

## Amendment No. 617

Assembly Amendment to Senate Bill No. 440

(BDR S-870)

**Proposed by:** Assembly Committee on Government Affairs**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

HAC/JWP



Date: 5/19/2013

S.B. No. 440—Makes various changes to the Charter of the City of Henderson.

(BDR S-870)



## SENATE BILL NO. 440—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF HENDERSON)

MARCH 25, 2013

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to the Charter of the City of Henderson.  
(BDR S-870)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the City of Henderson; **providing for the creation and duties of a Charter Committee**; revising provisions relating to changing the boundaries of the City's wards based on changes in population; amending provisions relating to filling certain vacancies; amending provisions relating to Executive Officers; revising certain provisions relating to the Civil Service System; making various other changes to the Charter; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill amends various provisions of the Charter of the City of Henderson.

**Section 1** of this bill **provides for the creation, membership and duties of a Charter Committee to make recommendations to the City Council regarding amendments to the Charter.**

**Section 1.5 of this bill** revises provisions relating to when the boundaries of the City's wards must be changed.

Existing law authorizes the City Council to fill a vacancy on the City Council or in the office of Mayor or Municipal Judge by appointment within 30 days after the occurrence of the vacancy. (Henderson City Charter § 1.070) **Section 2** of this bill requires the City Council to fill a vacancy by: (1) appointment within 60 days after the occurrence of the vacancy; or (2) by calling a special election to be held not later than 90 days after the occurrence of the vacancy.

Existing law requires the appointment of certain officers by the City Manager to be ratified by the City Council. (Henderson City Charter § 1.090) **Section 3** of this bill eliminates the Director of Public Works and the Director of Finance from the ratification requirement but requires the appointments of the Assistant City Manager and the Chief Financial Officer to be ratified by the City Council.

**Section 4** of this bill requires that Executive Officers other than the City Attorney and the City Clerk perform such duties as are designated by the City Manager.

**Section 5** of this bill authorizes the City Council to direct the City Attorney to apply for a subpoena commanding the attendance of certain persons before the City Council or production of documents or data. **Section 5** also authorizes a Municipal Judge, rather than the City Clerk, to issue such a subpoena.

**Section 6** of this bill revises the procedure for the City Clerk to keep a record of the City's ordinances.

**Section 7** of this bill revises the powers of the City Council to regulate and control animals.

**Section 8** of this bill amends the procedures relating to the sale, lease or exchange of real property owned by the City to eliminate: (1) certain requirements for applying or offering to purchase, lease or exchange real property; and (2) the requirement that the City Council obtain an appraisal of real property before selling or exchanging real property or entering into a lease for a term of 3 years or longer.

**Section 9** of this bill provides that the City Manager is the Chief Executive Officer of the City.

Existing law provides that the City Council may remove the City Manager for cause. (Henderson City Charter § 3.030) **Section 10** of this bill provides that the City Council may remove the City Manager for cause in accordance with the terms of the employment agreement between the City and the City Manager.

**Section 11** of this bill requires the City Clerk to keep all records and historical papers belonging to the City.

Existing law requires the City Attorney to perform such duties as may be set by the City Council. (Henderson City Charter § 3.060) **Section 12** of this bill requires the City Attorney to: (1) advise the City Council and all offices, departments and divisions of the City in all matters with respect to the City; (2) determine whether the City should initiate any judicial or administrative proceeding; and (3) perform such other duties as are designated by the City Council or prescribed by ordinance.

**Section 13** of this bill clarifies that all Executive Officers are required to reside within the City during the term of their employment.

**Section 14** of this bill clarifies that any City employee may collect or recover fines, forfeitures and other money except taxes. **Section 14** also authorizes the City Manager and the City Attorney, in addition to the City Council, to collect all money, including taxes, due and unpaid to the City through proper legal action.

**Section 15** of this bill provides that the City Council must not give orders to any subordinate of the City Attorney or City Clerk.

**Section 16** of this bill provides that if the City Manager, City Attorney or City Clerk is adjudged guilty of nonfeasance, misfeasance or malfeasance in office, the City Council may terminate that officer pursuant to the terms of his or her employment agreement.

**Section 17** of this bill eliminates obsolete provisions relating to the qualifications of a Municipal Judge.

**Section 18** of this bill provides that all fines and forfeitures for the violations of ordinances must be paid to the Chief Financial Officer, rather than the City's Treasury.

**Sections 19 and 21** of this bill provide, respectively, that a candidate who is declared elected to office after a primary or general municipal election must enter into the discharge of his or her duties at the second regular meeting of the City Council held in the month of June immediately following the general election.

**Section 20** of this bill eliminates obsolete language relating to the timing of the general municipal election.

**Section 22** of this bill authorizes the City Council, on behalf of the City, to acquire, improve, equip, operate and maintain, convert to or authorize recreation projects.

Existing law requires, with limited exceptions, the City Council to levy a tax not exceeding 3 percent upon the assessed value of all real and personal property within the City. (Henderson City Charter § 8.010) **Section 23** of this bill removes the 3 percent cap on such taxes and requires the City Council to levy such taxes at a rate allowable under applicable provisions of the Nevada Revised Statutes.

**Section 24** of this bill amends the classifications of employees of the City to whom the System of Civil Service applies. **Section 26** of this bill provides that such changes apply to existing employees and officers who are employed by the City before, on or after October 1, 2013.

**Section 25** of this bill repeals provisions relating to the City Clerk's performance bond, the limitation on the City incurring indebtedness for an amount exceeding the revenue of the year in which the debt is incurred, the transfer of money to the City Treasury, the deposit of surplus taxes and the City's Sinking Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto new sections to be designated as sections 1.120, 1.130 and 1.140, respectively, immediately following section 1.110, to read as follows:

Sec. 1.120 Charter Committee; Appointment; qualifications; compensation; terms; vacancies.

1. The Charter Committee must be appointed as follows:

(a) The Mayor shall appoint two members;

(b) The Mayor pro tempore shall appoint two members;

(c) The remaining members of the City Council shall each appoint one member;

(d) The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(e) The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(f) The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(g) The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. Each member of the Charter Committee:

(a) Must be a registered voter of the City;

(b) Must reside in the City during his or her term of office; and

(c) Serves without compensation.

3. The term of office of a member of the Charter Committee is concurrent with the term of the person or persons, as applicable, by whom the member was appointed. If the term of office of any person making an appointment ends by resignation or otherwise, the term of office of a member of the Charter Committee appointed by that person ends on the day that the person resigns or otherwise leaves office.

4. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 1.130 Charter Committee; Officers; meetings; duties. The Charter Committee shall:

1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Committee; and

3. Appear before the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the

recommendations of the Charter Committee concerning necessary amendments to this Charter.

Sec. 1.140 Charter Committee: Removal of member.

1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause, including, without limitation:

(a) Failure or refusal to perform the duties of office;

(b) Absence from three consecutive regular meetings; or

(c) Ceasing to meet any qualification for appointment to the Charter Committee.

2. Any vacancy resulting from the removal of a member pursuant to this section must be filled pursuant to subsection 4 of section 1.120.

~~Section 1.5.~~ Section 1.040 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2205, is hereby amended to read as follows:

Sec. 1.040 Wards: Creation; boundaries.

1. The City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.

2. The boundaries of wards must be established and changed by ordinance. Except as provided in subsection 3, the boundaries of wards must be changed whenever the population as determined by the ~~last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce~~ *City's demographer* and as revised figures are provided by the Planning Department of the City, in any ward exceeds the population in any other ward by more than 5 percent.

3. The boundaries of wards must not be changed, except to accommodate an annexation of territory to the City, during any year in which a general election is held.

Sec. 2. Section 1.070 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2450, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. ~~{Except as otherwise provided in NRS 268.325-}~~

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled *for the remainder of the unexpired term* by ~~the~~:

(a) *A majority vote of the members of the City Council, or the remaining members in the case of a vacancy in the City Council, within 30 days after the occurrence of the vacancy. The appointee must have appointing a person who has* the same qualifications as are required of the elective official ~~the~~

~~2. No such appointment extends beyond the first regular meeting of the City Council after the canvass of returns of the election in which the vacancy is to be filled; or~~

*(b) A special election called by resolution of the City Council. The resolution must call for the special election to be held not later than 90 days after the vacancy occurs. Every candidate at the special election must have the same qualifications as are required of the elected official.*

2. *If a special election is held pursuant to paragraph (b) of subsection 1:*

*(a) The City Council shall meet to canvass the election returns and declare the result pursuant to section 5.100; and*

*(b) The person elected to fill the remainder of an unexpired term shall enter upon the discharge of his or her respective duties at the first meeting of the City Council held after the canvass of returns is made.*

**Sec. 3.** Section 1.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 1.090 ~~Appointive officers~~ *Executive Officers.*

1. The City Council of the City shall appoint the following ~~officers~~ *Executive Officers:*

- (a) City Manager.
- (b) City Attorney.
- (c) City Clerk.

2. The City Council may establish such other ~~appointive officers~~ *Executive Officers* as it may deem necessary for the operation of the City. Appointment of such ~~officers~~ *Executive Officers* must be made by the City Manager. ~~†~~

3. *The appointments of the following Executive Officers are* subject to ratification of the City Council : ~~† Such officers must include:~~

- (a) Chief of Police.
- (b) ~~Director of Public Works~~ *Assistant City Manager.*
- (c) Fire Chief.
- (d) ~~Director of Finance.~~
- ~~(e) Such other officers as may be necessary.~~ *Chief Financial Officer.*

**Sec. 4.** Section 1.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 404, is hereby amended to read as follows:

Sec. 1.100 ~~Appointive officers~~ *Executive Officers:* Miscellaneous provisions.

1. All ~~appointive officers~~ *Executive Officers other than the City Attorney and City Clerk* shall perform such duties as may be designated by the City Manager. ~~and such other duties as may be directed by the City Council.~~

~~2. The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except Council Members, sufficient security for the faithful and honest performance of their respective duties.~~

~~3. All appointive officers~~

2. *All Executive Officers* of the City shall receive such salary as may be designated by the City Council.

**Sec. 5.** Section 2.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 405, is hereby amended to read as follows:

Sec. 2.030 City Council: Discipline of members, other persons, subpoena power.

1. The City Council may:

(a) Provide for the punishment of any member for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all ~~papers~~ *documents and data* relating to any business before the City Council.

2. If any person ordered to appear before the City Council *or to produce documents or data* fails to obey such order:

(a) The City Council or any member thereof may *direct the City Attorney to* apply to the Municipal Court for a subpoena commanding the attendance of the person before the City Council ~~†~~ *or production of the documents or data to the City Council.*

(b) ~~{Such Clerk}~~ **A Municipal Judge** may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the **Municipal** Court may issue an order to show cause why such person should not be held in contempt of **the Municipal** Court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.

**Sec. 6.** Section 2.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2208, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be read to the City Council by title and referred to a committee for consideration, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance or an amendment thereto, within 30 days after the date of publication.

2. At the next regular meeting or special meeting of the City Council following the proposal of an ordinance and its reference to committee, the committee shall report the ordinance back to the City Council. Thereafter, it must be read by title only, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.040, by unanimous consent of the City Council, final action may be taken immediately or at a special meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall **keep a** record **of** all ordinances ~~{in a book kept for that purpose,}~~ together with the affidavits of publication ~~. {by the publisher.}~~

**Sec. 7.** Section 2.250 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2210, is hereby amended to read as follows:

Sec. 2.250 Powers of City Council: Animals ~~. {and poultry.}~~ The City Council may regulate and control animals ~~{and poultry}~~ in the City and may construct facilities for this purpose.

**Sec. 8.** Section 2.320 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 48, Statutes of Nevada 1997, at page 89, is hereby amended to read as follows:

Sec. 2.320 Sale, lease, exchange of real property owned by the City: Procedure; disposition of proceeds.

1. Subject to the provisions of this section ~~{,}~~ **and any applicable provisions of chapter 268 of NRS,** the City may sell, lease or exchange real

property in Clark County, Nevada, acquired by the City pursuant to federal law from the United States of America.

~~2. Except as otherwise provided in subsection 3:~~

~~(a)~~ The City may sell, lease or exchange real property only by resolution. Following the adoption of a resolution to sell, lease or exchange, the City Council shall cause a notice of its intention to sell, lease or exchange the real property to be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City. The notice must be published at least 30 days before the date set by the City Council for the sale, lease or exchange, and must state:

~~(1)~~ (a) The date, time and place of the proposed sale, lease or exchange.

~~(2)~~ (b) The place where and the time within which applications and deposits may be made by prospective purchasers or lessees.

~~(3)~~ (c) Such other information as the City Council desires.

~~(b) Applications or offers to purchase, lease or exchange pursuant to the notice required in paragraph (a) must be in writing, must not be accepted by the City Council for consideration before the date of publication of the notice and must be accompanied by a deposit of not less than 1 percent of the total offer to purchase. If a lease, sale or exchange is not consummated because:~~

~~(1) The City refuses or is unable to consummate the lease, sale or exchange, the deposit must be refunded.~~

~~(2) The person who made the application or offer to lease, buy or exchange refuses or is unable to consummate the lease, sale or exchange, the City shall retain an amount of the deposit that does not exceed 5 percent of the total offer to purchase.~~

~~3. The City Council may waive the requirements of subsection 2 for any lease of residential property that is for a term of 1 year or less.~~

~~4. The City Council shall not make a lease for a term of 3 years or longer or enter into a contract for the sale or exchange of real property until after the property has been appraised by one disinterested appraiser employed by the City Council. Except as otherwise provided in subsections 7 and 8, it must be the policy of the City Council to require that all such sales, leases or exchanges be made at or above the current appraised value as determined by the appraiser unless the City Council, in a public hearing held before the adoption of the resolution to sell, lease or exchange the property, determines by affirmative vote of not fewer than two-thirds of the entire City Council based upon specified findings of fact that a lesser value would be in the best interest of the public. For the purposes of this subsection, an appraisal is not considered current if it is more than 3 years old.~~

~~5.~~ 3. It must be the policy of the City Council to sell, lease and exchange real property in a manner that will result in the maximum benefit accruing to the City from the sales, leases and exchanges. The City Council may attach any condition to the sale, lease or exchange as appears to the City Council to be in the best interests of the City.

~~6.~~ 4. The City Council may sell unimproved real property owned by the City on a time payment basis. The down payment must be in an amount determined by the City Council, and the interest rate must be in an amount determined by the City Council, but must not be less than 6 percent per annum on the declining balance.

~~7. Notwithstanding the provisions of subsection 4, the~~



5. *The* City Council may dispose of any real property belonging to the City to the United States of America, the State of Nevada, Clark County, any other political subdivision of the State, or any quasi-public or nonprofit entity for a nominal consideration whenever the public interest requires such a disposition. In any such case, the consideration paid must equal the cost of the acquisition to the City.

~~10-1~~ 6. The City Council may sell, lease or exchange real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the City which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

~~10-1~~ 7. Proceeds from all sales and exchanges of real property owned by the City, after deduction of the cost of the real property, *legal fees*, reasonable costs of publication, title insurance, escrow and normal costs of sale, must be placed in the Land Fund previously created by the City in the City Treasury and hereby continued. Except as otherwise provided in subsection ~~10-1~~ 8, money in the Land Fund may be expended only for:

(a) Acquisition of assets of a long-term character which are intended to continue to be held or used, such as land, buildings, machinery, furniture, computer software and other equipment.

(b) Capital improvements of improvements thereon.

(c) Expenses incurred in the preparation of a long-term comprehensive master planning study and any expenses incurred in the master planning of the City.

(d) All costs, including salaries, for administration of the Land Fund, and the land within the City.

(e) Expenses incurred in making major improvements and repairs to the water, sewer and street systems as differentiated from normal maintenance costs.

*(f) Legal fees relating to the purchase, sale, lease or maintenance of the real property.*

➔ Money received from leases of real property owned by the City must be placed in the Land Fund if the term of lease is 20 years or longer, whether the 20 years is for an initial term of lease or for an initial term and an option for renewal. ~~Money received by the City from all other leases and interest on time payment sales of real property owned by the City must be apportioned in the ratio of 20 percent to current operational expenses of the City, 20 percent to the Land Fund, and 60 percent divided between the Land Fund and current operational expenses as determined by the Council.~~

~~10-1~~ 8. If available, money in the Land Fund may be borrowed by the City. ~~pursuant to the provisions of NRS 354.430 to 354.460, inclusive.~~

Sec. 9. Section 3.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2212, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties.

1. The City Manager *is the Chief Executive Officer of the City and* shall perform such administrative and executive duties as the City Council may designate. His or her duties and salary must be set by the City Council.

2. The City Manager may appoint such clerical and administrative assistants ~~employees~~ as he or she may deem necessary, subject to the approval of the City Council.

3. The Mayor or a Council Member may not be appointed as City Manager during the term for which he or she was elected or within 1 year after the expiration of his or her term.

**Sec. 10.** Section 3.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 413, is hereby amended to read as follows:

Sec. 3.030 City Manager: Removal. The City Council may remove the City Manager for cause ~~+~~ *in accordance with the terms of the City Manager's employment agreement.*

**Sec. 11.** Section 3.040 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2212, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties. The City Clerk shall:

1. Keep the corporate seal and all books, *records* and *historical* papers belonging to the City.

2. Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

3. Enter upon the journal the result of the vote of the City Council upon the passage of all ordinances and resolutions.

4. Perform such other duties as may be required by the City Council.

**Sec. 12.** Section 3.060 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.060 City Attorney: Qualifications; duties.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada.

2. The City Attorney is the *Chief* Legal Officer of the City and shall ~~perform~~:

(a) *Advise the City Council and all of the offices, departments and divisions of the City in all matters with respect to the affairs of the City;*

(b) *Determine whether the City should initiate any judicial or administrative proceeding; and*

(c) *Perform* such *other* duties as may be ~~set~~ *designated* by the City Council ~~+~~ *or prescribed by ordinance.*

**Sec. 13.** Section 3.110 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.110 ~~City officers;~~ *Executive Officers:* Residence. All ~~city officers;~~ *Executive Officers* must reside within the City during the term of their employment unless the City Council waives this requirement because of hardship or other extenuating circumstances.

**Sec. 14.** Section 3.130 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2213, is hereby amended to read as follows:

Sec. 3.130 ~~City officers;~~ Collection and disposition of money.

1. All fines, forfeitures or other money except taxes collected or recovered by any ~~officer;~~ *employee of the City* or *other* person pursuant to the provisions of this Charter or of any valid ordinance of the City must be paid by the ~~officer;~~ *employee* or person collecting or receiving them to the ~~Finance Director;~~ *Chief Financial Officer*, who shall dispose of them in

1 accordance with the ordinances, regulations and procedures established by  
2 the City Council.

3 2. The City Council, *City Manager or City Attorney* may by proper  
4 legal action collect all money, including taxes, which are due and unpaid to  
5 the City or any office thereof, and the City Council may pay from the  
6 General Fund all fees and expenses necessarily incurred by it in connection  
7 with the collection of such money.

8 **Sec. 15.** Section 3.140 of the Charter of the City of Henderson, being chapter  
9 266, Statutes of Nevada 1971, at page 414, is hereby amended to read as follows:

10 Sec. 3.140 Interference by City Council.

11 1. No Council Member or the Mayor may direct or request the  
12 appointment of any person to, or his or her removal from, office by the City  
13 Manager or by any of his or her subordinates, or, *except as otherwise*  
14 *provided in section 1.090*, in any manner take part in the appointment or  
15 removal of ~~officers~~ *Executive Officers* and employees ~~in the~~  
16 ~~administrative service of the City.~~ *unless the removal is authorized*  
17 *pursuant to section 3.150.*

18 2. Except for the purpose of inquiry, the Council and its members  
19 shall deal with ~~the administrative service~~ *employees* solely through the  
20 City Manager, ~~and neither~~ *City Attorney or City Clerk, as applicable, or*  
21 *their designees. Neither* the Council nor any member thereof ~~shall~~ *may*  
22 give orders to any subordinate of the City Manager, *City Attorney or City*  
23 *Clerk*, either publicly or privately.

24 ~~2. Any Council Member or the Mayor violating the provisions of this~~  
25 ~~section, or voting for a resolution or ordinance in violation of this section, is~~  
26 ~~guilty of a misdemeanor, and upon conviction thereof shall cease to be a~~  
27 ~~Council Member or the Mayor.~~

28 **Sec. 16.** Section 3.150 of the Charter of the City of Henderson, being chapter  
29 266, Statutes of Nevada 1971, at page 415, is hereby amended to read as follows:

30 Sec. 3.150 Removal of ~~officers.~~ *certain Executive Officers.* If  
31 ~~any officer~~ *the City Manager, City Attorney or City Clerk* is adjudged  
32 guilty of nonfeasance, misfeasance or malfeasance in office, the City  
33 Council may ~~declare the office vacant and~~ *terminate the City Manager,*  
34 *City Attorney or City Clerk, as applicable, pursuant to the terms of his or*  
35 *her employment agreement, if there is an employment agreement between*  
36 *the City and the City Manager, City Attorney or City Clerk, as applicable.*  
37 *The City Council may* fill the vacancy so caused ~~it~~ *as* provided by law.

38 **Sec. 17.** Section 4.020 of the Charter of the City of Henderson, being chapter  
39 266, Statutes of Nevada 1971, as last amended by chapter 209, Statutes of Nevada  
40 2001, at page 971, is hereby amended to read as follows:

41 Sec. 4.020 Municipal Court: Qualifications of Municipal Judge;  
42 salary.

43 1. Each Municipal Judge must have been a resident of the territory  
44 which is established by the boundaries of the City for the 12 months  
45 immediately preceding the last day for filing a declaration of candidacy for  
46 the office.

47 2. Each Municipal Judge shall devote his or her full time to the duties  
48 of his or her office and must be a duly licensed member, in good standing,  
49 of the State Bar of Nevada. ~~It, except that the requirement to be a duly~~  
50 ~~licensed member, in good standing, of the State Bar of Nevada does not~~  
51 ~~apply to any Municipal Judge who is an incumbent when this section~~  
52 ~~becomes effective as long as he or she continues to serve as such in~~  
53 ~~uninterrupted terms.~~

3. The salary of each Municipal Judge must be fixed by the City Council and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

**Sec. 18.** Section 4.030 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 596, Statutes of Nevada 1995, at page 2214, is hereby amended to read as follows:

Sec. 4.030 Disposition of fines. All fines and forfeitures for the violation of ordinances must be paid ~~into the Treasury of the City;~~ *to the Chief Financial Officer.*

**Sec. 19.** Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 956, is hereby amended to read as follows:

Sec. 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general municipal election need be held for that office. *Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.*

**Sec. 20.** Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 218, Statutes of Nevada 2011, at page 957, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:

(a) A general municipal election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year, ~~and on the same day every 2 years thereafter;~~ at which time the registered voters of the City shall elect city officers to fill the available elective positions.

(b) All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.

(c) On the Tuesday after the first Monday in June 2001, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge

for Department 1 who will hold office until his or her successor has been elected and qualified.

(d) On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

(e) On the Tuesday after the first Monday in June 2005, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

**Sec. 21.** Section 5.100 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2216, is hereby amended to read as follows:

Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person elected a certificate of election. ~~The~~ *Except as otherwise provided in section 1.070, the* officers so elected shall qualify and enter upon the discharge of their respective duties at the ~~first~~ *second* regular meeting of the City Council ~~next succeeding that in which the canvass of returns was made~~ *held in June of the year of the general municipal election.*

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

1       **Sec. 22.** Section 6.010 of the Charter of the City of Henderson, being chapter  
2 266, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada  
3 2001, at page 2099, is hereby amended to read as follows:

4       Sec. 6.010 Local improvement law. Except as otherwise provided  
5 in subsection 2 of section 2.280 and section 2.285, the City Council, on  
6 behalf of the City and in its name, without any election, may from time to  
7 time acquire, improve, equip, operate and maintain, convert to or authorize:

- 8       1. Curb and gutter projects;
- 9       2. Drainage projects;
- 10      3. Off-street parking projects;
- 11      4. Overpass projects;
- 12      5. Park *or recreation* projects;
- 13      6. Sanitary sewer projects;
- 14      7. Security walls;
- 15      8. Sidewalk projects;
- 16      9. Storm sewer projects;
- 17      10. Street projects;
- 18      11. Telephone projects;
- 19      12. Transportation projects;
- 20      13. Underground and aboveground electric and communication  
21 facilities;
- 22      14. Underpass projects;
- 23      15. Water projects;
- 24      16. Upon petition by a person or business authorized to provide the  
25 service, such other utility projects as are deemed necessary by the Council;  
26 and

- 27      17. Any combination thereof.

28       **Sec. 23.** Section 8.010 of the Charter of the City of Henderson, being chapter  
29 266, Statutes of Nevada 1971, at page 420, is hereby amended to read as follows:

30       Sec. 8.010 Municipal taxes.

31       1. The City Council shall annually, at the time prescribed by law for  
32 levying taxes for State and County purposes, levy a tax ~~not exceeding 3~~  
33 ~~percent~~ *at the appropriate a rate allowable under applicable provisions*  
34 *of the Nevada Revised Statutes* upon the assessed value of all real and  
35 personal property within the City except as provided in the Local  
36 Government Securities Law and the Consolidated Local Improvements  
37 Law, as amended from time to time. The taxes so levied shall be collected  
38 at the same time and in the same manner and by the same officers,  
39 exercising the same functions, as prescribed in the laws of the State of  
40 Nevada for collection of State and County taxes. The revenue laws of the  
41 State shall, in every respect not inconsistent with the provisions of this  
42 Charter, be applicable to the levying, assessing and collecting of the  
43 municipal taxes.

44       2. In the matter of equalization of assessments, the rights of the City  
45 and the inhabitants thereof shall be protected in the same manner and to the  
46 same extent by the action of the County Board of Equalization as are the  
47 State and County.

48       3. All forms and blanks used in levying, assessing and collecting the  
49 revenues of the State and counties shall, with such alterations or additions  
50 as may be necessary, be used in levying, assessing and collecting the  
51 revenues of the City. The City Council shall enact all such ordinances as it  
52 may deem necessary and not inconsistent with this Charter and the laws of

the State for the prompt, convenient and economical collecting of the revenue.

**Sec. 24.** Section 9.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 108, Statutes of Nevada 2003, at page 604, is hereby amended to read as follows:

Sec. 9.010 *System of Civil Service.*

1. There is hereby created a System of Civil Service, applicable to and governing the employment of all employees of the City except *Executive Officers*, department *directors, senior department directors, division heads, ~~the City Clerk, the City Attorney,~~ assistant city attorneys, ~~the City Manager, assistant city managers,~~ *any other attorney employed by the Office of the City Attorney*, assistants to the City Manager, ~~the Intergovernmental Relations Director,~~ *the Municipal Court Administrator*, any elected officer, ~~and~~ any employee that reports directly to an elected officer ~~+~~, *any probationary employee, any temporary employee, any employee to whom the provisions of a collective bargaining agreement entered into pursuant to chapter 288 of NRS apply and any other employee excluded from the System by ordinance.**

2. The System of Civil Service must be administered by a Civil Service Board composed of five persons appointed by the City Council.

3. The Board shall prepare regulations governing the System of Civil Service to be adopted by the City Council. The regulations must provide for:

- (a) Examination of potential employees.
  - (b) Procedures for recruitment and placement.
  - (c) Classification of positions.
  - (d) Procedures for promotion, disciplinary actions and removal of employees.
  - (e) Such other matters as the Board may deem necessary.
4. Copies of the regulations governing the System of Civil Service must be distributed to all employees of the City.

*5. An employee of the City who is included in the System of Civil Service and accepts a position that is excluded from the System pursuant to subsection 1 does not retain any rights or privileges within the System.*

**Sec. 25.** Sections 3.050, 7.030, 8.030, 8.040 and 8.050 of the Charter of the City of Henderson are hereby repealed.

**Sec. 26.** The provisions of section 9.010 of the Charter of the City of Henderson, as amended by section 24 of this act, apply to every person who is an:

1. Employee of the City of Henderson;
2. Appointive officer; or
3. Executive Officer,

↪ before, on or after October 1, 2013.

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## LEADLINES OF REPEALED SECTIONS

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Sec. 3.050	City Clerk's performance bond.
Sec. 7.030	Limitations on incurring indebtedness; contracts.
Sec. 8.030	Taxes paid to County Treasurer; transfers of money to City Treasury.

**Sec. 8.040 Surplus taxes; bond redemption.**

**Sec. 8.050 Sinking Fund.**