

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Petitioner: Steven B. Wolfson, Clark County District Attorney

Recommendation:

Approve and authorize the Chair to sign the Settlement and Release Agreement in the matter of Southern Nevada Fire Protection, Inc. v. Clark County Department of Building and Fire Prevention, et al., Case No. 2:21-cv-01843-JCM-DJA; or take other action as deemed appropriate. (For possible action)

FISCAL IMPACT:

Fund #:	6600.000/6610.000	Fund Name:	Liability Fund Liability Insurance Pool
Fund Center:	1020501000/1020502000	Funded PGM/Grant:	N/A
Amount:	\$350,000		
Description:	Settlement Payment		
Additional Comments:	N/A		

BACKGROUND:

On September 15, 2021, Southern Nevada Fire Protection, Inc. filed a Complaint against Clark County and individual employees of Clark County Fire Prevention alleging that the plaintiff was treated unequally in applying and enforcing freeze protection requirements for pipes exposed to outdoor temperatures as compared to the plaintiff's competitors resulting in the rejection or delays in the approval of the plaintiff's building plans. On June 21, 2023, the federal district court approved a stipulation to stay the lawsuit pending the outcome of a mediation conference with the Honorable Peggy A. Leen (Ret.).

On January 31, 2024, the Parties attended the mediation where a global resolution and settlement was reached wherein Clark County agreed, subject to Board of County Commissioner approval, to pay \$350,000.00, Fire Prevention will prepare and publish a spreadsheet of acceptable insulation requirements to allow for acceptable levels of insulation as an alternative to applying freeze protection calculations, that within 90 days of approval of the settlement agreement that the County's Internal Audit Department will begin an audit to determine whether policies, procedures and internal controls are designed and operating effectively to ensure fire protection plans are reviewed in a fair and timely basis, and possibly amend the County Code to modify the freeze protection equation so that the calculation is adjusted for elevation levels and so that it is based on historical temperature data for Clark County, Nevada. If the settlement is approved, Clark County will avoid costs and expenses of future litigation.

The proposed settlement has been reviewed and approved by the Civil Division of the District Attorney's Office, outside counsel and the Clark County Liability Pool Committee members.

Cleared for Agenda

06/18/2024

File ID#

24-839