



Agenda Item No.: 5.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF JANUARY 21, 2014

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-3 - For Possible Action: Defines certain work card requirements in multiple chapters of LVMC Title 4, amends multiple chapters of LVMC Title 6 related to work card requirements, and establishes a hearing panel to hear work card appeals. Sponsored by: Councilman BOB COFFIN

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will eliminate or revise the work card requirements for employees in various licensing categories. It will also establish a hearing panel to hear work card appeals as authorized by State law.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2014-3

Motion made by STAVROS S. ANTHONY to Forward to the 2/5/2014 City Council meeting with no recommendation

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

KAREN DUDDLESTEN, Business Licensing Manager, said they were asked to work on an ordinance and to align as closely as possible, the City's work card requirements with Clark County's requirements, so the businesses and employees in the urban area have the same rules. Additionally, under state law, eight or 10 years ago there was a provision passed allowing the City Council to create a hearing panel to hear the work card appeals rather than having to appear

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in front of the City Council with the cameras. This ordinance brings the two into alignment. The particular differences would be that Amusement Parks, Apartment Staff, certain Employment Agencies, Carnivals, and under liquor, Waiters, Waitresses and Convenience Store Clerks would not need a work card. The Pawn Brokers category is redundant as it is included under second hand dealers and those establishments require a work card. Peddlers, Solicitors and Temporary Merchants would no longer need a work card. Martial Arts Instructors are required to have a work permit if working for a completely private martial arts instruction agency, but if the business or not-for-profit is in a YMCA, community center, Boys and Girls Club or church, they do not require a work permit.

MAYOR GOODMAN asked why this work card issue has come up and why there would be another layer and another panel to do another job. MS. DUDDLESTEN stated that this came from some of the appeals that had been before the City Council, specifically for the waiters and the 7-Eleven clerks; the businesses that operated in multiple jurisdictions were trying to move employees from one location to another and the rules were different in the jurisdictions. MAYOR GOODMAN asked if there was a way for the city to honor a county work card. MS. DUDDLESTEN said that the county doesn't require work cards for these particular areas. COUNCILMAN ANTHONY said that four or five months ago there was a lady who didn't need a work card for the county, but had to come to the city to get a work card to work across the street. She appeared before the City Council before the cameras and the work card was denied. The purpose of this panel would be to allow people to ask permission for a work card without the cameras. MAYOR GOODMAN asked if this could be handled through the Business Licensing office. DEPUTY CITY ATTORNEY VAL STEED said that the legislature insisted on a panel, and once a panel is doing government business, it is subject to the open meeting law. COUNCILMAN ANTHONY said that during a panel, the appellant wouldn't be in the City Council chambers with the camera and the audience watching them, and would provide a better setting for the citizen asking for an appeal. He also said that one of the issues is why a work card would be required in the city if the county doesn't require one. COUNCILMAN COFFIN said that the city has a different set of standards due to the concentration of people. He also said that the appellant is coming in for an appeal, already having met with staff and been told privately that they would not be issued a work card and it is their option to come to the City Council and appeal. He said that there is a need for a work card permit sometimes due to the nature of the occupation and gave examples of martial arts instructors with the physical contact as well as the photography business. He said that he believes that if someone is appealing staff's decision, it is their choice to appeal it. MAYOR GOODMAN stated that she wonders about adding another layer of government and making it more cumbersome, and that she can't recall a time when the current process hasn't worked to the benefit of the applicant or the city. COUNCILMAN ANTHONY said he would like to speak with COUNCILMAN BEERS, the sponsor of the bill, and asked if he was prohibited from being at the meeting because of the open meeting law. DEPUTY CITY ATTORNEY VAL STEED said that if COUNCILMAN BEERS came to the meeting and talked about this item, one of the other members would have to leave or they would have a quorum of the City Council. He also verified for MAYOR GOODMAN that it would be okay to refer this to the City Council for consideration. She said she would like to hear COUNCILMAN BEERS speak about this as well as hearing comments from the others. MR.

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STEED said they could forward this to the February 5th, 2014 City Council meeting without any recommendation.

COUNCILMAN COFFIN asked MR. STEED if there was an Attorney General Opinion (AGO) that specifically talks about a member of a governing body not being able to testify if that means it creates a quorum. MR. STEED said that there was an Open Meeting Law opinion by the AG's office regarding a school board meeting where more than a quorum was in attendance, they all didn't participate, and because they didn't participate, there was no violation; the implication was that if they had participated, it would have been a violation, but there isn't an opinion specifically on point. COUNCILMAN COFFIN said that we could ask for a bill to clarify it. MAYOR GOODMAN said it would take a personal opinion from the component of the bill. MR. STEED said that if the member was just testifying it would be okay, but the problem is, it looks like they are part of the deliberation which could generate a complaint. COUNCILMAN COFFIN thinks it should be taken to the legislature.

MAYOR GOODMAN declared the Public Hearing closed.

