



Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN KNUDSEN called the meeting to order at 10:04 a.m.

PRESENT: COUNCILMEMBERS KNUDSEN, SEAMAN, and ALLEN-PALENSKE

ALSO PRESENT: CHIEF OPERATIONS AND DEVELOPMENT OFFICER TOM PERRIGO, CHIEF DEPUTY CITY ATTORNEY VAL STEED, ASSISTANT DEPUTY CITY CLERK JACQUIE MILLER, and DEPUTY CITY CLERK ASHLEY FOSTER

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations in accordance with the noticing standards as outlined in NRS 241.020: City Hall, 495 South Main Street, 1st Floor; The City of Las Vegas website – www.lasvegasnevada.gov; and The Nevada Public Notice website – notice.nv.gov.

3. Bill No. 2022-26 - ABEYANCE ITEM - For possible action - Amends LVMC Chapter 7.40, regarding professional animal handler and breeder permits, to expand the scope of the permit requirement to include animal rescue operations, to require background checks, and to establish additional operational requirements for the holders of certain permits. Sponsored by: Councilwoman Victoria Seaman

Minutes:

COUNCILMAN KNUDSEN declared the Public Hearing open.

Prior to discussing the bill, the Councilman asked CHIEF DEPUTY CITY ATTORNEY VAL STEED to review what the Recommending Committee is, the rules of order, and how the process relates to the City Council. MR. STEED said the charter provides that when an ordinance is introduced, the City Council has the option of referring it to a committee of the Council, which is to provide an initial opportunity for public comments and discussion. Occasionally, the Council will decide to have the Council as a whole hear the bill because of controversy or practical application. Another exception is for emergency ordinances, which do not happen frequently. The bill then comes out of the Recommending Committee with a recommendation of approval or denial or is passed along to the Council with no recommendation. The Council may act independently of anything the Committee recommended. Generally, the Recommending Committee meeting is held two weeks before a bill is heard but sometimes bills are fast-tracked, meaning their title is published early, allowing them to be adopted in a quicker time frame. Each motion at the Recommending Committee meeting needs at least two people to support it. Sometimes a bill can be forwarded with no recommendation as to not have the bill die. Occasionally, a bill will be held in abeyance to a date certain. Staff discourages tabling a bill. When there is disagreement, the bill is passed along with no recommendation. MR. STEED informed the Councilman that a bill can also move forward with a recommendation of Do Not Pass. The Council has the opportunity to open the bill for public comment but is not required to do so.

Regarding this bill, MR. STEED said staff was present to answer questions and noted there are proposed amendments that he wished to read into the record.

COUNCILMAN KNUDSEN asked if businesses are required to cover the cost of background checks. RUDY TOVAR, DPS (Department of Public Safety) Administrator, said in this instance, business owners must pay the cost of the background check. CHIEF OPERATIONS AND DEVELOPMENT OFFICER TOM PERRIGO added that in other instances where background checks are required, the City does not pay for them. Background checks are typically required for a privilege license. MR. PERRIGO and PETER LOWENSTEIN, Deputy Planning Director, said these types of business licenses are required for massage parlors, liquor establishments, and child care and social services. Title 6 requires background checks, which are reviewed, and if there are areas of concern, staff provides recommendations based upon those areas, and the business license is subsequently brought forward to the Council for a formal review.

COUNCILMAN KNUDSEN asked about the verification process regarding employee records and background checks and if this comes as an expense to the City. MR. TOVAR said within the business impact statement, the Department indicated that ideally, an Animal Protection Services Officer will be responsible to ensure that the businesses that have a permit on file are submitting their background checks, which will be checked through spot audits. DPS will run the background checks. He reviewed the cost associated with employing one Animal Protection Services Officer to conduct inspections, and one Marshal to conduct background checks. MR. TOVAR explained the process of freezing the scene when visiting a business to determine if background checks have been completed for those handling animals. If it is determined that there is no background check on file, employers must come into compliance with the ordinance and professional animal handler permit. He confirmed for the Councilman that the ordinance only applies to those working with animals.

Lastly, COUNCILMAN KNUDSEN asked if there are other cities and counties with a similar process. MR. TOVAR was unsure but believed the City of Henderson includes principal owners as part of their permitting process.

COUNCILWOMAN SEAMAN said her desire for this bill is to not increase the burden on the industry but to bring a minimal amount of regulation to improve animal safety and to protect owners. She discussed several changes made after meeting with animal activists. She asserted that this bill does not apply to rescues or volunteers and only violent criminal actions will be a cause for the denial of employment. Those who are denied will be allowed to appeal the decision to the City Council. The last change increases penalties for illegal breeding. Additionally, the ordinance gives businesses one year to perform background checks on employees. Once the ordinance is in effect, businesses will have 30 days to conduct a background check on newly hired employees.

COUNCILWOMAN ALLEN-PALENSKE asked for clarification regarding criminals. COUNCILWOMAN SEAMAN said the determination is at the discretion of staff; however, the individual can appeal that decision to the Council. COUNCILWOMAN ALLEN-PALENSKE confirmed with COUNCILWOMAN SEAMAN that the City is looking for a conviction of animal abuse or a violent crime, and MR. LOWENSTEIN confirmed there is an appeal process built into the municipal code for the individual to seek relief from the initial concerns and the administrative review by coming before the City Council. Procedurally, written notice must be provided, and an item would be placed on a City Council meeting agenda.

COUNCILMAN KNUDSEN asked MR. LOWENSTEIN to speak to the business licensing process if there is an issue with a business. MR. LOWENSTEIN said as part of the license review process, any area of concern will be reviewed by Community Development staff and the Director who may deny the license if it is determined that the act is egregious enough to do so. He explained that depending upon the type of use in the privilege license category that is applied for, the process varies; for liquor, a criminal background check is considered; and for child care, they rely upon State licensing. Staff also utilizes Metro (Las Vegas Metropolitan Police Department) and FBI (Federal Bureau of Investigation) background checks, and if areas of concern are brought forward by those agencies, the denial of the license may go before the City Council for review.

MR. LOWENSTEIN explained the difference between a general license, which does not have background

checks, and a privilege license for COUNCILMAN KNUDSEN. MR. PERRIGO added that Council action is required to change the category of a license. He did not believe there was any administrative change to Title 6 that would occur as a result of this amendment. MR. LOWENSTEIN affirmed this was correct and that nothing in Title 6 was changing to make this a privilege license. It is still in the general license category and has an additional requirement as part of the application process.

MR. STEED said consideration was given to having this be a business license change in Title 6; however, a decision was made by staff and the sponsor to have it be part of the professional animal handler permit under Title 7. This bill takes the group of providers that are already subject to the professional animal handler permit and adds to it commercial and non-profit animal rescues. It then provides that principal owners and employees must have a background check conducted by DPS, which costs \$25. It provides that Animal Protection Services can deny an applicant for an animal abuse-related crime or a crime of violence. It also provides an NRS (Nevada Revised Statutes) section that describes what a violent crime is. It also talks about background checks for employees, and it provides for an appeal before the Council and a one-year period for existing employers to comply. Additionally, handlers must report any death of an animal within 24 hours to Animal Protection Services. A proposed first amendment was distributed and submitted for the record, which he explained removes alternative language on Page 2 pertaining to a crime of violence. On Page 3, Subsection G excludes employee background checks on those that perform services on a volunteer basis only, which he offered to rewrite to include animal rescue groups. He also pointed to language regarding minimal penalties. MR. STEED confirmed with COUNCILWOMAN SEAMAN that she did not wish to change anything regarding the one-year time frame for businesses to come into compliance.

COUNCILMAN KNUDSEN had no issue with the process but had concerns about the associated implementation costs and thought it would be better to bring it to the full Council for discussion. He wished to move forward with no recommendation; however, COUNCILWOMAN SEAMAN motioned for approval. COUNCILWOMAN ALLEN-PALENSKE asked for clarification regarding the motion, to which MR. STEED explained that no matter the vote, the bill will move forward for review by the Council in January.

See Item 6 for related discussion.

COUNCILMAN KNUDSEN declared the Public Hearing closed.

Motion made by Victoria Seaman to Approve as Do Pass as a First Amendment

Passed For: 2; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

For-Victoria Seaman, Francis Allen-Palenske; Against-Brian Knudsen;

4. Bill No. 2022-28 - For possible action - Amends various provisions of LVMC Title 7 to increase from four to six the number of dogs or cats that can be kept at a particular place or residence without a specific permit to do so, and makes corresponding adjustments to the number of dogs and cats to which dog fancier, cat fancier and pet fancier permits apply. Sponsored by: Councilwoman Victoria Seaman

Minutes:

COUNCILMAN KNUDSEN declared the Public Hearing open.

COUNCILWOMAN SEAMAN said she brought this bill forward because shelters and rescues are overwhelmed with animals. She believed responsible owners must be given the ability to own more pets, as law-abiding citizens are not taking in new dogs because of the code.

COUNCILMAN KNUDSEN asked for clarification regarding an increase from six to eight in the bill. CHIEF DEPUTY CITY ATTORNEY VAL STEED said by increasing the maximum number of allowable pets from four to six, the fancier permit threshold has also been increased. Under the current code, an individual can have up to four of each animal type; a fancier permit is required for anything more than that. The Councilwoman's proposal increases that number to six of each animal type, and the fancier permit will allow up to eight. MR. STEED pointed to Page 1 of the bill for the definition of a fancier. A proposed first amendment was distributed and submitted for the record, which amends Sections 5 and 7 to adjust the dog and cat fancier numbers to

correspond with the changes made on Page 1.

COUNCILMAN KNUDSEN wondered if a dog or cat fancier should also have a background check conducted and if there are any requirements regarding the size of the home or backyard of a fancier. COUNCILWOMAN SEAMAN explained that a fancier is someone who has show dogs that also belong to them as pets. MR. STEED said that an inspection is needed and the size of the home is considered for a fancier permit.

RUDY TOVAR, DPS (Department of Public Safety) Administrator, said when they look at permits, they look to ensure dogs are in compliance with licensing. If the dogs will not be shown, then they ensure they are spayed or neutered. They also consider where the animal will be living and ensure the animal will be comfortable and safe. COUNCILWOMAN SEAMAN asked if there are many complaints about fancier permits. MR. TOVAR replied that they usually only receive barking complaints. In addition, complaints are received about the number of dogs on a property, and staff will educate the owners on how to come into compliance with a fancier permit.

See Item 6 for related discussion.

COUNCILMAN KNUDSEN declared the Public Hearing closed.

Motion made by Victoria Seaman to Approve as Do Pass as a First Amendment

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

For-Victoria Seaman, Brian Knudsen, Francis Allen-Palenske;

5. Bill No. Z-2022-1 - For possible action - Amends the City's Official Zoning Map by changing the zoning designations of certain parcels of land to reflect and formalize rezoning applications previously approved by the City Council. Proposed by: Seth T. Floyd, Director of Community Development

Minutes:

COUNCILMAN KNUDSEN declared the Public Hearing open.

PETER LOWENSTEIN, Deputy Planning Director, said this bill amends the Zoning Map atlas, which formalizes the actions of the Council that previously approved approximately 1,069 parcels in 2021. It is a housekeeping item, and everything is in order.

See Item 6 for related discussion.

COUNCILMAN KNUDSEN declared the Public Hearing closed.

Motion made by Victoria Seaman to Approve as Do Pass

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

For-Victoria Seaman, Brian Knudsen, Francis Allen-Palenske;

6. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Committee. No subject may be acted upon by the Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name and correct spelling for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

COUNCILMAN KNUDSEN announced that each bill will be eligible for adoption at the January 4, 2023 City Council Meeting.

7. Adjournment

Minutes:

The meeting was adjourned at 10:45 a.m.

Respectfully submitted:

Ashley Foster, CMC, Deputy City Clerk

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS
IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN NRS 241.020:

The City of Las Vegas website – www.lasvegasnevada.gov

The Nevada Public Notice website – notice.nv.gov

City Hall, 495 South Main Street, 1st Floor