

SENATE BILL NO. 464—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises the Charter of the City of North Las Vegas.
(BDR S-1154)

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 relating to the City of North Las Vegas; revising certain duties of the Mayor; revising certain prohibitions relating to special meetings; revising certain provisions relating to the procedure for enacting an ordinance; making certain changes to the powers of the City Council relating to animals; revising certain procedures for the suspension and removal of the City Manager; making various changes to the duties of the City Clerk; providing that the City Attorney may be removed under the terms of his or her employment agreement; authorizing the City Manager and City Attorney to take certain legal action for the collection and disposition of certain money; authorizing the City Council to appoint one or more Hearing Commissioners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of North Las Vegas establishes the duties of the Mayor and provides that the Mayor has no administrative duties. (North Las Vegas City Charter § 2.015) **Section 1** of this bill provides that the Mayor has certain administrative duties to sign contracts, resolutions and ordinances that are approved by the City Council.

The existing Charter of the City of North Las Vegas prohibits the City Council from making certain contracts or claims involving the expenditure of money at a special meeting. (North Las Vegas City Charter § 2.050) **Section 4** of this bill instead provides that the City Council may make such contracts or claims if the City Council provides notice of the special meeting in accordance with certain statutory requirements.



The existing Charter of the City of North Las Vegas establishes the procedure for enacting an ordinance. (North Las Vegas City Charter § 2.100) **Section 5** of this bill provides that if action on a proposed ordinance is postponed to a future meeting of the City Council, the City Council is not required to introduce the ordinance again before taking such action.

The existing Charter of the City of North Las Vegas authorizes the City Council to take certain actions to regulate animals and poultry. (North Las Vegas City Charter § 2.250) **Section 8** of this bill removes the reference to poultry.

The existing Charter of the City of North Las Vegas establishes certain procedures for the suspension and removal of the City Manager. (North Las Vegas City Charter §§ 3.025, 3.030) **Section 11** of this bill instead provides that the City Manager may be suspended or removed in accordance with the terms of his or her employment agreement. **Section 21** of this bill eliminates the procedures established in the City Charter for the removal of the City Manager.

The existing Charter of the City of North Las Vegas establishes certain duties of the City Clerk. (North Las Vegas City Charter § 3.040) **Section 12** of this bill makes various changes to these duties.

The existing Charter of the City of North Las Vegas provides that the City Attorney may be removed by a vote of the majority of the entire City Council at any time. (North Las Vegas City Charter § 3.050) **Section 13** of this bill specifies that the removal of the City Attorney must be in accordance with the terms of his or her employment agreement.

The existing Charter of the City of North Las Vegas authorizes the City Council to take certain legal action for the collection and disposition of certain money. (North Las Vegas City Charter § 3.090) **Section 14** of this bill provides that the City Manager and City Attorney are also authorized to take such legal action.

Section 15 of this bill authorizes the City Council to appoint one or more Hearing Commissioners to hear and decide certain actions. **Section 15** further establishes the qualifications, duties and powers of the Hearing Commissioners.

Sections 2, 3, 6, 7, 9, 10 and 16-20 of this bill make grammatical and clarifying changes to various provisions of the Charter of the City of North Las Vegas.

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

Section 1. Section 2.015 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 723, Statutes of Nevada 1973, at page 1437, is hereby amended to read as follows:

Sec. 2.015 Mayor: Duties; Mayor pro tempore.

1. The Mayor shall:

(a) Serve as a member of the City Council and preside over its meetings.

(b) ~~Have no administrative duties.~~ *Sign all contracts, resolutions and ordinances which have been approved by the City Council.*

(c) Be recognized as the head of the City government for all ceremonial purposes.



(d) Perform such other duties ~~[, except administrative duties,]~~ as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

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

(a) Hold such office and title, without additional compensation, for a term of 1 year.

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

(c) Act as Mayor until the City Council fills the vacancy pursuant to the provisions of section 1.060, if the office of Mayor becomes vacant.

Sec. 2. Section 2.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 723, Statutes of Nevada 1973, at page 1437, is hereby amended to read as follows:

Sec. 2.020 City Council: Contracts; conflict of interest.

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

2. No member of the City Council, including the Mayor, shall:

(a) Be pecuniarily interested, directly or indirectly, in any contract ~~[let,]~~ entered into by the City, or in any transaction wherein the rights or liberties of the City are, or may be involved. This paragraph does not apply to contracts for utilities and other services provided for the public by the City under this Charter and the ordinances thereunder, when the Council Member or Mayor applies for and receives such services in the same manner and pays the same established rates and charges as any member of the public.

(b) Be interested directly or indirectly in any public work or contract ~~[let,]~~ entered into, supervised or controlled, or which is paid wholly, or in part, by the City. This paragraph does not preclude or discharge a Council Member or the Mayor from paying his or her proportionate share of the cost of any public works when he or she has become obligated in the same manner as any member of the public, nor does it prohibit a Council Member or the Mayor from enjoying the benefits of a work constructed for the benefit of the public in the same manner as any other member of the public.

(c) Become the surety of any person on any bond or other obligation running to the City.



Sec. 3. Section 2.035 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1213, is hereby amended to read as follows:

Sec. 2.035 City Council: Discipline and subpoena power.

1. The City Council may order the attendance of witnesses and the production of all ~~[papers]~~ *documents, information and data* relating to any business before the City Council.

2. If any person ordered to appear before the City Council fails to obey such order:

(a) The City Council or any member thereof may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.

(b) Such clerk 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 court may issue an order to show cause why such person should not be held in contempt of court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.

Sec. 4. Section 2.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 301, Statutes of Nevada 1979, at page 451, is hereby amended to read as follows:

Sec. 2.050 Meetings: Special.

1. Special meetings may be held on call of the Mayor or by a majority of the City Council.

2. At a special meeting:

(a) No contract involving the expenditure of money, except emergency purchases, may be made or claim allowed ~~[]~~ *unless notice of the special meeting called to consider such action is given pursuant to NRS 241.020.*

(b) No business may be transacted except such as has been stated in the call of the meeting.

(c) No ordinance may be passed except an emergency ordinance, or one specified in section 7.040.

Sec. 5. Section 2.100 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 208, Statutes of Nevada 2005, at page 679, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first ~~[proposed]~~ *introduced* must be read to the City Council by title, 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, as amended from time to time, and published in the City at least 10 days before the adoption of the ordinance.

2. Not later than the second regular meeting of the City Council following the ~~proposal~~ *introduction* of an ordinance ~~[-it]~~ :

(a) *The proposed ordinance* must be read by title as first introduced ~~[-any amendment]~~ ;

(b) *Any amendments* must be proposed and voted upon ~~[and thereupon]~~ ; and

(c) *Action on* the proposed ordinance, with any adopted amendments, ~~[must]~~ *may* be ~~[finally voted upon or action thereon]~~ *taken immediately or* postponed ~~[-]~~ *to a future meeting of the City Council. If action is postponed to a future meeting, the ordinance is not required to be introduced again.*

3. Where the ordinance is of a kind specified in section 7.040, by unanimous consent a special meeting may be called for the purpose of taking final action, and by a majority vote of the City Council final action may be taken immediately and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published. It shall become effective immediately upon passage.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published ~~[in the City]~~ *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, as amended from time to time, before the ordinance, except as otherwise provided in subsection 3, becomes effective. The City Council may, by a majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall maintain a record of all ordinances, together with the affidavits of publication by the publisher, until disposed of in accordance with law.

Sec. 6. Section 2.120 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1215, is hereby amended to read as follows:

Sec. 2.120 Powers of City Council: Public property, buildings.

1. The City Council may:



(a) Control the property of the ~~feorporation.~~ *City.*

(b) Erect and maintain all buildings necessary for ~~the~~ use ~~off~~ *by* the City.

(c) 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.

2. The City Council may not, except as otherwise specifically provided by this Charter or any other law, mortgage, hypothecate or pledge any property of the City for any purpose.

Sec. 7. Section 2.220 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1217, is hereby amended to read as follows:

Sec. 2.220 Powers of City Council: Parking meters; off-street public parking facilities.

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

2. Except as otherwise provided by this Charter, the City Council may acquire property within the city by any lawful means, including eminent domain, for the purpose of establishing off-street public parking facilities for vehicles. The City Council may authorize the issuance of general obligation revenue bonds or revenue bonds for the purpose of acquiring such property and erecting such improvements thereon as are permitted by the provisions of section 7.040. The City Council may, in such bonds, pledge the on-street parking revenues, the general credit of the City, or both, to secure the payment of the principal and interest thereon.

Sec. 8. Section 2.250 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1218, is hereby amended to read as follows:

Sec. 2.250 Powers of City Council: Animals . ~~and poultry.~~ The City Council may:

1. Fix, impose and collect an annual fee on all animals and provide for the capture and disposal of all animals on which the fee is not paid.

2. Regulate or prohibit the running at large and disposal of all kinds of animals . ~~and poultry.~~

3. Establish ~~a pound.~~ *an animal shelter.*

4. Prohibit cruelty to animals.



Sec. 9. Section 2.280 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 216, Statutes of Nevada 2007, at page 723, is hereby amended to read as follows:

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

1. Except as otherwise provided in subsection 3 and section 2.285, the City Council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the City for residents located within or without the City.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this Charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the City Clerk ~~[schedules]~~ *a schedule* of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the City has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the City.

(2) No changes may be made in any schedule so filed with the City Clerk except upon 30 days' notice to the inhabitants of the City and a public hearing held thereon. Notice of the proposed change or changes must be given by at least two publications in a newspaper published in the City during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the City shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.



(d) Provide, by ordinance, for an additional charge to each business customer and for each housing unit within the City to which water is provided by a utility of up to 25 cents per month. If such a charge is provided for, the City Council shall, by ordinance, provide for the expenditure of that money for any purpose relating to the beautification of the City.

2. Any charges due for services, facilities or commodities furnished by the City or by any utility operated by the City pursuant to this section is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County of a statement by the City Clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

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

3. The City Council:

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

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

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

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

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

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

6. As used in this section:

(a) "Housing unit" means a:

(1) Single-family dwelling;

(2) Townhouse, condominium or cooperative apartment;



(3) Unit in a multiple-family dwelling or apartment complex; or

(4) Mobile home.

(b) "Telecommunication" has the meaning ascribed to it in NRS 704.025.

(c) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

Sec. 10. Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 301, Statutes of Nevada 1979, at page 452, is hereby amended to read as follows:

Sec. 3.020 City Manager: Powers and duties.

1. The City Manager is the Chief Administrative Officer of the City. He or she is responsible to the City Council for the *efficient and proper* administration of all City affairs placed in his or her charge by or under this Charter.

2. The City Manager shall:

(a) Except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in this paragraph with respect to subordinates in that officer's department, office or agency.

(b) Direct and supervise the administration of all departments, offices and agencies of the City, except:

(1) As otherwise provided by law; and

(2) For any department, office or agency whose head is not appointed by the City Manager.

(c) Attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.

(d) Be responsible for the enforcement of all laws, provisions of this Charter and acts of the City Council subject to enforcement by the City Manager or by his or her officers subject to his or her direction and supervision.

(e) Prepare and submit the annual budget and capital program to the City Council.

(f) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.



(h) Keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.

(i) Perform such other duties as are specified in this Charter or which may be required by the City Council.

Sec. 11. Section 3.025 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as added by chapter 640, Statutes of Nevada 1975, at page 1197, is hereby amended to read as follows:

Sec. 3.025 City Manager: Suspension ~~{}~~ *and removal.*

~~{}~~ The City Council may suspend *or remove* the City Manager from office in accordance with the ~~{procedure contained in this section.~~

~~—2. The City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which shall state the reasons for suspension and may suspend the City Manager from duty for a period not to exceed 30 calendar days. A copy of the resolution shall be delivered promptly to the City Manager.~~

~~—3. The suspension of the City Manager becomes effective immediately. The preliminary resolution of the City Council shall determine whether the City Manager shall receive a salary during the period of suspension.~~

~~—4. The City Council may suspend the City Manager in lieu of removal pursuant to section 3.030.~~

~~—5. Suspension of the City Manager by the City Council is not subject to review by any agency or court.~~ *terms of the City Manager's employment agreement.*

Sec. 12. Section 3.040 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 373, Statutes of Nevada 2005, at page 1416, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Office; duties. The City Clerk shall:

1. Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council *or City Manager* may direct.

2. Keep the corporate seal and all *official* papers and records of the City , *including, without limitation, contracts and agreement documents, resolutions, ordinances, minutes, the official election records for all City elections,* and keep a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend. Copies of all papers filed in his or her office, and



transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.

~~3. Supervise and coordinate administrative and responsible clerical work relating to the functions of the City Council.~~

~~4. Attend all meetings of the City Council.~~

~~5.]~~ Record votes of members of the City Council.

~~6.]~~ 4. Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.

~~7.]~~ 5. Countersign official contracts, bonds and other official City documents.

~~8. Be the custodian of all official City records, including contract and agreement documents, resolutions, ordinances, official minute book and the corporate seal.~~

~~9.]~~ 6. Make arrangements for *regular and* special ~~for informal~~ meetings ~~other than the regular meetings~~ of the City Council.

~~10.]~~ 7. Supervise the operation and maintenance of ~~a central file~~ *the record management* system ~~for all departments~~ of the City.

~~11.]~~ 8. Supervise the ~~recruitment of all election workers, the~~ printing of all ballots and *certify the* tally of election returns.

~~12. Serve as custodian of official election records for all City elections.~~

~~13.]~~ 9. Administer official oaths for the City.

Sec. 13. Section 3.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 146, Statutes of Nevada 2001, at page 748, is hereby amended to read as follows:

Sec. 3.050 City Attorney: Appointment; salary; qualifications; duties; removal; contract in lieu of or in addition to appointment.

1. Except as otherwise provided in subsection 6, the City Council shall appoint a City Attorney and fix his or her salary.

2. The City Attorney and any attorney with whom the City Council enters into a contract pursuant to subsection 6 must be a licensed member of the State Bar of Nevada.

3. The City Attorney is the Chief Legal Officer of the City and shall perform such duties as may be designated by the City Council or prescribed by ordinance.



4. The City Attorney is under the general direction and supervision of the City Council.

5. The City Attorney serves at the pleasure of the City Council and may be removed by an affirmative vote of a majority of the entire membership of the City Council at any time ~~in accordance with the terms of the City Attorney's employment agreement.~~

6. In lieu of or in addition to appointing a City Attorney pursuant to subsection 1, the City Council may enter into a contract with one or more attorneys employed by or associated with a professional corporation, partnership or limited-liability company that engages in the practice of law in this state to perform all or a portion of the duties of the City Attorney. If the City Council enters into such a contract, the City Council shall ensure that the contract specifies the duties to be performed and the compensation payable for the performance of those duties.

7. An attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the City Attorney pursuant to subsection 6 has, for each of the duties specified in the contract, all the powers and duties otherwise conferred upon a City Attorney who is appointed pursuant to subsection 1.

Sec. 14. Section 3.090 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1222, is hereby amended to read as follows:

Sec. 3.090 City officers: Collection and disposition of moneys.

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

2. The City Council , *City Manager or City Attorney* may by proper legal action:

(a) Collect all moneys which are due and unpaid to the City or any office thereof; and

(b) Pay from the General Fund all fees and expenses necessarily incurred by it in connection with the collection of such moneys.



(c) Provide for the imposition of reasonable interest charges on any fees, debts, obligations or assessments owed to the City.

Sec. 15. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 4.025, immediately following section 4.020, to read as follows:

Sec. 4.025 Hearing Commissioners.

1. The City Council may appoint one or more Hearing Commissioners to hear and decide:

(a) Any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110; and

(b) Any action for a misdemeanor constituting a violation of the North Las Vegas Municipal Code, except sections 10.28.020 to 10.28.060, inclusive, of that Code.

2. Each Hearing Commissioner must:

(a) Be a duly licensed member, in good standing, of the State Bar of Nevada;

(b) Be a resident of the State; and

(c) Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. In connection with any action of a type described in subsection 1, a Hearing Commissioner has all the powers and duties of a Municipal Judge and a magistrate pursuant to the laws of this State. To the extent possible and practicable, the proceedings in such actions must be subject to and governed by the provisions of the laws of this State, this Charter and city ordinances pertaining to Municipal Judges.

4. Hearing Commissioners shall receive such compensation as may be allowed by the City Council.

Sec. 16. Section 7A.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as added by chapter 584, Statutes of Nevada 1983, and as amended by chapter 404, Statutes of Nevada 2005, at page 1595, is hereby amended to read as follows:

Sec. 7A.010 Legislative declaration. The Legislature by the inclusion of this article in this Charter declares that:

1. All of the property which is to be acquired by the city pursuant to this article must be owned, operated, administered and maintained for and on behalf of all of the people of the City.

2. The exercise by the City of the purposes, powers, rights, privileges, immunities and duties which are



established, granted, conferred and imposed in this article promotes the public health, safety, prosperity, security, comfort, convenience and general welfare of all of the people of the State and will be of special benefit to the inhabitants of the City and the property within the City.

3. The provisions in this article which involve the purposes, powers, rights, privileges, immunities, liabilities, duties and disabilities with respect to the City will serve a public purpose.

4. The necessity for this article results from:

(a) The large population growth in the urban areas which are included within the City and its environs, which constitutes in the aggregate a significant portion of the State's population;

(b) The numerous capital improvements and large amount of improved real property which is ~~situate~~ *situated* within the urban areas;

(c) The need for capital improvements within certain areas within the City to provide needed services, facilities and other improvements for public use;

(d) The existence of blighted or deteriorating areas within the City which constitutes a serious and growing menace which is condemned as injurious and inimical to the public health, safety and general welfare of the people of the State, and particularly of the City;

(e) The lack of municipally owned capital improvements and the blighted or deteriorating areas which present difficulties and handicaps beyond remedy and control solely by the regulatory processes in the exercise of the police power; and

(f) Deficiencies which also constitute an economic and social liability which imposes onerous municipal burdens which decrease the tax base and reduce tax revenues, aggravate traffic hazards and the improvement of the traffic facilities.

5. The menace which results from the foregoing factors is becoming increasingly direct and substantial in its significance and effect.

6. The benefits which the City will derive from the remedying of these deficiencies by making available additional revenues to defray indirectly the costs of undertakings within the City which are authorized by NRS 268.672 to 268.740, inclusive, the development of mixed-use and transit-oriented communities, and the redevelopment of blighted or deteriorating areas within the City will inure to the



inhabitants and the property owners of the City as a whole, will be of general benefit to those people and will be of special benefit to the taxable real property within a tax increment area and to the owners of that property.

7. The method of paying the bond requirements of the securities which are issued pursuant to this article is equitable and enables the City to issue securities to defray the cost of any project.

8. A general law cannot be made applicable to the City or to the properties, powers, rights, privileges, immunities, liabilities, duties and disabilities which pertain to the City, as provided in this article, because of the number of atypical factors and special conditions with respect to them.

9. For the accomplishment of the purposes which are provided in this section, each of the provisions of this article must be broadly construed.

Sec. 17. Section 7A.060 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as added by chapter 584, Statutes of Nevada 1983, at page 1852, is hereby amended to read as follows:

Sec. 7A.060 "Facilities" defined.

1. "Facilities" means buildings, structures, utilities or other properties which pertain to any undertaking or project which is authorized in this article, including without limitation income-producing facilities and facilities which are acquired with the proceeds of bonds or other securities which are issued under that article.

2. The term includes all of the properties, real, personal, mixed or otherwise, which are acquired by the City or the public body, as the case may be, by any undertaking for any one or more projects through purchase, condemnation, construction or otherwise and are used in connection with any of those projects and related services or in any way which pertains to those projects or services, whether they are ~~situate~~ *situated* within or without, or both within and without, the corporate boundaries of the City or the territorial limits of the public body, as the case may be.

Sec. 18. Section 7A.150 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as added by chapter 584, Statutes of Nevada 1983, at page 1854, is hereby amended to read as follows:

Sec. 7A.150 Authorization of tax increment area.

1. Except as is provided in subsections 2 and 3, the City Council, on behalf of the City and in its name, may at any time designate a tax increment area within the City to create a



special account for the payment of bonds or other securities which are issued to defray the cost of the acquisition, improvement or equipment (or any combination thereof) of any project which is authorized in NRS 268.672 to 268.740, inclusive, including without limitation the condemnation of property for the undertaking, as are supplemented by NRS 350.500 to 350.720, inclusive, except as is otherwise provided in this article.

2. A tax increment area may not be created by the City Council if the total land area of the tax increment area exceeds 10 percent of the total land area, or if the total initial assessed valuation of the tax increment area exceeds 10 percent of the total assessed valuation of the taxable property which is ~~[situate]~~ *situated* within the City. As used in this subsection, "initial assessed valuation" means the assessed value as shown on the assessment roll which was last equalized before the designation of the area.

3. The right-of-way property of a railroad company which is under the jurisdiction of the ~~[Interstate Commerce Commission]~~ *Surface Transportation Board* must not be included in a tax increment area unless the inclusion of that property is mutually agreed upon by the City Council and the railroad company.

Sec. 19. Section 7A.160 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as added by chapter 584, Statutes of Nevada 1983, at page 1854, is hereby amended to read as follows:

Sec. 7A.160 Limitation upon acquisition of facilities.

1. The City may not acquire, as a part of its facilities, any property which, at the time of its acquisition, competes in any area with then-existing properties of a public body which provides the same or a similar function or service in the area, but the facilities of the City may complement the existing properties of a public body by providing in that area supplemental functions or services, if the existing properties provide inadequate functions or services.

2. The City may acquire properties of any public body which are ~~[situate]~~ *situated* in the City as one undertaking or a project of the City or an interest in that undertaking or project.

Sec. 20. Section 7A.170 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as added by chapter 584, Statutes of Nevada 1983, at page 1855, is hereby amended to read as follows:

Sec. 7A.170 Initiating procedure.



1. Whenever the City Council is of the opinion that the interests of the City require any undertaking which is to be financed under this article, the governing body by resolution shall direct the Engineer to prepare:

(a) Preliminary plans and a preliminary estimate of the cost of the undertaking, including without limitation all of the estimated financing costs which are to be capitalized with the proceeds of the City's securities and all other estimated incidental costs which relate to the undertaking;

(b) A statement of the proposed tax increment area which pertains to the undertaking, the last finalized amount of the assessed valuation of the taxable property in the area and the amount of taxes (including in the amount the sum of all unpaid taxes, whether or not they are delinquent) which resulted from the last taxation of the property, based upon the records of the County Assessor and the County Treasurer; and

(c) A statement of the estimated amount of the tax proceeds which are to be credited annually to the Tax Increment Account during the term of the proposed securities which will be payable from those tax proceeds.

2. The resolution must describe the undertaking in general terms.

3. The resolution must state:

(a) What part or portion of the expense of the undertaking must be paid with the proceeds of the securities which are issued by the City in anticipation of tax proceeds and are to be credited to the Tax Increment Account and payable wholly or in part from those tax proceeds;

(b) How the remaining part or portion of the expenses, if any, is to be financed; and

(c) The basic security and any additional security for the payment of the securities of the City which pertain to the undertaking.

4. The resolution need not describe minutely each particular tract of taxable real property which is proposed to be included within the tax increment area, but may simply designate the tax increment area or its location in such a manner that the various tracts of taxable real property and taxable personal property which are ~~[situate]~~ *situated* within the tax increment area may be ascertained and determined to be either within or without the proposed tax increment area.

5. The Engineer shall forthwith file with the City Clerk the preliminary plans, estimate of cost and statements.



1 6. Upon the filing of the preliminary plans, estimate of
2 cost and statements, the City Council shall examine them,
3 and, if it finds them to be satisfactory, by resolution
4 provisionally order the undertaking.

5 **Sec. 21.** Section 3.030 of the Charter of the City of North Las
6 Vegas, being chapter 573, Statutes of Nevada 1971, as amended by
7 chapter 640, Statutes of Nevada 1975, at page 1198, is hereby
8 repealed.

9 **Sec. 22.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

Sec. 3.030 City Manager: Removal.

1. The City Council may remove the City Manager from office in accordance with the procedure contained in this section.

2. The City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which shall state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 30 calendar days. A copy of the resolution shall be delivered promptly to the City Manager.

3. Within 5 calendar days after a copy of the preliminary resolution is delivered to the City Manager, he or she may file with the City Council a written request for a public hearing. The public hearing shall be held at a City Council meeting not earlier than 15 calendar days nor later than 30 calendar days after the request is filed. The City Manager may file with the City Council a written reply not later than 5 calendar days before the hearing.

4. The City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members, at any time after 5 calendar days from the date when a copy of the preliminary resolution was delivered to the City Manager, if he or she has not requested a public hearing or at any time after the public hearing if he or she has requested one.

5. The City Manager shall continue to receive his or her salary until the effective date of the final resolution of removal, unless the City Council provides in the preliminary resolution that the City Manager shall not receive a salary after the date of adoption of the preliminary resolution by the



City Council. The action of the City Council in suspending or removing the City Manager is not subject to review by any agency or court.

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