

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.

~

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; 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; authorizing the City Council to appoint one or more Hearing Commissioners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Sections 1, 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



12 bill provides that if action on an introduced ordinance is postponed to a future
13 meeting of the City Council, the City Council is not required to introduce the
14 ordinance again before taking action on the ordinance.

15 The existing Charter of the City of North Las Vegas authorizes the City
16 Council to regulate and prevent in all public places: (1) the distribution and
17 exhibition of handbills or signs; (2) any practice tending to annoy persons passing
18 in such public places; and (3) public demonstrations and processions. (North Las
19 Vegas City Charter § 2.200) **Section 6** of this bill provides the City Council may
20 regulate or prevent such behavior to the extent permissible under the Nevada
21 Constitution and the United States Constitution.

22 The existing Charter of the City of North Las Vegas gives the City Council
23 certain powers related to animals and poultry. (North Las Vegas City Charter §
24 2.250) **Section 8** of this bill removes the reference to poultry and authorizes the
25 City Council to establish an animal shelter rather than a pound.

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

29 The existing Charter of the City of North Las Vegas provides that the City
30 Attorney may be removed by a vote of the majority of the entire City Council at
31 any time. (North Las Vegas City Charter § 3.050) **Section 11** of this bill specifies
32 that the removal of the City Attorney must also be in accordance with the terms of
33 his or her employment contract.

34 The existing Charter of the City of North Las Vegas authorizes the City
35 Council to take certain legal action for the collection and disposition of certain
36 money. (North Las Vegas City Charter § 3.090) **Section 12** of this bill authorizes
37 the City Manager and City Attorney to also take such legal action.

38 **Section 13** of this bill authorizes the City Council to appoint one or more
39 Hearing Commissioners to hear and decide certain actions. **Section 14** of this bill
40 makes a conforming change related to such an appointment.

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

1 **Section 1.** Section 2.020 of the Charter of the City of North
2 Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended
3 by chapter 723, Statutes of Nevada 1973, at page 1437, is hereby
4 amended to read as follows:

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

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

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

11 (a) Be pecuniarily interested, directly or indirectly, in any
12 contract ~~He+H~~ *entered into* by the City, or in any transaction
13 wherein the rights or liberties of the City are, or may be
14 involved. This paragraph does not apply to contracts for
15 utilities and other services provided for the public by the City
16 under this Charter and the ordinances thereunder, when the



1 Council Member or Mayor applies for and receives such
2 services in the same manner and pays the same established
3 rates and charges as any member of the public.

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

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

16 **Sec. 2.** Section 2.035 of the Charter of the City of North Las
17 Vegas, being chapter 573, Statutes of Nevada 1971, at page 1213, is
18 hereby amended to read as follows:

19 Sec. 2.035 City Council: Discipline and subpoena
20 power.

21 1. The City Council may order the attendance of
22 witnesses and the production of all ~~papers~~ *documents and*
23 *data* relating to any business before the City Council.

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

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

29 (b) Such clerk may issue the subpoena, and any peace
30 officer may serve it.

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

36 **Sec. 3.** Section 2.050 of the Charter of the City of North Las
37 Vegas, being chapter 573, Statutes of Nevada 1971, as amended by
38 chapter 301, Statutes of Nevada 1979, at page 451, is hereby
39 amended to read as follows:

40 Sec. 2.050 Meetings: Special ~~H~~ *or emergency*
41 *meetings.*

42 1. ~~Special~~ *In addition to regular meetings, special or*
43 *emergency meetings of the City Council* may be held on call
44 of the Mayor or by a majority of the City Council. *Notice of*



1 *any special meeting must comply with the requirements of*
2 *NRS 241.020.*

3 2. At a special meeting:

4 (a) ~~[No contract involving the expenditure of money,~~
5 ~~except emergency purchases, may be made or claim allowed.~~
6 ~~—(b)]~~ No business may be transacted except such as has
7 been stated in the call of the meeting.

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

10 **Sec. 4.** Section 2.100 of the Charter of the City of North Las
11 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
12 by chapter 208, Statutes of Nevada 2005, at page 679, is hereby
13 amended to read as follows:

14 Sec. 2.100 Ordinances: Enactment procedure;
15 emergency ordinances.

16 1. All proposed ordinances when first ~~[proposed]~~
17 *introduced* must be read to the City Council by title, after
18 which an adequate number of copies of the proposed
19 ordinance must be filed with the City Clerk for public
20 distribution. Except as otherwise provided in subsection 3,
21 notice of the filing must be published once in a newspaper
22 qualified pursuant to the provisions of chapter 238 of NRS ~~[~~
23 ~~as amended from time to time, and published in the City]~~ at
24 least 10 days before the adoption of the ordinance.

25 2. Not later than the second regular meeting of the City
26 Council following the ~~[proposal]~~ *introduction* of an
27 ordinance, ~~[it]~~ *the proposed ordinance* must be read by title
28 as first introduced ~~[]~~ *and* any amendment ~~[must]~~ *to the*
29 *proposed ordinance may* be proposed. ~~[and voted upon and~~
30 ~~thereupon the proposed ordinance, with any adopted~~
31 ~~amendments.]~~ *The proposed ordinance, with or without*
32 *amendment,* must be finally voted upon or action thereon
33 postponed. *If action on the proposed ordinance is*
34 *postponed, any amendment may be proposed and the*
35 *proposed ordinance may be finally voted upon at any future*
36 *meeting of the City Council without having to introduce the*
37 *ordinance again.*

38 3. Where the ordinance is of a kind specified in section
39 7.040, by unanimous consent a special *or emergency* meeting
40 may be called *pursuant to section 2.050* for the purpose of
41 taking final action, and by a majority vote of the City Council
42 final action may be taken immediately and no notice of the
43 filing of the copies of the proposed ordinance with the City
44 Clerk need be published. It shall become effective
45 immediately upon passage.



1 4. All ordinances must be signed by the Mayor, attested
2 by the City Clerk and published ~~[in the City,]~~ *at least* once,
3 by title, together with the names of the Council Members
4 voting for or against passage, in a newspaper qualified
5 pursuant to the provisions of chapter 238 of NRS ~~[, as~~
6 ~~amended from time to time,]~~ before the ordinance, except as
7 otherwise provided in subsection 3, becomes effective. The
8 City Council may, by a majority vote, order the publication of
9 the ordinance in full in lieu of publication by title only.

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

13 **Sec. 5.** Section 2.120 of the Charter of the City of North Las
14 Vegas, being chapter 573, Statutes of Nevada 1971, at page 1215, is
15 hereby amended to read as follows:

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

18 1. The City Council may:

19 (a) Control the property of the ~~[corporation,]~~ *City.*

20 (b) Erect and maintain all buildings necessary for ~~[the]~~
21 use ~~[of]~~ *by* the City.

22 (c) Purchase, receive, hold, sell, lease, convey and
23 dispose of property, wherever situated, for the benefit of the
24 City, improve and protect such property, and do all other
25 things in relation thereto which natural persons might do.

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

30 **Sec. 6.** Section 2.200 of the Charter of the City of North Las
31 Vegas, being chapter 573, Statutes of Nevada 1971, at page 1217, is
32 hereby amended to read as follows:

33 Sec. 2.200 Powers of City Council: Rights-of-way,
34 parks, public buildings and grounds and other public places.
35 The City Council may:

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

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

41 3. Require landowners to keep the adjacent streets,
42 sidewalks and public parks, buildings and grounds free from
43 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



1 chapter 301, Statutes of Nevada 1979, at page 452, is hereby
2 amended to read as follows:

3 Sec. 3.020 City Manager: Powers and duties.

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

8 2. The City Manager shall:

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

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

20 (1) As otherwise provided by law; and

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

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

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

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

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

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

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

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

43 **Sec. 10.** Section 3.040 of the Charter of the City of North Las
44 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.]~~ (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.

~~[2.]~~ (b) Keep the corporate seal and 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 of]~~ *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*



1 *certified by him or her, under the corporate seal, shall be*
2 *evidence in all courts to the same effect as if the original*
3 *were produced.*

4 **Sec. 11.** Section 3.050 of the Charter of the City of North Las
5 Vegas, being chapter 573, Statutes of Nevada 1971, as last amended
6 by chapter 146, Statutes of Nevada 2001, at page 748, is hereby
7 amended to read as follows:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

24 **Sec. 13.** The Charter of North Las Vegas, being chapter 573,
25 Statutes of Nevada 1971, at page 1210, is hereby amended by
26 adding thereto a new section to be designated as section 4.025,
27 immediately following section 4.020, to read as follows:

28 ***Sec. 4.025 Hearing Commissioners.***

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

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

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

37 2. *Each Hearing Commissioner appointed pursuant to*
38 *this section must:*

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

41 (b) *Be a resident of this State; and*

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

44 3. *In connection with any action of a type described in*
45 *subsection 1, a Hearing Commissioner has all of the powers*



1 *and duties of a Municipal Judge and a magistrate pursuant*
2 *to the laws of this State. To the extent possible and*
3 *practicable, the proceedings in such actions must be subject*
4 *to and governed by the provisions of the laws of this State,*
5 *this Charter and city ordinances pertaining to Municipal*
6 *Judges.*

7 *4. Hearing Commissioners appointed pursuant to this*
8 *section shall receive such compensation as may be allowed*
9 *by the City Council.*

10 **Sec. 14.** Section 4.030 of the Charter of the City of North Las
11 Vegas, being chapter 573, Statutes of Nevada 1971, at page 1223, is
12 hereby amended to read as follows:

13 Sec. 4.030 Intermittent periods of incarceration. If a
14 sentence of imprisonment is imposed by the Municipal Judge
15 ~~[J]~~ *or a Hearing Commissioner*, the Municipal Judge *or*
16 *Hearing Commissioner, as applicable*, may order
17 intermittent periods of incarceration so long as the entire
18 sentence will be completed within 6 months from the date of
19 sentence. The periods of incarceration may be varied from
20 time to time with consent of the defendant, but the total time
21 of incarceration may not be increased.

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

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

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

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

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

43 4. The necessity for this article results from:

44 (a) The large population growth in the urban areas which
45 are included within the City and its environs, which



1 constitutes in the aggregate a significant portion of the State's
2 population;

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

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

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

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

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

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

27 6. The benefits which the City will derive from the
28 remedying of these deficiencies by making available
29 additional revenues to defray indirectly the costs of
30 undertakings within the City which are authorized by NRS
31 268.672 to 268.740, inclusive, the development of mixed-use
32 and transit-oriented communities, and the redevelopment of
33 blighted or deteriorating areas within the City will inure to the
34 inhabitants and the property owners of the City as a whole,
35 will be of general benefit to those people and will be of
36 special benefit to the taxable real property within a tax
37 increment area and to the owners of that property.

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

42 8. A general law cannot be made applicable to the City
43 or to the properties, powers, rights, privileges, immunities,
44 liabilities, duties and disabilities which pertain to the City, as



1 provided in this article, because of the number of atypical
2 factors and special conditions with respect to them.

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

6 **Sec. 16.** Section 7A.040 of the Charter of the City of North
7 Las Vegas, being chapter 584, Statutes of Nevada 1983, at page
8 1852, is hereby amended to read as follows:

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

13 **Sec. 17.** Section 7A.060 of the Charter of the City of North
14 Las Vegas, being chapter 584, Statutes of Nevada 1983, at page
15 1852, is hereby amended to read as follows:

16 Sec. 7A.060 “Facilities” defined.

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

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

33 **Sec. 18.** Section 7A.150 of the Charter of the City of North
34 Las Vegas, being chapter 584, Statutes of Nevada 1983, at page
35 1854, is hereby amended to read as follows:

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

37 1. Except as is provided in subsections 2 and 3, the City
38 Council, on behalf of the City and in its name, may at any
39 time designate a tax increment area within the City to create a
40 special account for the payment of bonds or other securities
41 which are issued to defray the cost of the acquisition,
42 improvement or equipment (or any combination thereof) of
43 any project which is authorized in NRS 268.672 to 268.740,
44 inclusive, including without limitation the condemnation of
45 property for the undertaking, as are supplemented by



1 NRS 350.500 to 350.720, inclusive, except as is otherwise
2 provided in this article.

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

12 3. The right-of-way property of a railroad company
13 which is under the jurisdiction of the Interstate Commerce
14 Commission must not be included in a tax increment area
15 unless the inclusion of that property is mutually agreed upon
16 by the City Council and the railroad company.

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

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

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

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

33 **Sec. 20.** Section 7A.170 of the Charter of the City of North
34 Las Vegas, being chapter 584, Statutes of Nevada 1983, at page
35 1855, is hereby amended to read as follows:

36 Sec. 7A.170 Initiating procedure.

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

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



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

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

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

15 3. The resolution must state:

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

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

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

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

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

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

40 **Sec. 21.** Section 7A.240 of the Charter of the City of North
41 Las Vegas, being chapter 584, Statutes of Nevada 1983, at page
42 1860, is hereby amended to read as follows:

43 Sec. 7A.240 Municipal securities.

44 1. The City may issue, to defray, wholly or in part, the
45 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 making those securities payable from the net pledged revenues or tax proceeds which are accounted for in a Tax Increment Account, or from both these revenue sources.

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

5. Securities which are payable from taxes in the manner which is provided in paragraph (b) of subsection 3, regardless



1 of whether or not they are also payable in the manner which
2 is provided only in paragraph (a) of that subsection or in both
3 subsection 2 and paragraph (a) of subsection 3, must be
4 general obligations of the City, are in their issuance subject to
5 the debt limitation which is specified in subsection 1 of
6 section 7.010 of this Charter or is otherwise imposed by law
7 and, while they are outstanding, exhaust the City's debt-
8 incurring power under subsection 1 of section 7.010 of this
9 Charter or other law, and those securities may be issued under
10 NRS 350.500 to 350.720, inclusive, only after the issuance of
11 City bonds is approved under the provisions of:

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

13 (b) NRS 350.020 to 350.070, inclusive, except for the
14 issuance of notes or warrants pursuant to NRS 350.500 to
15 350.720, inclusive, which are payable out of the current
16 year's revenues and are not to be funded with the proceeds of
17 interim debentures or bonds in the absence of approval under
18 the provisions of the law which are designated in paragraphs
19 (a) and (b).

20 6. In the proceedings for the making of loans or the
21 acquisition of any advance of money or the incurring of any
22 indebtedness, whether it is funded, refunded, assumed or
23 otherwise, for the purpose of financing or refinancing, in
24 whole or in part, the undertaking, wholly or in part, the City
25 shall irrevocably pledge that portion of the taxes which is
26 mentioned in subsection 2 of section 7A.230 of this Charter
27 for the payment of the bond requirements of the loans,
28 advances or indebtedness. The provisions in NRS 350.500 to
29 350.720, inclusive, which pertain to net pledged revenues
30 apply to the pledge to secure the payment of the tax
31 increment bonds.

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



