



Las Vegas

Agenda Item No.: 7.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 4, 2018

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2018-38 - For possible action. Amends LVMC Title 10 to add a new chapter regulating the possession of certain items at public protests, demonstrations, rallies, picket lines and public assemblies. Sponsored by: Councilman Stavros S. Anthony

Fiscal Impact

- No Impact Augmentation Required
- Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend LVMC Title 10 to add a new chapter regulating the possession of certain items at public protests, demonstrations, rallies, picket lines and public assemblies. The bill is being processed at the request of the Las Vegas Metropolitan Police Department. The substance of the bill mirrors an ordinance recently adopted by the Board of County Commissioners regarding unincorporated areas.

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. 2018-38
2. Submitted at Meeting PowerPoint Presentation by Tim Shattler

Motion made by MICHELE FIORE to Approve as Do Pass

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
BOB COFFIN, STAVROS S. ANTHONY, MICHELE FIORE; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:
COUNCILMAN ANTHONY declared the Public Hearing open.

TIM SHATTLER, Deputy Director, Department of Public Safety, stated the Las Vegas Metropolitan Police Department (LVMPD) approached the City after the Clark County Commission passed their ordinance unanimously in June. He noted they worked closely with the

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 4, 2018

Culinary Union and the American Civil Liberties Union (ACLU) to draft this ordinance and mirror that of the County so the City would have a like ordinance on the books.

CHUCK CALLAWAY, Director of Intergovernmental Services, LVMPD, thanked the Department of Public Safety for helping them bring this ordinance before the Committee so there would be a consistent ordinance in both the City and the County. He wished to put on the record that the ordinance is specifically intended to address signs that are hand-carried and people who show up with sticks, bats and other things as was seen in Charlottesville, Virginia. People who show up armed to do combat are not present for the purposes of expressing their First Amendment rights. He noted the ordinance is not intended to apply to floats or static displays.

He pointed out officers have already been trained on the ordinance. If someone were to show up with a shield, stick, bat and helmet, etc., they would be asked to leave, put those items in their car and then return without them. If they refused, the officer could choose to cite that individual or take other appropriate action. Only in extreme cases where there is an emergency would the officers enforce on the front end with an arrest or something of that nature.

COUNCILMAN ANTHONY stated there was some good information in the PowerPoint presentation which was submitted for the record. MR. CALLAWAY stated they worked with the Culinary Union and their general counsel, specifically, NED PAPPAGEORGE, President of the Culinary Workers Union Local 26, to determine the specific dimensions of the sticks so as not to interfere with the banners and signs currently carried in their labor protests.

COUNCILMAN ANTHONY stated he has a lot of confidence in the police officers and their training to know how to enforce the ordinance. MR. CALLAWAY stated the goal is prevention so another Charlottesville-type situation does not occur and to ensure the right to protest peacefully.

He clarified the ordinance has nothing to do with firearms, and it is not their intent to impact open carry laws. He noted several concessions that were made with regard to the language. Additionally, he stated CLARK COUNTY COMMISSIONER STEVE SISOLAK pointed out that sometimes t-shirts are shot out of a launcher-type device at protests and rallies, and the intent of the ordinance was not to capture that.

MR. CALLAWAY noted there was a lot of work put into this at the County to make sure that all stakeholders were in agreement, and the support of the Committee would be appreciated.

COUNCILMAN COFFIN stated the width and thickness of a wooden object was addressed in the ordinance and asked if there was a limit on the length. MR. CALLAWAY indicated there was not a specific limit put on the length. Referencing Paragraph 6 on Page 2, the Councilman wondered why it would have to be stated it was okay to bring toy guns when it did not address a loaded firearm. MR. CALLAWAY explained sometimes people show up to protests in costumes and reiterated the intent was not to take away someones ability to protest peacefully, but rather to stop someone from showing up with sticks, etc.

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 4, 2018

COUNCILMAN COFFIN asked about an open carry firearm. MR. CALLAWAY stated nothing in the proposed ordinance impacts State law regarding firearms. He noted that CCW (Carrying a Concealed Weapon) permit holders undergo a background check, go through training and receive firearms qualification in order to be licensed to carry that firearm under the State CCW laws. The Councilman asked how the officer would know if someone had a CCW permit. MR. CALLAWAY explained although every situation is different, officers are trained in Constitutional law, so they are trained how to approach those types of situations. He walked through a hypothetical situation where such might be the case. He also noted that CCW permit holders are trained to always let an officer know they are a holder and are in possession of a firearm and to present their card showing they are a holder. The officer has the ability to verify this information through Dispatch.

COUNCILMAN COFFIN asked if someone could carry a rifle of any length. MR. CALLAWAY confirmed they could open carry, but it could not be concealed.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Subsequent to the vote, COUNCILMAN ANTHONY noted that the bills which were already recommended as Do Pass, would be eligible for adoption at the September 3, 2018 City Council meeting.

