

Amendment No. 821

Assembly Amendment to Senate Bill No. 56	(BDR S-434)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	
Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 56 (§ 1).	

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



SENATE BILL NO. 56—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF MESQUITE)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Government Affairs

SUMMARY—Provides a charter for the City of Mesquite. (BDR S-434)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 providing a charter for the City of Mesquite, in Clark County, Nevada; authorizing the City Council of the City of Mesquite to establish certain fees and impose certain taxes; requiring the City Council to levy a tax upon the assessed value of real and personal property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Constitution authorizes the Legislature to provide for the incorporation of a city by a special act. (Nev. Const. Art. 8, § 8) **Section 1** of this bill provides a charter for the City of Mesquite in Clark County, Nevada. Article I of the Charter provides that the elective officers of the City consist of a Mayor, five members of the City Council and such other officers as provided in the Charter. (Section 1.050) Article I also ~~authorizes~~ **requires** the City Council to establish a Charter Committee, which is required to prepare recommendations **to be presented to the Legislature on behalf of the City concerning all necessary amendments to the Charter.** ~~(to the City Council.)~~ (Section 1.110)

Articles II, III and IV of the Charter establish provisions relating to the legislative, executive and judicial departments of the City, respectively. Article II provides for the qualifications, election, term of office and salary of the members of the City Council and establishes the various powers of the City Council, including the power to fix, impose and collect a license tax for revenue upon all businesses, trades and professions. (Sections 2.010, 2.080, 2.110-2.280) Article II also authorizes the City Council to establish and impose various fees. (Sections 2.170, 2.210, 2.270) Article II further establishes several provisions concerning the sale or lease of real property owned by the City. ~~It~~ **and the redevelopment of communities.** (Sections ~~2.200-2.260~~ **2.300-2.370**) Article III provides for the qualifications, duties, election, term of office and salary of the Mayor and the election by the City Council of one of its members to be Mayor pro tempore. (Section 3.010) Article III also establishes provisions relating to the City Manager, City Clerk, City Attorney and City Assessor. (Sections 3.020-3.070) Article IV provides for a ~~municipal court~~ **Municipal Court** and establishes provisions relating to ~~the municipal judge,~~ **the departments of the Municipal Court and the Municipal Court Judges.** (Sections 4.010-4.030)

Article V of the Charter establishes provisions concerning elections, including certain procedures relating to the election of members of the City Council. (Sections 5.010, 5.020) Article VI of the Charter pertains to local improvements and generally authorizes the City Council to acquire, improve, equip, operate and maintain, convert to or authorize certain

improvements. (Section 6.010) Article VII of the Charter: (1) prohibits the City from incurring any indebtedness in excess of a certain amount; (2) authorizes the City to grant franchises and acquire any public utility; and (3) authorizes the City to borrow money for any corporate purpose. (Sections 7.010-7.030)

Article VIII of the Charter authorizes express trusts to be created in real or personal property, with the City as the beneficiary thereof, for the furtherance, or the providing of funds for the furtherance, of any authorized or proper function of the City. (Section 8.010) Article IX of the Charter authorizes the City Council to levy an annual tax at a rate allowable under state law upon the assessed value of all applicable real and personal property within the City. (Section 9.010) Article X of the Charter establishes certain miscellaneous provisions concerning the Charter. (Sections ~~10.010-10.030~~ 10.010, 10.020)

Section 2 of this bill provides that the effective date of incorporation of the City of Mesquite is July 1, 2017.

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

Section 1. The Charter of the City of Mesquite is as follows. Each section of the Charter shall be deemed to be a section of this act for the purpose of any subsequent amendment.

ARTICLE I

**INCORPORATION OF CITY; GENERAL POWERS; BOUNDARIES;
ANNEXATIONS; CITY OFFICES; CHARTER COMMITTEE**

Section 1.010 Preamble: Legislative intent.

1. In order to provide for the orderly government of the City of Mesquite and the general welfare of its citizens, the Legislature hereby establishes this Charter for the government of the City of Mesquite. It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers must not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this State. All provisions of the Nevada Revised Statutes which are applicable generally to cities, not including, unless otherwise expressly mentioned in this Charter, chapter 265, 266 or 267 of NRS, which are not in conflict with the provisions of this Charter apply to the City of Mesquite.

3. Except as otherwise expressly provided in a particular section or required by the context:

(a) The masculine gender includes the feminine and neuter genders.

(b) The singular number includes the plural number and the plural includes the singular.

(c) The present tense includes the future tense.

➤ The use of a masculine noun or pronoun in conferring a benefit or imposing a duty does not exclude a female person from that benefit or duty. The use of a feminine noun or pronoun in conferring a benefit or imposing a duty does not exclude a male person from that benefit or duty.

Sec. 1.020 Incorporation of City.

1 1. All persons who are inhabitants of that portion of the State of Nevada
2 embraced within the limits set forth in section 1.030 constitute a political and
3 corporate body by the name of "City of Mesquite" and by that name they and
4 their successors must be known in law, have perpetual succession and may sue or
5 be sued in all courts.

6 2. Whenever used throughout this Charter, "City" means the City of
7 Mesquite.

8 Sec. 1.030 Description of territory. The territory embraced in the City is
9 that certain land described in the official plat required by NRS 234.250 to be filed
10 with the County Recorder and the County Assessor of Clark County, as such plat
11 is revised from time to time.

12 Sec. 1.040 Annexations. The City may annex territory by following the
13 procedure provided for the annexation of cities in those sections of chapter 268 of
14 NRS, as amended from time to time, which apply to a county whose population is
15 700,000 or more.

16 Sec. 1.050 Elective offices. The elective officers of the City consist of:

- 17 1. A Mayor;
- 18 2. Five Council members; and
- 19 3. Such other officers as provided by this Charter.

20 Sec. 1.060 Elective offices: Vacancies.

21 1. A vacancy in the City Council or in the office of Mayor must be filled for
22 the remainder of the unexpired term by a majority vote of the members of the City
23 Council, or the remaining members in the case of a vacancy in the City Council,
24 within 45 days after the occurrence of the vacancy.

25 2. A person appointed to fill a vacancy:

26 (a) Must have the same qualifications as are required of the elective official;
27 and

28 (b) Shall enter upon the discharge of his or her respective duties at the first
29 meeting of the City Council held after the vote to fill the vacancy.

30 Sec. 1.070 Mayor and Council members not to hold other office;
31 authorization to run for other office.

32 1. The Mayor and Council members:

33 (a) Shall not hold any other elective office with the State of Nevada or any of
34 its political subdivisions or any other employment with the City.

35 (b) Must not be elected or appointed to any office created by or the
36 compensation for which was increased or fixed by the City Council until 1 year
37 after the expiration of the term for which he or she was elected.

38 2. Any person holding any office proscribed by subsection 1 automatically
39 forfeits his or her office as Mayor or Council member.

40 3. Subject to the provisions of subsections 1 and 2, the Mayor and any
41 Council member may run for an elective office with the State or any political
42 subdivision thereof while still serving in his or her capacity as Mayor or Council
43 member.

44 Sec. 1.080 Executive officers.

45 1. The following positions are executive officers within the City:

- 46 (a) City Manager.
- 47 (b) City Attorney.
- 48 (c) Assistant City Manager or Deputy City Manager.
- 49 (d) City Clerk.
- 50 (e) Director of Finance.
- 51 (f) Chief of Police.
- 52 (g) Fire Chief.

2. The City Council may ~~establish any other positions for executive officers or eliminate or~~ combine any positions for executive officers by ordinance.

3. The appointments of the City Manager and City Attorney must be made by the Mayor, subject to the advice and consent of the City Council.

4. The appointments and termination of all other executive officers must be made by the City Manager and are subject to ~~advanced~~ ratification by the City Council.

Sec. 1.090 Executive officers: Duties; salary.

1. All executive officers other than the City Attorney shall perform such duties as may be designated by the City Manager.

2. Any executive officer who becomes aware of any supposed nonfeasance, misfeasance or malfeasance shall report such behavior in accordance with the proper chain of command. If the person who has allegedly committed the nonfeasance, misfeasance or malfeasance is ranked higher than the executive officer in the proper chain of command, the executive officer shall report the behavior to the appropriate legal authorities.

3. The City Manager shall set the salary for all executive officers other than the City Attorney.

Sec. 1.100 Oath of office. Every person elected or appointed to fill any elective office shall subscribe to the official oath as provided by the City Council. Every such person shall swear or affirm that he or she is not under any direct or indirect obligation to vote for, appoint or elect any person to any office, position or employment in the City.

Sec. 1.110 Charter Committee: Creation; ~~composition~~ appointment; qualifications; terms; compensation. ~~terms; vacancies~~

1. The City Council ~~may at any time~~ shall establish a Charter Committee which shall meet as required to prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the City Charter ~~to the City Council~~.

2. ~~The Charter Committee must be composed of not more than nine voting members.~~

~~3. The Charter Committee must be appointed as follows:~~

(a) ~~At a public meeting, the~~ The Mayor and each member of the City Council ~~may~~ shall appoint ~~not more than six members~~ one member; ~~and~~

(b) Each member of the Senate and Assembly delegation representing the residents of the City shall appoint one member; and

(c) Before the conclusion of the second meeting of the Charter Committee, the Committee shall appoint ~~the remaining number of members needed to have a total of nine members of the Committee.~~

4. ~~The City Manager and City Attorney or their designees shall serve as ex officio nonvoting members of the Charter Committee.~~

~~5. one member.~~

3. Each member of the Charter Committee:

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

(b) If appointed pursuant to:

(1) Paragraph (a) or (b) of subsection 2, serves a term concurrent to the term of the public officer by whom he or she was appointed; or

(2) Paragraph (c) of subsection 2, serves a term of 2 years;

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

~~(d) Serves without compensation. for, if the member is designated pursuant to subsection 4, serves without additional compensation.~~

6. ~~The term of service of a member of the Charter Committee expires at the end of the legislative session during which this Charter or any amendments~~

~~thereto are considered by the Legislature. Upon such final adjournment of the Legislature, the Committee is dissolved until the City Council establishes another Charter Committee pursuant to subsection 1.~~

~~7. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment.~~

Sec. 1.120 Charter Committee: Officers; meetings ~~1~~; duties; legislative measures.

1. The Charter Committee shall ~~elect~~:

(a) Elect from among its members a Chair and ~~1~~ Vice Chair ~~from among its members~~, who each serve a term of 2 years unless he or she resigns or is removed from the Committee pursuant to section 1.130;

(b) 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;

(c) Meet jointly with the City Council on a date to be set after the final biennial meeting of the Committee is conducted pursuant to paragraph (b) and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Committee concerning necessary amendments to this Charter;

(d) If the City Council elects to submit the Committee's recommended amendments to the Legislature as one of the City's legislative measures, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City; and

(e) Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, without limitation, holding meetings and public hearings and obtaining assistance from officers of the City to ensure the Committee's compliance with any law applicable to a public body.

2. ~~All meetings of the Charter Committee are subject to the provisions of chapter 241 of NRS.~~ If the City Council elects not to submit the Committee's recommended amendments to the Legislature as one of the City's legislative measures, the Committee may vote to authorize a member of the Committee to seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and to assist the Senator, Assemblyman or Assemblywoman, as applicable, in the timely preparation of such amendments for presentation to the Legislature. The member of the Committee shall not represent that any such legislative measure is approved or supported by the City Council and shall disclose to the Senator, Assemblyman or Assemblywoman, as applicable, that the legislative measure is not approved or supported by the City Council.

Sec. 1.130 Charter Committee: Removal of member ~~1~~; vacancies.

1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for any of the following reasons:

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

(b) Absence from three consecutive regular meetings;

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

(d) Any conduct deemed inappropriate by a majority vote of the members of the Charter Committee.

2. A vote for removal of a member of the Charter Committee pursuant to paragraph (d) of subsection 1 must be ratified by a majority vote of the City Council.

3. ~~[Any]~~ If a vacancy resulting from the removal of a member pursuant to this section occurs on the Charter Committee, the vacancy must be filled pursuant to subsection 7 of section 1.110, in the same manner as the original appointment for the remainder of the unexpired term.

ARTICLE II

LEGISLATIVE DEPARTMENT

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. *The legislative power of the City is vested in a City Council consisting of five Council members.*

2. *Each Council member must be elected at large and without respect to the location of his or her residence, as long as the residence is within the city limits of the City of Mesquite.*

3. *Each Council member must be:*

(a) *A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.*

(b) *A qualified elector within the City.*

4. *All Council members must be voted upon by the registered voters of the City at large and shall serve for terms of 4 years.*

5. *The Council members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Council members and becomes effective during the term for which they have been elected or appointed.*

Sec. 2.020 City Council: Contracts. Members of the City Council may vote on any lease, contract or other agreement which extends beyond their terms of office.

Sec. 2.030 City Council: Discipline of members and 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 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) *A Municipal Court 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. 2.040 Meetings: Quorum.

1. *Unless the Mayor or a majority of Council members decide otherwise, the City Council shall hold at least two regular meetings each month. In no case may the City Council not hold a regular meeting during any given month.*

2. *Before each regular meeting, but after the previous meeting, the City Council shall hold a work session to discuss the contents of the upcoming meeting.*

3. *Except as otherwise provided in NRS 241.0355, a majority of all members of the City Council constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.*

4. *Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.*

Sec. 2.050 Meetings: Special.

1. *Special meetings may be held on call of the Mayor or by a majority of the City Council, by giving notice of the special meeting pursuant to NRS 241.020.*

2. *At a special meeting, no contract involving the expenditure of money may be made or claim allowed unless notice of the meeting called to consider the action is given pursuant to the provisions of NRS 241.020.*

Sec. 2.060 Meetings: Time and place; rules. The City Council may:

1. *Fix the time and place of its meetings.*

2. *Adopt rules for the government of its members and proceedings.*

Sec. 2.070 Oaths and affirmations. The Mayor, the Mayor pro tempore while acting for the Mayor and the City Clerk may administer oaths and affirmations relating to any business pertaining to the City before the City Council or to be considered by the City Council.

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders.

1. *The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the State of Nevada, or to the provisions of the Nevada Revised Statutes or of this Charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.*

2. *When power is conferred upon the City Council to do and perform anything, and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.*

3. *The City Council may enforce ordinances by providing penalties not to exceed those established by the Legislature for misdemeanors.*

4. *The City Council has such powers, not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.*

Sec. 2.090 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. *No ordinance may be passed except by bill and by a majority vote of the whole City Council. The style of all ordinances must be as follows: "The City Council of the City of Mesquite does ordain:".*

2. *No ordinance may contain more than one subject, which must be briefly indicated in the title. If the subject of the ordinance is not so expressed in the title, the ordinance is void as to the matter not expressed in the title.*

3. *Any ordinance which amends an existing ordinance must set out in full the ordinance or sections thereof to be amended, must indicate matter to be omitted by enclosing it in brackets or by using another similar conspicuous marking, and must indicate new matter by underscoring, by italics or by another similar conspicuous marking.*

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, if such a*

committee has been established, 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 a committee, if such a committee has been established, any such committee shall report the ordinance back to the City Council. Before the City Council considers the action to be taken on the proposed ordinance, a public hearing on the proposed ordinance must be held. Upon the conclusion of the public hearing, 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 7.030, 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 together with the affidavits of publication.

Sec. 2.110 Powers of City Council: Public property, buildings. The City Council may:

1. Control the property of the City.
2. Erect and maintain all buildings necessary for the use of the City.
3. Purchase, receive, hold, sell, lease, convey and dispose of property, wherever situated, for the benefit of the City, improve and protect such property, and do all other things in relation thereto which natural persons might do.

Sec. 2.120 Powers of City Council: Eminent domain. The City Council may condemn property for the public use in the manner prescribed by chapter 37 of NRS, as amended from time to time.

Sec. 2.130 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:
 - (a) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate all businesses, trades and professions.
 - (b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The City Council may establish by ordinance or resolution any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

Sec. 2.140 Powers of City Council: Police ordinances.

1. The City Council may enact and enforce such local police ordinances as are not in conflict with the general laws of the State of Nevada.

2. Any offense made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor in the City whenever such offense is committed within the City.

1 *Sec. 2.150 Powers of City Council: Fire protection; regulation of*
2 *explosives, inflammable materials; fire codes and regulations. The City Council*
3 *may:*

4 1. *Organize, regulate and maintain a fire department.*

5 2. *Regulate or prohibit the storage of any explosive, combustible or*
6 *inflammable material in or transported through the City, and prescribe the*
7 *distance from any residential or commercial area where it may be kept. Any*
8 *ordinance adopted pursuant to this subsection that regulates places of*
9 *employment where explosives are stored must be at least as stringent as the*
10 *standards and procedures adopted by the Division of Industrial Relations of the*
11 *Department of Business and Industry pursuant to NRS 618.890.*

12 3. *Establish, by ordinance, a fire code and other regulations necessary to*
13 *carry out the purposes of this section.*

14 *Sec. 2.160 Powers of City Council: Public health; Southern Nevada Health*
15 *District; regulations. The City Council may:*

16 1. *Provide for safeguarding public health in the City.*

17 2. *Provide for the enforcement of all regulations and quarantines*
18 *established by the Southern Nevada Health District or its successor by imposing*
19 *adequate penalties for violations thereof.*

20 3. *Provide by ordinance any rules and regulations specific to the health and*
21 *welfare of the City of Mesquite and its residents and, in accordance with*
22 *subsection 3 of section 2.080, provide that the penalty for any violation thereof is*
23 *equivalent to the penalty established by the Legislature for a misdemeanor.*

24 *Sec. 2.170 Powers of City Council: Buildings; construction and*
25 *maintenance regulations; building and safety codes. The City Council may:*

26 1. *Regulate all matters relating to the construction, maintenance and safety*
27 *of buildings, structures and property within the City.*

28 2. *Adopt any building or safety code necessary to carry out the provisions of*
29 *this section and establish such fees as may be necessary.*

30 *Sec. 2.180 Powers of City Council: Zoning and planning. The City*
31 *Council may adopt ordinances and regulations relating to zoning and planning*
32 *pursuant to the provisions of chapter 278 of NRS.*

33 *Sec. 2.190 Powers of City Council: Rights-of-way, parks, public buildings*
34 *and grounds and other public places. The City Council may:*

35 1. *Lay out, maintain, alter, improve or vacate all public rights-of-way in the*
36 *City.*

37 2. *Regulate the use of public parks, buildings, grounds and rights-of-way*
38 *and prevent the unlawful use thereof.*

39 3. *Require landowners to keep the adjacent streets, sidewalks and public*
40 *parks, buildings and grounds free from encroachments or obstructions.*

41 4. *Regulate ~~and prevent~~ in all public places:*

42 (a) *The distribution and exhibition of handbills or signs.*

43 (b) *Any practice tending to annoy persons passing or being in such public*
44 *places.*

45 (c) *Public demonstrations and processions.*

46 5. *Prevent riots or any act tending to promote riots in any public place.*

47 *Sec. 2.200 Powers of City Council: Traffic control. The City Council*
48 *may, by ordinance, regulate:*

49 1. *Except as otherwise provided in NRS 707.375, all vehicular, pedestrian*
50 *and other traffic within the City and provide generally for the public safety on*
51 *public streets and rights-of-way.*

52 2. *The length of time for which vehicles may be parked upon the public*
53 *streets and publicly owned parking lots.*

1 *Sec. 2.210 Powers of City Council: Parking meters; off-street public*
2 *parking facilities.*

3 1. *The City Council may acquire, install, maintain, operate and regulate*
4 *parking meters at the curbs of the streets or upon publicly owned property made*
5 *available for public parking. The parking fees to be charged for the use of the*
6 *parking facilities regulated by parking meters must be fixed by the City Council.*

7 2. *Except as otherwise provided by this Charter, the City Council may*
8 *acquire property within the City by any lawful means, including eminent domain,*
9 *for the purpose of establishing off-street public parking facilities for vehicles. The*
10 *City Council may, in bonds issued to acquire property for this purpose, pledge the*
11 *on-street parking revenues, the general credit of the City, or both, to secure the*
12 *payment of the principal and interest thereon.*

13 *Sec. 2.220 Powers of City Council: Airports. The City Council may*
14 *acquire, provide for, operate and maintain an airport for public use.*

15 *Sec. 2.230 Powers of City Council: Railroads. The City Council may:*

16 1. *License, regulate or prohibit the location, construction or laying of tracks*
17 *of any railroad or streetcar in any public right-of-way.*

18 2. *Grant franchises to any person or corporation to operate a railroad,*
19 *streetcar or other public transit system upon public rights-of-way and adjacent*
20 *property.*

21 3. *Declare a nuisance and require the removal of the tracks of any railroad*
22 *or streetcar in any public right-of-way.*

23 4. *Condemn rights-of-way for any public purpose across any railroad right-*
24 *of-way.*

25 5. *Prescribe the length of time any public right-of-way may be obstructed by*
26 *trains standing thereon.*

27 6. *Require railroad companies to fence their tracks and to construct cattle*
28 *guards and crossings and to keep them in repair.*

29 7. *Acquire, provide for, operate and maintain a railroad for public use.*

30 *Sec. 2.240 Powers of City Council: Nuisances. The City Council may:*

31 1. *Determine by ordinance what shall be deemed nuisances.*

32 2. *Provide for the abatement, prevention and removal of such nuisances at*
33 *the expense of the person creating, causing or committing such nuisances.*

34 3. *Provide that such expense of removal is a lien upon the property upon*
35 *which the nuisance is located. Such lien must:*

36 (a) *Be perfected by filing with the County Recorder of Clark County a*
37 *statement by the City Clerk of the amount of expenses due and unpaid and*
38 *describing the property subject to the lien.*

39 (b) *Be coequal with the latest lien thereon to secure the payment of general*
40 *taxes.*

41 (c) *Not be subject to extinguishment by the sale of any property on account*
42 *of the nonpayment of general taxes.*

43 (d) *Be prior and superior to all liens, claims, encumbrances and titles other*
44 *than the liens of assessments and general taxes.*

45 4. *Provide any other penalty or punishment of persons responsible for such*
46 *nuisances.*

47 *Sec. 2.250 Powers of City Council: Animals. The City Council may*
48 *regulate and control animals in the City and may construct facilities for this*
49 *purpose.*

50 *Sec. 2.260 Powers of City Council: Abatement of noxious insects, rats and*
51 *disease-bearing organisms. The City Council may take all steps necessary and*
52 *proper for the extermination of noxious insects, rats and other disease-bearing*
53 *organisms, either in the City or in territory outside the City but so situated that*

1 *such insects, rats and disease-bearing organisms migrate or are carried into the*
2 *City.*

3 *Sec. 2.270 Powers of City Council: Sanitary sewer facilities. The City*
4 *Council may:*

5 *1. Provide for a sanitary sewer system or any part thereof, including,*
6 *without limitation, a wastewater treatment plant, and obtain property therefor*
7 *either within or without the City.*

8 *2. Sell any product or by-product thereof and acquire the appropriate*
9 *outlets within or without the City and extend the sewer lines thereto.*

10 *3. Establish sewer fees and provide for the enforcement and collection*
11 *thereof.*

12 *Sec. 2.280 Powers of City Council: Provision of utilities.*

13 *1. Except as otherwise provided in subsection 3 and section 2.290, the City*
14 *Council may:*

15 *(a) Provide, by license, contract, franchise, public enterprise or any other*
16 *appropriate means, for any utility to be furnished to the City for the residents*
17 *thereof.*

18 *(b) Provide for the construction of any facility necessary for the provision of*
19 *such utilities.*

20 *(c) Fix the rate to be paid for any utility provided by public enterprise.*

21 *2. Any charges due for services, facilities or commodities furnished by any*
22 *utility owned by the City is a lien upon the property to which the service is*
23 *rendered. Each such lien must:*

24 *(a) Be perfected by filing with the County Recorder of Clark County a*
25 *statement by the City Clerk of the amount due and unpaid and describing the*
26 *property subject to the lien.*

27 *(b) Be coequal with the latest lien thereon to secure the payment of general*
28 *taxes.*

29 *(c) Not be subject to extinguishment by the sale of any property on account*
30 *of the nonpayment of general taxes.*

31 *(d) Be prior and superior to all liens, claims, encumbrances and titles other*
32 *than the liens of assessments and general taxes.*

33 *3. The City Council:*

34 *(a) Shall not sell telecommunication service to the general public.*

35 *(b) May purchase or construct facilities for providing telecommunication*
36 *that intersect with public rights-of-way if the governing body:*

37 *(1) Conducts a study to evaluate the costs and benefits associated with*
38 *purchasing or constructing the facilities; and*

39 *(2) Determines from the results of the study that the purchase or*
40 *construction is in the interest of the general public.*

41 *4. Any information relating to the study conducted pursuant to subsection 3*
42 *must be maintained by the City Clerk and made available for public inspection*
43 *during the business hours of the Office of the City Clerk.*

44 *5. Notwithstanding the provisions of paragraph (a) of subsection 3, an*
45 *airport may sell telecommunication service to the general public.*

46 *6. As used in this section:*

47 *(a) "Telecommunication" has the meaning ascribed to it in NRS 704.025.*

48 *(b) "Telecommunication service" has the meaning ascribed to it in NRS*
49 *704.028.*

50 *Sec. 2.290 Franchises for the provision of telecommunication service.*

51 *1. The City Council shall not:*

52 *(a) Impose any terms or conditions on a franchise for the provision of*
53 *telecommunication service or interactive computer service other than terms or*

1 *conditions concerning the placement and location of the telephone or telegraph*
2 *lines and fees imposed for a business license or the franchise, right or privilege to*
3 *construct, install or operate such lines.*

4 *(b) Require a company that provides telecommunication service or*
5 *interactive computer service to obtain a franchise if it provides*
6 *telecommunication service over the telephone or telegraph lines owned by*
7 *another company.*

8 *(c) Require a person who holds a franchise for the provision of*
9 *telecommunication service or interactive computer service to place its facilities in*
10 *ducts or conduits or on poles owned or leased by the City.*

11 *2. As used in this section:*

12 *(a) "Interactive computer service" has the meaning ascribed to it in 47*
13 *U.S.C. § 230(f)(2), as that section existed on January 1, 2007.*

14 *(b) "Telecommunication service" has the meaning ascribed to it in NRS*
15 *704.028.*

16 *Sec. 2.300 Sale or lease of real property owned by City: Appraisals.*

17 *1. Except as otherwise provided in this section, whenever real property*
18 *owned by the City is to be leased or sold, the City shall:*

19 *(a) Select one or two independent appraisers, as applicable, from the list of*
20 *appraisers created pursuant to subsection 2. The cost of an appraisal must be*
21 *borne by the successful purchaser of the real property unless the City Council*
22 *decides otherwise during a public meeting.*

23 *(b) Verify the qualifications of each appraiser selected pursuant to*
24 *paragraph (a). The determination of the City Council as to the qualifications of*
25 *the appraiser is conclusive.*

26 *2. The City Council shall adopt by ordinance the procedures for creating or*
27 *amending a list of appraisers who are qualified to conduct appraisals of real*
28 *property offered for sale or lease by the City Council. The list must:*

29 *(a) Contain the names of all persons licensed as an appraiser in Clark*
30 *County; and*

31 *(b) Be organized at random and reorganized from time to time.*

32 *3. An appraiser chosen pursuant to subsection 1 must provide a disclosure*
33 *statement which includes, without limitation:*

34 *(a) All sources of income of the appraiser that might constitute a conflict of*
35 *interest; and*

36 *(b) Any relationship of the appraiser with the City or the owner of an*
37 *adjoining property.*

38 *4. An appraiser shall not perform an appraisal on any real property offered*
39 *for sale or lease by the City Council if the appraiser or a person related to the*
40 *appraiser within the first degree of consanguinity or affinity has an interest in the*
41 *real property or an adjoining property.*

42 *5. If real property is sold or leased in violation of this section, the sale or*
43 *lease is void.*

44 *Sec. 2.310 Sale or lease of real property owned by City: Sale or lease to*
45 *public entity.*

46 *1. The City Council may sell, lease or otherwise dispose of real property*
47 *owned by the City to another public entity if:*

48 *(a) The sale or lease restricts the use of the real property to a public use; and*

49 *(b) The City Council adopts a resolution finding that the sale or lease will be*
50 *in the best interest of the City.*

51 *2. If the provisions of subsection 1 are satisfied, the City Council may lease,*
52 *sell or otherwise dispose of the real property, subject to the following conditions:*

1 (a) The City Council shall publish a notice at least once, in a newspaper
2 qualified pursuant to the provisions of chapter 238 of NRS that is published in
3 Clark County, setting forth the description of the real property proposed to be
4 sold or leased in such a manner as to make the real property identifiable; and

5 (b) The City Council shall hold a public hearing on the matter not less than
6 10 days and not more than 20 days after the date of the publication of the notice.

7 3. Any transaction made pursuant to this section may be made pursuant to
8 any additional terms or conditions that the City Council deems proper.

9 4. If real property is sold or leased in violation of this section:

10 (a) The sale or lease is void; and

11 (b) Any change to an ordinance governing the zoning or use of the real
12 property is void if the change takes place within 5 years after the date of the sale
13 or lease, unless any such change applies to all real property within the applicable
14 zoning district.

15 5. The provisions of paragraph (b) of subsection 4 must be included as part
16 of an applicable lease or, if the real property is being sold, recorded with the real
17 property as a condition of the sale.

18 Sec. 2.320 Sale or lease of real property owned by City: Sale of parcels ~~+~~
19 less than 25,000 square feet.

20 1. The City Council may sell, lease or otherwise dispose of parcels of
21 property owned by the City if the parcel is less than 25,000 square feet and one of
22 the following conditions is met:

23 (a) The parcel is a remnant that was separated from its original parcel due to
24 the construction of a public infrastructure, public utility or other public facility;

25 (b) The parcel is, as a result of its size, too small to establish an economically
26 viable use by anyone other than the person who owns real property adjacent to
27 the parcel; or

28 (c) The parcel is subject to a deed restriction prohibiting the use of the parcel
29 by anyone other than the person who owns real property adjacent to the parcel.

30 2. If any of the conditions in subsection 1 is satisfied, the City Council may
31 sell, lease or otherwise dispose of the parcel, subject to the following conditions:

32 (a) The City Council must adopt a resolution stating that it is in the best
33 interest of the City to sell, lease or otherwise dispose of the parcel:

34 (1) Without offering the parcel to the public; and

35 (2) For less than the fair market value of the parcel, if applicable;

36 (b) The City Council must obtain an appraisal;

37 (c) The City Council must publish a notice at least once, in a newspaper
38 qualified pursuant to the provisions of chapter 238 of NRS that is published in
39 Clark County, setting forth the description of the parcel proposed to be sold or
40 leased in such a manner as to make the parcel identifiable; and

41 (d) The City Council must hold a public hearing on the matter not less than
42 10 days and not more than 20 days after the date of the publication of the notice.

43 3. Any transaction made pursuant to this section may be made pursuant to
44 any additional terms or conditions that the City Council deems proper.

45 4. If a parcel is sold or leased in violation of this section:

46 (a) The sale or lease is void; and

47 (b) Any change to an ordinance governing the zoning or use of the parcel is
48 void if the change takes place within 5 years after the date of the sale or lease,
49 unless any such change applies to all real property within the applicable zoning
50 district.

51 5. The provisions of paragraph (b) of subsection 4 must be included as part
52 of an applicable lease or, if the parcel is being sold, recorded with the parcel as a
53 condition of the sale.

1 *Sec. 2.330 Sale or lease of real property owned by City: Sale of property*
2 *less than 25,000 square feet.*

3 1. *The City Council may sell or lease any building or portion thereof or any*
4 *other real property owned by the City that is less than 25,000 square feet if the*
5 *City Council adopts a resolution stating that it is in the best interest of the City to*
6 *sell or lease the real property:*

7 (a) *Without offering the real property to the public; and*

8 (b) *For less than the fair market value of the real property, if applicable.*

9 2. *The City Council shall:*

10 (a) *Obtain an appraisal only if the real property is being sold;*

11 (b) *Publish a notice at least once, in a newspaper qualified pursuant to the*
12 *provisions of chapter 238 of NRS that is published in Clark County, setting forth*
13 *the description of the real property proposed to be sold or leased in such a*
14 *manner as to make the real property identifiable; and*

15 (c) *Hold a public hearing on the matter not less than 10 days and not more*
16 *than 20 days after the date of the publication of the notice.*

17 3. *Any transaction made pursuant to this section may be made pursuant to*
18 *any additional terms or conditions that the City Council deems proper.*

19 4. *If real property is sold or leased in violation of this section:*

20 (a) *The sale or lease is void; and*

21 (b) *Any change to an ordinance governing the zoning or use of the real*
22 *property is void if the change takes place within 5 years after the date of the sale*
23 *or lease, unless any such change applies to all real property within the applicable*
24 *zoning district.*

25 5. *The provisions of paragraph (b) of subsection 4 must be included as part*
26 *of an applicable lease or, if the real property is being sold, recorded with the real*
27 *property as a condition of the sale.*

28 *Sec. 2.340 Sale or lease of real property owned by City: Sale or lease for*
29 *purpose of economic development or redevelopment.*

30 1. *The City Council may sell, lease or otherwise dispose of real property for*
31 *the purposes of economic development or redevelopment:*

32 (a) *Without first offering the real property to the public; and*

33 (b) *For less than the fair market value of the real property.*

34 2. *The City Council may adopt an ordinance or approve a resolution*
35 *enabling the establishment of criteria for the disposal of real property for the*
36 *purposes of economic development or redevelopment.*

37 3. *Before the City Council may sell, lease or otherwise dispose of real*
38 *property pursuant to this section, the City Council must:*

39 (a) *Obtain two appraisals of the real property;*

40 (b) *Adopt a resolution finding that it is in the best interests of the public to*
41 *sell, lease or otherwise dispose of the real property:*

42 (1) *Without offering the real property to the public; and*

43 (2) *For less than the fair market value of the real property; and*

44 (c) *Adopt a resolution finding that the sale or lease is consistent with any*
45 *ordinances and resolutions adopted by the City Council regarding the disposal of*
46 *real property for the purposes of economic development or redevelopment.*

47 4. *If real property is sold, leased or otherwise disposed of in violation of this*
48 *section:*

49 (a) *The sale or lease is void; and*

50 (b) *Any change to an ordinance governing the zoning or use of the real*
51 *property is void if the change takes place within 5 years after the date of the sale*
52 *or lease, unless any such change applies to all real property within the applicable*
53 *zoning district.*

5. The provisions of paragraph (b) of subsection 4 must be included as part of an applicable lease or, if the real property is being sold, recorded with the real property as a condition of the sale.

6. As used in this section:

(a) "Economic development" has the meaning ascribed to it in NRS 268.063.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 2.350 Sale or lease of real property owned by City: Public auctions. If the City Council intends to sell or lease any real property at a public auction, the City Council shall follow the process established pursuant to NRS 268.062.

Sec. 2.360 Sale or lease of real property owned by City: Use of services of real estate agency or real estate professional.

1. The City Council may decide by resolution to retain the services of a real estate agency or real estate professional to sell or lease real property pursuant to sections 2.300 to 2.360, inclusive, and may compensate the real estate agency or real estate professional for such services.

2. If the City Council desires to sell real property that is 25,000 square feet or larger, the City may retain the services of a real estate agency or real estate professional to sell the real property if the following conditions are met:

(a) The City Council adopts a resolution stating that it is in the best interest of the City to sell, lease or otherwise dispose of the real property by using the services of a real estate agency or real estate professional to offer the real property to the public;

(b) The City Council obtains two appraisals, the average of which establishes the minimum price for the sale of the real property;

(c) The City Council lists the real property for sale for not less than the value established pursuant to paragraph (b);

(d) The City Council publishes a notice at least once, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS that is published in Clark County, setting forth the description of the real property proposed to be sold or leased in such a manner as to make the real property identifiable; and

(e) The City Council holds a public hearing on the matter not less than 10 days and not more than 20 days after the date of the publication of the notice.

~~3. Any transaction made pursuant to this section may be made pursuant to any additional terms or conditions that the City Council deems proper.~~

~~4. A real estate agency or real estate professional that provides services pursuant to this section shall present all offers to purchase the real property to the City Council. If the City Council does not accept an offer and enter into a purchase and sale agreement for the real property within 45 days after the offer is made, the offer shall be deemed to be rejected.~~

Sec. 2.370 Redevelopment of communities. Except as otherwise provided in this Charter:

1. All transactions involving land are subject to the requirements set forth in chapter 268 of NRS, as amended from time to time.

2. All transactions involving land that are subject to the provisions of chapter 279 of NRS must comply with all the requirements set forth in chapter 279 of NRS, as amended from time to time.

ARTICLE III

EXECUTIVE DEPARTMENT

Sec. 3.010 Mayor: Qualifications; duties; election; term of office; salary; Mayor pro tempore.

1 1. *The Mayor must be:*

2 (a) *A bona fide resident of the territory which is established by the*
3 *boundaries of the City for the 12 months immediately preceding the last day for*
4 *filing a declaration of candidacy for the office.*

5 (b) *A qualified elector within the City.*

6 2. *The Mayor:*

7 (a) *Shall preside over the meetings of the City Council, but may not vote*
8 *except in the case of breaking a tie vote. While presiding over a meeting, the*
9 *Mayor shall preserve order and decorum among the members and enforce the*
10 *rules of the City Council and determine the order of business, subject to those*
11 *rules and appeal to the City Council, or as provided by ordinance.*

12 (b) *Must be recognized as the official head of the City Government for all*
13 *ceremonial purposes and for the performance of all duties lawfully delegated to*
14 *the Mayor by this Charter, by action of the City Council or by any law.*

15 (c) *Has the authority to declare emergencies as necessary to protect the*
16 *general health, welfare and safety of the City. Any such declaration of*
17 *emergency:*

18 (1) *May include a provision authorizing the Mayor to act as the chief*
19 *executive officer of all affairs of the City during the emergency; and*

20 (2) *Must be reviewed by the City Council at its next meeting.*

21 (d) *Shall provide an annual address to the City Council during the first*
22 *quarter of each year relating to the state of the City, and recommend such*
23 *measures as the Mayor may deem beneficial to the City.*

24 (e) *Shall take all proper measures for the preservation of public peace and*
25 *order, and the suppression of riots, tumults and all forms of public disturbances,*
26 *for which purpose the Mayor may, if the City is not participating in a*
27 *metropolitan police department, appoint extra police officers temporarily and use*
28 *and command the police force. If the City is participating in a metropolitan police*
29 *department, the Mayor may request law enforcement assistance from the sheriff.*
30 *In either case, if local law enforcement forces are inadequate, the Mayor shall*
31 *call upon the Governor for military aid in the manner provided by law.*

32 (f) *Shall sign all licenses and warrants and claims against the City.*

33 (g) *May, subject to ratification by the City Council:*

34 (1) *Appoint himself or herself or any member of the City Council to, or*
35 *remove himself or herself or any member of the City Council from, any board,*
36 *commission or advisory agency if the Mayor or Council member is granted a seat*
37 *on the board, commission or advisory agency because of his or her elective office;*
38 *or*

39 (2) *Appoint a person whom the City Council determines to be qualified to*
40 *fill the seat of any person granted a seat pursuant to subparagraph (1) or remove*
41 *such a qualified person from that seat.*

42 (h) *Shall, with the advice and consent of the City Council, appoint the City*
43 *Manager and City Attorney.*

44 (i) *May propose ordinances, resolutions and proclamations that the City*
45 *Council shall consider.*

46 (j) *Shall perform such other duties as the City Council prescribes by*
47 *ordinance.*

48 3. *The Mayor may exercise the right of veto upon all matters passed by the*
49 *City Council, but has no power to exercise a line-item veto. To pass any matter*
50 *receiving the Mayor's veto requires a four-fifths vote of the City Council.*

51 4. *No resolution or contract requiring the payment of money approved by*
52 *the City Council or any ordinance may go into force or have any effect until*
53 *approved in writing by the Mayor or his or her authorized designee, unless*

1 passed over the Mayor's veto. If the Mayor does not approve the resolution,
2 contract or ordinance so submitted, the Mayor shall, within 5 days after the
3 receipt thereof, return it to the City Clerk with his or her reasons in writing for
4 not approving it. If the Mayor does not so return it, the resolution or contract
5 thereupon goes into effect and the ordinance becomes a law, in like manner and
6 with the same effect as if it had been approved by the Mayor.

7 5. Any of the duties set forth in ~~subsection~~ :

8 (a) Subsection 2 or 4, other than the duties set forth in paragraph (c) or (f)
9 of subsection 2, may be delegated to the ~~City Manager~~ Mayor pro tempore by
10 the Mayor administratively ~~by the Mayor~~ or in instances of abstention during
11 an official meeting.

12 (b) Paragraph (c) or (f) of subsection 2 may be delegated to the City
13 Manager by the Mayor administratively.

14 6. The Mayor:

15 (a) Must be voted upon by the registered voters of the City at large and shall
16 serve for a term of 4 years.

17 (b) Is entitled to receive a salary in an amount fixed by the City Council. The
18 City Council shall not adopt an ordinance which increases or decreases the
19 salary of the Mayor during the term for which he or she has been elected.

20 7. The City Council shall elect one of its members to be Mayor pro tempore.
21 Such person shall:

22 (a) Hold such office and title, without additional compensation, during the
23 term for which he or she was elected.

24 (b) Perform the duties of Mayor during the absence or disability of the
25 Mayor.

26 (c) Act as Mayor until the City Council appoints a Mayor, if the office of
27 Mayor becomes vacant.

28 Sec. 3.020 City Manager: Duties.

29 1. Except as otherwise provided in paragraph (b) of subsection 2 of section
30 3.010, the City Manager is the chief executive officer of the City and is
31 responsible for the effective administration of the City Government.

32 2. The City Manager shall:

33 (a) Ensure that all the general laws and ordinances of the City are enforced.

34 (b) Administer and exercise supervision and control over all offices,
35 departments and services of the City under the jurisdiction and control of the City
36 Manager.

37 (c) Except as otherwise provided in this Charter, appoint all heads or
38 directors of departments of the City and all subordinate officers and employees,
39 and may discipline and remove any such appointed officer or employee.

40 (d) Make such recommendations to the Mayor and City Council as he or she
41 deems appropriate concerning the operation, affairs and future needs of the City.

42 (e) Attend all regular and special meetings of the City Council and may
43 participate in the discussion of any matters pending before the City Council, but
44 may not vote on any such matter.

45 (f) Ensure that all terms or conditions imposed in favor of the City or the
46 residents of the City in any contract, franchise, lease or permit are faithfully kept
47 and performed, and upon obtaining knowledge of any violation thereof, shall
48 notify the City Council of such a violation.

49 (g) If authorized by the provisions of this Charter or an ordinance or
50 resolution, sign all contracts, franchises, leases, permits or other documents that
51 do not require approval of the City Council and execute on behalf of the City all
52 contracts, franchises, leases, permits or other documents required to be executed
53 by an officer of the City.

1 (h) *Keep the Mayor and City Council fully advised as to the operations,*
2 *financial conditions and needs of the City.*

3 (i) *Prepare and present an annual budget pursuant to the laws of this State.*

4 (j) *Perform such other duties as may be prescribed by the City Council.*

5 3. *The salary of the City Manager must be set by the City Council.*

6 4. *The City Manager may appoint such clerical and administrative*
7 *assistants as he or she may deem necessary.*

8 5. *The Mayor or a Council member may not be appointed as City Manager*
9 *during the term for which he or she was elected or within 1 year after the*
10 *expiration of his or her term.*

11 *Sec. 3.030 City Manager: Removal. The Mayor and City Council may*
12 *vote to determine whether to remove the City Manager. The City Manager may be*
13 *removed for any reason, subject to any employment agreement, upon receiving*
14 *four votes for removal. Such removal is not subject to the ability of the Mayor to*
15 *exercise the right of veto or the ability of the City Council to override any veto.*

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

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

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

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

25 4. *Perform such other duties as may be required by the City Manager.*

26 *Sec. 3.050 City Attorney: Qualifications; duties.*

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

29 2. *The City Attorney is the chief legal officer of the City and shall:*

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

32 (b) *Prosecute any violation of law occurring within the City of Mesquite that*
33 *the Nevada Revised Statutes authorize a city to prosecute;*

34 (c) *Determine whether the City should initiate any judicial or administrative*
35 *proceedings; and*

36 (d) *Perform such other duties as may be designated by the City Council or*
37 *prescribed by ordinance.*

38 3. *The City Attorney may employ legal counsel on a contract or full-time*
39 *basis as needed by the City.*

40 *Sec. 3.060 City Attorney: Removal. The Mayor and City Council may*
41 *vote to determine whether to remove the City Attorney. The City Attorney may be*
42 *removed for any reason, subject to any employment agreement, upon receiving*
43 *four votes for removal. Such removal is not subject to the ability of the Mayor to*
44 *exercise the right of veto or the ability of the City Council to override any veto.*

45 *Sec. 3.070 County Assessor to be ex officio City Assessor; duties.*

46 1. *The County Assessor of Clark County is ex officio City Assessor of the*
47 *City. The County Assessor shall perform such duties for the City without*
48 *additional compensation.*

49 2. *Upon request of the ex officio City Assessor, the City Council may*
50 *appoint and set the salary of a Deputy City Assessor to perform such duties*
51 *relative to city assessments as may be deemed necessary.*

52 *Sec. 3.080 Collection and disposition of money.*

1 1. All fines, forfeitures or other money, except taxes collected or recovered
2 by any employee of the City or other person pursuant to the provisions of this
3 Charter or of any valid ordinance of the City, must be paid by the employee or
4 person collecting or receiving them to the Director of Finance, who shall dispose
5 of them in accordance with the ordinances, regulations and procedures
6 established by the City Council.

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

12 Sec. 3.090 Interference by City Council. Except for the purpose of
13 inquiry, the City Council and its members shall deal with employees solely
14 through the City Manager or City Attorney, as applicable, or their designees.
15 Neither the City Council nor any member thereof may give orders to any
16 subordinate of the City Manager or City Attorney, either publicly or privately.

17 ARTICLE IV

18 JUDICIAL DEPARTMENT

19 Sec. 4.010 Municipal Court.

20 1. There is a Municipal Court of the City which consists of at least one
21 department. Each department must be presided over by a Municipal Court Judge
22 and has such power and jurisdiction as is prescribed in, and is, in all respects
23 which are not inconsistent with this Charter, governed by, the provisions of
24 chapter 5 of NRS.

25 2. The City Council may from time to time establish additional departments
26 of the Municipal Court.

27 3. The respective departments of the Municipal Court must be numbered 1
28 through the appropriate Arabic number, as additional departments are approved
29 by the City Council. A Municipal Court Judge must be appointed or elected, as
30 applicable, for each department by number.

31 4. The Senior Municipal Court Judge is selected by a majority of the sitting
32 judges for a term of 2 years. If no Municipal Court Judge receives a majority of
33 the votes, the Senior Municipal Court Judge is the Municipal Court Judge who
34 has continuously served as a Municipal Court Judge for the longest period.

35 Sec. 4.020 Municipal Court: Appointment or election; terms of office;
36 removal of Municipal Court Judge.

37 1. If the Municipal Court consists of only one department:

38 (a) The Justice of the Peace for the Township of Mesquite shall be ex officio
39 Municipal Court Judge unless the Mayor, with the advice and consent of the City
40 Council, appoints a different person to serve as the Municipal Court Judge
41 presiding over the department. No provision of this Charter or an ordinance may
42 preclude the Justice of the Peace for the Township of Mesquite from also serving
43 as the Municipal Court Judge presiding over the department.

44 (b) The Mayor and City Council may vote to determine whether to remove
45 the Municipal Court Judge. The Municipal Court Judge may be removed for any
46 reason, subject to any employment agreement, upon receiving four votes for
47 removal. Such removal is not subject to the ability of the Mayor to exercise the
48 right of veto or the ability of the City Council to override any veto.

49 2. If the Municipal Court consists of more than one department:

1 (a) Each Municipal Court Judge presiding over a department must be
2 elected.

3 (b) The term of office of each ~~municipal judge~~ Municipal Court Judge
4 must be staggered, with each judge serving a term of 6 years. Except as otherwise
5 provided by law, there is no limit on the number of terms a Municipal Court
6 Judge may serve.

7 Sec. 4.030 Municipal Court: Qualifications of Municipal Court Judge;
8 salary.

9 1. Each Municipal Court Judge must have been a resident of the territory
10 which is established by the boundaries of the City for the 12 months immediately
11 preceding the last day for seeking appointment for the office.

12 2. If the Municipal Court consists of only one department:

13 (a) Unless the City Council passes an ordinance to the contrary, the
14 Municipal Court Judge will serve on an as-needed basis.

15 (b) The Municipal Court Judge must not be required to be a licensed
16 member of the State Bar of Nevada or have any previous legal training.

17 3. If the City Council establishes a second or subsequent department of the
18 Municipal Court pursuant to subsection 2 of section 4.010, each Municipal Court
19 Judge shall devote his or her full time to the duties of his or her office and must
20 be a duly licensed member, in good standing, of the State Bar of Nevada.

21 4. The salary of each Municipal Court Judge must be fixed by the City
22 Council and be uniform for all departments in the Municipal Court. The salary
23 may be increased during the terms for which the Judges are appointed or elected,
24 applicable.

25 5. If the City Council establishes a second or subsequent department of the
26 Municipal Court pursuant to subsection 2 of section 4.010, the department must
27 not begin operating as a department of the Municipal Court until a qualified
28 candidate is elected as the Municipal Court Judge who will preside over the
29 department. Such a Municipal Court Judge must be elected during the next
30 general municipal election following the establishment of such a department.

31 Sec. 4.040 Disposition of fines. All fines and forfeitures for the violation
32 of ordinances must be paid to the Director of Finance.

33 ARTICLE V

34 ELECTIONS

35 Sec. 5.010 Election for City Council.

36 1. Candidates for City Council must be elected at large and by seat. Each
37 Council seat must be consecutively numbered 1 through 5. The number of each
38 Council seat is for informational purposes only and the sequencing of such seats
39 does not grant or denote any special authority or ability.

40 2. Upon passage and approval of this Charter, the incumbent Council
41 members shall draw a number by lot to determine the number assigned to each
42 Council seat. The number assigned to each Council seat will remain until such
43 time as this Charter is amended to provide otherwise.

44 3. The term of office for each Council seat must be consistent with the term
45 of office of the incumbent Council member assigned to that seat.

46 4. After each Council seat has been assigned a number, any candidate for
47 City Council shall file by seat number.

48 5. If:

1 (a) Not more than two candidates file for a seat, the names of the candidates
2 must not be listed on the ballot for the primary municipal election and the
3 candidates must advance directly to the general municipal election.

4 (b) Three or more candidates file for a seat, the names of the candidates
5 must be listed on the ballot for the primary municipal election.

6 Sec. 5.020 Primary municipal election.

7 1. A primary municipal election must be held on the second Tuesday in
8 June in each even-numbered year pursuant to NRS 293.175, as amended from
9 time to time.

10 2. In a primary municipal election, if the number of votes a candidate
11 receives is:

12 (a) Equal to or greater than a majority of the number of voters participating
13 in the primary election for that seat, that candidate must be declared elected and
14 the name of the candidate must not be placed on the ballot for the general
15 municipal election.

16 (b) Less than a majority of the number of voters participating in the primary
17 election for that seat, the names of the two candidates receiving the highest
18 number of votes must be placed on the ballot for the general municipal election.

19 3. For the purposes of this section, a majority of the number of voters
20 participating in a primary municipal election for a seat is determined as follows:

21 (a) If there is an even number of voters participating in the primary election
22 for a seat, a majority of those voters is determined by dividing the number of
23 voters in half and adding one.

24 (b) If there is an odd number of voters participating in the primary election
25 for a seat, a majority of those voters is determined by dividing the number of
26 voters in half and rounding up to the nearest whole number.

27 Sec. 5.030 General municipal election. A general municipal election
28 must be held in the City on the first Tuesday after the first Monday of November
29 in each even-numbered year pursuant to NRS 293.12755, as amended from time
30 to time.

31 Sec. 5.040 Applicability of state election laws; elections under City Council
32 control.

33 1. All elections held under this Charter are governed by the provisions of
34 the election laws of this State, so far as those laws can be made applicable and
35 are not inconsistent herewith.

36 2. The conduct of all municipal elections is under the control of the City
37 Council.

38 3. The City Council shall by ordinance provide for the holding of a
39 municipal election, appoint the necessary officers thereof and do all the things
40 required to carry the election into effect as it considers desirable and consistent
41 with law and this Charter.

42 4. Notwithstanding any other provision of this Charter, the City Council
43 may enter into an interlocal agreement with another public entity to conduct
44 municipal elections or any portion thereof.

45 Sec. 5.050 Qualifications. ~~1. registration of voters.~~

46 ~~1.~~ Every person who resides within the City and who is a legally registered
47 voter of the City is entitled to vote at each municipal election, including, without
48 limitation, primary, general or special elections.

49 ~~2. Nothing in this Charter shall be construed to deny or abridge the power~~
50 ~~of the City Council to provide for supplemental registration.~~

51 Sec. 5.060 Names on ballots.

1. *Curb and gutter projects;*
2. *Drainage projects;*
3. *Off-street parking projects;*
4. *Overpass projects;*
5. *Park or recreation projects;*
6. *Sanitary sewer projects;*
7. *Security walls;*
8. *Sidewalk projects;*
9. *Storm sewer projects;*
10. *Street projects;*
11. *Telephone projects;*
12. *Transportation projects;*
13. *Underground and aboveground projects;*
14. *Underpass projects;*
15. *Water projects;*
16. *Such other utility projects*

17. Any combination thereof.

ARTICLE VII

Sec. 7.010 Debt limit.

2. In determining any debt limitation under this section, the following must be counted as indebtedness:

(b) Any outstanding personnel-related liabilities.

(d) Any other liabilities that are identified as part of the annual audit of the Corporation and determined by the Director of Finance to be appropriate to include as liabilities of the Corporation.

(a) Any special assessment bonds if the full faith and credit of the City is not pledged to the payment thereof.

(b) Any liabilities of the City due within 1 year that are accounted for within the budget for the current fiscal year.

Sec. 7.020 Acquisition, operation of municipal utilities. Except as otherwise provided in subsection 3 of section 2.280 and section 2.290, the City may, in the manner and for the purposes provided in this Charter and the Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it either alone or jointly, with any level of government or instrumentality or subdivision thereof.

Sec. 7.030 Borrowing money.

1. Subject to the limitations imposed by this article, the City may borrow money for any corporate purpose, including, without limitation, any purpose authorized by this Charter or by the Nevada Revised Statutes for a city, and for such purpose may issue bonds or other securities. The Local Government Securities Law, as amended from time to time, applies to all securities so issued except for securities issued under section 6.020.

2. Any property tax levied to pay the principal of or interest on such indebtedness must be levied upon all taxable property within the City as provided in NRS 350.590 to 350.602, inclusive.

3. Any ordinance pertaining to the sale or issuance of bonds or other securities, including, without limitation, securities issued under section 6.020, may be adopted in the same manner as is provided for cases of emergency. A declaration by the City Council in any ordinance that it is of this kind is conclusive in the absence of fraud or gross abuse of discretion.

ARTICLE VIII

TRUSTS FOR FURTHERANCE OF PUBLIC FUNCTIONS

Sec. 8.010. Trusts for furtherance of public functions: Authorization to create; purposes; eligible beneficiaries; power of beneficiary to lease trust property.

1. Express trusts may be created in real or personal property, or either or both, or in any estate or interest in either or both, with the City as the beneficiary thereof, and the purpose thereof may be the furtherance, or the providing of funds for the furtherance, of any authorized or proper function of the beneficiary, but no funds of the beneficiary derived from sources other than the trust property, or the operation thereof, may be charged with or expended for the execution of the trust, except by express action of the legislative authority of the beneficiary first had.

2. The officers or any other governmental agencies or authorities having the custody, management or control of any property, real or personal or both, of the beneficiary of such trust, or of such a proposed trust, which property is necessary for the execution of the trust purposes, are hereby authorized and empowered to lease such property for such purposes, after the acceptance of the beneficial interest therein by the beneficiary as provided in this article, or conditioned upon such acceptance.

Sec. 8.020 Creation by written instrument; execution, recording of trust instrument; acceptance by beneficiary creates contract between State, grantor; duration of trust.

1. Such trusts may be created by written instruments, or by will. A written instrument must be subscribed by the grantor or grantors and duly acknowledged as conveyances of real property are acknowledged. Before the same becomes effective, the beneficial interest therein must be accepted by the governing body

1 of the beneficiary, which power and authority of acceptance is hereby conferred
2 upon the City Council. Thereupon the instrument or will, together with the
3 written acceptance of the beneficial interest endorsed thereon, must be recorded
4 in the Office of the County Recorder of each county in which is situated any real
5 property, or any interest therein, belonging to the trust, as well as in the county
6 where the trust property is located or its principal operations are conducted.

7 2. Upon the acceptance of the beneficial interest by the beneficiary as
8 authorized in subsection 1, the same must be and constitute a binding contract
9 between the State of Nevada and the grantor or grantors, or the executor of the
10 estate of the testator, for the acceptance of the beneficial interest in the trust
11 property by the designated beneficiary and the application of the proceeds of the
12 trust property and its operation for the purposes and in accordance with the
13 stipulations specified by the trustor or trustors.

14 3. Such trusts have duration for the term of duration of the beneficiary, or
15 such shorter length of time as is specified in the instrument or will creating the
16 trust.

17 *Sec. 8.030 Trustees: Appointment; succession, powers; duties, terms,*
18 *compensation controlled by trust instrument.*

19 1. The instrument or will creating such trust may provide for the
20 appointment, succession, powers, duties, term and compensation of the trustee or
21 trustees, and in all such respects the terms of the instrument or will are
22 controlling, except as otherwise provided in subsections 2 and 3. If the
23 instrument or will makes no provision in regard to any of the foregoing, then the
24 general laws of the State control as to such omission or omissions.

25 2. All meetings of the trustees must be open to the public to the same extent
26 as required by chapter 241 of NRS for state and local agencies. If the trustee is a
27 partnership, corporation or banking association, this requirement applies to that
28 part of every meeting of the partners or directors at which trust affairs are
29 discussed.

30 3. All records of the trust are public records and must be kept in a place
31 which is identified by documents recorded in the Office of the County Recorder
32 of each county in which the instrument creating the trust is recorded.

33 *Sec. 8.040 Trustees: Eligibility and status; standard of care; exemption*
34 *from personal liability.*

35 1. The trustee or trustees under such an instrument or will may be two or
36 more natural persons or a partnership, corporation, community foundation,
37 national banking association or state banking association selected by the City
38 Council, and such trustee or trustees must be an agency of the State and the
39 regularly constituted authority of the beneficiary for the performance of the
40 functions for which the trust has been created.

41 2. The provisions of NRS 164.700 to 164.775, inclusive, relating to the
42 standard of care for a trustee in investing and managing trust property apply to
43 the trustee or trustees of a trust created by a written instrument or will pursuant
44 to this article.

45 3. No trustee or beneficiary may be charged personally with any liability
46 whatsoever by reason of any act or omission committed or suffered in the
47 performance of such trust or in the operation of the trust property, but any act,
48 liability for any omission or obligation of a trustee or trustees, in the execution of
49 such trust, or in the operation of the trust property, extends to the whole of the
50 trust estate, or so much thereof as may be necessary to discharge such liability or
51 obligation, and not otherwise.

52 *Sec. 8.050 Annual audit of trust funds, accounts, fiscal affairs:*
53 *Requirements; distribution of copies; expenses.*

1 1. The trustee or trustees of every trust created for the benefit and
2 furtherance of any public function with the City as the beneficiary thereof shall
3 cause an audit to be made of the funds, accounts and fiscal affairs of such trust,
4 such audit to be ordered within 30 days after the close of each fiscal year of the
5 trust.

6 2. The audits required by subsection 1 must be certified with the unqualified
7 opinion of a certified public accountant or a public accountant notwithstanding
8 any lesser requirement by any instrument under which the trust may have
9 covenanted for an audit to be made or furnished. One copy of the annual audit
10 must be filed with the Legislative Auditor of the Legislative Counsel Bureau and
11 one copy with each beneficiary of the trust not later than 90 days following the
12 close of each fiscal year of the trust.

13 3. If a copy of the required audit is not filed with the Legislative Auditor of
14 the Legislative Counsel Bureau within the time provided, the Legislative Auditor
15 is authorized to employ, at the cost and expense of the trust, a certified public
16 accountant or a public accountant to make the required audit.

17 4. The necessary expense of such audits, including the cost of typing,
18 printing and binding, must be paid from funds of the trust.

19 Sec. 8.060 Franchise not required for acquisition, ownership or operation
20 of trust property. No franchise is required for the acquisition, ownership or
21 operation of any properties of a trust created for the benefit and furtherance of
22 any public function.

23 Sec. 8.070 Approval of certain contracts and resolutions required. The
24 trustees shall not enter into contracts for the acquisition or construction of
25 buildings or public improvements or for the acquisition or disposal of trust
26 properties by purchase, lease, gift, bequest or devise or any other lawful means
27 until such contract is first approved by the City Council by ordinance. The City
28 Council shall so approve the resolution providing for the issuance of bonds or
29 other securities to be issued by the trustees and proposed terms of sale thereof,
30 but is not required to approve the award of such bonds to the purchaser thereof if
31 such bonds are sold in compliance with the resolution of issuance and terms of
32 sale.

33 Sec. 8.080 Approval of financing method, underwriters by State Board of
34 Finance. The State Board of Finance shall first review and approve the method
35 of finance proposed by any trust created pursuant to the former provisions of
36 NRS 242B.010 to 242B.100, inclusive, or the provisions of this article, and must
37 approve the underwriter or financial institution preparing and offering the
38 proposed issue for sale, as to the financial responsibility of such underwriter or
39 financial institution, before such issue may be offered or sold.

40 Sec. 8.090 Exemption from securities laws.

41 1. The provisions of the State Securities Law, the Local Government
42 Securities Law, the University Securities Law, or any other general, special or
43 local statute relating to the issuance of public securities or other debt obligations
44 do not apply to a trust created for the benefit and furtherance of any public
45 function.

46 2. All bonds issued by any trust created for the benefit and furtherance of
47 any public function must:

48 (a) Be sold at public or private sale, as determined by the trustees and
49 approved by the City Council. If the bonds are offered at public sale, but no
50 satisfactory bids are received from responsible bidders at the public sale, the
51 bonds may be sold at private sale.

52 (b) Be secured:

(1) By property, real or personal or both, having a market value equal to at least twice the principal amount of the bonds sold; or

Sec. 8.100 Competitive bidding not required. Except as otherwise provided in section 8.090, no statute, general, special or local, requiring competitive bidding applies to a trust created for the benefit and furtherance of a public function.

Sec. 8.120 Termination of trust. Any trust created for the benefit and furtherance of a public function may be terminated by agreement of the trustee, or if there is more than one, then all of the trustees, and the governing body of the beneficiary, with the approval of the Governor of the State of Nevada, but such trust must not be terminated while there exists outstanding any contractual obligations chargeable against the trust property, which, by reason of such termination, might become an obligation of the beneficiary of such trust.

REVENUE

1. *The City Council shall annually, at the time prescribed by law for levying taxes for State and county purposes, levy a tax at a rate allowable under applicable provisions of the Nevada Revised Statutes upon the assessed value of all real and personal property within the City except as provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied must be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State of Nevada for collection of state and county taxes. The revenue laws of the State, in every respect not inconsistent with the provisions of this Charter, are applicable to the levying, assessing and collecting of the municipal taxes.*

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties must, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it 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.

ARTICLE X

MISCELLANEOUS PROVISIONS

Sec. 10.010 Severability of provisions. If any portion of this Charter is held to be unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, such decision does not affect the validity of the remaining portion of this Charter. The Legislature hereby declares that it would have passed this Charter and each portion thereof, irrespective of the portion which may be deemed unconstitutional or otherwise invalid.

Sec. 10.020 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the City before the enactment of this Charter are vested in the City on July 1, 2017. No right or liability, either in favor of or against the City existing at the time of becoming incorporated under this Charter, and no action or prosecution is affected by such change, but it stands and progresses as if no change had been made.

2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of the City so becoming incorporated under this Charter, such remedy is cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the City before July 1, 2017, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.

4. The enactment of this Charter does not effect any change in the legal identity of the City.

5. The enactment of this Charter must not be construed to repeal or in any way affect or modify:

(a) Any special, local or temporary law.

(b) Any law or ordinance making an appropriation.

(c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

(d) The running of the statute of limitations in force at the time this Charter becomes effective.

(e) Any bond of any public officer.

~~*Sec. 10.030 Relations between City and public employees. For the purposes of chapter 288 of NRS, a budgeted ending fund balance in the general fund of not more than 25 percent of the total budgeted expenditures, less capital outlays*~~

~~*1. Is not subject to negotiations with an employee organization; and*~~

~~*2. Must not be considered by a fact finder or arbitrator in determining the financial ability of the City to pay compensation or monetary benefits.*~~

Sec. 2. This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2017, for all other purposes.