



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT: ABEYANCE ITEM - Bill No. 2008-20 Establishes additional licensing requirements and regulations applicable to wedding chapels. Sponsored by: Councilman Gary Reese

Fiscal Impact:

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill will establish additional licensing requirements and regulations applicable to wedding chapels, including certain restrictions on solicitation activities and the classification of the wedding chapel license category as a privileged license.

RECOMMENDATION:

ABEYANCE to 5/20/2008 Recommending Committee meeting by the 4/15/2008
Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2008-20
2. Business Impact Statement
3. Submitted at meeting - Marriage Commission Rarii Map by staff

Motion made by RICKI Y. BARLOW to Hold in Abeyance to 6/17/2008 with direction to City Attorney Jerbic to hold a meeting in the interim

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CITY ATTORNEY BRAD JERBIC stated that he met with members of the industry on this matter, as requested at a previous Recommending Committee meeting. He also received e-mails from people that could not attend the meeting. At the meeting he held about two weeks ago, it became clear that the industry had no problem with the new regulations, but there was discussion

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about the 100-foot distance separation being the best alternative. Representatives of the American Civil Liberties Union (ACLU) suggested the creation of zones for different people in the industry. He opined that adoption of this bill would be a sound start. Changes could be made later if necessary. This bill will make it mandatory for future chapel operators to obtain a privileged license. Existing operators coming up for renewal will be left to the discretion of the Business Services Manager as to whether a privileged license will be necessary.

CITY ATTORNEY JERBIC indicated that he received the approval of COUNCILMAN REESE to request that this bill be held for adoption by the Council at its June 18, 2008, meeting instead of at its meeting of June 4, 2008, which he would not be able to attend. Doing this would allow another opportunity to meet with the industry and people that were not able to attend the first meeting and to bring the bill back before the Recommending Committee on June 17, 2008.

COUNCILMAN BARLOW apologized to those that sent him e-mails and called him about not being aware of the interim meeting with CITY ATTORNEY JERBIC. The contact information for that meeting was obtained from members of the industry that attended the April 15, 2008, Recommending meeting; the first time this bill was heard. There was never the intent to leave anyone out.

JOAN BOJORQUEZ, Vegas Adventure Wedding Chapel, commented that it would be unfair to require her to obtain a privileged license when she is a responsible business owner, or to be at the discretion of the Council when she has already invested a lot of money on licensing. She does not believe that requiring a privileged license would keep the problem causers out of business.

She asked whether this bill would affect every chapel owner, not just new chapel operators, to which CITY ATTORNEY JERBIC replied that any existing chapel owner that is causing problems could be required to obtain a privileged license.

MS. BOJORQUEZ then verified with CITY ATTORNEY JERBIC and CHIEF DEPUTY CITY ATTORNEY STEED that a privileged license would not have to be obtained for "handbillers," because a separate license is required by the Las Vegas Municipal Code. However, if the "handbillers" create problems, the business owner might have to obtain a privileged license.

CITY ATTORNEY JERBIC advised that the City gets involved in matters of unbecoming conduct to protect the interest of the public. If "handbillers" with any chapel display conduct similar to that of the "handbillers" with A Las Vegas Garden of Love chapel, then a privileged license would definitely be required. The new privileged license requirement comes at the direction of the Council in order to provide more scrutiny, not to generate revenue, as some people might think.

MS. BOJORQUEZ reiterated that the biggest offender is out of business, so, in her opinion, requiring a privileged license is unnecessary, and she adamantly opposed it due to the associated expense that could put a business out. However, she concurred with the 100-foot distance separation, even though she believes that unscrupulous people will do whatever they want to and not follow the law. Any issues that arise should be handled in the same way A Las Vegas Garden

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of Love was handled. CITY ATTORNEY JERBIC noted that it is much easier to revoke a privileged license than a right, and requiring a privilege license would serve as a warning.

COUNCILMAN BARLOW asked if renewing licensed chapel owners would be required to obtain a privileged license, to which CITY ATTORNEY JERBIC replied that it could be required if Business Services finds that there are chronic problems. COUNCILWOMAN TARKANIAN commented that Business Services would investigate complaints, as usual, to determine the validity.

COUNCILMAN BARLOW expressed full support of this bill, as its adoption will strengthen the Code and provide more leverage to address problems expeditiously, unlike it was done with A Garden of Love, which tarnished the City. Chapel owners and their employees who are adhering to the law do not have to worry about ever being required to obtain a privileged license. He appreciated the concern about the expense, but felt that the Council has a responsibility to protect the City and its tourists.

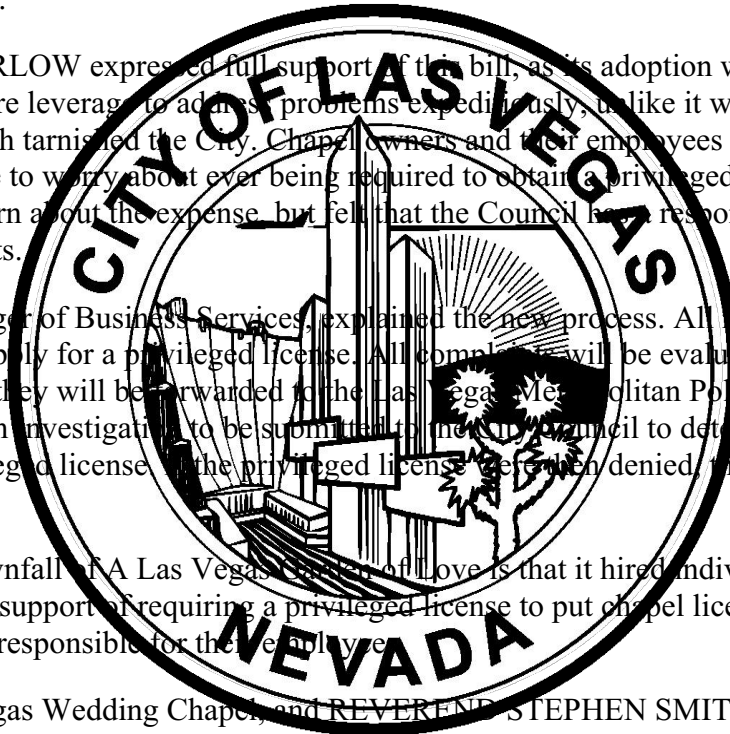
JIM DiFIORE, Manager of Business Services, explained the new process. All new chapel owners will have to apply for a privileged license. All complaints will be evaluated. If the complaints are valid, they will be forwarded to the Las Vegas Metropolitan Police Department (Metro) for a thorough investigation to be submitted to the City Council to determine the worthiness of a privileged license. If the privileged license is then denied, the license would be revoked.

He stated that the downfall of A Las Vegas Garden of Love is that it hired individuals to commit crimes. He expressed support of requiring a privileged license to put chapel licensees on notice that they will be held responsible for their employees.

CLIFF EVARTS, Vegas Wedding Chapel, and REVEREND STEPHEN SMITH fully supported the distance requirement. MR. EVARTS concurred with the comments made by COUNCILMAN BARLOW and requested that the distance be measured from the door on the outside of the marriage bureau, not the inside.

SHIRLEY PARRAGUIRRE, Clark County Clerk, supported the privileged license and even a greater distance requirement, perhaps 150 feet. She commended the City for its efforts putting A Las Vegas Garden of Love out of business. MR. DiFIORE concurred with MS. PARRAGUIRRES suggestion, stating that increasing the distance would help create a buffer zone for couples seeking a marriage license; they could safely get from the bureau to their cars/taxi without getting accosted. Perhaps 200 feet would be even better.

At hearing the 200-foot distance suggestion, COUNCILMAN BARLOW took a count of hands to find out what those in attendance would prefer. Seven people were for 150 feet, six people for 200 feet, two people for 100 feet, and five people for keeping it the way it is, without a distance requirement.



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COUNCILWOMAN TARKANIAN announced that the comments and opinions of those in attendance would be relayed to COUNCILMAN REESE, who sponsored this bill. She also directed the City Clerk's Office to provide a copy of the proceedings of this matter at this meeting to COUNCILMAN REESE.

KHALID ALEXANDER, Lily of the Valley Wedding Chapel, asked if all the chapels would be notified of the interim meeting with the City Attorneys Office, to which CITY ATTORNEY JERBIC replied that all those interested in attending should accompany him to his office after this meeting to provide him with the necessary contact information, noting that all the issues could be better aired at that meeting. Moreover, he pointed out that a Business Impact Statement was done for this bill, which required notification to people in the industry and publication in the newspaper. MS. BOJORQUEZ rejoined that JONI MOSS, Vice President, Nevada Wedding Association, was very helpful in notifying people in the industry.

MIKE CARTER, Heavenly Bliss Wedding Chapel, objected to the generalization that all handbillers are the same. He was previously employed with A Las Vegas Garden of Love, whose owners encouraged aggressive behavior. The Heavenly Bliss chapel owner is a responsible employer who polices his employees and stresses to them that aggressive behavior on their part would only tarnish the industry. He concurred with the service comment that the distance separation, no matter how far, would not stop aggressive handbillers. MS. BOJORQUEZ added that handbillers provide a necessary service, because not all couples that come to Las Vegas to get married make pre-arrangements.

CHARLOTTE RICHARDS, Little White Wedding Chapel, was concerned that the 100-foot distance separation measures to the edge of the sidewalk, where the limo business park. Therefore, she supported the increased distance suggestion. She emphasized that her clients still complain about aggressive handbillers. MS. MOSS interjected that she too continues to receive calls about the ongoing issues with "handbillers."

WILMA HERRERA, owner of Allure Wedding Chapel, said she has been in business for two years, and she monitors her handbillers to avoid any problems. But the real problem lies with the handbillers, and they are the ones that should be required to undergo background checks. MR. ALEXANDER argued that hardening laws would not deter "handbillers" who already break the law. COUNCILMAN BARLOW conceded that there would be those that would persist in committing wrongful actions. However, the intent of this bill is to invert the situation by holding licensees responsible.

JUPITER DESPHY, Heavenly Bliss Wedding Chapel, agreed with COUNCILMAN BARLOW that chapel owners should bear the responsibility to properly screen, monitor and train their employees, which is exactly what he has done. Not all handbillers should be punished for the actions of a few. He said that increasing the proposed 100-foot distance separation would surely put him out of business, because he relies on handbillers to advertise. There are still some issues, but the problems have substantially decreased since the City revoked the license of A Las Vegas Garden of Love. In fact, two former employees of A Las Vegas Garden of Love now work for him and they are very good employees, mainly because he does not condone aggressive

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behavior. He stressed that he would not want to be put out of business because of so much bureaucracy. There should be a better way to police.

MS. PARRAGUIRRE countered that for many years she tried to address the problems by calling in customers complaints to Metro, which would respond and make arrests occasionally, but the problem persisted until the City Council became involved. She insisted that increasing the distance to at least 150 feet would help couples obtain a marriage license without being approached by handbillers. She mentioned that A Las Vegas Garden of Love tarnished the business so much, that her office still receives calls from out-of-town couples wondering if their wedding was legal.

REVEREND GARY KIRSCHBAUM, owner of Loyal Hearts Wedding Chapel, opposed any distance requirements over 100 feet, noting that his business depends on "handbillers" to get flyers to couples. Too much distance would make it difficult for chapel owners to make a living. The scrutiny of handbillers should be left to the chapel owners.

MS. RICHARDS said that perhaps the answer to all these problems would be to limit the number of handbillers a chapel could have in the field, noting that handbillers have driven down her business, because she only advertises.

EMILY ROSE GARCIA, owner of Heavenly Bliss Wedding Chapel, said that as a single parent of four, she learned the chapel business was slow to sustain her family. She noted that not all chapel owners can afford to advertise. She relies on handbillers to generate business for her. But she feels she is helping them, too, because many of the "handbillers" that work for her have been homeless. She assured the Committee members that she scrutinizes the applicants to protect her business, because she cannot afford to lose

COUNCILWOMAN TARKANIAN submitted a map depicting the suggested distances of 100, 150 and 200 feet, and she noted that the 150-foot distance is reasonable. A copy of the map is included in the minutes.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.