



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF FEBRUARY 20, 2008

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JEBBIC

Consent Discussion

SUBJECT:
Discussion and possible action on Appeal of Work Card Denial: Timothy Shawn O'Neal II, 221 South Bruce Street, Apt 4236 Las Vegas, Nevada 89101

Fiscal Impact:

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

None

RECOMMENDATION:

None

BACKUP DOCUMENTATION:

1. Appellant Letter of Appeal
2. City Clerk Notification Letter to Appellant
3. Submitted at meeting Letters of Support

Motion made by GARY REESE to Deny the appeal, thereby Denying the work card

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, GARY REESE, STEVEN D. ROSS; (Against-OSCAR B. GOODMAN, STEVE WOLFSON); (Abstain-None); (Did Not Vote -None); (Excused-None)

Minutes:

The appellant was present.

TONI WEEKS, Detective, Las Vegas Metropolitan Police Department (Metro), referred to the confidential report for a history of MR. O'NEAL'S criminal background. She noted that a letter in support was submitted from the employer. MR. O'NEAL submitted two other letters of support, one from his probation officer and one from his counselor, which were submitted for the minutes.

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MAYOR GOODMAN interjected that he was very disturbed that MR. O'NEAL was dishonorably discharged. MR. O'NEAL explained that he was incarcerated for the second charge when he received a letter stating that he was in non-compliance of reporting. He indicated that he has been working at a 7-Eleven in the County since 2005 and is now seeking employment at a 7-Eleven in the City, where a work card is required for the job. This would be promotional for him, \$1 more an hour.

Although MR. O'NEAL had letters, DETECTIVE WEEKS expressed concern about issuing a work card, noting that the letters were very generic and that MR. O'NEAL would be working the graveyard shift without supervision and in proximity to an elementary school. MR. O'NEAL countered that he has been working near a high school and a junior high school for the past three years, and he intentionally works graveyard shift to avoid youth.

COUNCILMAN WOLFSON confirmed with MR. O'NEAL that one arrest caused two prosecutions, one state and one federal. The state issued probation, but the federal system issued a prison sentence, which made it impossible to serve probation. He has been out of a facility for over two years and has been clean under federal supervision standards. MR. O'NEAL noted that his supervisory probation ends 10/27/2008.

COUNCILMAN WOLFSON clarified with DETECTIVE WEEKS that many of the positions that require a work card in the City do not require one in the County. DETECTIVE WEEKS said it would be easier if the requirements were uniform.

COUNCILMAN ROSS agreed that the requirements should be uniform across jurisdictions. He appreciated MR. O'NEAL'S position and the changes he is making; however, COUNCILMAN ROSS could not support issuing him a work card.

COUNCILMAN BROWN asked why MR. O'NEAL'S application indicated that he was seeking renewal of his work card. DETECTIVE WEEKS indicated that MR. O'NEAL held a work card issued in 1989 that would have expired during his incarceration. Nevertheless, many ordinance changes were made at the end of 1989 regarding work cards. REAGAN ALEXANDER, Sergeant with Metro, clarified that 2003 legislation took gaming work cards from the purview of Metro and gave it to Nevada State Gaming. In 1989 MR. O'NEAL was issued a gaming work card, and he would not have been able to renew it before Nevada State Gaming.

COUNCILWOMAN TARKANIAN commented that she could better support issuing a work card to MR. O'NEAL if he were not to be working in proximity to youth. She understood his desire to earn more money, but felt uncomfortable because studies show that the recidivism rate is high for the type of crime MR. O'NEAL committed.

COUNCILMAN BARLOW remarked that the Council members should closely consider their decisions so as to not hinder the advancement of someone who has tried hard for more than two years to remain on track.

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COUNCILMAN WOLFSON noted that a condition could be imposed regarding the shift.

COUNCILMAN REESE appreciated MR. O'NEALS efforts and his desire to ascend in his career; however, he felt that there are a lot of positions throughout the City that MR. O'NEAL could seek that do not require a work card. Although MR. O'NEAL chooses to work graveyard to avoid youth, he is well aware that youth are out as early as 6:00 a.m., because he has seen them at a 7-Eleven located in the same plaza where his barbershop is located. He believes in giving people a second chance, but could not support this work card, as he felt compelled to protect the youth.

