

Amendment No. 551

Senate Amendment to Assembly Bill No. 55 First Reprint	(BDR S-368)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.

NAS/HAC



Date: 5/14/2021

A.B. No. 55—Makes various changes to the Charter of the City of North Las Vegas. (BDR S-368)



ASSEMBLY BILL NO. 55—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF NORTH LAS VEGAS)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to the Charter of the City of North Las Vegas. (BDR S-368)

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; providing for the creation, membership and duties of a Charter Committee; making certain grammatical and clarifying changes to the Charter of the City of North Las Vegas; revising provisions relating to special and emergency meetings of the City Council; revising the procedure for enacting city ordinances; making various changes to the duties of the City Clerk; revising the powers of the City Council relating to animals; revising provisions relating to the removal of the City Attorney; authorizing the City Manager and City Attorney to take certain legal action for the collection and disposition of certain money; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill: (1) requires the City Council of the City of North Las Vegas 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; and (2) sets forth requirements for the creation, membership and duties of the Charter Committee.

Sections 1.5, 2, 5, 7, 9 and 15-21 of this bill make grammatical and clarifying changes to various provisions of the Charter of the City of North Las Vegas.

The existing Charter of the City of North Las Vegas: (1) authorizes the City Council to hold a special meeting on the call of the Mayor or by a majority of the City Council; and (2) prohibits the City Council from making certain contracts involving the expenditure of money or allowing claims at a special meeting. (North Las Vegas City Charter § 2.050) **Section 3** of this bill eliminates this prohibition and authorizes the City Council to also hold an emergency meeting on the call of the Mayor or by a majority of the City Council.

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 4** of this bill provides that if action on an introduced ordinance is postponed the City Council is not required to

introduce the ordinance again before taking action on the ordinance at the next meeting of the City Council.

The existing Charter of the City of North Las Vegas authorizes the City Council to regulate and prevent in all public places: (1) the distribution and exhibition of handbills or signs; (2) any practice tending to annoy persons passing in such public places; and (3) public demonstrations and processions. (North Las Vegas City Charter § 2.200) **Section 6** of this bill: (1) provides the City Council may regulate or prevent such behavior to the extent permissible under the Nevada Constitution and the United States Constitution; and (2) removes the provision authorizing the City Council to regulate practices tending to annoy persons. **Section 6** also removes existing language authorizing the City Council to prevent riots or acts tending to promote riots.

The existing Charter of the City of North Las Vegas gives the City Council certain powers related to animals and poultry. (North Las Vegas City Charter § 2.250) **Section 8** of this bill removes the reference to poultry and authorizes the City Council to establish an animal shelter rather than a pound.

The existing Charter of the City of North Las Vegas sets forth the duties of the City Clerk. (North Las Vegas City Charter § 3.040) **Section 10** of this bill revises the duties of the City Clerk.

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 11** of this bill specifies that the removal of the City Attorney must also be in accordance with the terms of his or her employment contract.

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 12** of this bill authorizes the City Manager and City Attorney to also take such legal action.

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

Section 1. 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 new sections to be designated as sections 1.100, 1.110 and 1.120, respectively, immediately following section 1.090, to read as follows:

Sec. 1.100 Charter Committee: Appointment; qualifications; compensation; terms; vacancies.

1. The City Council shall establish a Charter Committee. The Charter Committee must be appointed as follows:

(a) The Mayor shall appoint two members;

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

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

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

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

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

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

2. *Each member of the Charter Committee:*

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

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

(c) *Serves without compensation.*

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

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

Sec. 1.110 Charter Committee: Officers; meetings; duties.

The Charter Committee shall:

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

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

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

Sec. 1.120 Charter Committee: Removal of member.

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

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

(b) *Absence from three consecutive regular meetings; or*

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

2. *Any vacancy resulting from the removal of a member pursuant to this section must be filled pursuant to subsection 4 of section 1.100.*

Sec. 1.5. 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. 2. 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 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. 3. 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 ~~[]~~ *or emergency meetings.*

1. ~~[Special]~~ *In addition to regular meetings, special or emergency meetings of the City Council may be held on call of the Mayor or by a majority of the City Council. Notice of any special meeting must comply with the requirements of NRS 241.020.*

2. At a special meeting:

(a) ~~[No contract involving the expenditure of money, except emergency purchases, may be made or claim allowed.~~

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

~~[(e)]~~ (b) No ordinance may be passed except an emergency ordinance, or one specified in section 7.040.

Sec. 4. 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~~ *the proposed ordinance* must be read by title as first introduced ~~and~~ any amendment ~~must~~ *to the proposed ordinance may* be proposed. ~~and voted upon and thereupon the proposed ordinance, with any adopted amendments,~~ *The proposed ordinance, with or without amendment,* must be finally voted upon or action thereon postponed. *If action on the proposed ordinance is postponed, any amendment may be proposed and the proposed ordinance may be finally voted upon without having to introduce the ordinance again at the next meeting of the City Council.*

3. Where the ordinance is of a kind specified in section 7.040, by unanimous consent a special *or emergency* meeting may be called *pursuant to section 2.050* 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. 5. 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 ~~corporation,~~ *City.*

(b) Erect and maintain all buildings necessary for ~~the~~ use ~~of~~ *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. 6. Section 2.200 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. 2.200 Powers of City Council: Rights-of-way, parks, public buildings and grounds and other public places. The City Council may:

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

2. Acquire and regulate the use of public parks, buildings, grounds and rights-of-way and prevent the unlawful use thereof.

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

4. ~~[Regulate and]~~ *To the extent permissible under the Nevada Constitution and the United States Constitution, regulate or* prevent in all public places:

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

(b) ~~[Any practice tending to annoy persons passing in such public places.~~

~~—(c)—~~ Public demonstrations and processions.

~~[5.—Prevent riots or any act tending to promote riots.]~~

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]~~ *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 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. 10. 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.

1. The City Clerk shall:

~~1.1~~ (a) Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.

~~1.2~~ (b) Keep the corporate seal and be the custodian of all official papers and records of the City, including, without limitation, contracts, agreements, documents, resolutions, ordinances, minutes and ~~keep~~ official city election records.

(c) 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.~~ (d) Record votes of members of the City Council.

~~6.~~ (e) 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.}~~ (f) 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.}~~ (g) Make arrangements for *regular*, special or ~~{informal}~~ *emergency* meetings ~~{other than the regular meetings}~~ of the City Council.

~~{10.}~~ (h) Supervise the operation and maintenance of ~~{a central file system for all departments}~~ *the records management system* of the City.

~~{11.}~~ (i) Supervise ~~{the recruitment of all election workers,}~~ the printing of all ballots ~~{and tally off}~~ *for city elections*.

(j) *Certify the* election returns.

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

~~—13.}~~ (k) Administer official oaths for the City.

2. Copies of all papers filed in the office of the City Clerk 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.

Sec. 11. 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 *at any time in accordance with the terms of the City Attorney's employment contract* by an affirmative vote of a majority of the entire membership of the City Council. ~~{at any time.}~~

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}~~ *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.

1 **Sec. 12.** Section 3.090 of the Charter of the City of North Las Vegas, being
2 chapter 573, Statutes of Nevada 1971, at page 1222, is hereby amended to read as
3 follows:

4 Sec. 3.090 ~~[City officers:]~~ Collection and disposition of moneys.

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

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

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

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

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

19 **Sec. 13.** (Deleted by amendment.)

20 **Sec. 14.** (Deleted by amendment.)

21 **Sec. 15.** Section 7A.010 of the Charter of the City of North Las Vegas, being
22 chapter 584, Statutes of Nevada 1983, as amended by chapter 404, Statutes of
23 Nevada 2005, at page 1595, is hereby amended to read as follows:

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

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

29 2. The exercise by the City of the purposes, powers, rights, privileges,
30 immunities and duties which are established, granted, conferred and
31 imposed in this article promotes the public health, safety, prosperity,
32 security, comfort, convenience and general welfare of all of the people of
33 the State and will be of special benefit to the inhabitants of the City and the
34 property within the City.

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

38 4. The necessity for this article results from:

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

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

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

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

51 (e) The lack of municipally owned capital improvements and the
52 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. 16. Section 7A.040 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1852, is hereby amended to read as follows:

Sec. 7A.040 “Cost of ~~the~~ undertaking” defined. “Cost of the undertaking,” or any phrase of similar import, means the “cost of any project” as the latter phrase is defined in NRS 350.516.

Sec. 17. Section 7A.060 of the Charter of the City of North Las Vegas, being 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 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 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 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 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.

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

Sec. 21. Section 7A.240 of the Charter of the City of North Las Vegas, being chapter 584, Statutes of Nevada 1983, at page 1860, is hereby amended to read as follows:

Sec. 7A.240 Municipal securities.

1. The City may issue, to defray, wholly or in part, the cost of the undertaking, the following securities:

- (a) Notes;
- (b) Warrants;
- (c) Interim debentures;
- (d) Bonds; and
- (e) Temporary bonds.

2. Any net revenue which is derived from the operation of the project which is acquired, improved or equipped, or any combination thereof, under the undertaking must be pledged for the payment of the securities, and those securities must be made payable from that net pledged revenue, as the bond requirements of the securities become due from time to time, in accordance with the bond ordinance, trust indenture or other proceedings which authorize the issuance of the securities or otherwise pertains to their issuance.

3. Additionally, the securities:

(a) Must be made payable from tax proceeds which are accounted for in the Tax Increment Account; and

(b) May, at the City's option, be made payable from the taxes which are levied by the City against all of the taxable property within the City, without limitation of rate or amount except for the limitation which is provided in Section 2 of Article 10 of the Nevada Constitution. The City may also issue general obligation securities which are authorized by any law other than this article and are made payable from taxes without also

1 making those securities payable from the net pledged revenues or tax
2 proceeds which are accounted for in a Tax Increment Account, or from both
3 these revenue sources.

4 4. Securities which are payable only in the manner which is provided
5 in either paragraph (a) of subsection 3 or both subsection 2 and paragraph
6 (a) of subsection 3 are special obligations of the City, are neither in their
7 issuance subject to debt limitation which is specified in subsection 1 of
8 section 7.010 of this Charter or is otherwise imposed by law, nor, while
9 they are outstanding, do they exhaust the City's debt-incurring power under
10 subsection 1 of section 7.010 of this Charter or other law and may be issued
11 under the provisions of ~~the~~ NRS 350.500 to 350.720, inclusive, except as
12 is otherwise provided in this article, without any compliance with the
13 provisions of NRS 350.011 to 350.0165, inclusive, or NRS 350.020 to
14 350.070, inclusive, and without any approval or other preliminaries, except
15 as is provided in NRS 350.500 to 350.720, inclusive.

16 5. Securities which are payable from taxes in the manner which is
17 provided in paragraph (b) of subsection 3, regardless of whether or not they
18 are also payable in the manner which is provided only in paragraph (a) of
19 that subsection or in both subsection 2 and paragraph (a) of subsection 3,
20 must be general obligations of the City, are in their issuance subject to the
21 debt limitation which is specified in subsection 1 of section 7.010 of this
22 Charter or is otherwise imposed by law and, while they are outstanding,
23 exhaust the City's debt-incurring power under subsection 1 of section 7.010
24 of this Charter or other law, and those securities may be issued under NRS
25 350.500 to 350.720, inclusive, only after the issuance of City bonds is
26 approved under the provisions of:

27 (a) NRS 350.011 to 350.0165, inclusive; and

28 (b) NRS 350.020 to 350.070, inclusive, except for the issuance of notes
29 or warrants pursuant to NRS 350.500 to 350.720, inclusive, which are
30 payable out of the current year's revenues and are not to be funded with the
31 proceeds of interim debentures or bonds in the absence of approval under
32 the provisions of the law which are designated in paragraphs (a) and (b).

33 6. In the proceedings for the making of loans or the acquisition of any
34 advance of money or the incurring of any indebtedness, whether it is
35 funded, refunded, assumed or otherwise, for the purpose of financing or
36 refinancing, in whole or in part, the undertaking, wholly or in part, the City
37 shall irrevocably pledge that portion of the taxes which is mentioned in
38 subsection 2 of section 7A.230 of this Charter for the payment of the bond
39 requirements of the loans, advances or indebtedness. The provisions in
40 NRS 350.500 to 350.720, inclusive, which pertain to net pledged revenues
41 apply to the pledge to secure the payment of the tax increment bonds.

42 **Sec. 22.** This act becomes effective upon passage and approval.