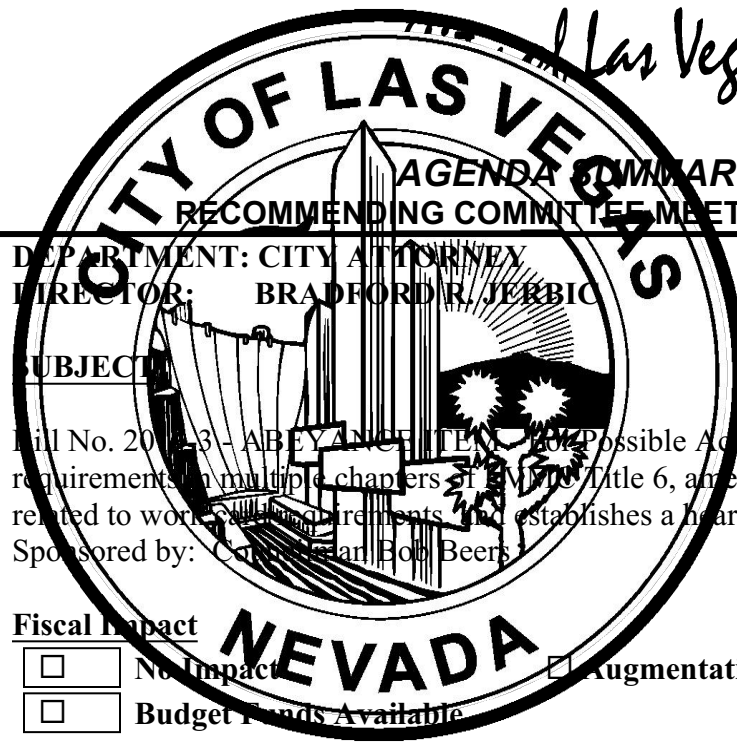




Agenda Item No.: 3.

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-3 - ABEYANCE ITEM - Possible Action - Deletes certain work card requirements in multiple chapters of LVMC Title 6, 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 Beers

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:

FORWARDED to Full Council at the 2/5/2014 City Council Meeting with no recommendation pursuant to the 1/21/2014 Recommending Committee Meeting. Subsequently, City Council referred the bill back to the Recommending Committee Meeting of March 4, 2014.

First Reading 1/8/2014: First Publication 1/23/2014

BACKUP DOCUMENTATION:

1. Bill No. 2014-3
2. Submitted at Meeting Work Cards Text Amendment by Staff

Motion made by STAVROS S. ANTHONY to Hold in abeyance to 3/18/2014

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)

NOTE: A motion by Anthony to reconsider Item 3 carried unanimously.

RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2014

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

KAREN DUDDLESTEN, Business License Manager, provided a summary explaining this bill eliminates the work card requirement for amusement park attendants, apartment staff, youth employment agencies, carnivals, liquor (for waiter and clerk), pawnbrokers, peddlers/solicitors, and martial arts instructors. MS. DUDDLESTEN pointed out an error on Page 7, Line 21, stating there should be language requiring a work card for any person who performs the role of security, including maintaining order within a business, verifying identification, or enforcing other policies established and maintained by the licensee. It was not the intent to delete the work card requirement for security guards in any liquor establishment but rather eliminate the necessity of obtaining multiple cards for those security employees licensed or registered under NRS 6.48.060. These individuals would have already gone through a background check with the Nevada Private Investigators Licensing Board or the registration process with the State of Nevada Gaming Control Board.

SERGEANT CARMEN DONEGAN, Las Vegas Metropolitan Police Department, (Metro) Special Investigations Section, distributed three handouts pointing out differences between the list of categories Metro currently issues work cards for and the list of categories Clark County Business Licensing provided to Metro. DUDDLESTEN

SERGEANT DONEGAN went on to address the hearing panel issue. Under current code, sex offenses fall under moral turpitude so a registered sex offender requesting a work card through Metro Fingerprinting would be denied under moral turpitude. The intent of the language in this bill is someone who has been clean for ten years can obtain a work card. However, as written, this bill would allow an individual convicted of a sex crime that has been imprisoned for at least ten years to obtain a work card as soon as they are released from the prison system despite the fact they have not demonstrated they will not be a repeat offender. Suggested language would require the applicant to register as a sex offender resulting in a work card denial at which point they could appeal to a hearing officer or to the City Council.

DENISE KEE, Director of the Las Vegas Metropolitan Police Fingerprinting Bureau, went over the work card denial rates for the different categories being considered for elimination stating what preventative measures they currently have in place. Concern was expressed with regard to the carnivals and trade shows which involve extremely transient individuals, those categories where individuals will be around children such as martial arts instructors and peddlers/solicitors and temporary merchants who are in neighborhoods, possibly casing residences. Going through the work card process will identify any fraudulent activity in a persons background as well as aide in enforcement. Requiring a work card would provide Metro with a reason to stop someone, a reason to ask them to leave a neighborhood, and a reason to find out who they are in case a crime occurs at a later time, thus keeping the neighborhoods safer.

SERGEANT DONEGAN asked the Committee to go beyond the current requirements in the County code. MS. KEE added they are requesting the work card requirement be retained for

RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2014

carnivals/circus/travelling shows, martial arts, peddlers/solicitors and temporary merchants. As youth employment agencies, such as babysitting services, fall under State statutes and Metro Fingerprinting provides the background check for State Health and Human Services, it was determined a work card is not needed.

MS. DUDDLESTEN reported the draft before them was the result of COUNCILMAN BEERS tasking Business Licensing with producing an ordinance that mirrored the work card requirements of Clark County. However, she believed it would be very simple for the City Attorneys Office to modify the ordinance so the work card requirement for carnivals/circus/travelling shows, martial arts, peddlers/solicitors and temporary merchants would be retained. She further explained the youth employment agency and babysitting service were remnants found in the code that were simply not deleted once the City turned child care licensing over to the State.

COUNCILMAN ANTHONY supports the elimination of the work card requirement for apartment staff, liquor waiter and clerks, based on the fact they deliver liquor that is poured by a bartender, clear glasses from the table, and handle only packaged liquor at stores, and pawnbrokers, as they are required to obtain a work card site with a secondhand dealer code and youth employment agencies/babysitting services as they are now licensed under the State. COUNCILMAN COFFIN concurred.

COUNCILMAN ANTHONY went on to state he believed the work card requirement should be retained for peddlers/solicitors and temporary merchants, as they go door to door, carnivals/circus/travelling shows, and martial arts instructors, since they come into contact with children.

COUNCILMAN BARLOW questioned if they amended the bill to include the registration of all sex offenders with an automatic denial of their work card, as Metro suggested, regardless of consideration of the tier level of the offense, how someone could turn their life around when they are ready to go back to work in the community. MS. KEE stated new legislation currently before the Supreme Court would provide the possible elimination of the continued need to register as a sex offender, thus allowing the issuance of a work card. COUNCILMAN BARLOW said he would not support the addition of the sex offender language until the Supreme Court brought forth a decision.

MS. KEE reiterated if the sex offender language was included, they could still appeal the work card denial to the City Council at which time, the appropriateness to issue a work card could be evaluated on a case-by-case basis. COUNCILMAN BARLOW replied he is not advocating for sex offenders, but rather for justice. He does not want to be judge and jury after someone has already done their time for whatever crime they committed. He stated it is a delicate balancing act to put measures in place to strengthen the laws but at the same time, not cause undo justice. COUNCILMAN ANTHONY suggested waiting for the court ruling, talking to the County to see if they would consider a more restrictive code and then come back with more dialogue.

RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2014

After more discussion, DEPUTY CITY ATTORNEY VAL STEED offered two alternatives; either going through section by section of the Bill to make sure he knows which work card requirements are being retained and which are being eliminated or abey the item and come back with another amendment. COUNCILMAN ANTHONY preferred holding the item in abeyance. After the vote, the item was opened back up by COUNCILMAN BARLOW to address the hearing panel portion of the agenda item.

MS. DUDDLESTEN provided statistics to assist in determining the need for a hearing officer. Of the 14 total appeals last year, 11 were liquor clerks and waiters. With the proposed elimination of the work card requirement for this category, the number of appeals would be significantly reduced. After brief discussion, the Commission decided a hearing officer was not needed. CHIEF DEPUTY CITY ATTORNEY STEED stated he would bring back verbiage eliminating the hearing officer.

COUNCILMAN BARLOW declared the Public Hearing closed.

