

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 15, 2010

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2010-39 – Amends the permit requirements pertaining to group use of City parks, establishes limitations on certain law enforcement activities in City parks, provides that a portion of James Gay Park (currently a children's park) will be made available for general use, and deletes obsolete provisions relating to park use. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☒ No Impact

☐ Augmentation Required

☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill is proposed as a means of implementing a settlement agreement in the case currently pending before the Ninth Circuit Court of Appeals, entitled Sacco v. City of Las Vegas (Case No 07-17394). In accordance with the terms of the settlement, the bill will amend the permit requirements pertaining to group use of City parks, establish limitations on certain law enforcement activities in City parks, and provide that a portion of James Gay Park (currently a children's park) will be made available for general use. In addition, the bill will delete obsolete provisions regarding feeding activities in City parks.

RECOMMENDATION:

ADOPTION at 9/15/2010 City Council meeting as a First Amendment pursuant to the 8/31/2010 Recommending Committee.

First Reading – 8/18/2010; First Publication – 9/3/2010

BACKUP DOCUMENTATION:

1. Bill No. 2010-39
2. Business Impact Statement
3. First Amendment – Bill No. 2010-39

Motion made by STEVE WOLFSON to Approve as a First Amendment

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-

None); (Did Not Vote-None); (Excused-None)

Minutes:

Second reading and bill adopted as a First Amendment as Ordinance No. 6112.

CITY ATTORNEY BRAD JERBIC explained to COUNCILWOMAN TARKANIAN that a portion of the park was made for general use because of an issue raised by the American Civil Liberties Union (ACLU) that limiting the park to children impedes First Amendment rights.

ATTORNEY ALLEN LICHTENSTEIN stated that dissecting the park is a reasonable solution.

COUNCILMAN WOLFSON confirmed with ATTORNEY LICHTENSTEIN that he felt comfortable with the language in this bill.

COUNCILMAN BARLOW stated that this park was established a long time ago, and it was very difficult to clean it up. He would hate for any action by this Council to change that. He verified with TIM SHATTLER, Deputy Director of Detention and Enforcement, that all parks close at 11:00 p.m., unless there is a sporting event scheduled.