

City of Las Vegas

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RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 EAST STEWART
COUNCIL CHAMBERS
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
MONDAY, MAY 17, 1999
4:00 P.M.

CALL TO ORDER:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL.

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 5/24/99 CITY COUNCIL MEETING.

1. **Bill No. 99-25** – Granting of a Franchise Agreement to Telecommunications of Nevada, LLC., and setting the purpose, character, term, time and conditions of the Franchise. Sponsored by: Councilman Larry Brown
Committee: Councilman Adamsen and Mayor Jones
2. **Bill No. 99-26** – Provides for the establishment of the Las Vegas Metropolitan Police Department Citizen Review Board. Sponsored by Councilman Arnie Adamsen
Committee: Councilman Adamsen and Mayor Jones

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8.00. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza
Clark County Government Center, 500 S. Grand Central Parkway
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

10 ✓
GMC ✓

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Eva Cotton, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **11th** day of **May 1999**, a copy of NOTICE, the attached of which is a true and correct copy of the Public Hearing - re **A Recommending Committee Meeting** to be held on the **17th** day of **May, 1999**, was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

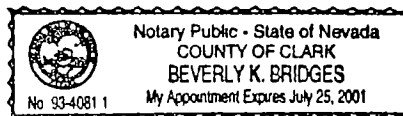


SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me
this 11th day of May, 1999.


NOTARY PUBLIC in and for
said County and State



AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS Chapter 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Eva Cotton, an employee of the City of Las Vegas, Nevada being first duly sworn, depose and say that on the **12th day of May 1999**, at the hour of **8:00 A.M.**, there were posted copies of a NOTICE, the attached of which is a true and correct copy of a **A Recommending Committee Meeting** to be held on the **17th day of May, 1999, at 4:00 P.M. in City Hall, Council Chambers, 400 E. Stewart Avenue, Las Vegas, Nevada;** to be posted on Public Bulletin Boards at the following locations:

- 1st On the City Clerk's Bulletin Board at the Downtown Transportation Center;
- 2nd Senior Citizens Center, 450 E. Bonanza Road;
- 3rd On the Special Bulletin Board at the Plaza Level of City Hall, 400 E. Stewart Avenue (near the entrance to the Court Clerk's Office);
- 4th On the Special Bulletin Board at the Plaza Level of City Hall, 400 E. Stewart Avenue (in the walkway area between Metro and Municipal Court).
- 5th Clark County Government Center, 500 S. Grand Central Parkway (sent by fax to the County Manager's Office for posting).



SIGNATURE

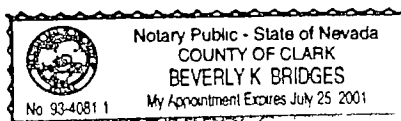
City Clerk

DEPARTMENT

Subscribed and sworn to before me
this 12th day of May, 1999.



NOTARY PUBLIC in and for said County and State



WHAT IS WRONG WITH CITIZEN POLICE REVIEW BOARDS?

Here are some major arguments against legislation to form a Citizen Police Review Board

- The basic defect of the Citizen Police Review Board is its hidden agenda. The main subversive thrust is to set us up for federalizing our police.
- Federal police will not have the local judicial checks and balances of local police
- Federal police will have tyrannical powers over the people. A local police can never have that.
- Federal police need not respond either to a local Citizen Police Review Board, or to the local judicial system. Example: The federal officers at Ruby Ridge and Waco have never been punished. Instead, they have been promoted.
- How will federalization of the police occur?
 1. The Citizen Police Review Board will cause officers to hesitate in doing their duty, in order to avoid review by unqualified citizens, some of whom have criminal intent or a grievance with the police
 2. The result of police hesitancy will be anarchy, an example of which occurred in the Los Angeles Riots
 3. When anarchy breaks out in Las Vegas, people will be agitated to rally under the cry for federal police as the solution.
- The only real solution to police error is the hiring of qualified policemen, men of superior judgment. This solution is apparently not being addressed, based on the many news articles of police error. Neither elected Sheriff Jerry Keller nor the Police Protective Association publicly demonstrates taking this responsibility. Instead, they are politically succumbing to the pressure of ACLU President Gary Peck and his group. Mr. Peck will deny and ridicule the underlying motive of Communist-inspired federalizing of the police. Peck's main argument for putting in the Citizen's Police Review Board is to preserve the results of long amounts of hard work that he and his group have done to bring it about. This specious argument for sympathy is insubstantial for implementing government support and should be ignored.

The Las Vegas City Council should not fall for false-hearted pleas for sympathy of the oppressed or for preserving Gary Peck's and his group's hard work. The Council should continue to maintain a vision of positive responsibility for keeping our citizens and businesses safe from crime and anarchy. Better police personnel is the answer.

Frank M. Pesteson

Support Your Local Police Committee of Greater Las Vegas
655-1955

Item #2

RECOMMENDING COMMITTEE MEETING MINUTES
CITY HALL, 400 EAST STEWART AVENUE
COUNCIL CHAMBERS
MONDAY, MAY 17, 1999
4:00 P.M.

ATTENDANCE: Councilman Arnie Adamsen
Mayor Jan Lavery Jones (arrived at 4:12)

ALSO PRESENT: Steve Houchens, Deputy City Manager
John McNellis, Acting Deputy City Manager
John Redlein, Chief Civil Deputy City Attorney
Val Steed, Chief Deputy of Governmental Affairs

CALL TO ORDER: Councilman Adamsen called the meeting to order at 4:09 p.m.

ANNOUNCEMENT MADE: Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza
Clark County Government Center, 500 S. Grand Central Parkway
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

1. **Bill No. 99-25 - GRANTING OF A FRANCHISE AGREEMENT TO TELECOMMUNICATIONS OF NEVADA, LLC., AND SETTING THE PURPOSE, CHARACTER, TERM, TIME AND CONDITIONS OF THE FRANCHISE** Sponsored by: Councilman Larry Brown

Committee: Councilman Adamsen and Mayor Jones

Mr. Steed stated that Telecommunications of Nevada, LLC, dba, NextLink requested a franchise agreement permitting its use of the City's rights-of-way for installing facilities to provide telecommunication services within the City. The term of the proposed agreement is for ten years, with an option to renew for five years. NextLink will pay the City five percent of its annual gross revenue.

The resolution was adopted at the May 10, 1999, meeting, setting forth the applicant for and the purpose, character, term, time, and conditions of the proposed franchise agreement and setting a public hearing date for May 24, 1999, at 10:00 a.m. for the purpose of determining the advisability of granting the requested franchise agreement

The City Charter requires that the grant of a franchise, following a public hearing on its merits, be done by the enactment of an ordinance. The subject Bill will accomplish that requirement. Copies of the proposed agreement have been available at the City Clerk's office since May 10, 1999.

Richard K. Scheer, Regulatory and External Affairs Manager, Nextlink, 2240 Corporate Circle, indicated that he appreciates the opportunity to have worked with David Roark, Manager, Real Estate and Asset Management Office, in putting the franchise agreement together.

No one appeared in opposition.

There was no further discussion

Councilman Adamsen recommended Bill No. 99-25 be forwarded to the Full Council with a "Do Pass" recommendation. Mayor Jones concurred.

(4.09 - 4:12)

1-26

- 2. Bill No. 99-26 - PROVIDES FOR THE ESTABLISHMENT OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT CITIZEN REVIEW BOARD.** Sponsored by Councilman Arnie Adamsen
-
- Committee. Councilman Brown and Mayor Jones

Franny Forsman, Federal Public Defender and Chair of the committee that drafted the subject bill, 330 S. Third Street, #700, indicated that the bill that was introduced to the County was a compromise that was reached by a diverse group over a period of many months. The ordinance brought to the County an ordinance which included somewhat broader powers than that which was in the ordinance adopted by the County. The Committee believes that the subject ordinance will launch the process of civilian involvement in the review of Las Vegas Metropolitan Police Officers' actions. The ordinance also puts together a body of 25 people with experience and training in community policing ideas that would be available to the Metropolitan Police Department.

Although the committee wanted much broader and more authoritative powers in the ordinance than what the County adopted, she urged the City to adopt the subject ordinance in its form because approval is needed at both the City and County level in order to start the project. Mayor Jones interjected that at least the framework has been established to build upon so that the review committee can be viewed as positive.

Ms. Forsman advised that once it is in place and operating, then it can be reviewed for possible legislative changes. It is a positive step that, if the right people are appointed to serve, will give the community the opportunity to have input and build a trust that is so needed.

David A. Freeman, 8321 Bermuda Beach Drive, proudly indicated that he is a retired Las Vegas Metropolitan Police Officer and that his son has been serving as a Metro Officer for three years. He felt that adopting the subject ordinance would have an adverse impact on the morale of the police officers and that they do not need an additional layer of oversight. The current system provides numerous safeguards and is routinely accountable at many different levels.

The first line of accountability is the personal responsibility that each officer takes for their own actions. If questions arise concerning the correctness of those actions, the first line supervisor has the responsibility to investigate. Potentially this could be scrutinized by the entire chain of command, or it could be directly investigated by the Internal Affairs Bureau who ultimately reports to the Sheriff. The Sheriff is accountable to the voters and the Fiscal Affairs Committee. An officer's actions can be reviewed by many other governmental bodies, including State and Federal. Lastly, officers' actions can be subjected to scrutiny in court.

Creating another bureaucratic layer of review is not only a bad idea, but it also questions the honesty of everyone charged with the responsibility of upholding the integrity of the system. Any group of citizens that does not trust the police to take the proper action should apply for the job or run for sheriff.

Frank Pelteson, retired engineer, 3753 Alliance Street, indicated that he has followed the whole process of the creation of this review board and has spoken his opinion when given the opportunity. When he speaks, he likes to speak in terms of the strategic aspects of a police review board rather than the tactical, short-term aspects. He noted that in a private meeting with him, Councilman Brown indicated that he also opposes the formation of a review board. He read and submitted a document (made part of the final minutes) entitled *What is Wrong with Citizen Police Review Boards* listing major arguments against legislation to form a citizen police review board.

In response to some of the arguments made by Mr. Pelteson, Gary Peck, Executive Director of American Civil Liberties Union (ACLU), 5050 Tamarus Street, #202, assured that his efforts to implement the Citizen Review Board have nothing to do with a communism conspiracy to take over the government. It has been a long time since that allegation has been made publicly, however, the ACLU does believe in free speech

He continued and said that the subject ordinance is a product of an extraordinary effort by citizens who were invited by the Fiscal Affairs Committee to develop such an ordinance. It was a very diverse group of people with representatives from the Police Protective Association and Metro. A lot was learned from the different views that were presented and the instructive dialogue that took place.

More importantly, the issue is not about the integrity and honesty of the fine people who work for the Las Vegas Metropolitan Police Department, but about checks and balances and objectivity. He respected the fact that police officers feel loyalty to one another and that they put their lives on the line for the community. But the problem is that they are just like everyone else in the sense that it is difficult for them to objectively, fairly and fully investigate credible allegations of misconduct and prosecute accordingly. It is a fact that all across the United States communities are beginning to realize that because police officers are given very special powers and because it is so important that citizens have faith in those officers and feel safe when dealing with them that they should also be held accountable when those powers are abused and citizens' rights are violated. For these reasons an independent body is necessary.

Individuals in government who work hand in hand with the police department have a difficult time when they are put in the position of making decisions in disciplinary matters. The ACLU wants a body comprised of cross-section members of the community, including five police officers to serve. Obviously, the ACLU believes that police officers, like any other citizen, deserve the protection of the law and due process when accused of wrong doing, but it is important to understand the context. The Nevada Revised Statute already contains a police officers bill of rights that sets forth all types of protection. The subject legislation was drafted with that bill in mind. The police officers have union representatives, the right to arbitration, and a collective bargaining agreement, which cannot be violated by the subject ordinance. Officers can also go to the civil service board, and like any other citizen, they can go to court.

So it is within that context that the ACLU would like a forum where the citizens can go and feel that they are getting a hearing from an independent body. The entire system is based on checks and balances and accountability, and it should also apply to police officers. He implored the Recommending Committee members to recommend approval and to appoint good, responsible people who can be objective to the Citizens Review Committee.

Liz Carrasco, representative of the Progressive Leadership Alliance of Nevada, stated that the Alliance represents people in the community from all racial backgrounds, and it is very much in support of establishing the Citizen Review Committee. As public servants, police officers need to be held accountable to their community through an objective, independent committee.

John Armstrong, 1713 Goodrich Circle, indicated that he was a North Las Vegas police officer from 1991 up until a week ago. It is very important to have a review committee, not only because of the things that happen within police departments, but also because of the things that police officers are afraid to talk about due to potential ramifications. Only an independent body that has no association with the police union, the police department, or upper management could say that management was wrong. Police officers want to be treated fairly too. They do not become police officers to have their civil rights violated.

People are under a huge misimpression if they do not believe that police departments have hidden agendas, such as the recent incident in which some members of the Las Vegas Metropolitan Police Department sent flyers regarding the Venetian Hotel.

Lastly, he advised that he was the victim of wrongdoing and had to stand up to people that could have removed him from his job. It is all about checks and balances and making things fair. People have the right to know what is going on. If the board operates as it is intended, it will be a benefit to the community. He strongly felt that good, honest police officers have nothing to fear.

Mr. Redlein interjected that at one of the meetings held, a member of the PPA (Police Protection Association) offered a lot of information about how these types of boards work. In communities that have review boards, many of the complaints come from police officers. These officers have received some disciplinary action from Internal Affairs and had the citizen panel as a recourse. So it is not necessarily negative.

Mayor Jones commented that her inclination to support the implementation of a review committee is because of the willingness to compromise that occurred from the meetings, recognizing that no one model was exact and that it would be a learning process. She would not like the same thing to happen as it did with the Ethics Committee that it just became a roast to create problems. But the selection process of the committee members is going to be key to the local effectiveness of the review board. It is of paramount importance that no political appointments are made. If this committee is seen by the community or the police as just another body that is looking for ways to make headlines, all of its importance and what it can really bring in terms of confidence and competence will be lost. It is important that everybody recognizes the importance of not creating just another board to satisfy the press, the public, or the ACLU. It is a board that will have a tremendous amount of responsibility to act with judicious care in matters of priority.

James Tate, 1701 West Charleston Boulevard, Suite #215, suggested that the drafting committee not be disbanded and it be utilized to select the first membership. More importantly, he recommended that the review committee be reviewed within approximately one year to determine whether it is functioning successfully, as it was designed. If the committee recommends certain disciplinary actions that the Sheriff disregards, that might lead to necessary adjustments at the State level in order to make it a workable organization. He concurred with the Mayor that the public must have confidence in this committee otherwise the police department and the City will be in trouble. Mayor Jones indicated that there should be room for legislative review or some other recourse. Mr. Redlein felt that it might come down to a matter of finances. The estimated cost to operate the committee is \$200,000 a year. At the end of six months to a year, Fiscal Affairs will look into how the conclusions of the committee vary from those of Metro to determine whether or not funding should continue. If, for the most part, Internal Affairs and the review committee concur, Fiscal Affairs might not be too anxious to keep funding the committee. If they vary substantially, then the roll of the review committee may be broadened. Mayor Jones countered that if it is found that the two are agreeing then it would show that the process is working. It does not have to be controversial to keep funding it. Mr. Tate stated that if it is working, there ought to be a push to expand it not to weaken it. He further indicated that in Toronto the police officers endorsed their review committee once they saw it was a fair process.

Councilman Adamsen agreed that it would truly be a mistake to terminate the funding. But because of State statute, once the committee is created, it would be very difficult to end the funding. It is going to be subject to legislative review. It is very doubtful that will occur within a year because if annual sessions are held, it will only be a 45-day budget hearing and then the ultimate will be a 120-day legislative session. That is the time that this process needs to be reexamined with the input from Metro. Mayor Jones noted that

the committee needed to be created by the legislature because of the structure; however, she felt that any review process should be handled at a local level because it has nothing to do with the legislature. It concerns Metro and Clark County citizens. She would like wording in this ordinance to allow the original drafting board to reconvene within 18 months to meet with the members of the review committee to conduct an analysis at a local level. Involving the legislature would just make it more complicated. Councilman Adamsen concurred, stating that input should come from the Sheriff, the members of the Citizens Review Committee, and the police officers. Ms. Forsman indicated that at this point the proposed ordinance does not need any adjustments in order to build in some kind of review at the local level to see how it is working. Even the recommending committee was created by the Fiscal Affairs Committee. So it could easily be reconvened. References to the legislature would be needed if expansion of the authority of the committee were needed. The ordinance is consistent with State statute but it contains a lot of procedure that is dictated by County and City ordinances.

Councilman Adamsen pointed out that unlike some Ethics Board opinions, this committee has a very definitive and short time line that the panel has to make recommendations so that it does not become a creature in and of itself with long decisions that leave the ultimate outcome hanging in the balance for a long period of time

There was no further discussion.

Mayor Jones recommended Bill No. 99-26 be forwarded to the Full Council with a "Do Pass" recommendation. Councilman Adamsen concurred.

(4:12 - 4:53)

1-103

CITIZENS PARTICIPATION:

None.

ADJOURNMENT:

The meeting adjourned at 4:53 p.m.

/gpb