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Judge rules against NLV activists

By **ADRIENNE PACKER**
REVIEW-JOURNAL

A group of North Las Vegas activists who sought to have more public input at City Council meetings lost their case Friday when a judge ruled their initiative is not appropriate for the upcoming municipal ballot.

North Las Vegas attorneys took the Freedom of Speech Committee to court and argued that its initiative addressed administrative -- not legislative -- duties and was therefore ineligible for a ballot question.

District Judge Mark Denton ruled that portions of the initiative requesting more opportunities for public comment were indeed legislative, making them suitable for a ballot question.

But the section of the initiative that would have changed the City Council's meeting time is administrative, Denton said.

Denton ruled the initiative cannot appear on the upcoming ballot because the administrative portions cannot be separated from the legislative aspects.

"There is simply no way of knowing which provisions would have separately had the backing of the petition signers," Denton wrote in his ruling.

Some 1,500 residents had signed a petition asking that the initiative be placed on the municipal election ballot.

Freedom of Speech Committee organizer Glen Easter vowed to resubmit a revamped initiative for the 2004 elections.

The initiative will seek to provide public comment sessions at the beginning and the end of meetings and give residents the right to be heard on consent agenda items.

The consent agenda contains numerous items that council members pass with a single vote.

Find this article at:

http://www.reviewjournal.com/lvrj_home/2003/Feb-08-Sat-2003/news/20650612.html

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS

DATE: 3-27-03 ROOM: 3B8 EXHIBIT 0

SUBMITTED BY: Kimberly McDonald

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Las Vegas SUN

November 29, 2002

Changes sought in City Council policies

Group wants reform placed on ballot

By Dan Kulin

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LAS VEGAS SUN

North Las Vegas voters could decide in April whether to give residents more say at City Council meetings.

A citizens group called the Freedom of Speech Committee is pushing for the changes to ensure citizens are allowed to speak about agenda items during council meetings, especially before council votes. The group will submit a petition Monday to get their proposed changes onto North Las Vegas' April 8 primary election ballot, group spokesman Michael Winne said.

"Now the mayor is in control of who speaks (before the council votes)," Winne said. "It shouldn't be a privilege like it is now. We want it to be an absolute right."

The ballot proposal is the culmination of efforts that started more than a year ago, after Mayor Michael Montandon prevented Mike Thomas from speaking prior to council votes on several items at a Nov. 7, 2001, meeting, Winne said. The mayor did allow Thomas to address the council during the public comment period at the end of the meeting.

The state attorney general's office ultimately advised that the mayor did not violate Nevada's open-meeting law, but Montandon may have violated the spirit of the law. Typically, the mayor lets people who have requested to speak on a specific item address the council before a vote. The public is also given time to speak during the public comment period at the end of each meeting.

The proposed ballot question would ask voters to change city law to establish that any citizen may speak on any item being acted on during a council meeting and would require public comment periods at the beginning and end of council meetings.

Other changes proposed in the ballot question:

- Changing the starting time for council meetings to 7 p.m. The meetings now start at 6 p.m.
- Allowing any city resident or council member to put an item on the council meeting agenda. The city manager currently sets the agenda.
- Let citizens speaking during a meeting address the council for up to 10 minutes. Now comments are limited to five minutes per person.
- Require any future changes to council meeting policies to be decided by city voters, not the council.

<http://www.lasvegassun.com/sunbin/stories/text/2002/nov/29/514315593.html>

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Councilwomen Stephanie Smith and Shari Buck said they support some of the proposed changes, such as adding a second public comment period at the beginning of council meetings.

Councilman William Robinson wouldn't comment on most of the specific proposals because he hadn't seen the proposed ballot question, but, he said, he would go along with anything the voters approve.

"Whatever the majority wants," Robinson said.

He predicted two public comment periods would be repetitious, however. He said that when he first came to the council 20 years ago the public comment period was at the beginning of meetings, and citizens would filibuster.

Smith, who was one of the first to sign the petition to get the matter on the ballot, said she would like council members to be able to add items to meeting agendas. But, she said, she is not sure whether the public should also be able to do so.

Buck and Robinson said they prefer having the city manager set the agenda for council meetings.

Smith and Buck also said some of the proposed changes might not work well, such as extending the time a person is allowed to speak during a meeting to 10 minutes. Citizens are now limited to five minutes each, and doubling that time along with having two public comment periods could make meetings hours longer.

Buck said she also opposes starting meetings at 7 p.m., which the council did until about six months ago, she said. Since that switch, more youth groups have attended council meetings, and general meeting attendance by the public has improved, Buck said.

Smith said making it so that any future changes to meeting policies would have to go to the voters would be a "pretty cumbersome process."

"But overall I support the concept and that's why I signed it. My issue is the free speech issue" Smith said.

Montandon and Councilman Robert Eliason could not be reached for comment Wednesday evening.

To get the question on the ballot the group needs to submit petitions signed by at least 1,140 voters, which is 15 percent of the voters in the last city election, by 5 p.m. Monday, City Clerk Eileen Sevigny said. Winne said the group collected about 1,500 signatures between Aug. 28 and Nov. 5.

If the petition is certified, which should happen within 20 days, the matter will go to the council, Sevigny said.

The council could choose to adopt the law changes proposed in the ballot initiative, which would resolve the matter and therefore the question would not go to the voters. If the council decides not to adopt the proposed changes, then the question would appear on the city's April 8 primary election ballot, Sevigny said.

"I'm sure the council won't adopt it," Smith said. "I suspect it will wind up on the ballot."

Buck said there is a third possible route for the proposed changes: They could be reviewed by the courts "to determine if it is even lawful" to change council meeting policies through a ballot initiative, she said.

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