



PISANELLI BICE

February 4, 2013

VIA EMAIL AND FACSIMILE

TODD L. BICE  
ATTORNEY AT LAW  
702.214.2100 TEL  
702.214.2101 FAX  
TLB@PISANELLIBICE.COM

Mark Wood  
Deputy District Attorney  
Office of the District Attorney  
Civil Division  
500 South Grand Central Parkway  
Las Vegas, Nevada 89155

**Re: Records Request and Open Meeting Law Issue**

Dear Mr. Wood:

I am in receipt of your January 31, 2013 letter. While I appreciate the involvement of the District Attorney in enforcing the County's obligations to provide open access to records and the acknowledgement that it has not occurred to date, I must note my objection to the planned compliance with the records request. As I'm sure you are aware, the item for which I requested records is on tomorrow's Clark County Commission agenda. As I'm sure you also know, my records request sought information so as to have the data available for the Commission meeting. That did not happen because the County chose not to comply with its obligations under the Open Records Law, as your letter acknowledges.

Thus, I find it unfathomable that the County would contend that it can proceed with the agenda item tomorrow after it announces that it cannot comply with the open records request until after the public hearing. Respectfully, the County has the process exactly backwards. In light of the County's acknowledged noncompliance with the production of required records, it is inappropriate for it to proceed with an agenda item where information has not been searched or produced. Clark County residents have a right to expect the law to be followed prior to any consideration of an agenda item. That process has not occurred here and I expect the County to follow the law and withhold further consideration of this item until the Open Records Law is satisfied.

But there is an additional reason this item should not proceed: Enclosed herewith are three affidavits which I received today that report a violation of Nevada's Open Meeting Law. I do not know and have not spoken to these individuals. However, each swears that the Clark County Commission's Chairman specifically informed them that he had



Mr. Mark Wood  
Deputy District Attorney  
February 4, 2013  
Page 2

already secured six votes for the passage of the agenda item. I also have reason to believe that one of the franchisee's representatives has circulated an email repeating the Chairman's claim. Obviously, I believe that the District Attorney's Office should investigate these allegations and further determine whether there is further evidence corroborating these affidavits which, if true, would constitute a violation of Nevada's Open Meeting Law. While I personally find it unbelievable that the Commissioners I know would participate in such an arrangement, the Chairman's statements to these individuals are highly improper, designed to discourage public opposition to the item, impugn the integrity of other commissioners and must be investigated prior to any consideration of this agenda item to preserve public confidence in the process.

Best regards,

Todd L. Bice, Esq.

TLB/elb

cc: Steven Wolfson, District Attorney


Clark County Commissioners

---

**AFFIDAVIT**

The State of Nevada  
County of Clark

I, Tom Geraci, had a meeting with Clark County Commissioner Steve Sisolak on January 24, 2013 from approximately 9:30 to 11:00 a.m. In this meeting, we discussed single string automation. Calvin Francis and Hank Vasquez from Republic Services were also present at this meeting. Shortly after the meeting ended, myself, Javon Jefferson, Tommy Blistch and Steve Sisolak had a one on one conversation regarding how many Clark County Commissioner votes we, the Teamsters, had on our side. In that conversation, Steve Sisolak stated we had only one (1) vote and it was a female and he had the remaining six (6) votes in favor of passing the single stream recycling amendment to the agreement.

  
Signature

Subscribed and Sworn to before me

2-4-2013

Date



Notary Public



**AFFIDAVIT**

The State of Nevada  
County of Clark

I, Tommy Blitsch, had a meeting with Clark County Commissioner Steve Sisolak on January 24, 2013 from approximately 9:30 to 11:00 a.m. In this meeting, we discussed single string automation. Calvin Francis and Hank Vasquez from Republic Services were also present at this meeting. Shortly after the meeting ended, myself, Javon Jefferson, Tom Geraci and Steve Sisolak had a one on one conversation regarding how many Clark County Commissioner votes we, the Teamsters, had on our side. In that conversation, Steve Sisolak stated we had only one (1) vote and it was a female and he had the remaining six (6) votes in favor of passing the single stream recycling amendment to the agreement.

  
\_\_\_\_\_  
Signature

Subscribed and Sworn to before me

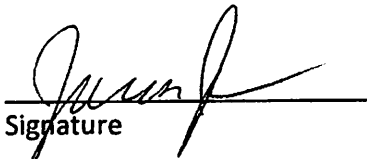
2-4-2013  
Date  
Cathy Edwards  
Notary Public



**AFFIDAVIT**

The State of Nevada  
County of Clark

I, Javon Jefferson, had a meeting with Clark County Commissioner Steve Sisolak on January 24, 2013 from approximately 9:30 to 11:00 a.m. In this meeting, we discussed single string automation. Calvin Francis and Hank Vasquez from Republic Services were also present at this meeting. Shortly after the meeting ended, myself, Tommy Blistch, Tom Geraci and Steve Sisolak had a one on one conversation regarding how many Clark County Commissioner votes we, the Teamsters, had on our side. In that conversation, Steve Sisolak stated we had only one (1) vote and it was a female and he had the remaining six (6) votes in favor of passing the single stream recycling amendment to the agreement.

  
Signature

Subscribed and Sworn to before me

2-4-13

Date

Cathy Edwards

Notary Public

