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City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
MARCH 3, 2009
4:00 P.M.

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. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5 00 EACH THROUGH THE CITY CLERK'S OFFICE

- 1 CALL TO ORDER
- 2 ANNOUNCEMENT RE. COMPLIANCE WITH OPEN MEETING LAW
- 3 Bill No. 2009-6 – Updates various administrative provisions pertaining to the Las Vegas Metropolitan Police Citizen Review Board Sponsored by: Councilman Gary Reese
- 4 Bill No. 2009-7 – Amends the Downtown Centennial Plan to update and revise certain trail alignments within the downtown area. Sponsored by. Mayor Oscar B. Goodman
5. Bill No 2009-8 – Repeals Ordinance No. 5830, relating to the adoption of an Amended and Restated Redevelopment Plan Proposed by Bradford R Jerbic, City Attorney
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 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
- 7 ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8 00 A.M. 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.

- City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
- Bulletin Board, City Hall Plaza, (next door to Metro Records)
- Las Vegas Library, 833 Las Vegas Boulevard North
- Clark County Government Center, 500 S. Grand Central Parkway
- Grant Sawyer Building, 555 E Washington Avenue

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2009

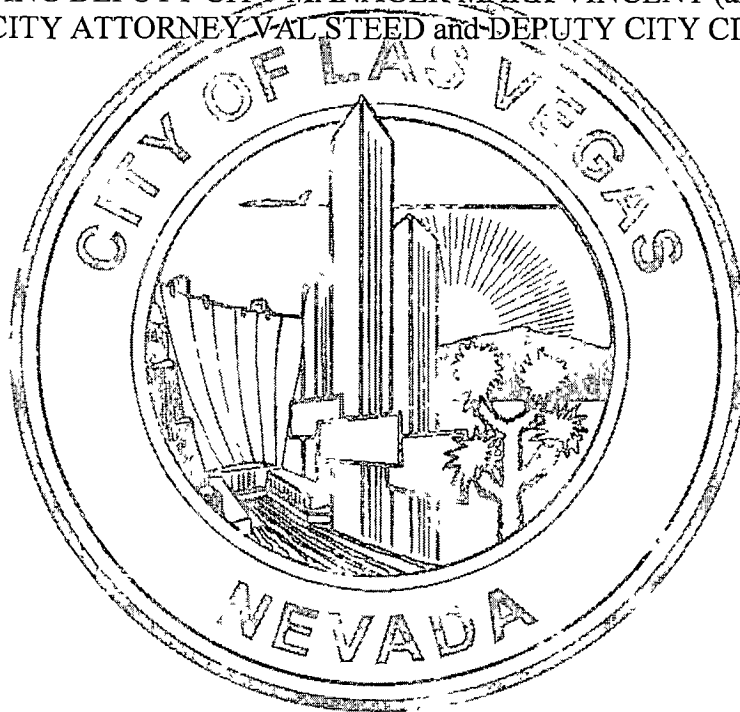
DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER

Minutes
COUNCILMAN BARLOW called the meeting to order at 4:03 p.m.

PRESENT: COUNCILMEMBERS BARLOW and STEINMAN

Also Present: ACTING DEPUTY CITY MANAGER MARK VINCENT (arrived at 4:05 p.m.),
CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK CARMEL
VIADO



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2009

DEPARTMENT: CITY CLERK

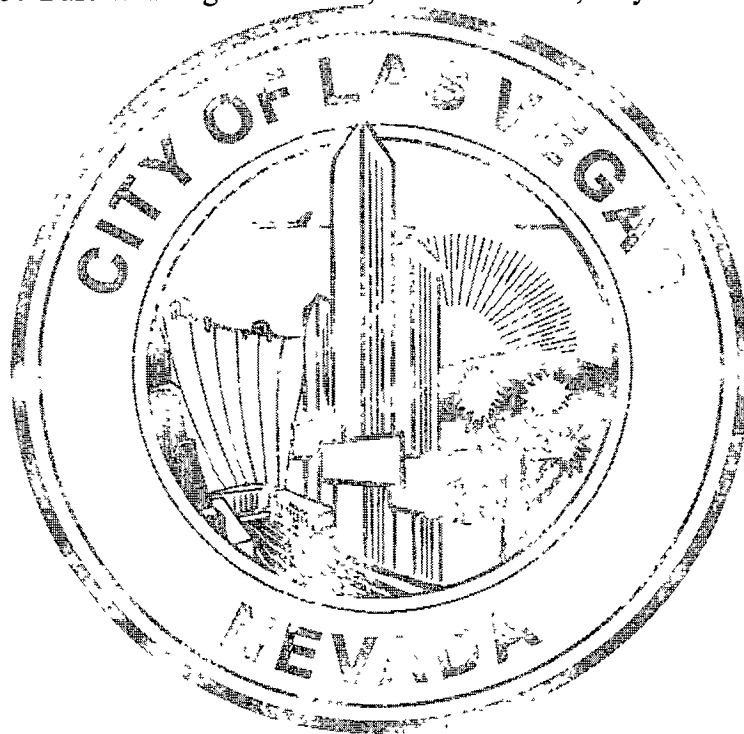
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge; Clark County Government Center, 500 South Grand Central Parkway; Las Vegas Library, 833 Las Vegas Boulevard North; Grant Sawyer Building, 555 East Washington Avenue; Bulletin Board, City Hall Plaza (next to Metro Records)



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-6 – Updates various administrative provisions pertaining to the Las Vegas Metropolitan Police Citizen Review Board. Sponsored by: Councilman Gary Reese

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill will update various administrative provisions pertaining to the Las Vegas Metropolitan Police Citizen Review Board. The update includes changes to attendance requirements and removal standards for Review Board members, as well as changes regarding the management of the Board. The operations of the Board are governed by parallel City and County ordinances, as well as by State law. The proposed changes are consistent with those being made by the County in its ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-6
2. Business Impact Statement
3. Submitted After Meeting – Bill No. 2009-6 First Amendment

Motion made by DAVID W. STEINMAN to Approve as Do Pass as First Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, DAVID W. STEINMAN; (Against-None); (Abstain-None); (Did Not Vote-None), (Excused-None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY STEED noted the Director of the Citizen Review Board has requested parallel changes. Clark County has already started its process and this bill would be the City's version. He stated that most of the changes are administrative in nature and pointed out one modification would change the nature of the Board Director's service. He explained

RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2009

that, currently, the Director serves at the pleasure of the City and County managers with direction from the Board of County Commissioners and the City Council. This bill would change that so the Director would only serve at the pleasure of the City and County managers.

Additionally, this bill would require the mandatory removal of appointees to the Board if they have three unexcused absences during a calendar year and any violation of the confidentiality agreement would result in automatic removal. This bill would define the Board's jurisdiction and the Director would have the ability to dismiss complaints if the Board has no jurisdiction over that case. This bill would permit a screening panel to initially review complaints and would extend the current 15-day requirement for a recommendation to 30 days. Included in the bill was an option for a non-binding mediation and both parties, the Metro officer and the complainant would have the right to choose not to go through the mediation process. The bill would also authorize the Executive Director to issue subpoenas on the Chair's behalf. As some minor typographical errors had been corrected, DEPUTY CITY ATTORNEY STEED recommended approval as a First Amendment.

COUNCILMAN STEINMAN observed that the change in the terms of service for the Executive Director could create a very political situation.



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BILL NO. 2009-6

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE VARIOUS ADMINISTRATIVE PROVISIONS PERTAINING TO THE LAS VEGAS METROPOLITAN POLICE CITIZEN REVIEW BOARD, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Updates various administrative provisions pertaining to the Las Vegas Metropolitan Police Citizen Review Board.

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

SECTION 1: Title 2, Chapter 64, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.64.030: (A) There shall be a Director of the Review Board, who shall be appointed by the County Manager, in consultation with the City Manager, with the advice and consent of the Board of County Commissioners and the Council. The term of the Director's service shall be at the pleasure of the County Manager and the City Manager, with the advice and consent of the Board of County Commissioners and the Council.]

(B) The County and the City may, upon mutual agreement, provide such funding, staffing, legal counsel and other resources as they determine, according to their sole discretion, to be necessary for the performance of the functions of the Director and the Review Board. Neither the Director, the Review Board, nor any panel of the Review Board shall incur any expense for which funding has not been approved by the City and the County.

SECTION 2: 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;

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

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

5 (4) Not be a current elected official;

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

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

9 (C) The members shall be appointed from a list of names submitted by interested
10 persons. Notice that applications for appointment to the Review Board are being accepted shall be
11 published at least once in a newspaper having general circulation in the County at least thirty days
12 before the list is initially established. Applications for appointment shall be submitted to the Director.
13 Applicants must state whether they meet each of the eligibility criteria set forth in Subsection (B) of
14 this Section. Applicants shall waive confidentiality and privacy as to records of criminal history,
15 employment history, and such other information as is necessary to verify their eligibility and suitability
16 for appointment, and shall authorize disclosure of such information for that purpose. Information
17 about an applicant which is of a confidential nature shall not be disclosed, except:

18 (1) In the course of administration of this Chapter;

19 (2) To authorized representatives of the County or City; or

20 (3) Upon lawful order by a court of competent jurisdiction.

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

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

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

8 (G) In order to fill vacancies on the Review Board, the Director shall maintain an
9 updated list of applicants available for appointment. The Director may update the list by adding the
10 names of additional applicants and deleting the names of persons who become disqualified or who
11 notify the Director that they are no longer interested in serving on the Review Board. The Director
12 may accept applications at any time, but may solicit applications only through advertisement as
13 described in Subsection (C) of this Section. Except as otherwise provided herein, applications shall
14 remain active for a period of three years from the date of submittal. All subsequent applicants shall
15 be subject to the same prescreening and background investigation requirements as the initial
16 applicants. Vacancies shall be filled by action of the current representatives of the entity which
17 originally appointed the position. When openings exist for both County and City members of the
18 Review Board, the members of the FAC who represent the County and the City will appoint Review
19 Board members and fill vacancies for unexpired terms from the most recent list of applicants
20 according to the procedures set forth in Subsection (E) of this Section. The members of the FAC who
21 represent the City will appoint Review Board members and fill vacancies for unexpired terms from
22 the most recent list of applicants according to the procedures set forth in Subsection (F) of this
23 Section.

24 (H) The Director shall forward to the District Attorney's Office, for background
25 investigation, the application of each person tentatively selected for appointment. The District
26 Attorney's Office will return the results of its investigation, including any areas of concern and any
27 grounds for disqualification it has discovered, to the Director, who shall forward them to the
28 applicable appointing authority. The appointing authority shall then make the appointment final, or

1 select another applicant according to the procedures set forth in this Section. The appointing authority
2 shall advise the Director of any applicant who is disqualified, and the Director shall notify the
3 applicant.

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

6 (J) The initial City appointments to the Review Board shall consist of four
7 members whose terms expire the first Monday in January, 2001; four members whose terms expire
8 the first Monday in January 2002; and four members whose terms expire the first Monday in January,
9 2003. Thereafter, members shall serve for terms of three years. When a member resigns or [otherwise
10 has membership terminated,] is removed from the Review Board, a new member will be selected to
11 serve for the remainder of the former member's term. No member shall be appointed more than three
12 times, and no member shall be appointed to more than two three-year terms.

13 (K) City appointees to the Review Board serve at the pleasure of the members of
14 the FAC who represent the City, and may be removed from the Review Board without cause or
15 notice upon mutual agreement of the City members of the FAC. Any member of the Review Board
16 who ceases to meet the qualifications set forth in this Section shall automatically be removed from the
17 Review Board.] A member of the Review Board who is a City appointee:

18 (1) Shall be automatically removed from the Review Board if the member:

19 (a) Ceases to meet the qualifications set forth in this Section;

20 (b) Has three unexcused absences from Review Board meetings
21 during a calendar year, including training programs and meetings of a panel;

22 (c) Declines three appointments to serve on a panel for reasons other
23 than personal bias or conflict of interest, unless a member of the FAC who represents the City finds
24 that the Review Board member had good cause for declining to serve on a panel;

25 (d) Fails to attend three successive meetings of a panel to which the
26 member has been appointed, unless a member of the FAC who represents the City finds that the Board
27 Review member had good cause for failing to attend; or

28 (e) Violates the confidentiality provisions of Section 2.64.100(L).

1 (2) May be removed from the Review Board, without cause or notice, upon
2 mutual agreement of the members of the FAC who represent the City.

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

7 (M) For purposes of Subsection (K) of this Section, the absence of a member of the
8 Review Board who is a City appointee will be considered "unexcused" if the member failed to provide
9 notice in advance of the meeting that he or she will not be attending, except in the case of an
10 emergency. Such notice must be provided in writing or by telephone to the chair of the Review Board
11 or to an assigned staff member.

12 SECTION 3: Title 2, Chapter 64, Section 50, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **2.64.050:** Before serving on any panel, members of the Review Board must attend program of
15 training related to law enforcement, as determined by the Director, which training shall include, at a
16 minimum, the policies and procedures of the Department; the Department's Civil Service Rules
17 related to conduct; the provisions of NRS 289.010 to 289.120, inclusive; the collective bargaining
18 agreements covering the Department and its officers; and the conduct of proceedings pursuant to this
19 Chapter. [Additional training shall, on occasion, be provided] The Director shall be responsible for
20 providing additional training, on occasion, to Review Board members to update or supplement the
21 information previously provided.

22 SECTION 4: Title 2, Chapter 64, Section 60, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **2.64.060:** (A) The Review Board shall have jurisdiction to:
25 (1) Advise on issues concerning officers, including:
26 (a) Conducting reviews and making recommendations to the
27 Department concerning Department policies, procedures and programs; and
28 (b) Conducting reviews and making recommendations to the

1 Department concerning the provision of police protection and services;
2 (2) Refer to the Department citizen complaints against officers; and
3 (3) Review internal investigations of officers which have been completed
4 by the Department and make recommendations to the Department regarding any discipline against
5 officers.

6 (B) The Review Board shall not have jurisdiction to consider:

7 (1) Discipline or actions taken against an officer based upon conduct which
8 did not involve a citizen, including but not limited to tardiness, attendance, insubordination, and
9 productivity;

10 (2) Conduct of an officer which is the subject of an ongoing criminal
11 investigation or prosecution, including appeals and other forms of judicial review;

12 (3) Conduct which is the subject of an ongoing investigation by the
13 Department, including grievances;

14 (4) Conduct which was previously submitted to a screening panel pursuant
15 to this Chapter and which the panel did not refer to the Department or to a hearing panel;

16 (5) Conduct previously reviewed by a hearing panel;

17 (6) Conduct occurring on or prior to the date of the creation of the Review
18 Board, which shall be deemed to be the latter of the effective dates of the County and City ordinances
19 establishing the Review Board;

20 (7) Complaints received more than one year after the date of the incident
21 giving rise to the complaint. An ongoing criminal investigation or the prosecution of an officer shall
22 toll the period for submitting complaint to the Review Board; or

23 (8) Any other conduct or matter for which jurisdiction is not provided under
24 this Chapter.

25 SECTION 5: Title 2, Chapter 64, Section 70, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **2.64.070:** (A) The Review Board shall meet in panels of five to carry out its duties with regard
28 to the referral of complaints to the Department and the review of internal investigations conducted by

1 the Department.

2 (B) The Review Board may convene en banc for administrative purposes, including
3 but not limited to the receiving of training and the establishing of internal procedures. The Review
4 Board may also convene en banc to consider issues of general concern regarding officers.

5 (C) Panel members will be randomly selected by the Director, who shall notify the
6 members of their selection. No more than one former peace officer may be selected to serve on any
7 particular panel.

8 (D) If a panel member is selected but is unavailable to serve, the Director shall
9 randomly select another member until the panel is filled. Eligible Review Board members who
10 decline [three successive appointments to serve on a panel for reasons other than personal bias or
11 conflict of interest, or who fail to attend three successive meetings of a panel to which they have been
12 appointed, shall automatically be removed from the Review Board, unless a member of the FAC
13 representing the entity through which the member was selected finds that the member had good cause
14 for declining to serve on a panel or for failing to attend.] decline appointments to serve on a panel or
15 who fail to attend panel meetings are subject to removal from the Review Board pursuant to the
16 provisions of Subsection (K) of Section 2.64.040.

17 SECTION 6: Title 2, Chapter 64, Section 80, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **2.64.080:** (A) Upon the appointment of the initial members of the Review Board, the Director
20 shall randomly select the members of the first panel, hereinafter referred to as the screening panel.

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

28 (C) Regular meetings of the screening panel shall be held at least once a month.

1 Special meetings shall be held upon the call of the panel chair or of two members of the panel.

2 (D) Citizen complaints against officers and requests to review internal
3 investigations regarding officers shall be submitted to the Director, who shall refer all complaints and
4 requests for review to the screening panel. The Director shall have no authority to dismiss or reject
5 a complaint or request for review[.], except in cases where the Review Board has no jurisdiction
6 pursuant to Section 2.64.060.

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

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

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

- 13 (1) Determine not to refer a matter to a hearing panel or to the Department;
14 (2) Refer to the Department a complaint against an officer; [or]
15 (3) Refer to a hearing panel a request for review of an internal
16 investigation[.]; or

17 (4) Recommend that a complaint be resolved by means of a voluntary non-
18 binding mediation process. If the complainant or the officer reject the recommendation, the screening
19 panel shall take action authorized under Paragraphs (1) to (3) of this Subsection (F).

20 (G) The screening panel must complete its review and make its determination as
21 to any complaint or request for review referred to it within fifteen days after the date the matter is first
22 considered by the screening panel. The fifteen day period shall be tolled during any ongoing
23 investigation or proceeding which interferes with the panel's jurisdiction, as described in Section
24 2.64.060, or during any litigation concerning the screening panel's jurisdiction.

25 (H) Review by the screening panel shall be confined to the complaint or request for
26 review, the records of the internal investigation for which review is requested, and such information
27 as may be voluntarily provided by the complainant, the Department, or the officer whose conduct is
28 the subject of a complaint or request for review. The screening panel shall have no authority to take

1 testimony, issue subpoenas or require the production of books, papers and documents.

2 SECTION 7: Title 2, Chapter 64, Section 90, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **2.64.090:** (A) Upon a determination by the screening panel to refer to a hearing panel a
5 request for review of an internal investigation of an officer, the Director shall randomly select the
6 members of the hearing panel.

7 (B) The hearing panel may review the internal investigation and make
8 recommendations to the Department regarding any disciplinary action against the officer, including,
9 without limitation:

- 10 (1) Increasing or decreasing the recommended level of discipline; or
11 (2) Exonerating the officer who has been the subject of the internal
12 investigation.

13 (C) At its first meeting, a hearing panel shall choose one of its members as chair
14 The panel may also choose a vice chair to act in the chair's absence. The chair of the hearing panel
15 shall report the findings and recommendations of the panel to the Department, to the officer who is
16 the subject of the investigation under review, and to the person who requested the review. The
17 findings and recommendations of the panel shall be in writing and shall be approved by the panel. In
18 the event that no findings and recommendations are approved by a majority of the panel, or a panel
19 member dissents from the majority's decision, members of the panel may submit individual findings
20 and recommendations to the chair to be reported to the Department, the officer, and the person who
21 requested the review. All findings and recommendations shall be reported to the Department within
22 the time for making determinations set forth in Subsection (N) of Section 2.64.100.

23 (D) In the case of an internal investigation into a citizen complaint for which an
24 officer is potentially subject to discipline, the Department may submit its proposed determination and
25 any supporting materials to the Director for review by the screening panel. The screening panel shall
26 make its recommendations to the Department within [fifteen] thirty days after the date that the
27 proposed determination is received by the Director. The screening panel shall report its findings and
28 recommendations as set forth in Subsection (C) of this Section.

1 SECTION 8: Title 2, Chapter 64, Section 100, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **2.64.100:** (A) The Director shall comply with all legal notice requirements for panel meetings.
4 In addition, the Director shall provide notice of the proceedings to the Department and, if applicable,
5 to the complaining party and the officer whose conduct is under review, which notice shall include:

- 6 (1) The date, time and location of the meeting;
7 (2) The names of the members of the panel; and
8 (3) A summary of the alleged misconduct or other item to be considered
9 by the panel.

10 (B) [At its first meeting, a panel shall choose one of its members as chair. The
11 panel may also choose a vice chair to act in the chair's absence.] Except as otherwise provided in
12 Subsection (H) of Section 2.64.080, the chair shall preside over all meetings of the panel, and shall
13 have the power to regulate all proceedings and take any action necessary for their efficient conduct,
14 including the power to:

- 15 (1) Administer oaths and affirmations;
16 (2) Issue subpoenas (within the scope of the panel's jurisdiction) to compel
17 the attendance of witnesses to testify before the panel[;], or to authorize the Director to issue
18 subpoenas at the chair's request:

- 19 (3) Require the production of books, papers and documents;
20 (4) Determine the admissibility of evidence;
21 (5) Limit the scope of testimony; and
22 (6) Dispose of procedural motions and requests.

23 When the chair is not present, the vice chair or designated temporary chair shall be empowered to
24 perform all acts prescribed for the chair.

25 (C) A majority of the panel members shall constitute a quorum at any meeting, and
26 a majority of those present and eligible to vote may take official action. No member shall be eligible
27 to vote on the findings and recommendations of a panel unless that member attended all meetings at
28 which the panel received evidence on that item.

1 (D) Subpoenas issued [by the chair of a hearing panel] pursuant to Subsection (B)
2 shall give reasonable notice of the date, time and place for the taking of testimony. The chair may
3 authorize the payment of reasonable expert witness fees when necessary, subject to the availability of
4 funds. If a witness refuses to attend and testify or produce books, papers or other documents as
5 required by subpoena the panel may petition the district court to order the witness to appear and testify
6 or to produce this requested books, papers or documents.

7 (E) The Department shall make available to a hearing panel any personnel file or
8 other material necessary for the panel to conduct a review. Upon completion of proceedings before
9 a screening panel or hearing panel, the panel shall return to the Department all materials and copies
10 of materials received from the Department, unless the matter is one which has been referred to a
11 hearing panel by a screening panel.

12 (F) Panel members shall consider all matters in a fair and impartial manner. A
13 panel member who has a personal bias or prejudice in the outcome of a proceeding shall not sit on a
14 panel hearing that matter. Personal interest in the outcome of a proceeding does not include holding
15 or manifesting a political or social belief where such belief does not preclude objective consideration
16 of a case on its merits. Examples of personal bias include, but are not limited to:

- 17 (1) A familial relationship or close friendship with persons material to the
18 proceedings;
- 19 (2) Having witnessed events material to the proceedings;
- 20 (3) Being a party to or witness associated with the proceedings;
- 21 (4) Having a financial interest in the outcome of the proceedings; or
- 22 (5) Holding a bias that is sufficient to impair the panel member's
23 impartiality.

24 Prior to the commencement of any proceeding before the panel, the Department and, if applicable, the
25 complaining party or officer whose conduct is under review, may submit a motion to disqualify a
26 panel member for personal bias, stating with particularity the grounds for such disqualification. After
27 consideration, the panel shall either deny the motion and direct the proceedings to go forward or cause
28 the disqualified member to be removed. A panel member shall abstain from voting on any motion to

1 disqualify that member. A panel member may withdraw from a proceeding where the member deems
2 himself or herself unqualified to participate for any reason. When a member is disqualified, the
3 proceedings shall be continued in order to allow the Director to randomly select another panel
4 member. When the person disqualified is a member of the screening panel, the member shall abstain
5 from voting. Such disqualification shall be effective only as to the matter in which the motion to
6 disqualify was submitted.

7 (G) The chair of a hearing panel shall determine the order of taking testimony.
8 Questions may be posed by the chair, other panel members, or counsel for the Review Board. The
9 officer whose conduct is under review shall have the right to have counsel or another representative
10 of the officer's choosing present during the questioning of the officer. The chair, at his or her
11 discretion, may permit the Department, an officer whose conduct is under review, or their counsel or
12 representatives to be present during the questioning of any witness. Following questioning by the
13 chair, by other panel members and by counsel for the Review Board, the chair, at his or her discretion,
14 may permit the Department, an officer whose conduct is under review, or their counsel or
15 representatives to question the witness. The scope of questions, as well as any additional questioning,
16 shall be determined by the chair.

17 (H) The chair of a hearing panel, in his or her discretion, may permit the
18 Department, an officer whose conduct is under review, or their counsel or representatives an
19 opportunity to present testimony and other evidence to the panel. When a hearing panel is reviewing
20 an internal investigation of an officer or a complaint against an officer, the officer shall, at a minimum,
21 have the opportunity to be heard by the panel.

22 (I) In any proceeding before a hearing panel, the officer who was the subject of the
23 investigation under review may represent himself or herself, or be represented by counsel or by
24 another person of the officer's choosing. The officer is solely responsible for obtaining such
25 representation, as to which the Review Board, the panel, the FAC, the Department, the County and
26 the City have no obligation.

27 (J) Evidence may be admitted if it is of a type commonly relied upon by reasonable
28 and prudent persons in the conduct of their affairs. Patently unreliable, irrelevant, immaterial or

1 unduly repetitious evidence may be excluded. Notice may be taken of judicially cognizable facts and
2 of generally recognized technical or scientific facts.

3 (K) At the conclusion of evidentiary proceedings, if any, the panel members shall
4 privately deliberate and vote upon the action to be taken.

5 (L) The proceedings of a screening panel or hearing panel shall be closed to the
6 public. All records submitted to the panel which contain information declared confidential by law,
7 including by judicial precedent, and all records of proceedings before the panel, except public notices
8 and the panel's findings and recommendations, are deemed confidential. Custody of all records and
9 copies of records which are designated as confidential pursuant to this Subsection shall be maintained
10 by the Director, who shall make the records available to the panel members for review at the office
11 of the Director and during proceedings of the panel. No panel member shall record, copy or remove
12 from the office of the Director or the location of proceedings before the panel any confidential record
13 or copy of any confidential record. It shall be unlawful for any person to disclose records or the
14 contents of records designated as confidential by this Subsection which that person has obtained
15 through proceedings under this Chapter, except:

- 16 (1) In the course of administration of this Chapter;
17 (2) To authorized representatives of the Department; or
18 (3) Upon lawful order by a court of competent jurisdiction.

19 Any person violating the confidentiality provisions of this Subsection (L) shall be guilty of a
20 misdemeanor and upon conviction shall be punished by imprisonment for a term not to exceed six
21 months, or a fine not to exceed one thousand dollars, or both such fine and imprisonment. Violation
22 of the confidentiality provisions of this Subsection (L) shall also be grounds for removal of a member
23 from the Review Board[.] pursuant to the provisions of Subsection (K) of Section 2.64.040. The
24 findings and recommendations of a panel or panel member shall not contain information declared
25 confidential by law, including by judicial precedent, unless such information is designated as
26 confidential and is disclosed in accordance with the provisions of this Section that pertain to
27 confidential records.

28 (M) A panel shall not abridge the rights of an officer which are granted pursuant to

1 any applicable collective bargaining agreement, contract, or law.

2 (N) A hearing panel must complete its review and make its determination as to any
3 request for review referred to it by the screening panel within ninety days after the date the matter is
4 first considered by the hearing panel. The ninety-day period shall be tolled during any ongoing
5 investigation or proceeding which interferes with the panel's jurisdiction, as described in Section
6 2.64.060, or during any litigation concerning the panel's jurisdiction or a subpoena issued by the
7 panel. Upon expiration of the ninety-day period, a panel shall have no authority to continue a review
8 or make a recommendation.

9 (O) Consideration of a citizen complaint against an officer or a request for review
10 of an internal investigation of an officer by a panel shall not stay the imposition of discipline or other
11 action by the Department. The screening panel or the hearing panel to which the matter has been
12 referred, however, may recommend to the Department that discipline be stayed pending investigation
13 or review.

14 SECTION 9: If any section, subsection, subdivision, paragraph, sentence, clause or
15 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
16 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
17 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
18 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
19 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
20 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
21 invalid or ineffective.

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SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Valsted 2-4-09
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2009-6
(Updates various administrative provisions pertaining to the
Las Vegas Metropolitan Police Citizen Review Board)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-6, that would update various administrative provisions pertaining to the Las Vegas Metropolitan Police Citizen Review Board.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: February 4, 2009

FIRST AMENDMENT

BILL NO. 2009-6

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE VARIOUS ADMINISTRATIVE PROVISIONS PERTAINING TO THE LAS VEGAS METROPOLITAN POLICE CITIZEN REVIEW BOARD, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Updates various administrative provisions pertaining to the Las Vegas Metropolitan Police Citizen Review Board.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: Title 2, Chapter 64, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.64.030: (A) There shall be a Director of the Review Board, who shall be appointed by the County Manager, in consultation with the City Manager, with the advice and consent of the Board of County Commissioners and the Council. The term of the Director's service shall be at the pleasure of the County Manager and the City Manager, with the advice and consent of the Board of County Commissioners and the Council.]

(B) The County and the City may, upon mutual agreement, provide such funding, staffing, legal counsel and other resources as they determine, according to their sole discretion, to be necessary for the performance of the functions of the Director and the Review Board. Neither the Director, the Review Board, nor any panel of the Review Board shall incur any expense for which funding has not been approved by the City and the County.

SECTION 2: 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 (1) Be a resident of Clark County, excluding any incorporated cities other
2 than the City of Las Vegas;

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

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

7 (4) Not be a current elected official;

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

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

11 (C) The members shall be appointed from a list of names submitted by interested
12 persons. Notice that applications for appointment to the Review Board are being accepted shall be
13 published at least once in a newspaper having general circulation in the County at least thirty days
14 before the list is initially established. Applications for appointment shall be submitted to the Director.
15 Applicants must state whether they meet each of the eligibility criteria set forth in Subsection (B) of
16 this Section. Applicants shall waive confidentiality and privacy as to records of criminal history,
17 employment history, and such other information as is necessary to verify their eligibility and suitability
18 for appointment, and shall authorize disclosure of such information for that purpose. Information
19 about an applicant which is of a confidential nature shall not be disclosed, except:

20 (1) In the course of administration of this Chapter;

21 (2) To authorized representatives of the County or City; or

22 (3) Upon lawful order by a court of competent jurisdiction.

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

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

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

11 (G) In order to fill vacancies on the Review Board, the Director shall maintain an
12 updated list of applicants available for appointment. The Director may update the list by adding the
13 names of additional applicants and deleting the names of persons who become disqualified or who
14 notify the Director that they are no longer interested in serving on the Review Board. The Director
15 may accept applications at any time, but may solicit applications only through advertisement as
16 described in Subsection (C) of this Section. Except as otherwise provided herein, applications shall
17 remain active for a period of three years from the date of submittal. All subsequent applicants shall be
18 subject to the same prescreening and background investigation requirements as the initial applicants.
19 Vacancies shall be filled by action of the current representatives of the entity which originally
20 appointed the position. When openings exist for both County and City members of the Review Board,
21 the members of the FAC who represent the County and the City will appoint Review Board members
22 and fill vacancies for unexpired terms from the most recent list of applicants according to the
23 procedures set forth in Subsection (E) of this Section. The members of the FAC who represent the
24 City will appoint Review Board members and fill vacancies for unexpired terms from the most recent
25 list of applicants according to the procedures set forth in Subsection (F) of this Section.

26 (H) The Director shall forward to the District Attorney's Office, for background
27 investigation, the application of each person tentatively selected for appointment. The District
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1 Attorney's Office will return the results of its investigation, including any areas of concern and any
2 grounds for disqualification it has discovered, to the Director, who shall forward them to the
3 applicable appointing authority. The appointing authority shall then make the appointment final, or
4 select another applicant according to the procedures set forth in this Section. The appointing authority
5 shall advise the Director of any applicant who is disqualified, and the Director shall notify the
6 applicant.

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

9 (J) The initial City appointments to the Review Board shall consist of four
10 members whose terms expire the first Monday in January, 2001; four members whose terms expire the
11 first Monday in January 2002; and four members whose terms expire the first Monday in January,
12 2003. Thereafter, members shall serve for terms of three years. When a member resigns or [otherwise
13 has membership terminated,] is removed from the Review Board, a new member will be selected to
14 serve for the remainder of the former member's term. No member shall be appointed more than three
15 times, and no member shall be appointed to more than two three-year terms.

16 (K) City appointees to the Review Board serve at the pleasure of the members of the
17 FAC who represent the City, and may be removed from the Review Board without cause or notice
18 upon mutual agreement of the City members of the FAC. Any member of the Review Board who
19 ceases to meet the qualifications set forth in this Section shall automatically be removed from the
20 Review Board.] A member of the Review Board who is a City appointee:

21 (1) Shall be automatically removed from the Review Board if the member:

22 (a) Ceases to meet the qualifications set forth in this Section;

23 (b) Has three unexcused absences from Review Board meetings
24 during a calendar year, including training programs and meetings of a panel;

25 (c) Declines three appointments to serve on a panel for reasons other
26 than personal bias or conflict of interest, unless a member of the FAC who represents the City finds
27 that the Review Board member had good cause for declining to serve on a panel;

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1 (d) Fails to attend three successive meetings of a panel to which the
2 member has been appointed, unless a member of the FAC who represents the City finds that the Board
3 Review member had good cause for failing to attend; or

4 (e) Violates the confidentiality provisions of Section 2.64.100(L).

5 (2) May be removed from the Review Board, without cause or notice, upon
6 mutual agreement of the members of the FAC who represent the City.

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 (M) For purposes of Subsection (K) of this Section, the absence of a member of the
12 Review Board who is a City appointee will be considered “unexcused” if the member failed to provide
13 notice in advance of the meeting that he or she will not be attending, except in the case of an
14 emergency. Such notice must be provided in writing or by telephone to the chair of the Review Board
15 or to an assigned staff member.

16 SECTION 3: Title 2, Chapter 64, Section 50, of the Municipal Code of the City of Las
17 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **2.64.050:** Before serving on any panel, members of the Review Board must attend program of
19 training related to law enforcement, as determined by the Director, which training shall include, at a
20 minimum, the policies and procedures of the Department; the Department’s Civil Service Rules
21 related to conduct; the provisions of NRS 289.010 to 289.120, inclusive; the collective bargaining
22 agreements covering the Department and its officers; and the conduct of proceedings pursuant to this
23 Chapter. [Additional training shall, on occasion, be provided] The Director shall be responsible for
24 providing additional training, on occasion, to Review Board members to update or supplement the
25 information previously provided.

26 SECTION 4: Title 2, Chapter 64, Section 60, of the Municipal Code of the City of Las
27 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

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1 **2.64.060:** (A) The Review Board shall have jurisdiction to:

2 (1) Advise on issues concerning officers, including:

3 (a) Conducting reviews and making recommendations to the
4 Department concerning Department policies, procedures and programs; and

5 (b) Conducting reviews and making recommendations to the
6 Department concerning the provision of police protection and services;

7 (2) Refer to the Department citizen complaints against officers; and

8 (3) Review internal investigations of officers which have been completed by
9 the Department and make recommendations to the Department regarding any discipline against
10 officers.

11 (B) The Review Board shall not have jurisdiction to consider:

12 (1) Discipline or actions taken against an officer based upon conduct which
13 did not involve a citizen, including but not limited to tardiness, attendance, insubordination, and
14 productivity;

15 (2) Conduct of an officer which is the subject of an ongoing criminal
16 investigation or prosecution, including appeals and other forms of judicial review;

17 (3) Conduct which is the subject of an ongoing investigation by the
18 Department, including grievances;

19 (4) Conduct which was previously submitted to a screening panel pursuant
20 to this Chapter and which the panel did not refer to the Department or to a hearing panel;

21 (5) Conduct previously reviewed by a hearing panel;

22 (6) Conduct occurring on or prior to the date of the creation of the Review
23 Board, which shall be deemed to be the latter of the effective dates of the County and City ordinances
24 establishing the Review Board;

25 (7) Complaints received more than one year after the date of the incident
26 giving rise to the complaint. An ongoing criminal investigation or the prosecution of an officer shall
27 toll the period for submitting a complaint to the Review Board; or

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1 (8) Any other conduct or matter for which jurisdiction is not provided under
2 this Chapter.

3 SECTION 5: Title 2, Chapter 64, Section 70, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **2.64.070:** (A) The Review Board shall meet in panels of five to carry out its duties with regard
6 to the referral of complaints to the Department and the review of internal investigations conducted by
7 the Department.

8 (B) The Review Board may convene en banc for administrative purposes, including
9 but not limited to the receiving of training and the establishing of internal procedures. The Review
10 Board may also convene en banc to consider issues of general concern regarding officers.

11 (C) Panel members will be randomly selected by the Director, who shall notify the
12 members of their selection. No more than one former peace officer may be selected to serve on any
13 particular panel.

14 (D) If a panel member is selected but is unavailable to serve, the Director shall
15 randomly select another member until the panel is filled. Eligible Review Board members who
16 decline [three successive appointments to serve on a panel for reasons other than personal bias or
17 conflict of interest, or who fail to attend three successive meetings of a panel to which they have been
18 appointed, shall automatically be removed from the Review Board, unless a member of the FAC
19 representing the entity through which the member was selected finds that the member had good cause
20 for declining to serve on a panel or for failing to attend.] appointments to serve on a panel or who fail
21 to attend panel meetings are subject to removal from the Review Board pursuant to the provisions of
22 Subsection (K) of Section 2.64.040.

23 SECTION 6: Title 2, Chapter 64, Section 80, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **2.64.080:** (A) Upon the appointment of the initial members of the Review Board, the Director
26 shall randomly select the members of the first panel, hereinafter referred to as the screening panel.

27 (B) The initial term of the members of the screening panel shall expire the first
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1 Monday in January, 2001. Thereafter, the Director shall randomly select screening panel members,
2 who shall serve terms of six months, expiring the first Monday of the following July or January.
3 When a screening panel member resigns or otherwise has membership terminated, the Director shall
4 randomly select a new member, who shall serve the remainder of the former member's term. No
5 screening panel member shall be eligible during that member's term on the screening panel to serve on
6 any other panel. No member of the Review Board shall serve on two consecutive screening panels.

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

9 (D) Citizen complaints against officers and requests to review internal
10 investigations regarding officers shall be submitted to the Director, who shall refer all complaints and
11 requests for review to the screening panel. The Director shall have no authority to dismiss or reject a
12 complaint or request for review[.], except in cases where the Review Board has no jurisdiction
13 pursuant to Section 2.64.060.

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

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

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

- 20 (1) Determine not to refer a matter to a hearing panel or to the Department;
21 (2) Refer to the Department a complaint against an officer; [or]
22 (3) Refer to a hearing panel a request for review of an internal
23 investigation[.]; or

24 (4) Recommend that a complaint be resolved by means of a voluntary non-
25 binding mediation process. If the complainant or the officer reject the recommendation, the screening
26 panel shall take action authorized under Paragraphs (1) to (3) of this Subsection (F).

27 (G) The screening panel must complete its review and make its determination as to
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1 any complaint or request for review referred to it within fifteen days after the date the matter is first
2 considered by the screening panel. The fifteen day period shall be tolled during any ongoing
3 investigation or proceeding which interferes with the panel's jurisdiction, as described in Section
4 2.64.060, or during any litigation concerning the screening panel's jurisdiction.

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

10 SECTION 7: Title 2, Chapter 64, Section 90, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **2.64.090:** (A) Upon a determination by the screening panel to refer to a hearing panel a
13 request for review of an internal investigation of an officer, the Director shall randomly select the
14 members of the hearing panel.

15 (B) The hearing panel may review the internal investigation and make
16 recommendations to the Department regarding any disciplinary action against the officer, including,
17 without limitation:

18 (1) Increasing or decreasing the recommended level of discipline; or

19 (2) Exonerating the officer who has been the subject of the internal
20 investigation.

21 (C) At its first meeting, a hearing panel shall choose one of its members as chair.

22 The panel may also choose a vice chair to act in the chair's absence. The chair of the hearing panel
23 shall report the findings and recommendations of the panel to the Department, to the officer who is the
24 subject of the investigation under review, and to the person who requested the review. The findings
25 and recommendations of the panel shall be in writing and shall be approved by the panel. In the event
26 that no findings and recommendations are approved by a majority of the panel, or a panel member
27 dissents from the majority's decision, members of the panel may submit individual findings and
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1 recommendations to the chair to be reported to the Department, the officer, and the person who
2 requested the review. All findings and recommendations shall be reported to the Department within
3 the time for making determinations set forth in Subsection (N) of Section 2.64.100.

4 (D) In the case of an internal investigation into a citizen complaint for which an
5 officer is potentially subject to discipline, the Department may submit its proposed determination and
6 any supporting materials to the Director for review by the screening panel. The screening panel shall
7 make its recommendations to the Department within [fifteen] thirty days after the date that the
8 proposed determination is received by the Director. The screening panel shall report its findings and
9 recommendations as set forth in Subsection (C) of this Section.

10 SECTION 8: Title 2, Chapter 64, Section 100, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **2.64.100:** (A) The Director shall comply with all legal notice requirements for panel meetings.
13 In addition, the Director shall provide notice of the proceedings to the Department and, if applicable,
14 to the complaining party and the officer whose conduct is under review, which notice shall include:

- 15 (1) The date, time and location of the meeting;
16 (2) The names of the members of the panel; and
17 (3) A summary of the alleged misconduct or other item to be considered by
18 the panel.

19 (B) [At its first meeting, a panel shall choose one of its members as chair. The
20 panel may also choose a vice chair to act in the chair's absence.] Except as otherwise provided in
21 Subsection (H) of Section 2.64.080, the chair shall preside over all meetings of the panel, and shall
22 have the power to regulate all proceedings and take any action necessary for their efficient conduct,
23 including the power to:

- 24 (1) Administer oaths and affirmations;
25 (2) Issue subpoenas (within the scope of the panel's jurisdiction) to compel
26 the attendance of witnesses to testify before the panel[;], or to authorize the Director to issue
27 subpoenas at the chair's request;

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- 1 (3) Require the production of books, papers and documents;
- 2 (4) Determine the admissibility of evidence;
- 3 (5) Limit the scope of testimony; and
- 4 (6) Dispose of procedural motions and requests.

5 When the chair is not present, the vice chair or designated temporary chair shall be empowered to
6 perform all acts prescribed for the chair.

7 (C) A majority of the panel members shall constitute a quorum at any meeting, and
8 a majority of those present and eligible to vote may take official action. No member shall be eligible
9 to vote on the findings and recommendations of a panel unless that member attended all meetings at
10 which the panel received evidence on that item.

11 (D) Subpoenas issued [by the chair of a hearing panel] pursuant to Subsection (B)
12 shall give reasonable notice of the date, time and place for the taking of testimony. The chair may
13 authorize the payment of reasonable expert witness fees when necessary, subject to the availability of
14 funds. If a witness refuses to attend and testify or produce books, papers or other documents as
15 required by subpoena the panel may petition the district court to order the witness to appear and testify
16 or to produce this requested books, papers or documents.

17 (E) The Department shall make available to a hearing panel any personnel file or
18 other material necessary for the panel to conduct a review. Upon completion of proceedings before a
19 screening panel or hearing panel, the panel shall return to the Department all materials and copies of
20 materials received from the Department, unless the matter is one which has been referred to a hearing
21 panel by a screening panel.

22 (F) Panel members shall consider all matters in a fair and impartial manner. A
23 panel member who has a personal bias or prejudice in the outcome of a proceeding shall not sit on a
24 panel hearing that matter. Personal interest in the outcome of a proceeding does not include holding or
25 manifesting a political or social belief where such belief does not preclude objective consideration of a
26 case on its merits. Examples of personal bias include, but are not limited to:

- 27 (1) A familial relationship or close friendship with persons material to the

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1 proceedings;

- 2 (2) Having witnessed events material to the proceedings;
- 3 (3) Being a party to or witness associated with the proceedings;
- 4 (4) Having a financial interest in the outcome of the proceedings; or
- 5 (5) Holding a bias that is sufficient to impair the panel member's
- 6 impartiality.

7 Prior to the commencement of any proceeding before the panel, the Department and, if applicable, the
8 complaining party or officer whose conduct is under review, may submit a motion to disqualify a panel
9 member for personal bias, stating with particularity the grounds for such disqualification. After
10 consideration, the panel shall either deny the motion and direct the proceedings to go forward or cause
11 the disqualified member to be removed. A panel member shall abstain from voting on any motion to
12 disqualify that member. A panel member may withdraw from a proceeding where the member deems
13 himself or herself unqualified to participate for any reason. When a member is disqualified, the
14 proceedings shall be continued in order to allow the Director to randomly select another panel
15 member. When the person disqualified is a member of the screening panel, the member shall abstain
16 from voting. Such disqualification shall be effective only as to the matter in which the motion to
17 disqualify was submitted.

18 (G) The chair of a hearing panel shall determine the order of taking testimony.
19 Questions may be posed by the chair, other panel members, or counsel for the Review Board. The
20 officer whose conduct is under review shall have the right to have counsel or another representative of
21 the officer's choosing present during the questioning of the officer. The chair, at his or her discretion,
22 may permit the Department, an officer whose conduct is under review, or their counsel or
23 representatives to be present during the questioning of any witness. Following questioning by the
24 chair, by other panel members and by counsel for the Review Board, the chair, at his or her discretion,
25 may permit the Department, an officer whose conduct is under review, or their counsel or
26 representatives to question the witness. The scope of questions, as well as any additional questioning,
27 shall be determined by the chair.

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1 (H) The chair of a hearing panel, in his or her discretion, may permit the
2 Department, an officer whose conduct is under review, or their counsel or representatives an
3 opportunity to present testimony and other evidence to the panel. When a hearing panel is reviewing
4 an internal investigation of an officer or a complaint against an officer, the officer shall, at a minimum,
5 have the opportunity to be heard by the panel.

6 (I) In any proceeding before a hearing panel, the officer who was the subject of the
7 investigation under review may represent himself or herself, or be represented by counsel or by
8 another person of the officer's choosing. The officer is solely responsible for obtaining such
9 representation, as to which the Review Board, the panel, the FAC, the Department, the County and the
10 City have no obligation.

11 (J) Evidence may be admitted if it is of a type commonly relied upon by reasonable
12 and prudent persons in the conduct of their affairs. Patently unreliable, irrelevant, immaterial or
13 unduly repetitious evidence may be excluded. Notice may be taken of judicially cognizable facts and
14 of generally recognized technical or scientific facts.

15 (K) At the conclusion of evidentiary proceedings, if any, the panel members shall
16 privately deliberate and vote upon the action to be taken.

17 (L) The proceedings of a screening panel or hearing panel shall be closed to the
18 public. All records submitted to the panel which contain information declared confidential by law,
19 including by judicial precedent, and all records of proceedings before the panel, except public notices
20 and the panel's findings and recommendations, are deemed confidential. Custody of all records and
21 copies of records which are designated as confidential pursuant to this Subsection shall be maintained
22 by the Director, who shall make the records available to the panel members for review at the office of
23 the Director and during proceedings of the panel. No panel member shall record, copy or remove from
24 the office of the Director or the location of proceedings before the panel any confidential record or
25 copy of any confidential record. It shall be unlawful for any person to disclose records or the contents
26 of records designated as confidential by this Subsection which that person has obtained through
27 proceedings under this Chapter, except:

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

4 Any person violating the confidentiality provisions of this Subsection (L) shall be guilty of a
5 misdemeanor and upon conviction shall be punished by imprisonment for a term not to exceed six
6 months, or a fine not to exceed one thousand dollars, or both such fine and imprisonment. Violation
7 of the confidentiality provisions of this Subsection (L) shall also be grounds for removal of a member
8 from the Review Board[.] pursuant to the provisions of Subsection (K) of Section 2.64.040. The
9 findings and recommendations of a panel or panel member shall not contain information declared
10 confidential by law, including by judicial precedent, unless such information is designated as
11 confidential and is disclosed in accordance with the provisions of this Section that pertain to
12 confidential records.

13 (M) A panel shall not abridge the rights of an officer which are granted pursuant to
14 any applicable collective bargaining agreement, contract, or law.

15 (N) A hearing panel must complete its review and make its determination as to any
16 request for review referred to it by the screening panel within ninety days after the date the matter is
17 first considered by the hearing panel. The ninety-day period shall be tolled during any ongoing
18 investigation or proceeding which interferes with the panel's jurisdiction, as described in Section
19 2.64.060, or during any litigation concerning the panel's jurisdiction or a subpoena issued by the
20 panel. Upon expiration of the ninety-day period, a panel shall have no authority to continue a review
21 or make a recommendation.

22 (O) Consideration of a citizen complaint against an officer or a request for review of
23 an internal investigation of an officer by a panel shall not stay the imposition of discipline or other
24 action by the Department. The screening panel or the hearing panel to which the matter has been
25 referred, however, may recommend to the Department that discipline be stayed pending investigation
26 or review.

27 SECTION 9: If any section, subsection, subdivision, paragraph, sentence, clause or

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1 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
2 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
3 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
4 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
5 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
6 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
7 invalid or ineffective.

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14 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

18 APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-7 – Amends the Downtown Centennial Plan to update and revise certain trail alignments within the downtown area. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Recent changes to development patterns within the downtown area, as well as proposed development, have necessitated the minor reconfiguration of two trail segments in the area. The reconfiguration extends the "Tortoise Trail" farther south and extracts a one-block section of the "Arts Trail" adjacent to the future RTC Central City bus terminal. This bill will amend the Downtown Centennial Plan to reflect the reconfiguration of these trail segments.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2009-7

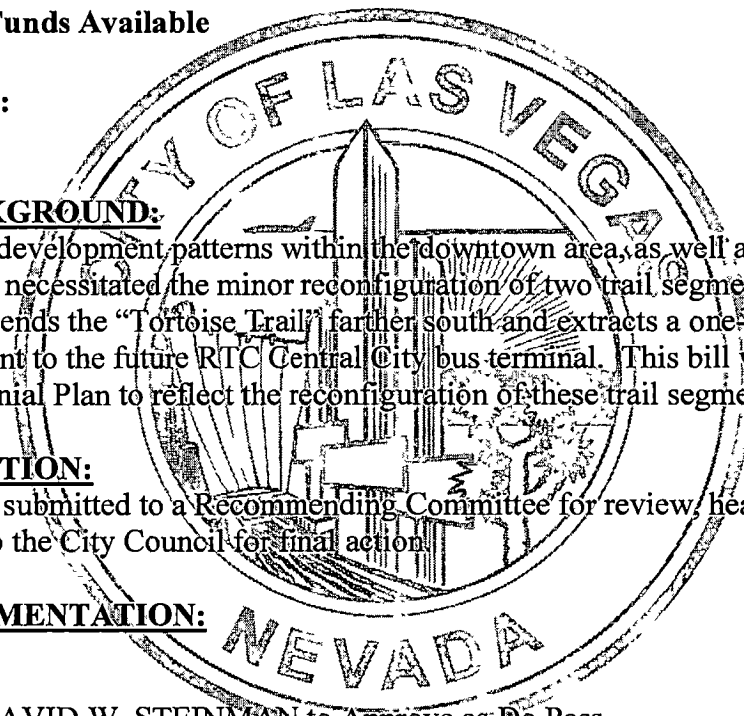
Motion made by DAVID W. STEINMAN to Approve as Do Pass

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

RICKI Y. BARLOW, DAVID W. STEINMAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MARGO WHEELER, Director of the Planning and Development Department, stated this bill would implement the changes presented in a previously approved General Plan Amendment. She recommended approval.



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BILL NO. 2009-7

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DOWNTOWN CENTENNIAL PLAN TO UPDATE AND REVISE CERTAIN TRAIL ALIGNMENTS WITHIN THE DOWNTOWN AREA, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Amends the Downtown Centennial Plan to update and revise certain trail alignments within the downtown area.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: The Downtown Centennial Plan, as adopted by Ordinance No. 5874, is hereby amended as set forth in Sections 2 to 3, inclusive, of this Ordinance.

SECTION 2: Section II(D) is amended by replacing Map 6 appearing therein with the Map 6 that is attached to this Ordinance.

SECTION 3: Section II(D) is amended by amending the fifth paragraph thereof to read as follows (with underlining to indicate new material):

First Street, from Boulder Avenue to Garces Avenue, and from Bonneville Avenue to Fremont Street Experience, will be developed as the Arts Trail and will function as a major pedestrian link between 18b The Las Vegas Arts District and the Fremont Street Experience located within the Central Casino Core District. Widened sidewalks and an enhanced pedestrian experience shall contribute to the revitalization of this central downtown area.

SECTION 4: The Planning and Development Department is authorized and directed to incorporate into the Downtown Centennial Plan the amendments contained in this Ordinance.

SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,

1 invalid or ineffective.

2 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

6 APPROVED:

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8 By _____
OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BEVERLY K. BRIDGES, CMC
City Clerk

12 APPROVED AS TO FORM:

13 Val Stead 2-4-09
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE". _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-8 - Repeals Ordinance No. 5830, relating to the adoption of an Amended and Restated Redevelopment Plan. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill would repeal Ordinance No. 5830, relating to the adoption of an Amended and Restated Redevelopment Plan.

RECOMMENDATION:

It is recommended that the City Council take any action deemed appropriate.

BACKUP DOCUMENTATION:

Bill No. 2009-8

Motion made by DAVID W. STEINMAN to Forward to the City Council with No Recommendation

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

RICKI Y. BARLOW, DAVID W. STEINMAN; (Against=None); (Abstain=None); (Did Not Vote=None); (Excused=None)

Minutes:

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that this bill was on the agenda in response to a referendum filed with the City. He noted that CITY ATTORNEY BRAD JERBIC would be making a presentation regarding this bill to the Council on March 4, 2009, and recommended the bill be forwarded to the Council without a recommendation.

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

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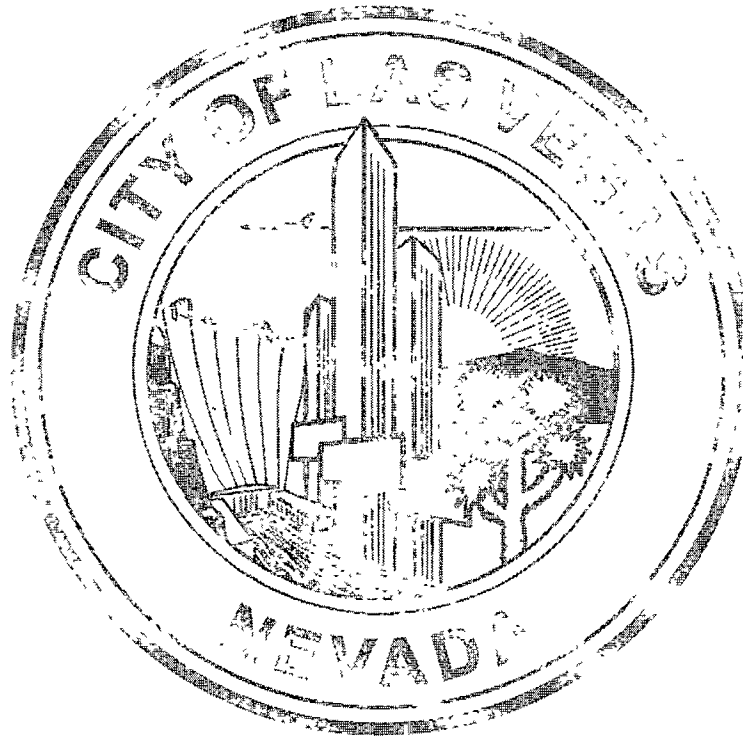
AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

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 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:
None.



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

Minutes:
Meeting adjourned at 4:12 p.m.

Respectfully submitted,

Carmel Viado

Carmel Viado, Deputy City Clerk II
March 6, 2009

