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16 UNITED STATES DISTRICT COURT
17 DISTRICT OF NEVADA

18 GAIL SACCO, et al.,)
19) Plaintiffs) No. 2:06-CV-00714-RCJ-LRL
v.) (Base File)
20)) Consolidated With:
CITY OF LAS VEGAS, et al.,) 2:06-CV-00941-RCJ-LRL
21) Defendants.)
22 _____)

23
24 **MEMORANDUM OF NATIONAL LAW CENTER ON HOMELESSNESS &**
25 **POVERTY, NATIONAL COALITION FOR THE HOMELESS, NATIONAL**
26 **HEALTH CARE FOR THE HOMELESS COUNCIL, INC., NATIONAL ASSOCIATION**
27 **FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH, NATIONAL**
28 **CENTER ON FAMILY HOMELESSNESS, NATIONAL POLICY AND ADVOCACY**
COUNCIL ON HOMELESSNESS, AND NATIONAL COALITION FOR HOMELESS
VETERANS AS AMICI CURIAE IN SUPPORT OF PLAINTIFFS

1 of homeless persons, including the right to food.

2 The National Association for the Education of Homeless Children and Youth (“NAEHCY”)
3 is a national grassroots membership association serving as the voice and the social conscience for
4 the education of children and youth in homeless situations. Key public school partners include
5 community organizations providing services such as food. The relationship between these providers
6 and NAEHCY members is essential, as homeless youth must have their basic needs met — including
7 food — before they are ready to learn.

8 The National Center on Family Homelessness (“NCFH”) is the nation’s definitive authority
9 on family homelessness. Since 1988, the Center has been at the forefront of research and evaluation,
10 program design, service delivery, systems integration, and advocacy to help homeless children and
11 their families. As such, the organization is deeply committed to protecting the basic human rights
12 of all individuals and families who experience homelessness.

13 The **National Policy and Advocacy Council on Homelessness (“NPACH”)** is a grass roots
14 anti-poverty organization, whose mission is to ensure that national homelessness policy accurately
15 reflects the needs and experiences of local communities. NPACH works to accomplish its mission
16 through education, grassroots organizing, research, and technical assistance.

17 The National Coalition for Homeless Veterans (“NCHV”) is a nonprofit founded in 1990 by
18 a group of homeless veteran service providers. NCHV seeks to eliminate homelessness in the
19 veteran community, by inviting individuals and all types of service providers to work in
20 collaboration to develop innovative, comprehensive services that will allow homeless veterans to
21 support themselves. NCHV shares the goal of protecting the civil rights of homeless people.
22 background facts on homelessness.

23 Over the past two decades, homelessness has become a growing problem in the United
24 States. Approximately 800,000 people are homeless in the United States on any given night, while
25 approximately 3.5 million people experience homelessness throughout the year.¹ Like many cities,
26

27 ¹ Martha Burt et al., *Helping America’s Homeless: Emergency Shelter or Affordable Housing?* 49-50
28 (2001).

1 Las Vegas and its surrounding communities have a growing homeless population. In 2004,
2 unincorporated Clark County, and the cities of Las Vegas, Boulder City, Henderson, and North Las
3 Vegas had an estimated homeless population of 7,877.² In 2005, that number increased to over
4 10,000 people,³ with one recent estimate being 12,198.⁴

5 The causes of homelessness are complex, but the vast majority of homeless people living in
6 public are doing so involuntarily. The most apparent reason why homeless individuals are homeless
7 is the lack of affordable housing, although several other factors frequently contribute to the
8 circumstances that force people into homelessness.⁵ In the 2005 U.S. Conference of Mayors Hunger
9 and Homelessness survey, lack of affordable housing was listed as the lead cause of homelessness,
10 followed by low-paying jobs, lack of services for mental health and substance abuse treatment,
11 domestic violence, unemployment, poverty, and prisoner re-entry.⁶

12 In 2005, 71 percent of the 24 cities surveyed by the U.S. Conference of Mayors reported a
13 6 percent increase in requests for emergency shelter.⁷ Even while the requests for emergency shelter
14 have increased, cities do not have adequate shelter space to meet the need. In the 24 cities surveyed
15 in the U.S. Conference of Mayors Survey, an average of 14 percent of overall emergency shelter
16 requests went unmet, with 32 percent of shelter requests by homeless families unmet.⁸

17 A 2002 survey of 50 of the largest cities in the United States, including Las Vegas, found that
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19 ² City of Las Vegas Neighborhood Services Department 10-Year Planning Committee, *City of Las*
20 *Vegas: Homes for Homeless Nevadans 10 Year Plan to Reduce Homelessness* 3 (March 2006).

21 ³ *Id.*

22 ⁴ City of Las Vegas Neighborhood Services Department, *Consolidated Plan* 57 (May 12, 2006)
23 [hereinafter *Consolidated Plan*].

24 ⁵ U.S. Conference of Mayors, *A Status Report on Hunger and Homelessness in America's Cities: A*
25 *24-City Survey* 5 (Dec. 2005).

26 ⁶ *Id.*

27 ⁷ *Id.*

28 ⁸ *Id.*

1 not one had enough shelter spaces for the number of homeless people in that city on any given day.⁹

2 The City of Las Vegas' 2006 Consolidated Plan indicates that there are 1,910 fewer beds than
3 needed in emergency shelters, transitional housing, and permanent supportive housing for homeless
4 individuals. The situation for homeless families is even worse, with 2,538 fewer beds than needed
5 in emergency shelter, transitional housing, and permanent supportive housing for homeless
6 families.¹⁰ According to the Southern Nevada Regional Planning Coalition 2004 Gaps Analysis,
7 shelter capacity in the region is "insufficient to meet the needs of our homeless citizens and the
8 length of stay allowed by service providers is too brief to allow clients to successfully transition."¹¹
9 Several low-rent housing facilities, such as the Little Hotel, have closed in downtown Las Vegas
10 alone in the last few months.¹² The lack of affordable housing and shelter space leaves many
11 homeless persons with no choice but to struggle to survive on the streets of our cities.

12 People experiencing homelessness and living in poverty also struggle with hunger.
13 According to a 1999 national survey of homeless people, 40 percent did not have anything to eat on
14 one or more days during the month previous to the survey.¹³ For people living outside on the streets
15 or in public spaces, obtaining food can be a challenge. According to the Southern Nevada Regional
16 Planning Coalition, hot meals are available "to the unsheltered homeless who can get to the
17 'homeless corridor' in downtown Las Vegas."¹⁴ However, for those unsheltered individuals who are
18 not living near the "homeless corridor," accessing those food resources may be extremely difficult.

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20 ⁹ National Law Center on Homelessness & Poverty and National Coalition for the Homeless, *Illegal*
21 *to be Homeless* 13 (2002).

22 ¹⁰ *Consolidated Plan*, *supra* note 4, at 57.

23 ¹¹ Southern Nevada Regional Planning Coalition, *Gaps Analysis* 43 (2004) [hereinafter SNRPC].

24 ¹² Lynnette Curtis, *Hotel Residents Lack Options: 38 Affordable Rooms About to Close*, Las Vegas
25 Review-Journal, Sept. 26, 2006 (available at <http://www.reviewjournal.com/lvrj_home/2006/Sep-26-Tue-2006/news/9862740.html>).

27 ¹³ Interagency Council on Homelessness, *Homelessness: Programs and the People They Serve –*
28 *Findings of the National Survey of Homeless Assistance Providers and Clients* 7-1 (1999).

¹⁴ SNRPC, *supra* note 11, at 34.

1 In the recent past, Las Vegas has attempted to move homeless people out of the downtown
2 area, making it even more difficult for them to access food resources and other services. These
3 “sweeps” usually involve police or other city officials clearing homeless people and their belongings
4 out of an outdoor area where they are living.¹⁵ As a result, homeless people are frequently moved
5 to other areas outside of the downtown area and have greater difficulty accessing resources. For
6 those homeless persons not living in the downtown area, lack of adequate public transportation may
7 make it difficult for them to access downtown services. Further, even if a person did have access
8 to adequate public transportation, without money to pay for transportation, a homeless person may
9 not be able to travel to indoor soup kitchens multiple times a day every day of the week. In these
10 cases, homeless people must rely on mobile food service for food.

11 In addition, providers of food in public spaces also can serve as a vital link for homeless
12 persons to other services. According to the Southern Nevada Regional Planning Coalition 2004
13 Gaps Analysis, outreach teams often bring clean water and food to homeless persons when
14 conducting outreach.¹⁶ Successful outreach to homeless people struggling with substance addiction
15 or psychiatric disabilities often takes time. In a study of five New York outreach programs, outreach
16 workers made repeated contact with homeless persons with psychiatric disabilities over the course
17 of an average of 4 months before those individuals began intensive services.¹⁷ Even in instances
18 where services or shelter are available, some homeless individuals may need time to become ready
19 to access those resources. In such a case, having food accessible where they are living is crucial for
20 their survival. Groups that provide food for unsheltered homeless persons provide a crucial lifeline
21 not only to food, but also to services. Without access to those providers, homeless persons would

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23 ¹⁵ See Timothy Pratt, *Wilson Avenue Homeless Linger as Sweep Day Arrives*, Las Vegas Sun, Jun.
24 17, 2005, at B1; Timothy Pratt, *Some Homeless Finding their Way off the Streets*, Las Vegas Sun,
25 May 23, 2005, at B1; Lisa Kim Bach, *Homeless Encampments Cleared*, Las Vegas Rev.-J., Apr. 21,
2005, at 2B; Timothy Pratt, *Communication Mixup in Homeless Sweep Admitted*, Las Vegas Sun,
Feb. 24, 2005, at B3.

26 ¹⁶ SNRPC, *supra* note 10, at 34.

27 ¹⁷ U.S. Department of Housing and Urban Development and U.S. Department of Health and Human
28 Services, *National Symposium on Homelessness Research: What Works?* 5-11 (1998).

1 not have easy access to food or services to help them move beyond homelessness.

2 It is against this background of deprivation and need that the constitutionality of LVMC
3 13.36.055(6) must be judged.

4 ARGUMENT

5 LVMC 13.36.055(6) prohibits the “providing of food or meals to the indigent for free or for
6 a nominal fee” in Las Vegas city parks. It defines an “indigent” as “a person whom a reasonable
7 ordinary person would believe to be entitled to apply for or receive assistance under NRS Chapter
8 428.” LVMC 13.36.055(6). LVMC 13.36.055(6) thus forbids the donation of food not just to the
9 indigent, but also to those who might reasonably appear to be indigent.¹⁸ LVMC 13.36.055(6) would
10 therefore deny to those who appear to be indigent the right to receive free food in city parks even
11 though persons who do not appear to be indigent are allowed to receive free food. This
12 discriminatory treatment of indigent (or seemingly indigent) individuals on the basis of their
13 appearance denies them the equal protection of the laws guaranteed by the Fourteenth Amendment
14 of U.S. Constitution. In addition, LVMC 13.36.055(6) would deprive those who appear to be
15 indigent of the right to associate with religious and political groups who wish to disseminate their
16 messages along with the gift of food. As a result, LVMC 13.36.055(6) also denies indigent
17 individuals the right to associate with those donors, a violation of the First Amendment of the U.S.
18 Constitution.

19 **I LVMC 13.36.055(b) DENIES INDIGENT INDIVIDUALS THE EQUAL** 20 **PROTECTION OF THE LAWS.**

21 As this Court is well aware, the Equal Protection Clause of the Fourteenth Amendment
22 provides that a State may not “deny to any person within its jurisdiction the equal protection of the
23 laws.” U.S. Const. amend. XIV §1. The blatant discrimination in LVMC 13.36.055(6) against
24 persons on the basis of their apparent indigency violates equal protection. Plaintiffs in their
25 Memorandum have shown that a classification that discriminates against indigent and homeless

27 ¹⁸ This is a remarkably vague standard. Even the prosperous at times can dress in old clothes. If
28 nothing else, this provision is void-for-vagueness.

1 persons should be subjected to the more heightened level of scrutiny applicable to classifications that
2 are likely be based on stereotype and speculation, such as those based on immigration status or
3 gender. *See, e.g., Plyler v. Doe*, 457 U.S. 202, 216-18 (1982); *Mississippi Univ. for Women v.*
4 *Hogan*, 458 U.S. 718, 725 (1982). But the discrimination in LVMC 13.36.055(6) against those who
5 appear to be indigent cannot even survive the rational basis standard of review as that standard is
6 applied by the Supreme Court to laws that reflect an intent to harm a disfavored group.

7 **A. The Supreme Court and the Courts of Appeals Have Invalidated Statutes That**
8 **Discriminate Against Disfavored Groups on the Basis of Animus or**
9 **Unsubstantiated Fears.**

10 Justice O'Connor has observed that "[w]hen a law exhibits such a desire to harm a politically
11 unpopular group, [the courts have] applied a more searching form of rational basis review to strike
12 down such laws under the Equal Protection Clause." *Lawrence v. Texas*, 539 U.S. 558, 580 (2003)
13 (O'Connor, J., concurring) (citations omitted). Her conclusion is supported by cases that have
14 invalidated discriminatory laws aimed at the mentally disabled, "hippies," homosexuals, former
15 mental patients, convicts, and alcoholics.

16 The leading case is *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985). In
17 *Cleburne*, a zoning ordinance required group homes for mentally disabled individuals to obtain a
18 special use permit, but did not require such a permit for such other group dwellings as fraternity
19 houses, dormitories, and boarding houses. The Supreme Court could find no rational basis for the
20 ordinance's singling out of group homes for mentally disabled people. Although the Court did not
21 treat discrimination against mentally disabled individuals as affecting a "quasi-suspect" classification
22 (*id.* at 442-46), the Court added that this ruling did not leave mentally disabled individuals "entirely
23 unprotected from invidious discrimination," for the "State may not rely on a classification whose
24 relationship to an asserted goal is so attenuated as to render the distinction arbitrary or irrational."
25 *Id.* at 446. The Court then held that the "negative attitude" of nearby property owners is not a
26 rational basis for discriminating against mentally disabled persons: "[M]ere negative attitudes, or
27 fear, unsubstantiated by factors which are properly cognizable in a zoning proceeding, are not
28 permissible bases for treating a home for the mentally retarded differently from apartment houses,

1 multiple dwellings, and the like.” *Id.* at 448. After rejecting the purported justifications for the
2 ordinance as lacking a rational basis (*id.* at 449-50), the Court concluded that the ordinance rested
3 on “an irrational prejudice against the mentally retarded.” *Id.* at 450.

4 Previously, the Supreme Court in *U.S. Department of Agriculture v. Moreno*, 413 U.S. 528
5 (1973), had invalidated a federal law that prohibited households with unrelated persons from
6 participating in the food stamp program. The legislative history showed that the prohibition was
7 intended “to prevent so-called ‘hippies’ and ‘hippie communes’ from participating in the food
8 program.” *Id.* at 534. The Court ruled that this was not a legitimate governmental purpose: “[I]f
9 the constitutional conception of ‘equal protection of the laws’ means anything, it must at the very
10 least mean that a bare congressional desire to harm a politically unpopular group cannot constitute
11 a *legitimate* governmental interest.” *Id.* (emphasis by Court).

12 More recently, *Romer v. Evans*, 517 U.S. 620 (1996), struck down an amendment to the
13 Colorado Constitution prohibiting all legislative, executive, or judicial action designed to protect
14 homosexuals from discrimination. The Supreme Court held that this provision “fails, indeed defies,
15 even [the] conventional inquiry” of the rational basis test. *Id.* at 632. Elaborating, the Court
16 explained that “the amendment seems inexplicable by anything but animus toward the class it
17 affects.” *Id.*

18 The Ninth Circuit, citing *Romer* and *Cleburne*, has stated that, “[a]lthough it is difficult to
19 show that a law violates the equal protection clause under rational basis review, it is not impossible,
20 since some laws are so irrational or absurd on their face it is clear they can be motivated by nothing
21 other than animus or prejudice against a group.” *Tucson Woman’s Clinic v. Eden*, 379 F.3d 531,
22 543-44 (9th Cir. 2004). In line with this understanding, the Ninth Circuit and other Courts of
23 Appeals have found that zoning laws aimed at excluding disfavored groups violate equal protection.
24 *J.W. v. City of Tacoma*, 720 F.2d 1126 (9th Cir. 1983), invalidated a zoning “ordinance [that]
25 distinguish[ed] group homes that include[d] former mental patients from other group homes on the
26 basis of prejudices concerning persons who have been institutionalized for mental health treatment.”

1 *Id.* at 1129.¹⁹ The Court found that the ordinance rested on “archaic and stereotypic notions” when
2 the city had “produced no evidence to support a blanket assertion that former mental patients as a
3 class are particularly dangerous, disruptive, or otherwise undesirable neighbors.” *Id.* (footnote
4 omitted). Rather, the record showed that the housing permit had been denied “principally because
5 of the heavy opposition of neighbors at the public hearing” *Id.* at 1131.

6 In a like manner, neighborhood opposition unsupported by the facts was found to be an
7 illegitimate basis for refusing to grant zoning permits to a community treatment center for ex-
8 convicts in *Bannum, Inc. v. City of Louisville*, 958 F.2d 1354 (6th Cir. 1992), and to an alcoholic
9 treatment facility in *Sullivan v. City of Pittsburgh*, 811 F.2d 171 (3d Cir. 1987). In *Bannum*, the
10 Sixth Circuit ruled: “The lack of data supporting the city’s contention that the incidence of crime is
11 inflated in areas containing CTCs [community treatment centers], and the evidence in the record of
12 substantial community opposition to Bannum’s proposed CTC, indicates that the purpose behind
13 different treatment of CTCs by the current zoning regulations is to assure residents of the East
14 Washington Street area that they would not find themselves with a CTC as a neighbor.” *Bannum*,
15 958 F.2d at 1361. Similarly, the Third Circuit in *Sullivan* upheld the granting of a preliminary
16 injunction in part because the plaintiffs “demonstrated that the City took its essentially unjustified
17 action in an atmosphere charged with hostility towards a minority group.” *Sullivan*, 811 F.2d at 185.

18 In short, *Cleburne* and similar cases establish that, when the evidence shows that a
19 government has taken action discriminating against an unpopular group, a more searching analysis
20 must be made to see if that action is supported by a legitimate basis. Simple animus toward an
21 unpopular group or unsubstantiated fear is not a legitimate basis.

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27 ¹⁹ *J.W.* applied the somewhat heightened scrutiny used in *Plyler v. Doe*, 457 U.S. 202, 216-18
28 (1982), for quasi-suspect classes (*see J.W.*, 720 F.2d at 1128-30), but *J.W.*’s rationale is consistent
with more searching review employed under the rational basis test by *Cleburne*.

1 **B. No Legitimate Basis Supports the Discriminatory Treatment of Indigent**
2 **Individuals In LVMC 13.36.055(6).**

3 It is indisputable that LVMC 13.36.055(6) was enacted out of an animus against indigent
4 persons — in particular, a desire to keep homeless people out of the city parks. For instance, Mayor
5 Goodman started the City Council Meeting of June 21, 2006, which led to the enactment of the
6 ordinance a month later, by saying: “We had reports that there were activities taking place at
7 Huntridge Circle Park, which is in an established residential area, which would suggest that the folks
8 who were utilizing the park were involved in some kind of activities which were affecting the quality
9 of life of the residents who lived in the surrounding area.” City Council meeting of June, 21, 2006,
10 Verbatim Excerpt – Item 77, at 3 (hereinafter “Verbatim Excerpt”) (selected pages of hearing
11 transcript appended hereto). Other speakers at the June 21 meeting expressed their disdain for
12 homeless people as well. For example, Orlando Sanchez, Deputy City Manager, commented that
13 “vagrants have overtaken the park and less and less residents utilize the park fearing for the safety
14 of their children and themselves.” *Id.* at 7.

15 The desire to exclude homeless and indigent people from city parks is, however, plainly not
16 a legitimate ground for discriminating against them. Homeless indigent individuals have a
17 constitutional right to enter and remain in public parks during the hours that the parks are open to
18 the public. *See City of Chicago v. Morales*, 527 U.S. 41, 52 (1999) (“Indeed, it is apparent that an
19 individual’s decision to remain in a public place of his choice is as much a part of his liberty as the
20 freedom of movement inside frontiers that is ‘a part of our heritage’” (citation omitted)). Las
21 Vegas can no more exclude homeless people from the city parks than the State of Nevada can
22 exclude indigent people from other States from entering Nevada. *See Shapiro v. Thompson*, 394
23 U.S. 618, 634 (1969) (“[I]n moving from State to State . . . appellees [welfare recipients] were
24 exercising a constitutional right”); *Edwards v. California*, 314 U.S. 160 (1941) (California law
25 making it a misdemeanor to bring a nonresident indigent person into state is invalid under the
26 Commerce Clause).

27 Nor can the purported bases for LVMC 13.36.055(6) be sustained, as they are grounded in
28 unsubstantiated fears of, irrational prejudices regarding, or animus directed at homeless people. *See*

1 *Cleburne*, 473 U.S. at 446-448, 450. One report states that City officials claim that food handouts
2 “have lured the homeless to parks and have led to complaints by residents about crime, public
3 drunkenness and litter.” See Randal C. Archibold, *Please Don’t Feed Homeless in Parks, Las Vegas*
4 *Says in Ordinance*, N.Y. Times, July 28, 2006, at A1. But significantly at the hearing on June 21,
5 Pat Charoen, a Lieutenant in the Las Vegas Metropolitan Police Department, had no information
6 when asked by the Mayor whether “the folks who are committing the crimes [near Huntridge Circle
7 Park] are the folks who are occupying the parks when they’re not committing the crimes.” Verbatim
8 Excerpt at 15. The Mayor then pressed Lieutenant Charoen, asking if there was “any information
9 at all whether or not the folks who are, quote homeless end quote, in the park are committing the
10 crimes in the neighborhood.” *Id.* Tellingly, Lieutenant Charoen responded that he “[didn’t] have
11 the answer for that question” *Id.* at 16. The assertion that feeding indigent individuals in city
12 parks has led to increased crime in the surrounding neighborhoods is, accordingly, based on
13 speculation, rather than facts. Indeed, Mayor Goodman admitted as much. *See id.* (“[I]f we’re going
14 to point a finger at the particular group in our community, we better have some evidence in fact the
15 finger is being pointed correctly. . . . I have a feeling right now that when the park is open, the people
16 in the area are committing offenses and are disturbing the quality of life, but *we don’t have any*
17 *empirical data*. It’s mostly anecdotal at this point in time.”) (emphasis added).

18 Equally unsustainable is the assertion that deterring public drunkenness is a rational basis for
19 criminalizing the feeding of indigent people in city parks. The rational way to deal with displays of
20 public drunkenness is to enforce laws against it. As shown at the City Council meeting on June 21,
21 Las Vegas, however, has no law against public intoxication. As the City Attorney explained at the
22 City Council meeting: “[T]his is Las Vegas. We have people on Fremont Street and the Strip
23 inebriated on a regular basis and distinguishing between that population and population of other
24 areas of town[] is a little difficult if you wanted to do it by ordinance.” Verbatim Excerpt at 74. If
25 Las Vegas does not wish to regulate public drunkenness on Fremont Street and the Strip, it cannot
26 rationally penalize indigent individuals for public drunkenness in city parks. And the City certainly
27 cannot justify criminalizing efforts to feed poor people on the entirely speculative ground that such
28 a law will deter public drunkenness.

1 Likewise, preventing litter cannot provide a rational basis for sustaining LVMC 13.36.055(6)
2 when enforcement of anti-littering ordinance is an obvious alternative. There is, moreover, no basis,
3 except speculation, for concluding that a feeding program for indigent individuals is more likely to
4 result in litter than picnics and other activities that feed the more fortunate or other activities in the
5 park.

6 Finally, some proponents of LVMC 13.36.055(6) have asserted that it is intended to help
7 indigent and homeless persons by providing them an incentive to move to areas of the City where
8 there are service providers who can provide counseling and assistance as well as food. Depriving
9 those who appear indigent — and only those who appear indigent — of the right to receive free food
10 in city parks can only “assist” the indigent in an Orwellian sense of word “assist.” It is one thing to
11 provide positive incentives for the seeking of assistance by homeless indigent individuals. It is quite
12 another to deny the right to receive free food in city parks to only the poorest members of society —
13 those most likely to need free food. That course of action smacks of vindictiveness, rather than of
14 a rational policy toward homeless individuals.

15 In short, under the authority of decisions such as *Cleburne*, LVMC 13.36.155(6) should be
16 held to deny to indigent persons — or more accurately, those who appear to be indigent — the equal
17 protection of the laws.

18 **II. LVMC 13.36.055(6) Violates the First Amendment’s Freedom of Expressive** 19 **Association.**

20 **A. Expressive Association Is Protected by the First Amendment.**

21 The Supreme Court has afforded constitutional protection to freedom of association in two
22 distinct senses, which it has termed “freedom of private association” and “freedom of expressive
23 association.” *Roberts v. United States Jaycees*, 468 U.S. 609, 617-18 (1984). While freedom of
24 association is not explicitly enumerated in the First Amendment, protection for freedom of
25 expressive association flows from the premise that “[a]n individual’s freedom to speak, to worship,
26 and to petition the government for the redress of grievances could not be vigorously protected from
27 interference by the State unless a correlative freedom to engage in group effort toward those ends
28 were not also guaranteed.” *Id.* at 622.

1 There are two elements required for a valid expressive association claim. First, the group
2 must show that it engages in expressive association. *See Boy Scouts of America v. Dale*, 530 U.S.
3 640, 648 (2000). The types of expressive association protected by the First Amendment include
4 pursuing “a wide variety of political, social, economic, educational, religious, and cultural ends.”
5 *Roberts*, 468 U.S. at 622. Second, the government action at issue must significantly affect the
6 group’s ability to advocate its viewpoint. *See Dale*, 530 U.S. at 653. If these elements are satisfied,
7 the restriction on expressive association can only stand if the government shows that the law was
8 “adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be
9 achieved through means significantly less restrictive of associational freedoms.” *Dale*, 530 U.S. at
10 648 (quoting *Roberts*, 468 U.S. at 623).

11 **B. LVMC 13.36.055(6) Unconstitutionally Impairs the Expressive Association**
12 **Rights of Homeless Individuals in Las Vegas City Parks**

13 LVMC 13.36.055(6) infringes upon the freedom of expressive association of certain
14 members of the homeless population in Las Vegas, and as such is “subject to the closest scrutiny.”
15 *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460-61 (1958). First, the members of the Las
16 Vegas homeless community targeted by LVMC 13.36.055(6) engage in religious and political
17 association. For example, Cody Huff is a formerly homeless man who now shares food and a
18 Christian message with homeless people in the parks. For Mr. Huff, sharing food is a religiously
19 motivated act. *See Declaration of Cody Huff* at 1 (“My Bible commands me to take care of the poor!
20 Feed the hungry.”).²⁰ In addition, sharing food is integral to Mr. Huff’s ability to adequately convey
21 his religious message. *See id.* (“My message to these people in the park is God loves you. You are
22 His sons and daughters, and it all begins with a sandwich.”).

23 An example of political expression in city parks occurred on August 10, 2006, when the
24 organization Food Not Bombs conducted a rally at City Hall protesting LVMC 13.36.055(6). *See*
25 *Declarations of Robert Edmonds and Patrick Band*. At the rally, twenty to thirty homeless people
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27 ²⁰ All of the declarations referenced herein have been submitted by plaintiffs in Support of their
28 Motion for Preliminary Injunction.

1 were in attendance and several spoke to the crowd that gathered. The topics of discussion were both
2 religious and political in nature. *See* Declaration of Gail Sacco (September 28, 2006) at 1. Later,
3 the protesters moved first to Frank Wright Plaza, and then to Huntridge Circle Park, where the
4 advocates distributed food to homeless persons. *See* Declarations of Gail Sacco (September 28,
5 2006) at 2, Robert Edmonds and Patrick Band. At Circle Park, three citations were issued to
6 protesters. *See* Declaration of Gail Sacco (September 28, 2006) at 2.

7 LVMC 13.36.055(6) significantly affects the ability of homeless individuals involved in
8 religious and political association to advocate their viewpoint. Central to either type of association
9 involved here is the ability for outside religious and political advocates to interact with homeless
10 people in city parks at events where food is provided. The experiences of Cody Huff, Gail Sacco,
11 Robert Edmonds, and Patrick Band, as detailed above, attest to this fact. By making such activity
12 illegal, the ordinance will have a significant practical impact on the ability of homeless people and
13 their advocates to collectively advocate their views. Indeed, practical experience of those of us who
14 are more prosperous will attest that the provision of food and drink is often part of group meetings
15 where expressive association will take place. The provision of food can be an essential part of a
16 group's fellowship.

17 Moreover, as shown in the Memorandum for plaintiffs, the provision of food to indigent
18 people is a significant religious and political expression for the donors. Indigent people have a right
19 to associate in groups with those donors through the receipt not just of the donors' verbal expressions
20 of religious and political views, but also to associate with the donors in their symbolic speech and
21 religiously motivated acts of donating food. The right of expressive association encompasses both
22 the symbolic speaker and the recipient. That is, as the Supreme Court has held more than once, the
23 protection afforded speech by the First Amendment is "to its source and to its recipients both."
24 *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748, 756 (1976)
25 (consumers have a right to receive commercial speech from advertisers).

26 A unanimous Supreme Court noted just last Term that "the freedom of expressive association
27 protects more than just a group's membership decisions." *Rumsfeld v. Forum for Academic and*
28 *Institutional Rights, Inc.*, 126 S. Ct. 1297, 1312 (2006). It also protects against laws that do "not

1 directly interfere with an organization’s composition,” but instead make “group membership less
2 attractive, raising the same First Amendment concerns about affecting the group’s ability to express
3 its message.” *Id.* That is plainly the case here with respect to LVMC 13.36.055(6)’s criminalization
4 of expressive association in city parks where indigent individuals, as well as prosperous ones, are
5 provided with food.

6 Because LVMC 13.33.055(6) infringes upon the right of indigent individuals to expressive
7 association, the burden is on the City to show that it was “adopted to serve compelling state interests,
8 unrelated to the suppression of ideas, that cannot be achieved through means significantly less
9 restrictive of associational freedoms.” *Dale*, 530 U.S. at 648 (quoting *Roberts*, 468 U.S. at 623).
10 The City’s burden is especially heavy where, as here, an ordinance infringes upon the First
11 Amendment rights of homeless people. *See, e.g., Johnson v. City of Cincinnati*, 310 F.3d 484, 505-
12 506 (6th Cir. 2002) (in holding that an ordinance preventing a homeless man from visiting his
13 attorney violated his right to intimate association, the court stated that it was particularly troubled
14 by the ordinance as applied to “a homeless man, existing at the margins of our society, where he is
15 uniquely vulnerable and in particular need of . . . a buffer against the power of the State”). The City
16 cannot meet that burden, for as shown above and in the Plaintiffs’ Memorandum, LVMC
17 13.36.055(6) fails to substantially further any legitimate government interest.

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CONCLUSION

For the foregoing reasons, as well as those set out in Plaintiffs' Memorandum and in the Memorandum for *amicus* Rutherford Institute, the Court should preliminarily enjoin Defendants from enforcing LVMC 13.36.055(c).

Respectfully submitted,
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CERTIFICATE OF SERVICE

The undersigned hereby declares she is an employee of Murdock & Associates, Chtd. and that on October 30, 2006 she deposited a true copy of the foregoing MEMORANDUM OF NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY, NATIONAL COALITION FOR THE HOMELESS, NATIONAL HEALTH CARE FOR THE HOMELESS COUNCIL, INC., NATIONAL ASSOCIATION FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH, NATIONAL CENTER ON FAMILY HOMELESSNESS, NATIONAL POLICY AND ADVOCACY COUNCIL ON HOMELESSNESS, AND NATIONAL COALITION FOR HOMELESS VETERANS FOR LEAVE TO FILE A MEMORANDUM AS *AMICI CURIAE* SUPPORTING PLAINTIFFS in the United States mail, postage fully prepaid, addressed as follows:

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**CITY COUNCIL MEETING OF
June 21, 2006**

VERBATIM EXCERPT – ITEM 77

1 **NOT TO BE HEARD BEFORE 5:00 P.M. – Discussion and possible action regarding the**
2 **status, uses and other related matters of Huntridge Circle Park located at 1251 South**
3 **Maryland Parkway – Ward 3 (Reese)**

4

5 **Appearance List:**

6 OSCAR GOODMAN, Mayor

7 ORLANDO SANCHEZ, Deputy City Manager

8 TIMOTHY SHATTLER, Deputy Chief, City of Las Vegas Marshals

9 GARY REESE, Councilman

10 PAT CHAROEN, Lieutenant, Las Vegas Metropolitan Police Department, Downtown Area
11 Command

12 LOIS TARKANIAN, Councilwoman

13 STEVE WOLFSON, Councilman

14 SHANNON WEST, Regional Homeless Coordinator for Southern Nevada

15 BEATRICE TURNER

16 CHRIS CHRISTOFF, 327 Cincinnati Avenue

17 BRAD JERBIC, City Attorney

18 DAVID SHAKESPEARE, appeared on behalf of Father Flanigan, Ltd.

19 JERRY NEAL, West Las Vegas

20 BETTY MATTHEWS, 7th Street and Griffith

21 CHRIS SALM, 1047 E. Oakey Boulevard, President of the West Circle Neighborhood
22 Association

23 BEN CONTINE, 553 Barbara Way, former Chairman of the Circle Park Renovation Committee

24 TINA WILSON

25 CHRIS GIUNCHIGLIANI, Assemblywoman, 706 Bracken Avenue

26 GREGORY BROWN, 606 Bonita Avenue, President South Ridge Neighborhood Association

27 DOROTHY BARNES, Las Vegas resident

28 KAREN VELJKOVIC, 807 East Oakey Boulevard

29 DAWN TATE resides on Sweeney Avenue

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54 **MAYOR GOODMAN**

55 Good evening ladies and gentlemen. Thank you for being present. I'm gonna make a brief
56 announcement. This is a new policy on our part, not that we have any reason to suspect that
57 there might ever be an issue as far as fire is concerned, but we should familiarize ourselves with
58 the various exits in the building here just in case an emergency comes up. We have no reason to
59 believe that will ever happen, but in an abundance of caution, I've been asked to make that
60 announcement particularly when we have many people in the room here.

61 Okay. Well thank you for being here. This is item Number 77. It was not to be heard before 5
62 p.m. and my watch reflects a little after 5 so we'll call it. This is discussion and possible action
63 regarding the status, uses and other related matters of Huntridge Circle Park located, located at
64 1251 South Maryland Parkway, which is in Ward 3. Basically, we have a presentation outline
65 which we're going to follow, but I'd like to briefly state how this came about as far as calling for
66 this Council session in order for the community to be heard. We had had reports that there were
67 activities taking place at the Huntridge Circle Park, which is in an established residential area,
68 which would suggest that the folks who were utilizing the park were involved in some kind of
69 activities which were affecting the quality of life of the residents who lived in the surrounding
70 area.

71 And Mayor Pro Tem Councilman, Gary Reese, called for a neighborhood meeting for folks who
72 wanted to express themselves concerning the Huntridge Circle Park and we had about, I'd say a
73 hundred people out there; a very hot day. They attended, had expressions from folks who lived
74 in the community, expression from folks who were utilizing the park who would be, could be
75 characterized as quote homeless end quote, and got their input and we were hearing the same
76 thing over and over again. And I – felt that it was time that the City Council have the
77 opportunity to have a public discussion to get public input, to make this a matter of record and
78 then to suggest certain action that could be taken in order to ameliorate the issues that were
79 affecting the neighborhood and at the same time address the social issues attendant with
80 problems of homelessness and that's what brings us here today.

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81 I'm going to ask Orlando Sanchez, our Deputy City Manager, to please come up to the podium
82 and give us a brief – background of the history of the park and some statistics which I think
83 you'll find not only interesting but surprising.

84

85 **ORLANDO SANCHEZ**

86 Good afternoon Mayor and City Council, Orlando Sanchez, Deputy City Manager. I will give a
87 brief background and history in Circle Park and following my presentation, Shannon west,
88 Regional Homeless Coordinator, will give an overview of our regional outreach and service
89 efforts that are taking place in the Valley.

90 In the late 1930s Las Vegas had little going for it. The Hoover Dam construction was a recent
91 memory and City sank with the rest of the nation into economic dwell drums of the Great
92 Depression. Through the efforts of the Chamber of Commerce, local gambling operators and
93 businesses they were able to fund a public campaign selling Las Vegas. The slick brochures
94 portray Las Vegas as a last outpost of the old west and sought to capitalize in the considerable
95 tourist draw to the Dam. The event of the early '40s such as the Las Vegas Armory Gunnery
96 School and the construction of the enormous basic magnesium plant that employed 13,000
97 individuals during this construction period and went complete into 1942 when a full production
98 employed 10,000 workers led to the explicit – explosive growth of the Las Vegas Valley. At the
99 time Las Vegas had a base population of just 8, over 8,000.

100 The explosive growth led to the development of Huntridge subdivision in 1941 as one of the first
101 residential neighborhoods in Las Vegas with a central three-acre park constructed to serve the
102 neighborhood residents, known as Huntridge Circle Park, a large oval median at the center of the
103 divided Maryland Parkway was deeded to the City of Las Vegas in 1942.

104 In 1942 an irrigation system was installed to accommodate the planting of trees and in 1967 the
105 City added parking spaces, lights and trees. Circle Park at the peak of its usage and popularity
106 during the 1960 was never much more than a large grassy area fringed by trees. For the most
107 part, it was attracted to people who just wanted to sit or walk in a public place and felt a
108 communal and conducted – connected with the environment. Here's a picture of the park what it
109 looked like prior to the renovation.

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110 **MAYOR GOODMAN**

111 Overhead, please.

112

113 **ORLANDO SANCHEZ**

114 Over the years, the use and enjoyment of the park by the community decreased as a result of
115 heavy traffic and other issues. In December 2001, Mayor Pro Tem Gary Reese held a series of
116 neighborhood meetings to address the neighbors' concerns, which resulted in the creation of
117 Circle Park Steering Committee who was charged to plan for the park's renovation. The
118 committee of 20 consisted of neighborhood leaders, residents and business owners. The Steering
119 Committee commissioned a report by Landus Doris titled, Another Way of Looking at it.

120 The 2002 report identified two problems that reduced Huntridge Circle Park (inaudible) to little
121 more than a particularly wide decorative median. They were safety and vagrancy. In addition,
122 traffic in both directions on Maryland Parkway was heavy enough to discourage people trying to
123 get to it with the tendency of people to cross at what ever points they felt was the nearest safe
124 points. Parents to younger children were hesitant to use the park for fear that they might
125 knowingly run into traffic while being chased or attempt to retrieve a ball.

126 The park had also become more of allowance for homeless vagrants than a neighborhood
127 amenity. The committee also conducted a survey in English and Spanish to gather community
128 input regarding the future of Circle Park. On February 18, 2002, one thousand six hundred
129 ninety-eight surveys were mailed to residents and businesses within 1 half mile radius of Circle
130 Park.

131

132 **MAYOR GOODMAN**

133 Little slower now.

134

135 **ORLANDO SANCHEZ**

136 Oops.

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VERBATIM EXCERPT – ITEM 77

137 **MAYOR GOODMAN**

138 Little slower. We can, you know, the background we don't really care about. But no, I'm just
139 kidding.

140

141 **ORLANDO SANCHEZ**

142 Okay.

143

144 **MAYOR GOODMAN**

145 But as far as the statistics, go slowly –

146

147 **ORLANDO SANCHEZ**

148 Okay.

149

150 **MAYOR GOODMAN**

151 – so we can

152

153 **ORLANDO SANCHEZ**

154 I will.

155

156 **MAYOR GOODMAN**

157 – listen to them carefully.

158

159 **ORLANDO SANCHEZ**

160 Yes sir. A total of 336 completed surveys were returned. This impressive 20 percent response
161 rate revealed the following issues and concerns. Homeless sleeping in the park and related
162 criminal activities, safety due to vehicle traffic, landscaping more trees and shrubs with less
163 grass, lack of activities for children. Based on the feedback received from the residents and the
164 Steering Committee, a massive renovation of the park began on April 21, 2003 which included
165 an addition of a grass amphitheater, a shaded out door stage –

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166 **MAYOR GOODMAN**

167 Two thousand three.

168

169 **ORLANDO SANCHEZ**

170 A large central grass seating area, a community garden, children play areas with water features
171 and safety barriers, a jogging path, restrooms and landscaping. And if you'll go to the overhead
172 this is the finished product. An important component to increase safety for the residents crossing
173 busy Maryland Parkway was the installation of newly of new traffic control pedestrian walkways.
174 The renovated park was dedicated on November 15, 2003. Originally, the renovated park was
175 enjoyed on a daily basis by residents of Huntridge subdivision who enjoyed the new features;
176 landscaping and the other amenities the park had to offer.

177 However, with the passage of time vacant, vagrants have overtaken the park and less and less
178 residents utilize the park fearing for the safety of their children and themselves. The residents are
179 also concerned with the impact the vagrants are having in the neighborhoods. The following
180 charts illustrate the level of criminal activity prior, during and after the renovation of Circle Park.
181 The Las Vegas Metropolitan Police Department crime data, collected nine months prior to the
182 close of Circle Park show a monthly average of criminal activity within a half mile radius of
183 Circle Park to be just below three hundred and fifty.

184 During the nine month-period the park was closed for renovation, the crime data indicates a drop
185 in crime of 25 percent or just above two hundred and fifty. During the nine months period after
186 completion of the renovation of the park the crime rate rose by 25 percent to over 300.

187

188 **MAYOR GOODMAN**

189 Do you have any data as to the type of crimes?

190

191 **ORLANDO SANCHEZ**

192 I'm sorry.

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359 **MAYOR GOODMAN**

360 All right. And Metro, when you're citing people in the park, what type of offenses are you citing
361 them for?

362

363 **COUNCILMAN REESE**

364 In the neighborhood too?

365

366 **MAYOR GOODMAN**

367 And the neighborhood.

368

369 **PATRICK CHAROEN**

370 Good evening ladies and gentlemen, Lieutenant Charoen, Metro Police. We enforce NRSs,
371 Mayor. We don't enforce any regulations or Rules pertaining to park regulations.

372

373 **MAYOR GOODMAN**

374 So, they, they're probably felonies from which you're citing them.

375

376 **PATRICK CHAROEN**

377 If there is felony, both felony and misdemeanor.

378

379 **MAYOR GOODMAN**

380 All right. And, outside of the park, what – type of crimes are you arresting people for?

381

382 **PATRICK CHAROEN**

383 Various park –

384

385 **MAYOR GOODMAN**

386 Or let me ask in several ways. Outside of the park itself, what type of crimes have been reported
387 to you?

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388 **PATRICK CHAROEN**

389 All the way from minor misdemeanor trespassing to sexual assault and attempted murder.

390

391 **MAYOR GOODMAN**

392 All right.

393

394 **PATROCK CHAROEN**

395 Mostly are property crimes within the area off Charleston and Maryland Parkway. We have
396 several law offices in the area and a lot of burglaries is happening in the area.

397

398 **MAYOR GOODMAN**

399 Have you arrested any people for those offenses?

400

401 **PATRICK CHAROEN**

402 I don't have that concrete information with me, Mayor.

403

404 **MAYOR GOODMAN**

405 Are you able to tell us whether or not the folks who are committing the crimes are the folks who
406 are occupying the parks when they're not committing the crimes?

407

408 **PATRICK CHAROEN**

409 I don't have that information.

410

411 **MAYOR GOODMAN**

412 All right. Does anybody have that information? Is there any correlation that we can make other
413 than the fact that the, that there are inferences that could be drawn based on park being closed,
414 the park being open and crimes taking place. Do we have any information at all whether or not
415 the folks who are, quote homeless end quote, in the park are committing the crimes in the
416 neighborhood?

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417 **PATRICK CHAROEN**

418 I don't have the answer for that question, Mayor, but, however I can interject that, we do have
419 significant of calls about suspicious person in the neighborhood and that could be and will
420 correlate to the people that may be camping out at the park itself.

421

422 **MAYOR GOODMAN**

423 Okay. Is that hypothetical or is that a fact?

424

425 **PATRICK CHAROEN**

426 Actually, we have, I did not bring the data with me, Mayor. I do have a print out of a number of
427 suspicious persons call from the month of January through May of this year.

428

429 **MAYOR GOODMAN**

430 I'd like to have that information.

431

432 **PATRICK CHAROEN**

433 Absolutely. I'll –

434

435 **MAYOR GOODMAN**

436 I think it's important because if we're going to point a finger at the particular group in our
437 community, we better have some evidence in fact the finger is being pointed correctly. Okay. So
438 inferentially, I have a feeling right now that when the park is open, the people in the area are
439 committing offenses and are disturbing the quality of life, but we don't have any empirical data.
440 It's mostly anecdotal at this point in time. Is that a fair statement? All right. Well, try to get us
441 some empirical data so we know what to do. Thank you gentlemen.

442 Okay. Any other questions of Mr. Sanchez who retreated to his safe haven of his seat? All right.

443 Ms. West, before you address us, I have to say that I was very impressed at the regional Planning
444 Coalition when we were hearing of your efforts to address issues as to homelessness. And it
445 appeared based on your presentation to Councilman Weekly and myself as members of the

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446 Regional Planning Coalition that you are making some strides in the community and your
447 outreach efforts in order to get folks into treatment-type facilities and into counseling and into
448 charitable facilities that would assist them in getting back to the main stream. And as a result of
449 that presentation, you indicated that there were certain folks who were treatment resistant I
450 believe that's a phrase that we used. And I asked you to please, between that time and today in
451 effect, to go out to Circle Park in particular and see what the situation was there, whether you
452 were able to make an impact, whether you were able to get those folks who were in that park into
453 these kind of 501C3 charitable facilities and make some progress and that's what I'd really like
454 to hear from you.

455

456 **SHANNON WEST**

457 Okay. I have a little information I wanted to share from background to kind of help paint the
458 context for those statistics if I could kind of start there –

459

460 **MAYOR GOODMAN**

461 Please.

462

463 **SHANNON WEST**

464 – and what my role is.

465

466 **MAYOR GOODMAN**

467 Please.

468

469 **SHANNON WEST**

470 I am the Regional Homeless Coordinator for Southern Nevada. The southern Nevada Regional
471 Planning Coalition, which the Mayor and Councilman Weekly sit on, is made up of elected
472 officials of all the jurisdictions. A couple of years ago, usually that, coalition really addresses
473 infrastructure issues like planning and environmental issues and water and transportation, but felt
474 that homelessness was such a significant issue that they created its first committee around a

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2011 **MAYOR GOODMAN**

2012 All right. Thank you. Okay. All right. Thank you very much everybody. I appreciate that. I'm
2013 gonna ask our City Attorney, Brad Jerbic, to make a brief presentation as to what we can or
2014 cannot do legally and what your suggestion is to us and then I'll hear from the Council and then
2015 I'm gonna make a motion.

2016

2017 **CITY ATTORNEY JERBIC**

2018 Thank you, Your Honor, members of Council, almost everybody in the neighborhood who came
2019 here tonight. As you heard Councilman, Mayor Pro Tem Reese, at the neighborhood rally a few
2020 weeks ago charged our office with looking at solutions to this problem. Let me just start with a
2021 couple things that we can easily identify and get our arms around. I think that with any person
2022 who is wounded and hemorrhaging, the first thing you do is you stop the bleeding, then you go in
2023 and do the fine work to repair the wound. I think this park in this neighborhood in some ways is
2024 no different. Right now there is a – hemorrhaging of resources being spent on dealing with the
2025 problems collected with vagrancy and transients at this park. People can call it by any other
2026 name but that's exactly what it is. As a result of that, some of the statistics that were introduced
2027 are interesting. I'm just going to put one chart back up, Your Honor, with your permission.

28

2029 **MAYOR GOODMAN**

2030 All right. Let me ask you this, while you're finding your chart, are we allowed to arrest people
2031 for public intoxication?

2032

2033 **CITY ATTORNEY JERBIC**

2034 Turn to our marshals. Nope.

2035

2036 **MAYOR GOODMAN**

2037 We can't arrest people if they're drunk in public?

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2038 **CITY ATTORNEY JERBIC**

2039 Well we, there are towns –

2040

2041 **MAYOR GOODMAN**

2042 Well, I'll – sleep a little easier tonight, then.

2043

2044 **CITY ATTORNEY JERBIC**

2045 Let me – may I, state, Your Honor.

2046

2047 **MAYOR GOODMAN**

2048 Jesus Christ.

2049

2050 **COUNCILMAN BROWN**

2051 (inaudible)

2052

2053 **MAYOR GOODMAN**

2054 God Bless. Yes.

.55

2056 **CITY ATTORNEY JERBIC**

2057 May I state that – there's no constitutional issue with passing a law that would prohibit public
2058 intoxication. We don't have one here. As somebody said a moment ago, I can hear them in the
2059 background saying this is Las Vegas. We have people on Fremont Street and the Strip inebriated
2060 on a regular basis and distinguishing between that population and populations of other areas of
2061 towns is a little difficult if you wanted to do it by ordinance. But, if you want us to consider it,
2062 we'll go ahead and make a report to you on it.

2063 This is the chart, and it's not that different from the other one that was January to May
2064 2004/2006. Cumulative to date, and this is remarkable, 53 percent of all resources, now this is
2065 every park in the City of Las Vegas, every single park, for a two-year period, cumulative, 53
2066 percent of the arrest and citations came from Huntridge. And if you go down to May, January to

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2067 May, the first five months of this year, 80 percent of all arrests and citations that have occurred in
2068 every city park in this City, and there's a lot of them, came out of Huntridge. We are spending an
2069 enormous amount of resources.

2070

2071 **UNIDENTIFIED MALE SPEAKER**

2072 It's not every park.

2073

2074 **CITY ATTORNEY JERBIC**

2075 I'm sorry.

2076

2077 **UNIDENTIFIED MALE SPEAKER**

2078 It's just, what we did is we looked at parks between two and four acres –

2079

2080 **CITY ATTORNEY JERBIC**

2081 Okay.

2082

2083 **UNIDENTIFIED MALE SPEAKER**

84 – which Huntridge is three acres. So, we looked at that instead of parks.

2085

2086 **MAYOR GOODMAN**

2087 All right. Thank you.

2088

2089 **UNIDENTIFIED MALE SPEAKER**

2090 So, it's the parks that are listed on the side here. Those are the ones that we looked.

2091

2092 **CITY ATTORNEY JERBIC**

2093 Yeah, well let's look at some of those too because I still think the point is, it's still well made.

2094 Charleston Heights, Cimarron Rose, Coleman, Cragin, Durango Hills, these – are substantial

2095 parks and – they are spread out all over town, these aren't just downtown parks. These aren't