Amendment No. 460

Senate A	(BDR S-5)					
Proposed by: Senate Committee on Government Affairs						
Amends:	Summary: No	Title: Yes Preamble: No Joint Sponsorship: No	Digest: Yes			

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to $S.B.\ 184\ (\S\ 3).$

ASSEMBLY	ACT	TON	Initial and Date	SENATE ACTIO	ON	Initia	l and Date
Adopted		Lost	1	Adopted	Lost		
Concurred In		Not	1	Concurred In	Not		
Receded		Not	1	Receded	Not		

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of <u>green bold underlining</u> is language proposed to be added in this amendment; (3) <u>red strikethrough</u> is deleted language in the original bill; (4) <u>purple double strikethrough</u> is language proposed to be deleted in this amendment; (5) <u>orange double underlining</u> is deleted language in the original bill proposed to be retained in this amendment.

AMD/HAC Date: 4/16/2023

S.B. No. 184—Revises the Charter of the City of North Las Vegas. (BDR S-5)

SENATE BILL NO. 184-SENATORS SPEARMAN AND FLORES

February 22, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises the Charter of the City of North Las Vegas. (BDR S-5)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 3) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

EXPLANATION - Matter in bolded italics is new; matter between brackets fomitted material; is material to be omitted.

AN ACT relating to the Charter of the City of North Las Vegas; increasing the number of wards in the City of North Las Vegas; increasing the number of Council Members of the City Council of the City of North Las Vegas; requiring the City Manager to conduct an annual diversity study and establish a supplier diversity program; setting forth residency requirements for [certain city officers]; the City Manager; revising the powers and duties of the City Attorney; requiring certain reports to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of North Las Vegas divides the City into four wards, each of which is represented on the City Council by a Council Member. (North Las Vegas City Charter §§ 1.045, 2.010) Section 1 of this bill increases the number of wards in the City of North Las Vegas from four to six. Section 2 of this bill provides that the City Council of the City consists of six Council Members and a Mayor. Section 8 of this bill requires that the seats for the City Council Members be designated one through six. Section 10 of this bill requires, between July 1, 2023, and December 31, 2023, the City Council to, by ordinance: (1) establish the boundaries for the new fifth and sixth wards; and (2) change the boundaries of the existing four wards so that the boundaries of all six wards are contiguous and as nearly as equal in population as possible. Sections 7 and 11 of this bill provide that the Council Members who represent the fifth and sixth wards will be first elected at the general municipal election held in November 2024, and the wards will not be considered vacant before that election. Section 12 of this bill requires the City Manager to present a report to the Joint Interim Standing Committee on Legislative Operations and Elections during the legislative interim regarding the redistricting of the wards.

Existing law requires the City Council to appoint a City Manager who need not be a resident of the City or the State of Nevada at the time of his or her appointment, but he or she may reside outside the City while in office only with the approval of the City Council. (North Las Vegas City Charter § 3.010) Section 4 of this bill requires that the City Manager become an actual resident of the City not later than 6 months after the date of his or her appointment and remain a resident of the City while in office. [Similarly, section 5 of this bill requires any appointed administrative officer who is the chief financial officer, an assistant city manager or assistant chief of staff to become an actual resident of the City not later than 6 months after

the date of appointment and remain a resident of the City while in office.] Section 13 of this bill provides that if the City Manager_[, chief financial officer, assistant city manager or assistant chief of staff] is not an actual resident of the City on July 1, 2023, he or she must become an actual resident of the City not later than December 31, 2023, and remain a resident while in office.

Section 3 of this bill requires the City Manager to: (1) prepare an annual diversity study to determine the number of city employees who are in managerial positions and are women, veterans or members of a minority group; and (2) establish a supplier diversity program.

Section 6 of this bill provides that the City Attorney or an attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the City Attorney may not opine or provide legal advice to the Mayor or a Council Member on any issue or matter that does not directly relate to the official duties of the Mayor or the Council Member.

Section 9 of this bill requires the City Manager to submit a report to the Senate Standing Committee on Government Affairs and the Assembly Standing Committee on Government Affairs on vacant or leased space in the North Las Vegas City Hall.

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

Section 1. Section 1.045 of the Charter of the City of North Las Vegas, being chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

Sec. 1.045 Wards: Creation; Boundaries.

- 1. The City must be divided into **[four]** six wards which must be as nearly equal in population as practicable, and each of which must be composed entirely of contiguous territory.
- 2. The boundaries of the wards must be established and changed by ordinance. Except as otherwise provided in subsection 3, the boundaries of the wards must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.
- 3. The boundaries of the wards must not be changed, except to accommodate an annexation of territory to the City, during the period beginning 30 days immediately preceding the last day for filing a declaration of candidacy for a municipal election and ending on the date of the election.
- **Sec. 2.** Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3561, is hereby amended to read as follows:

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 four six Council Members and a Mayor.
 - 2. The Mayor must be:
- (a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.
 - (b) A qualified elector within the City.
 - 3. Each Council Member:
- (a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

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- (b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.
- 4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.
- 5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.
- 6. The Mayor must be voted upon by the registered voters of the City at large, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.
- 7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.
- **Sec. 3.** 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 section 3.022 and 3.023, respectively, immediately following section 3.020, to read as follows:

Sec. 3.022 Diversity Studies.

- 1. On or before December 31 of each year, the City Manager shall prepare a diversity study to determine the number of employees of each agency, bureau, board, commission, department, division and other office of the City who are in managerial positions and are women, veterans or members of a minority group.
- 2. Each diversity study prepared pursuant to this section must be posted in a prominent location on the Internet website of the City.
- 3. The City Manager shall present the results of each diversity study at a public meeting to the City Council and the Charter Committee. The City Council and Charter Committee shall consider the results of the diversity study in determining whether to propose any amendment to this Charter.
- 4. A diversity study prepared pursuant to this section must not include any personally identifiable information of any employee of the City.
- 5. The City Manager shall maintain the records, documents and other materials used in the preparation of a diversity study pursuant to this section in written or electronic form for at least 10 years after the presentation of the results of the diversity study pursuant to subsection 3.
 - 6. As used in this section, "minority group" means:
 - (a) A racial or ethnic minority group;
 - (b) A group of persons with disabilities; or
- (c) A group of persons who identify as LGBTQ. As used in this paragraph, "LGBTQ" means lesbian, gay, bisexual, transgender, queer, intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression.

Sec. 3.023 Supplier Diversity Program.

1. The City Manager shall establish a supplier diversity program to ensure that businesses located in the City that are owned by women, veterans or a member of a minority group are made aware of the City's advertisements for bids or requests for proposals.

- 2. The City Manager shall ensure that information about the supplier diversity program established pursuant to this section is prominently displayed on the Internet website of the City.
- 3. On or before January 1 of each year, the City Manager shall prepare a report on the supplier diversity program that includes, without limitation:
- (a) The number of contracts awarded by the City for the previous calendar year to businesses located in the City that are owned by women, veterans or a member of a minority group; and
- (b) The amount of money paid to businesses located in the City that are owned by women, veterans or a member of a minority group pursuant to the contracts described in paragraph (a).
- 4. Each report must be prominently displayed on the Internet website of the City.
- 5. The City Manager shall present the report prepared pursuant to this section at a public meeting to the City Council and the Charter Committee. The City Council and Charter Committee shall consider the results of the report in determining whether to propose any amendment to this Charter.
- 6. The City Manager shall maintain the records, documents and other materials used in the preparation of a report pursuant to this section in written or electronic form for at least 10 years after the presentation of the report pursuant to subsection 5.
 - 7. As used in this section, "minority group" means:
 - (a) A racial or ethnic minority group;
 - (b) A group of persons with disabilities; or
- (c) A group of persons who identify as LGBTQ. As used in this paragraph, "LGBTQ" means lesbian, gay, bisexual, transgender, queer, intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression.
- **Sec. 4.** Section 3.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1219, is hereby amended to read as follows:
 - Sec. 3.010 City Manager: Appointment and qualifications; acting City Manager.
 - 1. The City Council shall appoint a City Manager for an indefinite term and fix his or her compensation. The City Manager shall be appointed on the basis of his or her administrative qualifications. The City Manager need not be a resident of the City [or the State of Nevada] at the time of his or her appointment. [, but he or she may reside outside the City while in office only with the approval of the City Council.] The City Manager must become an actual resident of the City not later than 6 months after the date of his or her appointment and remain a resident of the City while in office.
 - 2. By letter filed with the City Clerk, the City Manager shall designate, subject to the approval of the City Council, a qualified city administrative officer to exercise the powers and perform the duties of the City Manager during his or her temporary absence or disability. The City Council may revoke such designation at any time.

the City Council concerning the affairs as he or she deems desirable.

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(i) Perform

— (j) Shall perform such other duties as are specified in this Charter or which may be required by the City Council.] (Deleted by amendment.)

- **Sec. 6.** 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 254, Statutes of Nevada 2021, at page 1332, 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] Except as otherwise provided in subsection 8, 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.
 - 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.
 - 8. The City Attorney or 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 may not opine or provide legal advice to the Mayor or a Council Member on any issue or matter that does not directly relate to the official duties of the Mayor or the Council Member.
- **Sec. 7.** Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

- 1. On the second Tuesday after the first Monday in June 2019, there must be elected, at a general municipal election to be held for that purpose, two Council Members, who shall hold office until their successors have been elected and qualified pursuant to subsection 4.
- 2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

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- 3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, a Municipal Judge who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.
- 4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, [two] four Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.
 - 5. In a general municipal election:
- (a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.
- (b) Candidates for all other elective offices must be elected by the registered voters of the City at large.
- **Sec. 8.** Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:
 - Sec. 5.020 Primary municipal elections; declaration of candidacy.
 - 1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through [four.] six, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.
 - 2. A primary municipal election must be held:
 - (a) On the Tuesday following the first Monday in April 2019; and
 - (b) Beginning in 2022, on the second Tuesday in June of each evennumbered year.
 - 3. In the primary municipal election:
 - (a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.
 - (b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.
 - 4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.
 - 5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.
- **Sec. 9.** On or before May 1, 2023, the City Manager of the City of North Las Vegas shall submit a report to the Senate Standing Committee on Government Affairs and the Assembly Standing Committee on Government Affairs regarding any space in the North Las Vegas City Hall that is vacant or leased. The report must include:

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- 1. An identification on the floor plan of the North Las Vegas City Hall of each vacant or leased space.
 - The square footage of each such vacant or leased space.
- 3. For each such leased space, the dates of the commencement and termination of the lease.
- Sec. 10. Between July 1, 2023, and December 31, 2023, the City Council must, by ordinance:
- 1. Establish the boundaries for the fifth and sixth wards created by the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act; and
- 2. Change the boundaries of the existing four wards so that the boundaries of all six wards created pursuant to section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, are contiguous and as nearly as equal in population as possible.
- Sec. 11. The fifth and sixth wards created by the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, must be filled initially at the general municipal election held on the first Tuesday after the first Monday in November 2024, provided for by section 5.010 of the Charter of the City of North Las Vegas, as amended by section 7 of this act, and shall not be deemed to be vacant before that time.
- Sec. 12. 1. On or before June 1, 2024, the City Manager of the City of North Las Vegas shall present a report to the Joint Interim Standing Committee on Legislative Operations and Elections regarding:
- (a) Establishing the boundaries for the fifth and sixth wards created by the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act; and
- (b) Changing the boundaries of the existing four wards so that the boundaries of all six wards created pursuant to section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, are contiguous and as nearly as equal in population as possible.
- The report presented pursuant to subsection 1 must include the sources of funding used to pay for carrying out the provisions of paragraphs (a) and (b) of subsection 1 and an itemization of the expenditures made from that funding.
- Sec. 13. Notwithstanding the provisions of [sections] section 3.010 [and 3.0201 of the Charter of the City of North Las Vegas, as amended by [sections] section 4 [and 5] of this act, [respectively,] if the City Manager [, chief financial officer, assistant city manager or assistant chief of staff] is not an actual resident of the City on July 1, 2023, he or she must become an actual resident of the City not later than December 31, 2023, and remain a resident while in office.
- Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.
- Sec. 15. 1. This section and sections 9 and 14 of this act become effective upon passage and approval.
 - 2. Sections 1, 2, 7, 8, 10, 11 and 12 of this act become effective:
- (a) Upon passage and approval for the purpose of adopting ordinances, establishing the boundaries of the additional wards created by the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, changing the boundaries of the first through fourth wards to comply with the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and
 - (b) On January 1, 2024, for all other purposes.

 $1 \\ 2$ 3. Sections 3 to 6, inclusive, and 13 of this act become effective on July 1, 2023.