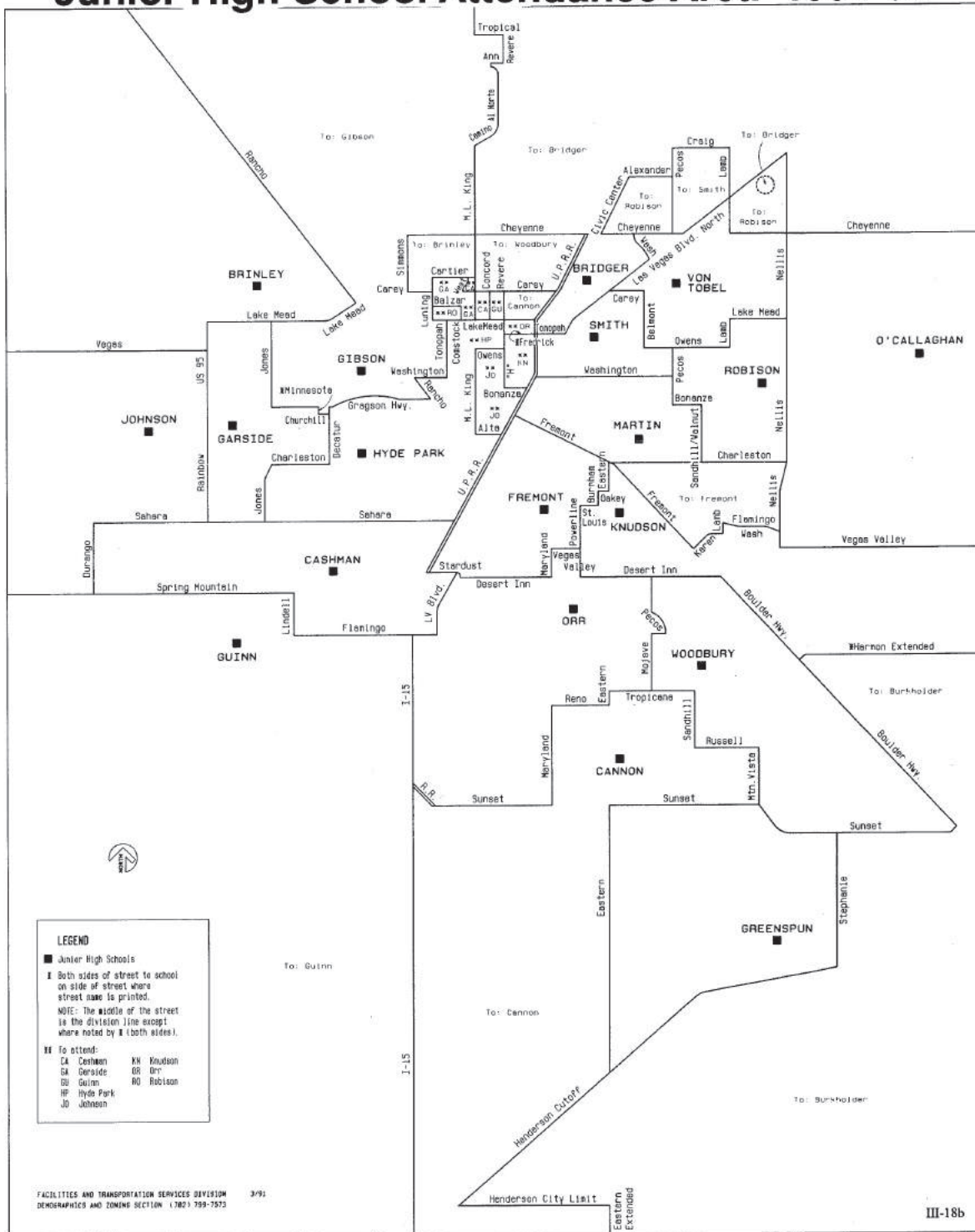
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Las Vegas Valley Junior High School Attendance Area 1991-92

Map 6B

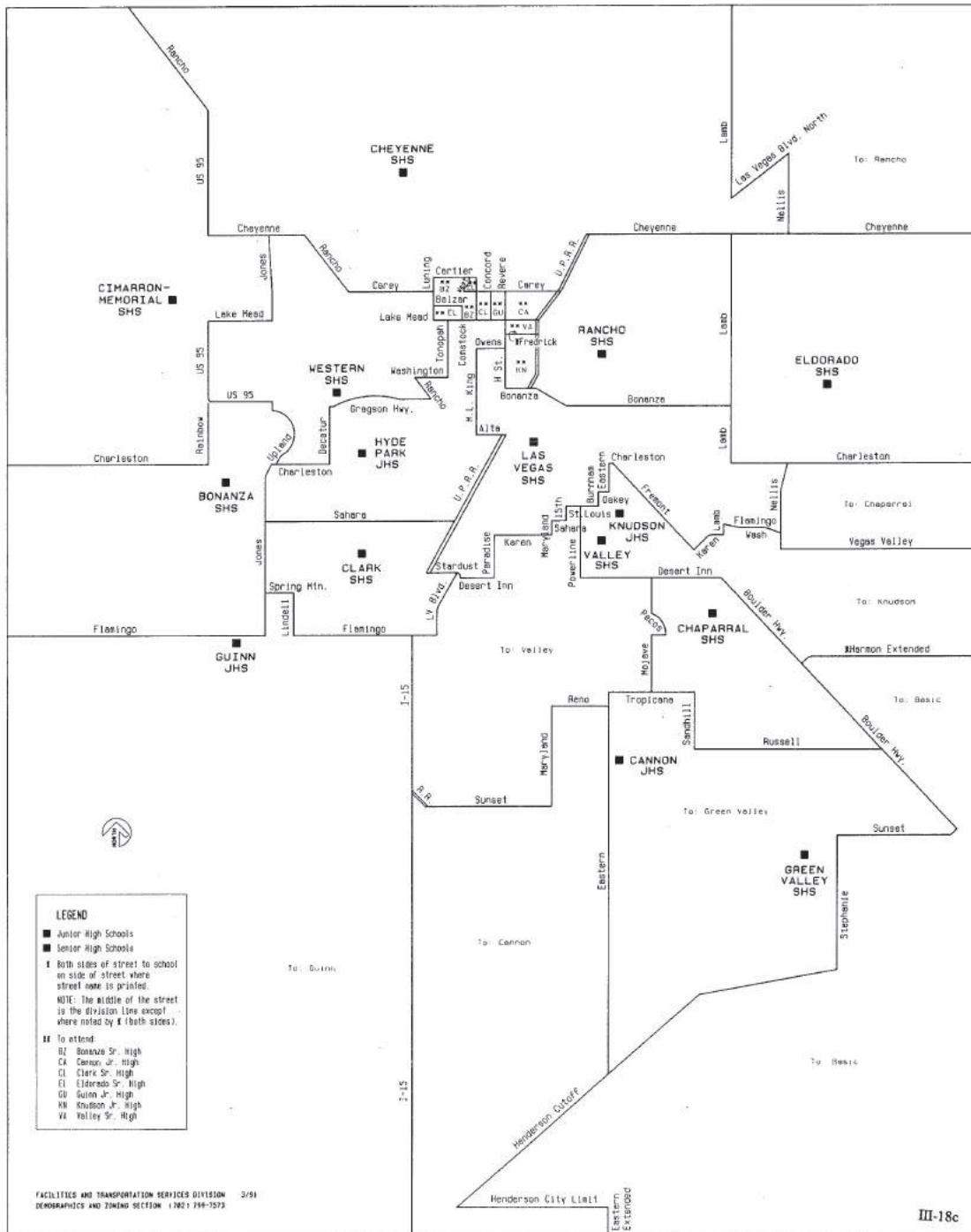


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Las Vegas Valley 9th Grade Attendance Area 1991-92

Map 6C



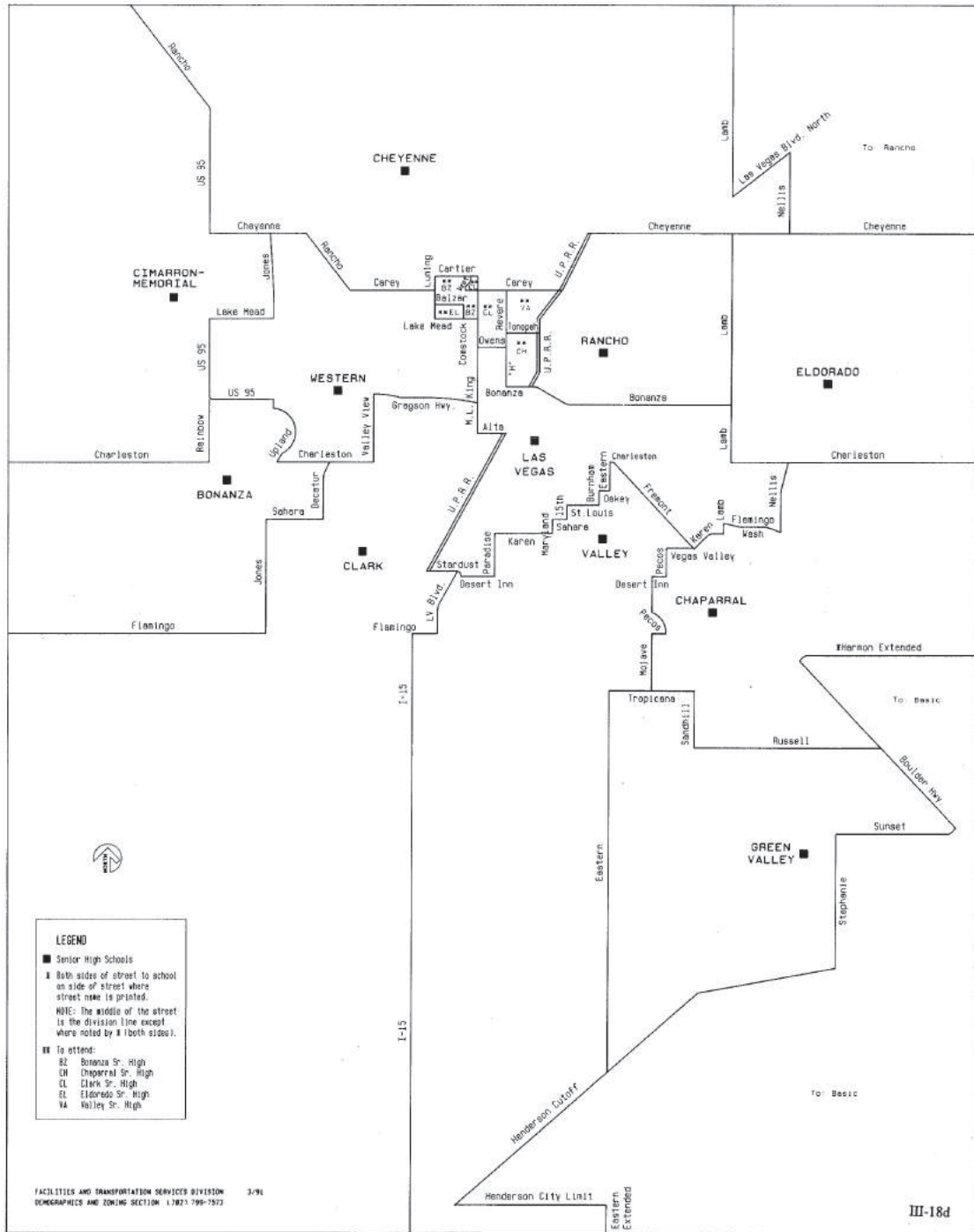
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Las Vegas Valley

10-11th Grade Attendance Area 1991-92

Map 6D

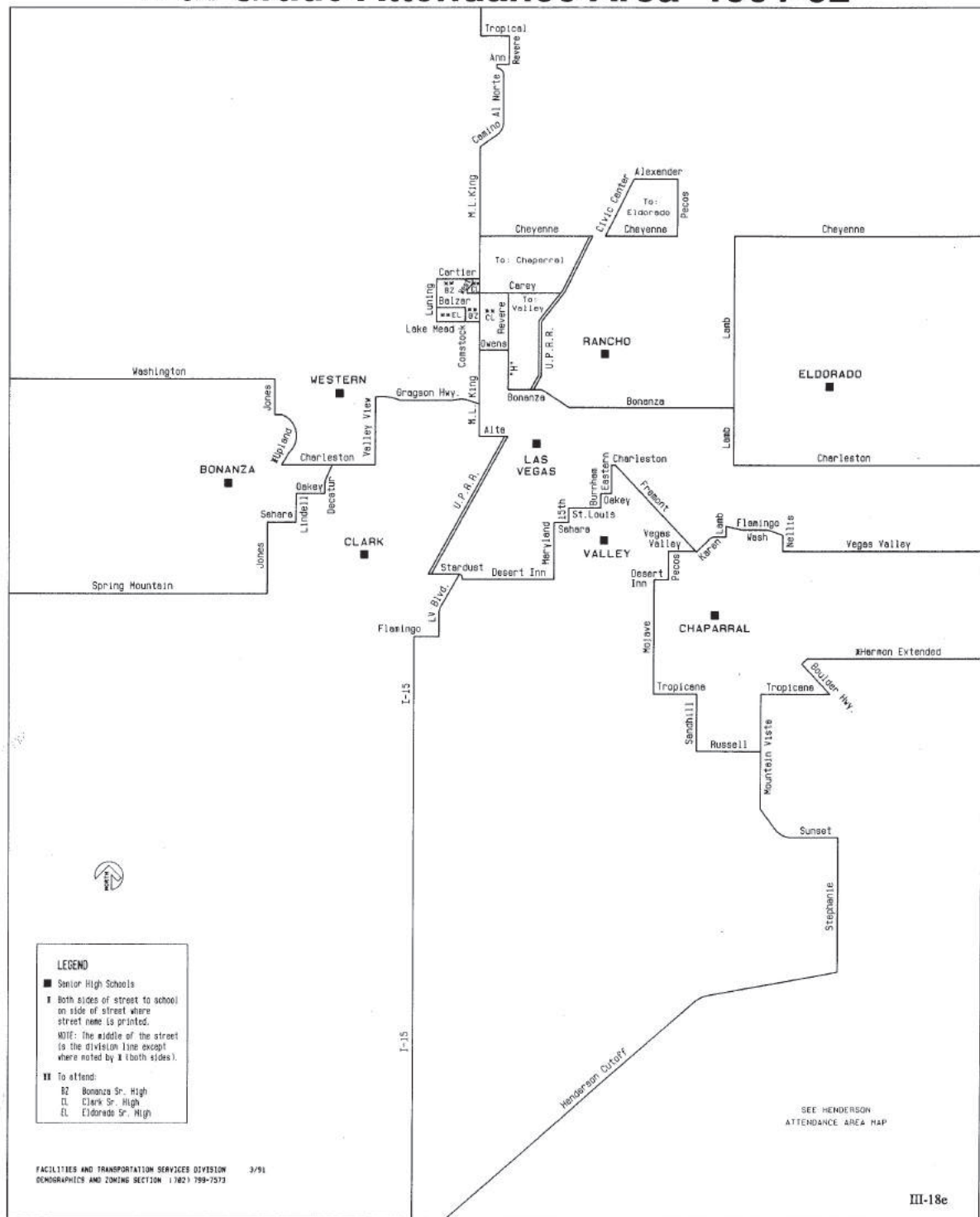


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Las Vegas Valley 12th Grade Attendance Area 1991-92

Map 6E

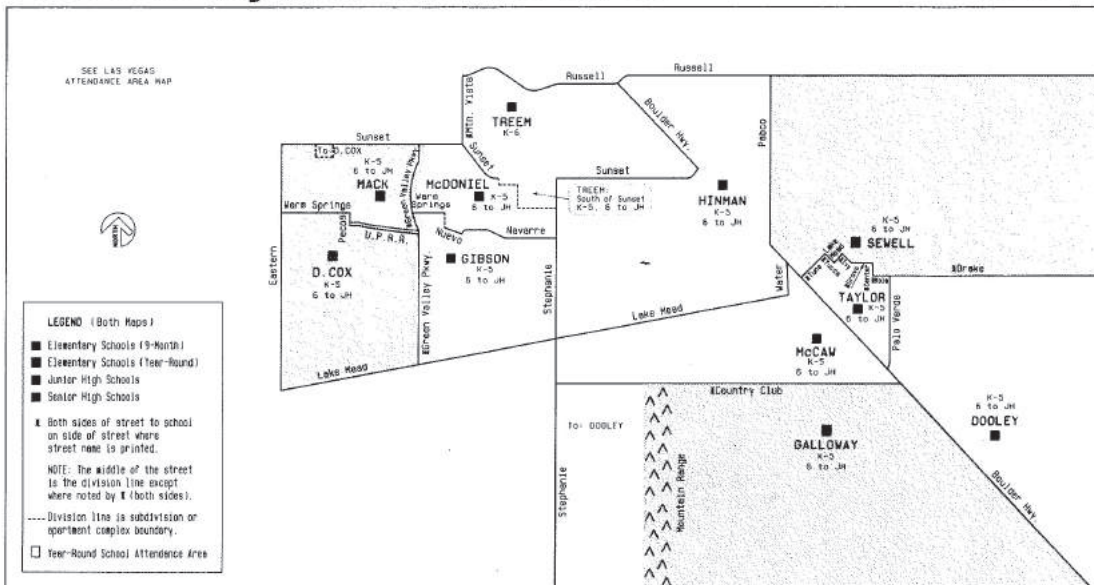


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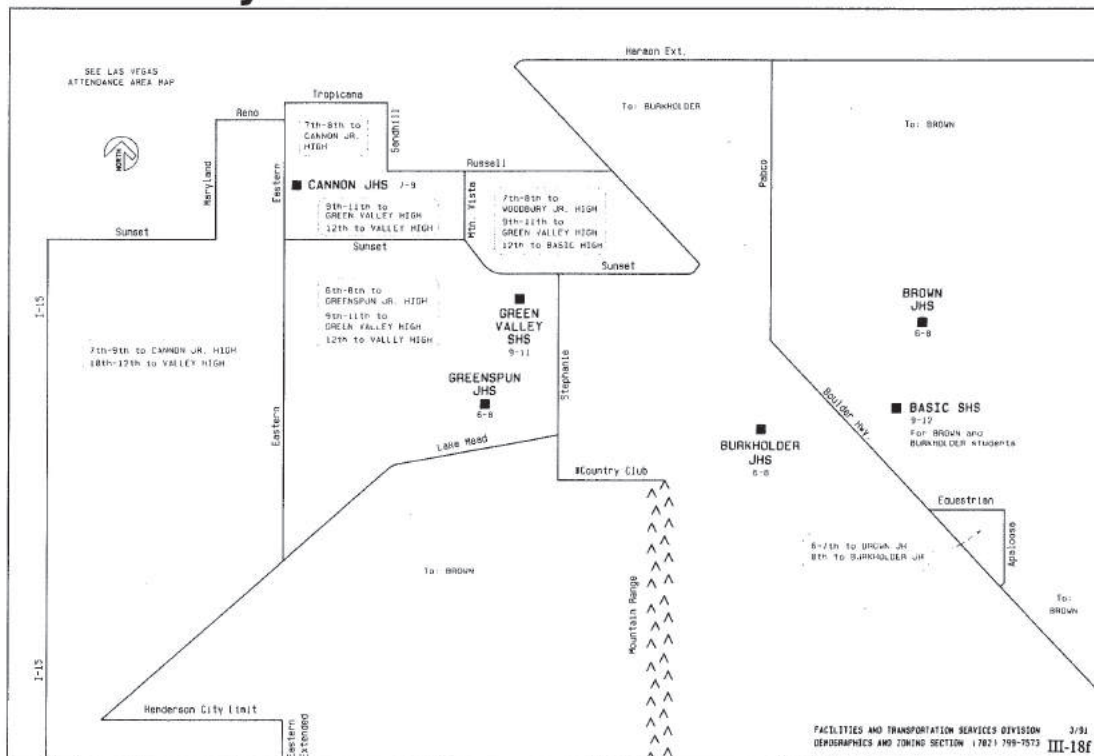
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Henderson Elementary Attendance Area

Map 6F
1991-92



Henderson Secondary Attendance Area



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EVALUATION AND IMPLEMENTATION: EDUCATION FACILITIES				
POLICY (PROG.)	SUMMARY	RESPONSIBLE DEPARTMENTS	DATE OF IMPLM.	ACTION/PRODUCT (RELATED PROGRAM)
2.6.3(1)	Minimize conflicts between major streets and schools.	CP, CCSD	ongoing	Set locational criteria.
A1 (A1.2)	Coordinate school planning in City with School District.	CP, CCSD	ongoing	Set locational criteria and assist CCSD in land acquisition.
A1 (A1.3)	Coordinate plans of UNLV to include City locations.	CP, CCSD	ongoing	Present UNLV with possible development sites.
A1 (A1.4)	Utilize General Plan to locate optimum school locations.	CP, CCSD	ongoing	Set locational criteria
A2 (A2.1)	Assist in locating neighborhood elementary schools.	CP	ongoing	Set locational criteria.
A2 (A2.2)	Encourage CCSD to adopt quality facility design.	CP, CCSD	ongoing	Set design standards for school structures.
A3	Cooperate to seek appropriate funding for CCSD.	FN	ongoing	Set level of service goal and attempt to meet that goal.
B1	Provide an equitable means for sharing costs for joint use fac.	FN	ongoing	Complete a study to help determine fair share of pay.
B2	Design local parks next to elem., junior high schools for joint use	PL, CCSD	ongoing	Facilitate joint use.
B3	Cooperate with CCSD to acquire land suitable for joint use project.	PL, CCSD	ongoing	Facilitate joint use.
				City should write policy
				City should write policy

3F Library Services

Table 6

3F.1 Background

Libraries provide the Las Vegas Community with a necessary form of passive recreation, as well as a means for educating and entertaining people of all ages. Businesses in the Las Vegas area can use libraries as an important resource to help them succeed. Many of the libraries in the Las Vegas Valley also offer cultural art activities and events which enrich our community. It is important that we develop libraries in the City of Las Vegas that are accessible to all Citizens and that provide quality reading and viewing material.

The Las Vegas-Clark County Library District (LV-CCLD) provides library services to all of unincorporated Clark County, and the City of Las Vegas. The Board of Directors for the LV-CCLD consists of five representatives from the City of Las Vegas and five from Clark County.

Existing Inventory

The LV-CCLD currently has nine libraries at the urban locations shown on Map 7. LV-CCLD also provides 11 other rural locations which are not plotted on the map.

The Library District plans to add two library facilities in Las Vegas. The planned facilities are plotted on Map 7 and listed in the Appendix.

Analysis

The Library District has adopted a library planning standard of 1/2 sq. ft. of library space per capita. This standard equates to 25,000 sq. ft per 50,000 residents. Therefore, each library, based on an average size of 25,000 sq. ft. is intended to service approximately 50,000 people. This equates to roughly a 5-mile diameter area surrounding each library. The libraries and their service areas are plotted on Map 7.

Library Service Analysis			
	1990	1995	2000
# of Libraries *	4.5	6.5	6.5
Serviced Population **	225,000	325,000	325,000
Total Population	258,295	324,148	390,000
Population Not Served	33,295	0	65,000

* Includes a library outside Las Vegas that services the City

** Based on 50,000 population serviced per library

Source: Las Vegas-Clark Co. Library District

GP.CF Table 6 Library serv./PM.pmv9-9-91

The Library District currently has four libraries within the City of Las Vegas and one library, located outside of City boundaries, which includes a portion of Las Vegas in its service area. Using the above standard of 50,000 people per library, the existing libraries can service approximately 225,000 Las Vegas residents. Approximately 33,295 Las Vegas Citizens are not adequately serviced by libraries.

The Library District also plans two new additional libraries in the City. The addition of the libraries will increase the serviced population to 325,000. The Department of Community Planning and Development projects the City's population in 1995 to be 324,148. The entire Las Vegas population will be serviced if the planned libraries are completed by 1995. (Table 6)

The Library District's services can also be assessed by the quantity of books they offer per capita. It is assumed all of the books are quality books. The District has set a goal of two books per person in Clark County, although currently only 1.16 books are offered per person. The National Average for similar size cities is 2.4 books per person. (Table 7)

Ten million dollars of a bond issue approved by voters in May 1991, will be used to acquire books. With these funds, the district will increase its book inventory by 444,000, for a total of 1,305,625 books. This increases the number of books per capita to 1.63, based on the 1990 population. In addition to the bond issue, the Library District devotes approximately 25% or \$1.5 million dollars of its yearly budget toward books. The District obtains

Table 7

Books per Capita	
	1990
# of Books	861,625
Population*	741,459
Books per person	1.16

*Population from Census

Source: LV-CCLD

GP.CF Table 7 Books./PM.pmv9-9-91

Table 8

Projected Books per Capita	
	1995
# of Books	1,630,625
Projected Population*	872,714
Books per person	1.87

*Population projection from CLV Dept. of Community Planning and Development

Source: LV-CCLD

GP.CF Table 8 Projected books./PM.pmv9-9-91

about 65,000 additional books per year with this money (325,000 books by 1995) with this funding source. Therefore, in 1995, the total amount of books in the District will be 1,630,625. Based on 1995 population estimates for Clark County, books per capita will equal 1.87 for 1995. (Table 8)

The Library District's staffing requirements are much lower than that of the national average according to the LV-CCLD. While the national average is 4.3 library personnel per 1,000 population, the District employs 3.06 personnel per 1,000 population. The number will probably increase as library use in the Valley increases.

"Las Vegas 2000 and Beyond" Actions relating to Libraries are:

- Provide leadership and creative mechanisms to help fund further development of the cultural community.
- Encourage and support development of adequate cultural facilities.
- Create environments favorable to the artist and the creation of art.
- Encourage partnerships between education, government, business and community cultural agencies.
- Create incentives and remove existing barriers to encourage private sector participation in the community cultural development.

3F.1 Issues

Issue 1: Complement for City Cultural Services

The Library District offers many cultural and art features in library facilities. The City has a Community and Cultural Affairs Division. The programs should be coordinated in such a way as to supplement each other in fulfilling the total City wide demand for cultural activities.

Issue 2: Library Service Adequacy

Certain areas of the City are currently not serviced by libraries. However, after the completion of the planned libraries, most of the City will be serviced adequately by facilities. The Northwest Area will have to be assessed for service needs as population grows.

The Las Vegas-Clark County Library system currently offers less books per capita than similar size cities in the United States. After the completion of planned facilities, the Library District should be able to increase its focus on book acquisition.

3F.3 Goal, Objectives, Policies and Programs

Goal: Provide efficient and cost-effective community facilities and services.

Objective A: Ensure that all citizens of Las Vegas are adequately serviced by library facilities.

Policy A1: Work with the LV-CCLD to locate and acquire strategic development sites for library facilities and programs in the City to better service the community.

Program A1.1: Provide a liaison from the Department of Community Planning and Development to the LV-CCLD to assist in locating and acquiring land in the City for library uses.

Objective B: Provide the Citizens of Las Vegas with a multitude of diverse cultural and art events and activities.

Policy B1: Maintain communications between the LV-CCLD and the Division of Cultural and Community Affairs on matters regarding Cultural Activities in the City of Las Vegas.

Program B1.1: Coordinate City cultural programs with LV-CCLD to help diversify cultural programs and locations so that all citizen's cultural interests of the City are served and not duplicated.

3F.4 Evaluation and Implementation Matrix

The following Evaluation and Implementation Matrix (EIM) was prepared as a measurable summary of the above Policies and Programs. The EIM is to be used:

- as a method of measuring the implementation progress of the General Plan
- as a budgeting document for specific work programs
- as a tool for developing work programs

The following abbreviations apply to the Evaluation and Implementation Matrix

City Departments

CP	Community Planning and Development
LVCCLD	Las Vegas-Clark County Library District
PL	Parks and Leisure

City of Las Vegas Library Services

Legend

Urban Branches

- 1 Charleston Heights
- 2 Las Vegas & Lied Museum
- 3 Rainbow
- 4 Sunrise
- 5 West Las Vegas

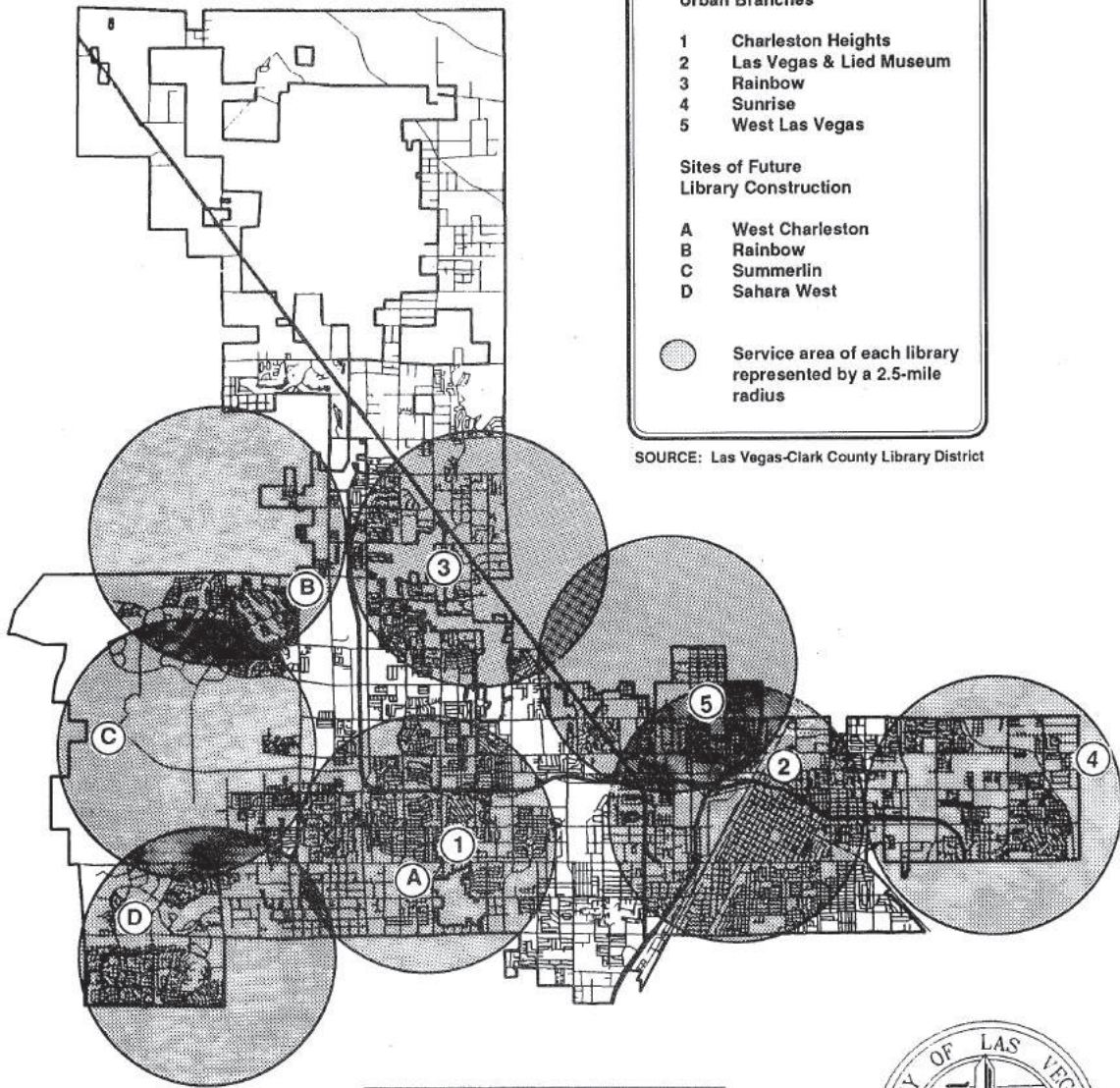
Sites of Future

Library Construction

- A West Charleston
- B Rainbow
- C Summerlin
- D Sahara West

● Service area of each library represented by a 2.5-mile radius

SOURCE: Las Vegas-Clark County Library District



May 15 1991

GIS maps are normally produced
only to meet the needs of the City.
No Warranty is made as to
the accuracy or quality of maps.

Geographic Information System



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EVALUATION AND IMPLEMENTATION MATRIX: LIBRARY DISTRICT					
POLICY (PROG.)	SUMMARY	RESPONSIBLE DEPARTMENTS	DATE OF IMPLEM.	ACTION/PRODUCT (RELATED PROGRAM)	REMARKS
A1 (A1.1)	Assist the LV-CCLD in locating and acquiring future lib. sites	CP, LV-CCLD	ongoing	Work with LV-CCLD to acquire best suited sites.	
A1 (A1.2)	Seek adequate funding for library operations and develop.	FN	ongoing	Study library needs and costs.	
B1 (B1.1)	Coordinate cultural program with the City's Cultural Division.	LV-CCLD, PL	ongoing	Develop communication regarding programs from each.	