

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 EAST STEWART
8TH FLOOR CONFERENCE ROOM

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
TUESDAY, JULY 6, 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 BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 7/12/99 CITY COUNCIL MEETING.

1. **Bill No. 99-33** -- Increases the amount of the regional sewer service surcharge from \$1.39 to \$1.60 per equivalent residential unit and provides for administrative surcharge adjustments thereafter. Proposed by: City Manager Virginia Valentine
Committee: Councilmen McDonald and Brown
2. **Bill No. 99-35** -- Provides that a petition in State District Court is the exclusive means of appealing the denial of a work card for security-related employment, where the denial is based upon the statutory prohibition of such employment because of certain criminal convictions. Sponsored by: Councilman Michael McDonald
Committee: Councilmen McDonald and Brown

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 7/26/99 CITY COUNCIL MEETING.

3. **Bill No. 99-34** -- Annexation No. A-20-99(A), Property Located: Between Alexander Road and Fox Forest Avenue, approximately 660 feet west of Fort Apache Road, Petitioned By: Kathlyn H. Mowbray, Acreage: Approximately 5.13 acres, Zoned: R-E (County Zoning), U (L and ML) (City Equivalent). Sponsored by: Councilman Larry Brown
Committee: Councilmen McDonald and Brown

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

20
sum

(Mailing required under the provisions of NRS Chapter 241)

 **VICKY DARLING**
Notary Public - State of Nevada
Appointment Recorded in Clark County
My Appointment Expires 6-22-2002
94-0036-1

AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS Chapter 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

ANGELA CROLLI and GABRIELA S PORTILLO-BRENNER, employees of the City of Las Vegas, Nevada being first duly sworn, depose and say that on the day of 30th day of June, 1999, at the hour of 9 00 A M there were posted copies of a NOTICE, the attached of which is a true and correct copy of **the Regular Meeting of the Recommending Committee** to be held on the 6th day of July, 1999, at 4.00 P.M in the 8th Floor Conference Room, 400 E. Stewart Avenue, Las Vegas, Nevada, to be posted on Public Bulletin Boards at the following locations

- ac 1) On the City Clerk's Bulletin Board at the Downtown Transportation Center;
- ac 2) Senior Citizens Center, 450 E Bonanza Road (sent by fax for posting),
- ac 3) 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),
- ac 4) 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)
- ac 5) Clark County Government Center, 500 S. Grand Central Parkway (sent by fax to the County Manager's Office for posting)

Angela Crolli

SIGNATURE

City Clerk
DEPARTMENT

Gabriela S. Portillo-Brenner

Subscribed and sworn to before me
this 30th day of June, 1999

Beverly K Bridges

NOTARY PUBLIC in and for
said County and State



RECOMMENDING COMMITTEE MEETING MINUTES
CITY HALL, 400 EAST STEWART AVENUE
COUNCIL CHAMBERS
TUESDAY, JULY 6, 1999
4:00 P.M.

ATTENDANCE: Councilman Michael J. McDonald

EXCUSED: Councilman Larry Brown

ALSO PRESENT: Steve Houchens, Deputy City Manager
Val Steed, Chief Deputy of Governmental Affairs
Eddie Raines, on behalf of Jim DiFiore, Manager, Business Services

CALL TO ORDER: Councilman McDonald called the meeting to order at 4:03 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. 99-33 - INCREASES THE AMOUNT OF THE REGIONAL SEWER SERVICE SURCHARGE FROM \$1.39 TO \$1.60 PER EQUIVALENT RESIDENTIAL UNIT AND PROVIDES FOR ADMINISTRATIVE SURCHARGE ADJUSTMENTS THEREAFTER.**
Proposed by: City Manager Virginia Valentine
Committee: Councilmen McDonald and Brown

Mr. Steed stated the matter is in order.

No one appeared in opposition.

There was no discussion.

Councilman McDonald recommended Bill No. 99-33 be forwarded to the Full Council with a "Do Pass" recommendation.

(4:03)

1-14

2. **Bill No. 99-35 - PROVIDES THAT A PETITION IN STATE DISTRICT COURT IS THE EXCLUSIVE MEANS OF APPEALING THE DENIAL OF A WORK CARD FOR SECURITY-RELATED EMPLOYMENT, WHERE THE DENIAL IS BASED UPON THE STATUTORY PROHIBITION OF SUCH EMPLOYMENT BECAUSE OF CERTAIN CRIMINAL CONVICTIONS.** Sponsored by: Councilman Michael McDonald
Committee: Councilmen McDonald and Brown

APPEARANCES:

Sergeant Vincent Cannito, Las Vegas Metropolitan Police Department
Val Steed, Chief Deputy of Governmental Affairs
Eddie Raines, appearing on behalf of Jim DiFiore, Manager, Business Services

NOTE: Councilman McDonald requested that Sergeant Cannito compile a list of clear definitions and review it with Mr. Steed.

NOTE: A verbatim transcript is made a part of these final minutes

Councilman McDonald recommended Bill No. 99-35 be forwarded to the Full Council with a "Do Pass" recommendation as amended.

(4:03 - 4:17)

1-28

3. **Bill No. 99-34 - ANNEXATION NO A-20-99(A), PROPERTY LOCATED BETWEEN ALEXANDER ROAD AND FOX FOREST AVENUE, APPROXIMATELY 660 FEET WEST OF FORT APACHE ROAD, PETITIONED BY: KATHLYN H. MOWBRAY, ACREAGE: APPROXIMATELY 5.13 ACRES, ZONED: R-E (COUNTY ZONING), U (L AND ML) (CITY EQUIVALENT). Sponsored by: Councilman Larry Brown**
Committee: Councilmen McDonald and Brown

Mr. Steed stated the matter is in order.

No one appeared in opposition.

There was no discussion

Councilman Brown recommended Bill No. 99-34 be forwarded to the Full Council with a "Do Pass" recommendation.

(4:17)

1-437

CITIZENS PARTICIPATION:

None.

ADJOURNMENT:

The meeting adjourned at 4:17 p.m.

/gpb

RECOMMENDING COMMITTEE MEETING
MEETING OF
JULY 6, 1999

Page 1

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

COUNCILMAN McDONALD

Item No. 2 is Bill 99-35. Provides that a petition in State District Court is the exclusive means of appealing the denial of a work card for security-related employment, where the denial is based upon the statutory prohibition of such employment because of certain criminal convictions. Now, on this Bill we have a couple of speakers. But relating to this, what we're trying to do is alleviate the problem we've had in the past dealing with not just work cards of security matters, but other employment dealing with very critical employment, where they have been denied by Metro, the Las Vegas Metropolitan Police Department, for the record.

What we're trying to do is clean this up so there is a means of appeal. In the past the City Council has, I'm using, a three two vote or other obscure numbers, granted a work card for an individual and they were still denied because it's against State law for them to receive a work card based on this. So, --

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

With regards to the, Sergeant Cannito with Metro, C-A-N-N-I-T-O, in regards to the security, license security agencies, the Bill would read, in the case of a decision by Metro, which is based upon the unemployability of a person, pursuant to NRS 648.060, Subsection 3-D, the decision is appealable only by means of petition to the State of Nevada District Court. That would most definitely relieve the burden on the City Council to hear these, especially when it is of a felony nature or of a crime involving moral turpitude.

EDDIE RAINES

Eddie Raines, Department of Finance and Business Services. I'm here representing my manager, Jim DiFiore, who couldn't be here today.

We know that the intent of this Bill was to clearly state the means of a person to appeal the denial of a work card. However, we feel that this additional language would help clarify the grounds on which a work card could be denied. And it would also allow Metro a better understanding of why a person is appealing a denial, if they do appeal it to the Council. So, our department is in support of this amendment.

COUNCILMAN McDONALD

Is that language to be amended? This part of (inaudible) Eddie?

EDDIE RAINES

Yes, Sir. It's the shaded area that's underlined is the recommended language that we have offered for this amendment.

RECOMMENDING COMMITTEE MEETINGS
MEETING OF
JULY 6, 1999

Page 2

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

COUNCILMAN McDONALD

Mr. Steed, you have that for the amendment?

DEPUTY CITY ATTORNEY VAL
STEED

Yes. As far as additional language for Section 150, which is the one that's in the Bill, I don't have a problem with that. I would recommend that we, in a different Bill, amend the grounds for denying a work card originally. Those people who may have been here to talk about whether or not you ought to further restrict and -- whether it's characterized as a clarification or a restriction, those people who would like to be heard on that aren't here because they don't know that you're taking also action on the original grounds for denial as opposed to --

COUNCILMAN McDONALD

Well, wouldn't they see that when it comes before the City Council? When we amend it here, it will be read at the City Council with the amendments in there and they can hear it then.

DEPUTY CITY ATTORNEY VAL
STEED

Well, it won't necessarily be read. The Council doesn't typically invite people to be heard. But I think if -- you were to publish something in the paper that indicates that you're also addressing the grounds for denial of a work card and indicate that you'll be hearing anybody who wants to be heard at the Council meeting, that -- probably would be remedied.

COUNCILMAN McDONALD

'Cause this kind of helps a little bit, the appeal should automatically be denied when they start talking about 6.86.110. The first one is incomplete or makes false, misleading or fraudulent statements to any material information contained in the application. That's the first one off the bat, I think that really helps. The shaded area says for the record, solicitation of prostitution, possession, use, or sale of controlled substances, or any crimes or any person or property which is disruptive to peace, health, safety, and welfare of the City. That would be the definition of moral turpitude. And further down, 6.86.150, Appeal to Police action reads: stating the specific error of law or fact that were the basis in the decision with Metro and City Clerk. And that, that was referring to the suspension of motion of denial from Metro. So, with 99-35 we make the amendment here and then, also read it at the Council meeting.

DEPUTY CITY ATTORNEY VAL
STEED

Yeah. As far as, this is not a definition of moral turpitude. This is adding new grounds --

COUNCILMAN McDONALD

New grounds.

RECOMMENDING COMMITTEE MEETING
MEETING OF
JULY 6, 1999

Page 3

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

DEPUTY CITY ATTORNEY VAL
STEED

-- besides the moral turpitude. And I think the problem with the final clause is any crime against the person or property which is disruptive to the peace, health, safety, and welfare of the City. Arguably, that's any crime, because any crime would not be a crime unless it were disruptive. So, I think that's a problem.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

If I think, it may also, as critical as that is, we have obviously now, new discussion on whether or not battery/domestic violence is going constitute moral turpitude. Being the definition, (inaudible) ode to man, to one's fellow man, and the graveness of such an act and the violence perpetrated against a spouse. Certainly is imperative to get this type of language in there because moral turpitude doesn't account for all the crimes against persons and all the crimes against one another. So, boy I tell ya, that's -- just going to be real critical to get that in there.

EDDIE RAINES

I think you need a list that you could submit; domestic violence, battery, any list that takes care of the problem that you have, but doesn't argue or make any crime a grounds that would -- take care of the problem.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Well, certainly, what we're going --

EDDIE RAINES

If you're going to have any -- crime that's disruptive, you might as well just say any crime and be done with it.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

I believe what we're looking at is any crime that's going to cause harm and that's the key element right there is you're looking to protect the people and that's what the focus is, I'm sure for everyone here. And anything that's violent, I don't believe anybody wants that.

DEPUTY CITY ATTORNEY VAL
STEED

Yeah. I don't have any -- expertise to be able to sort through that. So, if you want to forward the, forward along the way it's written, you can certainly do that.

COUNCILMAN McDONALD

We'll submit it. I'll -- make the submission with the area and clear it for the record, I'll give a copy of this for the record. But I think Mr. Steed raises a good point, is we have to come up with something, 'cause anyone, any crime that, let me get your argument straight, Mr. Steed, any crime that utterly is harm (inaudible).

RECOMMENDING COMMITTEE MINUTES
MEETING OF
JULY 6, 1999

Page 4

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

DEPUTY CITY ATTORNEY VAL
STEED

Yes. It says, disruptive against a person or property, which is disruptive. I can't think of a crime that doesn't fit that definition.

COUNCILMAN McDONALD

If you can come up for the record with a definition for that. I'll submit it this way and then we can come up with the list, if you can get together with the --

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Yeah, and I do appreciate what you're saying, Sir. However, also, Councilman McDonald, I believe if we finish reading the statement where it says, which is disruptive to the peace, the health, safety, and the welfare; and those are the elements. And that's particularly what we're looking at. Anything that's going to cause damage to those elements.

COUNCILMAN McDONALD

Right.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

We have disruptive. We can, a gun shot is disruptive. You're sitting down at the dinner table and you hear a gun shot outside your window. Certainly disruptive. So is disturbing the peace running down the street with snappers from the Fourth of July. What we're looking at is health, safety, welfare, peace. And we -- certainly can, Sir, if that's what you would like, is to -- go back to the Board and try to find some wording that would be more appealing. However, the overall theme again is going to be the -- benefit to the community.

COUNCILMAN McDONALD

Well, on some of these you're talking about solicitation, prostitution, possession and the use of controlled substance, burglary, larceny. We've all seen those come up. Grand larceny.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Right.

COUNCILMAN McDONALD

That should also be added.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Now, under the larceny, and again, moral turpitude is a -- generic term. It's a generic definition. It really applies case by case. However, larcenies have characteristically always fallen under the moral turpitude clause. Characteristically, again, the -- violence has -- fallen under the moral turpitude clause. And again, across the board we've gotten several cases from Nevada. We've gotten them from -- other jurisdictions as well, stating that the evil intent, the (inaudible) say, biblical if you would, (inaudible) towards

RECOMMENDING COMMITTEE MINUTE
MEETING OF
JULY 6, 1999

Page 5

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

man. That generally characterized what the moral turpitude is. However, we can most certainly specify if -- that's your desire would be.

COUNCILMAN McDONALD I think, for your peace of mind, Val, is that what we're looking? Would it suffice if you did it with peace? So, if it read, any (inaudible) person or property to disrupt to the health, safety and welfare of the City?

DEPUTY CITY ATTORNEY VAL STEED It helps.

COUNCILMAN McDONALD Would that hurt you?

SERGEANT CANNITO, LAS VEGAS METROPOLITAN POLICE DEPARTMENT No.

DEPUTY CITY ATTORNEY VAL STEED Five miles over the speed limit arguably is disruptive to the health, safety and welfare, so --

COUNCILMAN McDONALD It depends who stops you.

DEPUTY CITY ATTORNEY VAL STEED Yeah.

COUNCILMAN McDONALD Okay. If we could come up some -- we'll submit this for the record, but we need, if we could come up with some clear cut definitions of what we're looking.

SERGEANT CANNITO, LAS VEGAS METROPOLITAN POLICE DEPARTMENT If eliminating the peace would -- clarify it, that certainly doesn't harm -- the intent of that in any way. And also, if you would like to add --

COUNCILMAN McDONALD See it starts off good, Sergeant, solicitation, prostitution, the use of controlled substance, and any crime dealing with the person or property, any, if we went there and started defining grand larceny --

SERGEANT CANNITO, LAS VEGAS METROPOLITAN POLICE DEPARTMENT Okay.

COUNCILMAN McDONALD -- petty larceny, burglary, another one dealing with that, was embezzlement (inaudible). I mean something that deals with it so it's clear cut.

SERGEANT CANNITO, LAS VEGAS METROPOLITAN POLICE DEPARTMENT Sure.

RECOMMENDING COMMITTEE MINUTES
MEETING OF
JULY 6, 1999

Page 6

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

COUNCILMAN McDONALD

Part of the problem the Council's had in the past, and speaking just merely on the experience of it is, when it came to define moral turpitude, the arguments that were set forward, between the Mayor and myself, between the Council members, what was moral turpitude. I know you had a conversation with Oscar Goodman, the Mayor Goodman the other day, defining it. But if we have a clear cut guideline, the reason we're disrupting it. And I think we had a good one. The other day when we had a maid, a woman come up to apply for a maid, seeing her out there was a good example, and she was arrested for burglary and larceny several times. That's someone you don't want going into your room to make it up as a guest. I mean, I don't think that's the confidence we want of our tourists that are coming in and say, okay you're granting these kinds of work cards to people that have this type of background. So, can I submit this now like this, Mr. Steed, and then come back --

DEPUTY CITY ATTORNEY VAL
STEED

What I suggest is that we prepare First Amendment that has this or get me a little license to play with that with wording there to make it consistent with the rest of the Code.

COUNCILMAN McDONALD

Okay.

DEPUTY CITY ATTORNEY VAL
STEED

And then also the First Amendment would take out peace here. And between now and the Council meeting, any -- additional changes that you might suggest would be a proposed Second Amendment.

COUNCILMAN McDONALD

So, if you can get within the next, with this week, Sergeant, get with Mr. Steed, so we have a clear cut definition that could be resolved at Council.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Certainly.

COUNCILMAN McDONALD

So, the First Amendment would be given, with Mr. City Attorney --

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

All right.

RECOMMENDING COMMITTEE MIN S
MEETING OF
JULY 6, 1999

Page 7

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

COUNCILMAN McDONALD

-- for the record and then get with Val and come back with a definition or word what you're looking for and what we're trying to accomplish. And things, also look through your experience of what's happened in the County and other jurisdictions, that streamlines the organization.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Okay.

DEPUTY CITY ATTORNEY VAL
STEED

That this doesn't take a rocket scientist. It's common sense.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Right.

COUNCILMAN McDONALD

So I recommend a do pass First Amendment. Any one else wish to be heard on that item?

(END OF DISCUSSION)

/ac

AMENDMENT TO BILL NO. 99-35 WORK CARDS

An amendment to Las Vegas Municipal Code 6.86 entitled **Work Cards** to be more inclusive on the reason for denial or suspension and appeal of a work card as issued by the Las Vegas Metropolitan Police Department and to provide criteria for a denial of an appeal based upon conflict with Nevada Revised Statutes, lack of sufficient grounds, or timeliness in filing the appeal

6.86.110 **Adverse actions—Grounds** Metro may deny the issuance or renewal of a work card for the following reasons.

- (A) The application is incomplete or the applicant or holder has made false, misleading or fraudulent statements with respect to any material information contained in the application;
- (B) The applicant or holder has committed or been convicted of any crime involving moral turpitude~~;~~], solicitation of prostitution; possession, use, or sale of controlled substances, or any crime against a person or property which is disruptive to the peace, health, safety, and welfare of the City.
- (C) The applicant or holder fails to meet the age or other requirements for the particular employment as may be set forth in this Code, or State and Federal laws or regulations;
- (D) The applicant or holder illegally resides in the United States,
- (E) The applicant or holder has been subject to a revocation, suspension,, or other disciplinary action against a business license or work card or permit in Nevada or any other jurisdiction to the extent that such disciplinary action reflects upon the fitness of the applicant or holder to have a work card;
- (F) The applicant or holder has worked for an employer without a work card when one was required;
- (G) Where substantial information exists showing the applicant or holder to be dishonest or corrupt;
- (H) In the case of an applicant for a gaming work card any reason enumerated in NRS 463.335, Section 7, subsections (a) through (f) and, in the case of a holder of a gaming work card, any reason enumerated in NRS 463.337, Section 2, subsections (a) through (i). . .

6.86.150 **Appeal—Police action.**

(A) Except as otherwise provided in Subsection (B), [Any] any applicant aggrieved by a decision of Metro with respect to the issuance, renewal, denial, revocation, or suspension of a work card may appeal such decision within thirty days to the City Council by filing written notice of appeal, stating the specific errors of law or fact that were the basis of the decision, with Metro and the City Clerk. The City Council shall hear the applicant at the next regularly scheduled meeting following the expiration of ten days after the applicant files a notice of appeal. Upon filing an appeal, Metro may issue a temporary work permit which will be revoked or become permanent upon the final decision of the City Council.

(B) In the case of a decision by Metro which is based upon the unemployability of a person pursuant to NRS 648.060(3)(d), the decision is appealable only by means of petition to the State of Nevada District Court.

NOTE: Shaded areas are additions presented in a first amendment to Bill No. 99-35.

#2

RECOMMENDING COMMITTEE MINUTES
MEETING OF
JULY 6, 1999

Page 1

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

COUNCILMAN McDONALD

Item No. 2 is Bill 99-35. Provides that a petition in State District Court is the exclusive means of appealing the denial of a work card for security-related employment, where the denial is based upon the statutory prohibition of such employment because of certain criminal convictions. Now, on this Bill we have a couple of speakers. But relating to this, what we're trying to do is alleviate the problem we've had in the past dealing with not just work cards of security matters, but other employment dealing with very critical employment, where they have been denied by Metro, the Las Vegas Metropolitan Police Department, for the record.

What we're trying to do is clean this up so there is a means of appeal. In the past the City Council has, I'm using, a three two vote or other obscure numbers, granted a work card for an individual and they were still denied because it's against State law for them to receive a work card based on this. So, --

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

With regards to the, Sergeant Cannito with Metro, C-A-N-N-I-T-O, in regards to the security, license security agencies, the Bill would read, in the case of a decision by Metro, which is based upon the unemployability of a person, pursuant to NRS 648.060, Subsection 3-D, the decision is appealable only by means of petition to the State of Nevada District Court. That would most definitely relieve the burden on the City Council to hear these, especially when it is of a felony nature or of a crime involving moral turpitude.

EDDIE RAINES

Eddie Raines, Department of Finance and Business Services. I'm here representing my manager, Jim DiFiore, who couldn't be here today.

We know that the intent of this Bill was to clearly state the means of a person to appeal the denial of a work card. However, we feel that this additional language would help clarify the grounds on which a work card could be denied. And it would also allow Metro a better understanding of why a person is appealing a denial, if they do appeal it to the Council. So, our department is in support of this amendment.

COUNCILMAN McDONALD

Is that language to be amended? This part of (inaudible) Eddie?

EDDIE RAINES

Yes, Sir. It's the shaded area that's underlined is the recommended language that we have offered for this amendment.

RECOMMENDING COMMITTEE MINUTES
MEETING OF
JULY 6, 1999

Page 2

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

COUNCILMAN McDONALD

Mr. Steed, you have that for the amendment?

DEPUTY CITY ATTORNEY VAL
STEED

Yes. As far as additional language for Section 150, which is the one that's in the Bill, I don't have a problem with that. I would recommend that we, in a different Bill, amend the grounds for denying a work card originally. Those people who may have been here to talk about whether or not you ought to further restrict and -- whether it's characterized as a clarification or a restriction, those people who would like to be heard on that aren't here because they don't know that you're taking also action on the original grounds for denial as opposed to --

COUNCILMAN McDONALD

Well, wouldn't they see that when it comes before the City Council? When we amend it here, it will be read at the City Council with the amendments in there and they can hear it then.

DEPUTY CITY ATTORNEY VAL
STEED

Well, it won't necessarily be read. The Council doesn't typically invite people to be heard. But I think if -- you were to publish something in the paper that indicates that you're also addressing the grounds for denial of a work card and indicate that you'll be hearing anybody who wants to be heard at the Council meeting, that -- probably would be remedied.

COUNCILMAN McDONALD

'Cause this kind of helps a little bit, the appeal should automatically be denied when they start talking about 6.86.110. The first one is incomplete or makes false, misleading or fraudulent statements to any material information contained in the application. That's the first one off the bat, I think that really helps. The shaded area says for the record, solicitation of prostitution, possession, use, or sale of controlled substances, or any crimes or any person or property which is disruptive to peace, health, safety, and welfare of the City. That would be the definition of moral turpitude. And further down, 6.86.150, Appeal to Police action reads: stating the specific error of law or fact that were the basis in the decision with Metro and City Clerk. And that, that was referring to the suspension of motion of denial from Metro. So, with 99-35 we make the amendment here and then, also read it at the Council meeting.

DEPUTY CITY ATTORNEY VAL
STEED

Yeah. As far as, this is not a definition of moral turpitude. This is adding new grounds --

COUNCILMAN McDONALD

New grounds.

RECOMMENDING COMMITTEE MINUTE
MEETING OF
JULY 6, 1999

Page 3

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

DEPUTY CITY ATTORNEY VAL
STEED

-- besides the moral turpitude. And I think the problem with the final clause is any crime against the person or property which is disruptive to the peace, health, safety, and welfare of the City. Arguably, that's any crime, because any crime would not be a crime unless it were disruptive. So, I think that's a problem.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

If I think, it may also, as critical as that is, we have obviously now, new discussion on whether or not battery/domestic violence is going constitute moral turpitude. Being the definition, (inaudible) ode to man, to one's fellow man, and the graveness of such an act and the violence perpetrated against a spouse. Certainly is imperative to get this type of language in there because moral turpitude doesn't account for all the crimes against persons and all the crimes against one another. So, boy I tell ya, that's -- just going to be real critical to get that in there.

EDDIE RAINES

I think you need a list that you could submit; domestic violence, battery, any list that takes care of the problem that you have, but doesn't argue or make any crime a grounds that would -- take care of the problem.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Well, certainly, what we're going --

EDDIE RAINES

If you're going to have any -- crime that's disruptive, you might as well just say any crime and be done with it.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

I believe what we're looking at is any crime that's going to cause harm and that's the key element right there is you're looking to protect the people and that's what the focus is, I'm sure for everyone here. And anything that's violent, I don't believe anybody wants that.

DEPUTY CITY ATTORNEY VAL
STEED

Yeah. I don't have any -- expertise to be able to sort through that. So, if you want to forward the, forward along the way it's written, you can certainly do that.

COUNCILMAN McDONALD

We'll submit it. I'll -- make the submission with the area and clear it for the record, I'll give a copy of this for the record. But I think Mr. Steed raises a good point, is we have to come up with something, 'cause anyone, any crime that, let me get your argument straight, Mr. Steed, any crime that utterly is harm (inaudible).

RECOMMENDING COMMITTEE MINUTES
MEETING OF
JULY 6, 1999

Page 4

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

DEPUTY CITY ATTORNEY VAL
STEED

Yes. It says, disruptive against a person or property, which is disruptive. I can't think of a crime that doesn't fit that definition.

COUNCILMAN McDONALD

If you can come up for the record with a definition for that. I'll submit it this way and then we can come up with the list, if you can get together with the --

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Yeah, and I do appreciate what you're saying, Sir. However, also, Councilman McDonald, I believe if we finish reading the statement where it says, which is disruptive to the peace, the health, safety, and the welfare; and those are the elements. And that's particularly what we're looking at. Anything that's going to cause damage to those elements.

COUNCILMAN McDONALD

Right.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

We have disruptive. We can, a gun shot is disruptive. You're sitting down at the dinner table and you hear a gun shot outside your window. Certainly disruptive. So is disturbing the peace running down the street with snappers from the Fourth of July. What we're looking at is health, safety, welfare, peace. And we -- certainly can, Sir, if that's what you would like, is to -- go back to the Board and try to find some wording that would be more appeasing. However, the overall theme again is going to be the -- benefit to the community.

COUNCILMAN McDONALD

Well, on some of these you're talking about solicitation, prostitution, possession and the use of controlled substance, burglary, larceny. We've all seen those come up. Grand larceny.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Right.

COUNCILMAN McDONALD

That should also be added.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Now, under the larceny, and again, moral turpitude is a -- generic term. It's a generic definition. It really applies case by case. However, larcenies have characteristically always fallen under the moral turpitude clause. Characteristically, again, the -- violence has -- fallen under the moral turpitude clause. And again, across the board we've gotten several cases from Nevada. We've gotten them from -- other jurisdictions as well, stating that the evil intent, the (inaudible) say, biblical if you would, (inaudible) towards

RECOMMENDING COMMITTEE MINUTES
MEETING OF
JULY 6, 1999

Page 5

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

man. That generally characterized what the moral turpitude is. However, we can most certainly specify if -- that's your desire would be.

COUNCILMAN McDONALD

I think, for your peace of mind, Val, is that what we're looking? Would it suffice if you did it with peace? So, if it read, any (inaudible) person or property to disrupt to the health, safety and welfare of the City?

DEPUTY CITY ATTORNEY VAL
STEED

It helps.

COUNCILMAN McDONALD

Would that hurt you?

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

No.

DEPUTY CITY ATTORNEY VAL
STEED

Five miles over the speed limit arguably is disruptive to the health, safety and welfare, so --

COUNCILMAN McDONALD

It depends who stops you.

DEPUTY CITY ATTORNEY VAL
STEED

Yeah.

COUNCILMAN McDONALD

Okay. If we could come up some -- we'll submit this for the record, but we need, if we could come up with some clear cut definitions of what we're looking.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

If eliminating the peace would -- clarify it, that certainly doesn't harm -- the intent of that in any way. And also, if you would like to add --

COUNCILMAN McDONALD

See it starts off good, Sergeant, solicitation, prostitution, the use of controlled substance, and any crime dealing with the person or property, any, if we went there and started defining grand larceny --

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Okay.

COUNCILMAN McDONALD

-- petty larceny, burglary, another one dealing with that, was embezzlement (inaudible). I mean something that deals with it so it's clear cut.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Sure.

RECOMMENDING COMMITTEE MINUTES
MEETING OF
JULY 6, 1999

Page 6

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

COUNCILMAN McDONALD

Part of the problem the Council's had in the past, and speaking just merely on the experience of it is, when it came to define moral turpitude, the arguments that were set forward, between the Mayor and myself, between the Council members, what was moral turpitude. I know you had a conversation with Oscar Goodman, the Mayor Goodman the other day, defining it. But if we have a clear cut guideline, the reason we're disrupting it. And I think we had a good one. The other day when we had a maid, a woman come up to apply for a maid, seeing her out there was a good example, and she was arrested for burglary and larceny several times. That's someone you don't want going into your room to make it up as a guest. I mean, I don't think that's the confidence we want of our tourists that are coming in and say, okay you're granting these kinds of work cards to people that have this type of background. So, can I submit this now like this, Mr. Steed, and then come back --

DEPUTY CITY ATTORNEY VAL
STEED

What I suggest is that we prepare First Amendment that has this or get me a little license to play with that with wording there to make it consistent with the rest of the Code.

COUNCILMAN McDONALD

Okay.

DEPUTY CITY ATTORNEY VAL
STEED

And then also the First Amendment would take out peace here. And between now and the Council meeting, any -- additional changes that you might suggest would be a proposed Second Amendment.

COUNCILMAN McDONALD

So, if you can get within the next, with this week, Sergeant, get with Mr. Steed, so we have a clear cut definition that could be resolved at Council.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Certainly.

COUNCILMAN McDONALD

So, the First Amendment would be given, with Mr. City Attorney --

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

All right.

RECOMMENDING COMMITTEE MINUTES
MEETING OF
JULY 6, 1999

Page 7

VERBATIM TRANSCRIPT: ITEM 2: BILL NO. 99-35

COUNCILMAN McDONALD

-- for the record and then get with Val and come back with a definition or word what you're looking for and what we're trying to accomplish. And things, also look through your experience of what's happened in the County and other jurisdictions, that streamlines the organization.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Okay.

DEPUTY CITY ATTORNEY VAL
STEED

That this doesn't take a rocket scientist. It's common sense.

SERGEANT CANNITO, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT

Right.

COUNCILMAN McDONALD

So I recommend a do pass First Amendment. Any one else wish to be heard on that item?

(END OF DISCUSSION)

/ac