



Las Vegas

Agenda Item No.: 5.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 31, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT: 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:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2010-39
2. Business Impact Statement

Motion made by STAVROS S. ANTHONY to Approve as Do Pass with a First Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STEVE WOLFSON, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

By way of reading the item, COUNCILMAN WOLFSON declared the Public Hearing open and noted that this bill is eligible for adoption, if approved, at the 9/15/2010 City Council meeting.

RECOMMENDING COMMITTEE MEETING OF: AUGUST 31, 2010

DEPUTY CITY ATTORNEY VAL STEED recalled recent litigation that occurred in federal court regarding the feeding of the homeless. The matter was resolved in favor of the plaintiffs, which now prohibits the City's enforcement on feeding individuals in parks. Discussions have taken place with the American Civil Liberties Union (ACLU), and a settlement has been agreed upon in the form of the proposed bill.

This proposed bill 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.

Concerns were raised on how the City could enforce the permit requirement for events such as fairs, concerts and festivals with less than 75 individuals, so this bill will reflect the deletion of those three terms. The ACLU does not object to such an amendment. In the future, staff will submit a bill relating to indoor and outdoor facilities and the number of individuals allowed at an event. Staff recommended approval of the bill as a First Amendment, which COUNCILMAN WOLFSON confirmed with CHIEF DEPUTY CITY ATTORNEY STEED.

DEPUTY CITY ATTORNEY JAMES ERBICK gave a brief overview of the litigation and affirmed that the proposed bill is consistent with the settlement reached between the City of Las Vegas and the ACLU. The bill must be approved and adopted as an ordinance by 9/15/2010.

By way of reading the next item, COUNCILMAN WOLFSON declared the Public Hearing closed.

