

BILL NO. 2000-97

ORDINANCE NO. 5281

AN ORDINANCE TO AMEND CHAPTER 2.64 OF THE MUNICIPAL CODE REGARDING THE INITIAL TERMS OF THE CITY-APPOINTED MEMBERS OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT CITIZEN REVIEW BOARD, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Virginia Valentine, City Manager

Summary: Revises the initial terms of the City-appointed members of the Las Vegas Metropolitan Police Department Citizen Review Board.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 2, Chapter 64, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.64.040: (A) The Review Board shall consist of twenty-five members, thirteen of whom shall be appointed by the members of the FAC who are representatives of the County, and twelve of whom shall be appointed by the members of the FAC who are representatives of the City.

(B) A person appointed to the Review Board must:

(1) Be a resident of Clark County, excluding any incorporated cities other than the City of Las Vegas;

(2) Not be currently employed as a peace officer. No more than five members of the Review Board may be former peace officers;

(3) Not be a current employee in any capacity of the Department; a former peace officer employed by the Department; or a spouse, child, sibling or parent of such a person;

(4) Not be a current elected official;

(5) Not be a person convicted of a felony; and

(6) Not be or have been a party in litigation against the Department, or against the County or the City with regard to any detention facility.

(C) The members shall be appointed from a list of names submitted by interested persons. Notice that applications for appointment to the Review Board are being accepted shall be published at least once in a newspaper having general circulation in the County at least thirty days

003829

1 before the list is initially established. Applications for appointment shall be submitted to the Director.
2 Applicants must state whether they meet each of the eligibility criteria set forth in Subsection (B) of
3 [his] this Section. Applicants shall waive confidentiality and privacy as to records of criminal history,
4 employment history, and such other information as is necessary to verify their eligibility and
5 suitability for appointment, and shall authorize disclosure of such information for that purpose.
6 Information about an applicant which is of a confidential nature shall not be disclosed, except:

- 7 (1) In the course of administration of this Chapter;
- 8 (2) To authorized representatives of the County or City; or
- 9 (3) Upon lawful order by a court of competent jurisdiction.

10 (D) The Director shall prescreen applications and disqualify any applicant who does
11 not meet the minimum requirements set forth in Subsection (B) of this Section. Any applicant who
12 is disqualified shall be so advised by the Director. The Director shall forward all applications,
13 together with any grounds for disqualification, to the members of the FAC who are representatives
14 of the City and the County.

15 (E) The County and City members of the FAC shall alternately appoint persons to
16 the Review Board from the list of applicants submitted to them, with the County members making the
17 first selection.

18 (F) The members of the FAC who are representatives of the City may by mutual
19 agreement select and appoint persons to the Review Board from the list of applicants submitted to
20 them. If the City members of the FAC are unable to agree, each will alternately make an appointment
21 until the requisite number of persons has been selected. In such case, the first selection shall be made
22 by the person with the greatest amount of time served as a member of the Council. If the City
23 members of the FAC have equal amounts of service time, the person to make the first selection shall
24 be determined by a toss of a coin.

25 (G) In order to fill vacancies on the Review Board, the Director shall maintain an
26 updated list of applicants available for appointment. The Director may update the list by adding the
27 names of additional applicants and deleting the names of persons who become disqualified or who
28 notify the Director that they are no longer interested in serving on the Review Board. The Director

1 may accept applications at any time, but may solicit applications only through advertisement as
2 described in Subsection (C) of this Section. Except as otherwise provided herein, applications shall
3 remain active for a period of three years from the date of submittal. All subsequent applicants shall
4 be subject to the same prescreening and background investigation requirements as the initial
5 applicants. Vacancies shall be filled by action of the current representatives of the entity which
6 originally appointed the position. When openings exist for both County and City members of the
7 Review Board, the members of the FAC who represent the County and the City will appoint Review
8 Board members and fill vacancies for unexpired terms from the most recent list of applicants
9 according to the procedures set forth in Subsection (E) of this Section. The members of the FAC who
10 represent the City will appoint Review Board members and fill vacancies for unexpired terms from
11 the most recent list of applicants according to the procedures set forth in Subsection (F) of this
12 Section.

13 (H) The Director shall forward to the District Attorney's Office, for background
14 investigation, the application of each person tentatively selected for appointment. The District
15 Attorney's Office will return the results of its investigation, including any areas of concern and any
16 grounds for disqualification it has discovered, to the Director, who shall forward them to the
17 applicable appointing authority. The appointing authority shall then make the appointment final, or
18 select another applicant according to the procedures set forth in this Section. The appointing authority
19 shall advise the Director of any applicant who is disqualified, and the Director shall notify the
20 applicant.

21 (I) The Director shall maintain a current list of Review Board members, and shall
22 notify the FAC of all appointments to the Review Board.

23 (J) The initial City appointments to the Review Board shall consist of four
24 members whose terms expire the first Monday in January, [2000;] 2001; four members whose terms
25 expire the first Monday in January [2001;] 2002; and four members whose terms expire the first
26 Monday in January, [2002.] 2003. Thereafter, members shall serve for terms of three years. When
27 a member resigns or otherwise has membership terminated, a new member will be selected to serve
28 for the remainder of the former member's term. No member shall be appointed more than three times,

1 and no member shall be appointed to more than two three-year terms.

2 (K) City appointees to the Review Board serve at the pleasure of the members of
3 the FAC who represent the City, and may be removed from the Review Board without cause or notice
4 upon mutual agreement of the City members of the FAC. Any member of the Review Board who
5 ceases to meet the qualifications set forth in this Section shall automatically be removed from the
6 Review Board.

7 (L) Members of the Review Board shall serve without compensation, but may be
8 entitled to reimbursement for expenses upon prior approval by both the Board of County
9 Commissioners and the City Council, or as otherwise provided by agreement between the County and
10 the City.

11 SECTION 2 Title 2, Chapter 64, Section 80, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **2.64.080:** (A) Upon the appointment of the initial members of the Review Board, the Director
14 shall randomly select the members of the first panel, hereinafter referred to as the screening panel.

15 (B) The initial term of the members of the screening panel shall expire the first
16 Monday in [July, 2000.] January, 2001. Thereafter, the Director shall randomly select screening panel
17 members, who shall serve terms of six months, expiring the first Monday of the following [January
18 or July.] July or January. When a screening panel member resigns or otherwise has membership
19 terminated, the Director shall randomly select a new member, who shall serve the remainder of the
20 former member's term. No screening panel member shall be eligible during that member's term on
21 the screening panel to serve on any other panel. No member of the Review Board shall serve on two
22 consecutive screening panels.

23 (C) Regular meetings of the screening panel shall be held at least once a month.
24 Special meetings shall be held upon the call of the panel chair or of two members of the panel.

25 (D) Citizen complaints against officers and requests to review internal
26 investigations regarding officers shall be submitted to the Director, who shall refer all complaints and
27 requests for review to the screening panel. The Director shall have no authority to dismiss or reject
28 a complaint or request for review.

1 (E) The screening panel shall review complaints and requests for review to
2 determine whether:

- 3 (1) The Review Board has jurisdiction to consider the matter; and
4 (2) The matter has sufficient merit to warrant further consideration by a
5 hearing panel or the Department.

6 (F) Upon review, the screening panel may:

- 7 (1) Determine not to refer a matter to a hearing panel or to the Department;
8 (2) Refer to the Department a complaint against an officer; or
9 (3) Refer to a hearing panel a request for review of an internal investigation.

10 (G) The screening panel must complete its review and make its determination as
11 to any complaint or request for review referred to it within fifteen days after the date the matter is first
12 considered by the screening panel. The fifteen day period shall be tolled during any ongoing
13 investigation or proceeding which interferes with the panel's jurisdiction, as described in Section
14 2.64.060, or during any litigation concerning the screening panel's jurisdiction.

15 (H) Review by the screening panel shall be confined to the complaint or request for
16 review, the records of the internal investigation for which review is requested, and such information
17 as may be voluntarily provided by the complainant, the Department, or the officer whose conduct is
18 the subject of a complaint or request for review. The screening panel shall have no authority to take
19 testimony, issue subpoenas or require the production of books, papers and documents.

20 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
21 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
22 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
24 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
25 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
26 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
27 invalid or ineffective.

28 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,

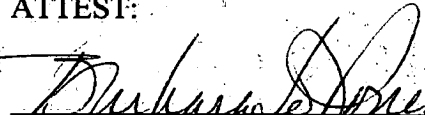
1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this 3rd day of January, 2001.

4 APPROVED:

5 By 
6 OSCAR B. GOODMAN, Mayor

7 ATTEST:

8 
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 12-6-2000
12 Date

1 The above and foregoing ordinance was first proposed and read by title to the City
2 Council on the 20th day of December, 2000 and referred to the following committee composed
3 of the Councilmembers Weekly and L. B. McDonald for recommendation; thereafter the said
4 committee reported favorably on said ordinance on the 3rd day of January, 2001 which was a
5 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read
6 by title to the City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, M. McDonald, Brown, L.B.
8 McDonald and Weekly

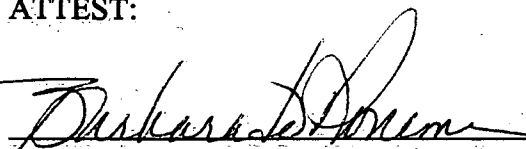
9 VOTING "NAY": NONE

10 EXCUSED: Councilman Mack

11 APPROVED:

12
13 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 BARBARA JO RONEMUS, City Clerk

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CITY CLERK

2001 JAN -5 A 10: 5b

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1537418

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/23/00 to 12/23/2000, on the following days: DECEMBER 23, 2000

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

3

day of _____ 2001

January

Mary B. Sheffield

Notary Public

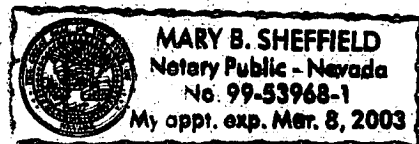
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DEPARTMENT-CITIZEN RE-
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PROVIDE FOR OTHER RE-
LATED MATTERS.

Proposed by: Virginia Val-
entine, City Manager
Summary: Revises the ini-
tial terms of the City-ap-
pointed members of the
Las Vegas Metropolitan
Police Department Citizen
Review Board.

At a City Council meeting
DECEMBER 20, 2000
BILL NO. 2000-97 WAS
READ BY TITLE AND RE-
FERRED TO RECOMMEND-
ING COMMITTEE:
Councilmembers Weekly
and L. B. McDonald

COPIES OF THE COMPLETE
BILL ARE AVAILABLE FOR
PUBLIC INFORMATION IN
THE OFFICE OF THE CITY
CLERK, 1ST FLOOR, CITY
HALL, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: December 23, 2000
LV Review-Journal



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Clark County, Nevada

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COUNTY OF CLARK) SS:

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the following days: JANUARY 6, 2001

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ORDINANCE NO. 5281

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thereafter the said com-
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on said ordinance on the
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which was a regular meet-
ing of said City Council;
and that at said regular
meeting the proposed or-
dinance was read by title
to the City Council as first
introduced and adopted
by the following vote:

VOTING "AYE": Mayor
Goodman and Council-
members Reese, M. McDo-
nald, Brown, L.B. McDo-
nald and Weekly
VOTING "NAY": NONE
EXCUSED: Councilman
Mack

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILA-
BLE FOR PUBLIC INFORMA-
TION IN THE OFFICE OF
THE CITY CLERK, 1ST
FLOOR, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: January 6, 2001
LV Review-Journal

Signed: _____

Donna Stark

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11

day of _____ 2001

January
Mary B. Sheffield

Notary Public

