

**CITY OF HENDERSON
CHARTER COMMITTEE
REGULAR MEETING AGENDA**

**Tuesday, March 29, 2016
9:00 AM
Meeting Inquiries: (702) 267-1200**

**Mayor & Council Boardroom
240 Water Street
Henderson, Nevada 89015**

NOTICE

Notice to persons with special needs: For those requiring special assistance or accommodation to attend or participate in this meeting, arrangements for a sign language interpreter or services necessary for effective communication for qualified persons with disabilities should be made as soon as possible, but no later than 72 hours before the scheduled event. Listening devices are available for persons with hearing impairments.

Please contact Crystal Bomar at (702) 267-2057 or TTY: 7-1-1 at least 72 hours in advance to request a sign language interpreter. You may also submit your request by using [Contact Henderson](#).

The Chairman reserves the right to hear agenda items out of order, combine two or more agenda items for consideration, remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

Individuals speaking on an item will be limited to three (3) minutes and spokespersons for a group will be limited to ten (10) minutes.

Backup materials for agenda items can be found at the Intergovernmental Relations Office or on the City's website at: <http://henderson.siretechnologies.com/sirepub/meetresults.aspx>. To request backup materials, please contact Crystal Bomar at (702) 267-2057.

I. CALL TO ORDER

II. CONFIRMATION OF POSTING AND ROLL CALL

III. PUBLIC COMMENT

Items discussed under Public Comment cannot be acted upon at this meeting, but may be referred to a future agenda for consideration. Individuals speaking on an item will be limited to three (3) minutes and spokespersons for a group will be limited to ten (10) minutes, at the discretion of the Chairman.

IV. ACCEPTANCE OF AGENDA (For Possible Action)

V. NEW BUSINESS

NB-1 WELCOME REMARKS

CITY MANAGER'S OFFICE

City Manager Robert Murnane will welcome committee members and provide an overview of the committee purpose.

NB-2 ELECTION OF CHAIR

CHARTER COMMITTEE

For Possible Action.
RECOMMENDATION: Elect

Elect new Chair to the Charter Committee.

NB-3 ELECTION OF VICE-CHAIR

CHARTER COMMITTEE

For Possible Action.
RECOMMENDATION: Elect

Elect new Vice-Chair to the Charter Committee.

NB-4 HENDERSON CHARTER COMMITTEE BYLAWS
REVISIONS TO VARIOUS ARTICLES

CITY ATTORNEY'S OFFICE

Review amendments to Article V, Section E; Article V, Section F; and Article VII, Section A of the Henderson Charter Committee Bylaws to require a majority vote of a quorum of members present at the meeting for 1) routine motions and resolutions, 2) recommendations that are to be presented to the City Council, and 3) the adoption of amendments to the Bylaws.

NB-5 REVIEW OF 2014 CHARTER COMMITTEE FINAL REPORT

INTERGOVERNMENTAL RELATIONS

Intergovernmental Relations will provide an overview of the 2014 Charter Committee Final Report.

NB-6 REVIEW CITY CHARTER AND ASSEMBLY BILL 493 (HOME RULE)

CITY ATTORNEY'S OFFICE

The City Attorney's Office will provide an overview of the Henderson City Charter and Assembly Bill 493 (Home Rule).

VI. CHAIRMAN\MEMBER COMMENTS

The Chairman and Members may speak on any subject under this section of the agenda. Chairman and Members may comment on matters including, without limitation, future agenda items, upcoming meeting dates, and meeting procedures. Comments made cannot be acted upon or discussed at this meeting, but may be placed on a future agenda for consideration.

VII. SET NEXT MEETING

VIII. PUBLIC COMMENT

Items discussed under Public Comment cannot be acted upon at this meeting, but may be referred to a future agenda for consideration. Individuals speaking on an item will be limited to three (3) minutes and spokespersons for a group will be limited to ten (10) minutes, at the discretion of the Chairman.

IX. ADJOURNMENT

Posted by 9:00 a.m., March 23, 2016, at the following locations:
City Hall, 240 Water Street, 1st Floor Lobbies
Multigenerational Center, 250 S. Green Valley Parkway
Whitney Ranch Recreation Center, 1575 Galleria Drive
Fire Station No. 86, 96 Via Antincendio
www.cityofhenderson.com
<https://notice.nv.gov>

BYLAWS CHARTER COMMITTEE

ARTICLE I

Name

The name of this Committee is the Charter Committee.

ARTICLE II

Purpose

The purpose of the Charter Committee shall be to review the Henderson City Charter and advise the City Council with regard to its recommendations to the City Council regarding necessary amendments to the Charter.

ARTICLE III

Members

- A. The thirteen (13) members of the Charter Committee shall be appointed as follows:
1. The mayor shall appoint two (2) members;
 2. The mayor pro tempore shall appoint two (2) members;
 3. The remaining members of the City Council shall each appoint one (1) member;
 4. The members of the Senate delegation of the State Legislature representing the residents of the City of Henderson and belonging to the majority party of the Senate shall appoint two (2) members;
 5. The members of the Senate delegation of the State Legislature representing the residents of the City of Henderson and belonging to the minority party of the Senate shall appoint one (1) member;
 6. The members of the Assembly delegation of the State Legislature representing the residents of the City of Henderson and belonging to the majority party of the Assembly shall appoint two (2) members; and
 7. The members of the Assembly delegation of the State Legislature representing the residents of the City of Henderson and belonging to the minority party of the Senate shall appoint one (1) member.

B. Each member of the Charter Committee:

- 1. Must be a registered voter of the City;**
- 2. Must reside in the City during his or her term of office; and**
- 3. Serves without compensation.**

- C. The ~~[terms]~~term of ~~[each]~~office of a member ~~[shall commence at]~~of the ~~[first Charter]~~Committee~~[meeting following appointment and]~~ 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 Committee appointed by that person ends on the day that the person resigns or otherwise leaves office.

- D. If a vacancy occurs on the Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.
- E. The Committee members shall elect one (1) member as Chairperson, and one (1) member as Vice-Chairperson. The terms of office shall be two (2) years. However, nothing herein shall prohibit the Chairperson or Vice-Chairperson from being elected to consecutive terms.
- F. The City Clerk of the City of Henderson, or the City Clerk's designee, shall serve as the ex-officio secretary of the Committee.
- G. The City Attorney of the City of Henderson, or the City Attorney's designee, shall act as legal counsel to the Committee.
- H. Any [~~committee~~Committee] member who compiles more than three (3) consecutive unexcused absences shall be considered to have resigned.
- I. Excused absences are defined as absences due to illness of a member or a member's family, employment-related activities, or other instances as approved by the Chairperson on a case-by-case basis. Notification of absences is to be made to the Committee secretary.

ARTICLE IV Powers and Duties

- A. The Chairperson shall preside at all meetings, call meetings, and review and approve the agenda for meetings. The Chairperson shall appear before the City Council and present any recommendations concerning necessary amendments to the Henderson City Charter.
- B. The Vice-Chairperson shall act as the Chairperson and perform those duties in the absence of the Chairperson.
- C. The ex-officio secretary shall maintain the minutes of Committee meetings.
- D. The Committee secretary shall prepare and post meeting agendas in compliance with the Nevada Revised Statutes.

ARTICLE V Meetings and Meeting Requirements

- A. The Charter Committee shall, at a minimum, meet in March of every even year.

- B. Special meetings may be called as directed by:
1. The Chairperson;
 2. A majority vote of a quorum at a meeting;
 3. Request of a majority of the members; or
 4. The City Attorney or the City Attorney's designee.
- C. A quorum of the Committee is [~~seven (7)~~] **a simple majority of all** members[-] **of the Committee.**
- D. All meetings shall be properly noticed and posted according to Nevada Revised Statutes.
- E. Routine motions and resolutions **shall** require a majority vote of a quorum of [~~the members, which is at least four (4) affirmative votes~~] **members present at the meeting.**
- F. Recommendations that are to be presented to the City Council shall require a [~~two-thirds (2/3)~~] **majority** vote of [~~the~~] **a quorum of** members present at the meeting.
- G. The Charter Committee will use an agenda prepared by the Committee secretary. All agenda items must be submitted to the Committee secretary for inclusion in the agenda at least ten (10) calendar days prior to the official meeting date. Appropriate backup materials must be submitted with the item requested.

ARTICLE VI Parliamentary Authority

- A. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Charter Committee in all cases where they are applicable and in which they are not inconsistent with the ordinance governing this [~~committee~~] **Committee**, these Bylaws, and any special rules of order the Committee may adopt.

ARTICLE VII Amendments of Bylaws

- A. Proposed amendments to the Bylaws shall [~~require a two-thirds (2/3) vote of the membership, which is at least nine (9) affirmative votes, provided that the amendment has been submitted in writing to each member of the Committee at least 30 days prior to the meeting at which action on the amendment is to be taken~~] **be presented to the Committee through the regular agenda process at two consecutive regular meetings prior to adoption. A majority vote of a quorum of members present at the meeting shall be required for adoption.**

Adopted on _____, [~~2014~~] **2016**

ATTEST:

Chairperson

Committee secretary

DRAFT

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Insertions	22
Deletions	14
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	36

BYLAWS CHARTER COMMITTEE

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 2. Must reside in the City during his or her term of office; and
 3. Serves without compensation.
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office of a member of the Committee appointed by that person ends on the day that the person resigns or otherwise leaves office.

- D. If a vacancy occurs on the Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.
- E. The Committee members shall elect one (1) member as Chairperson, and one (1) member as Vice-Chairperson. The terms of office shall be two (2) years. However, nothing herein shall prohibit the Chairperson or Vice-Chairperson from being elected to consecutive terms.
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 - 3. Request of a majority of the members; or
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- C. A quorum of the Committee is a simple majority of all members of the Committee.
- D. All meetings shall be properly noticed and posted according to Nevada Revised Statutes.
- E. Routine motions and resolutions shall require a majority vote of a quorum of members present at the meeting.
- F. Recommendations that are to be presented to the City Council shall require a majority vote of a quorum of members present at the meeting.
- G. The Charter Committee will use an agenda prepared by the Committee secretary. All agenda items must be submitted to the Committee secretary for inclusion in the agenda at least ten (10) calendar days prior to the official meeting date. Appropriate backup materials must be submitted with the item requested.

**ARTICLE VI
Parliamentary Authority**

- A. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Charter Committee in all cases where they are applicable and in which they are not inconsistent with the ordinance governing this Committee, these Bylaws, and any special rules of order the Committee may adopt.

**ARTICLE VII
Amendments of Bylaws**

- A. Proposed amendments to the Bylaws shall be presented to the Committee through the regular agenda process at two consecutive regular meetings prior to adoption. A majority vote of a quorum of members present at the meeting shall be required for adoption.

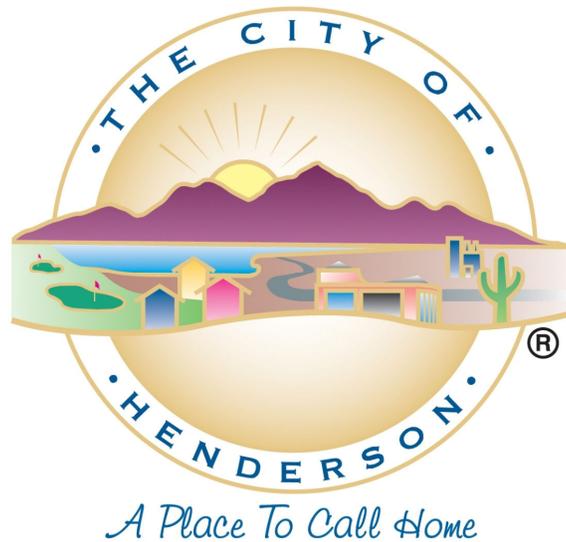
Adopted on _____, 2016

ATTEST:

Chairperson

Committee secretary

DRAFT



Charter Committee

Report to the Henderson City Council August 5, 2014

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BACKGROUND

In 2013, the City of Henderson sought to amend the City’s Charter to better reflect current City practices. The Charter had not been amended in more than ten years. The Charter amendments proposed in Senate Bill 440 (2013) were the result of comprehensive review and collaboration from staff in every department in the City of Henderson.

Due to concerns raised by legislators in committee hearings, Senate Bill 440 underwent further minor amendments, most of which served to merely clarify the City’s intent regarding the bill’s provisions. The only substantive amendment involved the creation of a *Charter Review Committee*, which legislators urged would give the public more input into the charter amendment process. Pursuant to this change, the City Council adopted Henderson Municipal Code 2.95, which created the City’s Charter Committee.

As stated in the committee bylaws, “... *the purpose of the Charter Committee shall be to review the Henderson City Charter and advise the City Council with regard to its recommendations to the City Council regarding necessary amendments to the City Charter.*” The Charter Committee is comprised of thirteen members of whom seven are appointed by the Mayor and Council and the remaining six appointed by state legislators. The committee is required, at a minimum, to meet in March of every even year and must present its recommended Charter changes to the City Council for their consideration and approval.

The members of the inaugural Charter Committee are as follows:

Mayor & Council Appointees

Jennifer Carleton
Lou Cila
Joe Hardy
Erin McMullen
Tina Past
Nicholas Vaskov
Joseph Zerga

Legislator Appointees

Virginia Finnegan
Charlene Frost
Terry Mannion
Robert McCord
Richard Miller
Keith Pickard

PUBLIC MEETINGS

To encourage public involvement, Charter Committee meetings were publically noticed in accordance to Nevada's Open Meeting Law. Agendas, backup and minutes of each meeting are posted on the City's website.

First Meeting – March 27, 2014

The Charter Committee received welcome remarks from City Manager Jacob Snow as well as background information on the committee's creation and its purpose.

Following committee member introductions, the Committee elected Jennifer Carleton as Chair and Nicholas Vaskov as Vice-Chair.

Assistant City Attorney Travis Buchanan gave a presentation consisting of a basic overview of the Nevada Open Meeting Law. Mr. Buchanan informed the committee that the Nevada Attorney General's website had a public portal that could be accessed to review additional information about the open meeting law and that committee members were welcome to call the City Attorney's Office if they had any questions about the law. Mr. Reid cautioned committee members about violating the Open Meeting Law by discussing how the use of serial email and other similar scenarios could run afoul of the law. Responding to a question by a committee member regarding how items get placed on the committee's meeting agenda, Mr. Reid advised that staff creates the agenda and future agenda items can be suggested by committee members during the Chairman/Member Comments section of the meeting. Responding to a question by a committee member regarding Errors and Omissions Insurance, Mr. Reid advised that there is no such policy as the City will indemnify committee members if they are acting within the course and scope of their duties as committee members.

Mr. Reid gave a presentation regarding the Henderson City Charter. As part of his PowerPoint presentation, he discussed: How Cities Are Structured in Nevada, Dillon's Rule in Nevada, Amending a City Charter and the Charter Amendment Process, Articles: I, II (Legislative Department), III (Executive Department), IV (Judicial Department), V (Elections), VI (Local Improvements), VII (Local Bonds and Franchises), VIIA (Trust for the Furtherance of Public Functions), VIII (Revenue), the Articles covering the City's Civil Service System and Miscellaneous matters. Responding to a question by a committee member regarding changes recommended by staff, Mr. Reid advised that staff is not making any recommendations for changes to the charter during the 2015 legislative session due to the charter review and update that recently took place during the 2013 legislative session. Mr. Reid added that staff will study any changes that the committee recommends. Responding to a question by a committee member regarding

possible amendments to the procedures relating to the administration of ordinances, Mr. Reid advised that such can be reviewed against what other jurisdictions are doing.

Second Meeting – May 8, 2014

City Attorney Josh Reid briefly reviewed the articles outlined in the committee bylaws. Following a discussion to address concerns regarding the clarification of roles between the ex-officio secretary and the Committee secretary, the Committee amended the bylaws and unanimously approved the bylaws as amended.

Mr. Reid provided an overview of Senate Bill 440, which made several changes to the Henderson City Charter during the 2013 Legislative session. He noted that the changes came as a result of staff's comprehensive review of the charter as well as a side-by-side comparison of the Henderson City Charter to the charters from the cities of Las Vegas, North Las Vegas, and Reno.

Per the Committee's request from the March 27th meeting, Assistant City Attorneys Travis Buchanan and Nechole Garcia delivered a presentation on the ordinance enactment process set forth in Henderson's City Charter. As part of their presentation they compared and contrasted Henderson's ordinance enactment process to processes in the cities of Las Vegas, North Las Vegas, and Reno. Mr. Buchanan and Ms. Garcia explained in three steps how the City of Henderson adopts its ordinances:

- Step 1: Ordinances are first read into title and referred to committee for consideration.
- Step 2: Ordinances are then considered by committee at the committee meeting.
- Step 3: Ordinances are voted upon by the City Council at the regular meeting immediately following the committee meeting.

City Clerk Sabrina Mercadante provided information of existing language on ordinance materials (i.e. public notices, website) and offered to add clarifying language to ordinance materials on the appropriate time to discuss bills. Committee Chair Jennifer Carleton asked staff to prepare language that would implement the Committee's suggestions and requested a presentation at the next meeting.

Ms. Mercadante provided the Committee with an overview of the charter provision governing municipal elections. She also reviewed minor changes made to sections of the City Charter that occurred as a result of SB 440. In response to a committee inquiry, Ms. Mercadante addressed the increased cost that would result from moving elections from odd-numbered years to even-

numbered years. She said this would require the City to hold an election every year until 2022 to even out the terms of elected officials, which would create an expense that would cause major budget concerns for the City. She also confirmed that the cities of Las Vegas, North Las Vegas, and Boulder City do not hold municipal elections in even-numbered years.

Ms. Mercadante shared that the City expends approximately \$150,000 every primary and general election. While the City Charter already contains a provision that permits the City Council to change the year of municipal elections by ordinance, the City Council has opted not to change the election year.

Third Meeting – June 11, 2014

Per the Committee's request from the May 8th meeting, City Clerk Sabrina Mercadante presented legislative history on combined elections, pros and cons, and advised the Committee that combined elections is currently an option in the City Charter. As such, no amendment to the City Charter is needed. Ms. Mercadante also provided the Committee with a handout on election cost and turnout. No action was taken by the Committee on this item.

Per the Committee's request from the May 8th meeting, Ms. Mercadante presented voting at-large history and combined elections statistics as well as the pros and cons for voting at-large. Two motions to amend the City Charter to reflect voting by ward failed due to lack of a two-thirds majority vote.

Per the Committee's request from the May 8th meeting, Ms. Mercadante presented ordinance process clarifying language for the City Council Agenda, City Council Brochure, Public Notices, City Clerk Website, Community Development website, and the City Council Pre-meeting Slides. There was a consensus that these administrative remedies are adequate to address the concerns and no action was taken by the Committee on this item.

Per the Committee's request from the May 8th meeting, Assistant City Attorney Nechole Garcia presented proposed language regarding term limits for elected officials, tightening the City Charter, and a suggestion to add language to the Charter to reflect the *Lorton* decision. There was a consensus that the City Attorney should review the Charter to ensure consistency with the *Lorton* decision. No action was taken by the Committee on this item.

With regard to the Committee's final report, the Committee voted that the Chair should prepare a final report, with the help of staff, which would identify committee members and summarize the Committee's discussion topics and motions. The Committee also requested that the final report be provided to the Committee at least ten days before the City Council meeting.

The Committee agreed to one final meeting, scheduled for July 23, 2014, for members to review and approve the final report to be submitted to the City Council.

Fourth Meeting – July 23, 2014

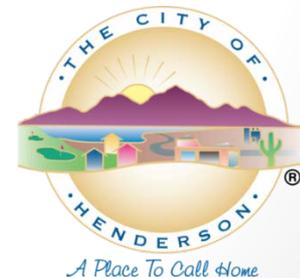
Discussion and approval of the Committee’s final report to the City Council.

CONCLUSION

The Committee voted not to forward any recommendations for the City Council’s consideration. This concludes the committee report of the Charter Committee. On behalf of the members of the Committee, I present this report for your consideration.

Jennifer Carleton
Committee Chair

Review of 2014 Charter Committee Final Report



2014 Charter Committee Schedule

- Four Meetings held from March – July 2014
- First Meeting: March 27th, 2014
- Second Meeting: May 8th, 2014
- Third Meeting: June 11th, 2014
- Fourth Meeting: July 23rd, 2014*

* Final Report Approval Only

- For 2016, our goal is to complete all meetings by June 30th.

Presentations to Charter Committee

March 27th, 2014:

- Open Meeting Law
- Henderson City Charter

May 8th, 2014:

- Updates to City Charter during 2013 Legislature (SB 440)
- Ordinance enactment process
- Municipal Elections

June 11th, 2014:

- Municipal Elections - Pros & Cons of moving to even-year
- Legislative History on Ward-Only Voting
- Mayoral Duties

Recommendations to City Council

Ordinance Enactment Process:

- Consensus was reached that administrative updates to agenda, notices, publications, and website were sufficient.

Municipal Elections moving to even-year:

- City Council has the authority to make this change in the charter, so consensus was reached that no recommendation was needed.

Ward-Only Voting:

- Motion to recommend an update to the charter for ward-only voting failed.
- Motion to recommend a non-binding advisory question regarding ward-only voting failed.

Mayoral Duties

- No recommendation at this time.

Questions



Henderson CITY CHARTER

Chapter 266, Statutes of Nevada 1971

AN ACT incorporating the City of Henderson,
in Clark County, Nevada,
and defining the boundaries thereof, under
a new charter; and providing
other matters properly relating thereto.

[Approved April 13, 1971]

ARTICLE I

Incorporation of City; General Powers; Boundaries; Wards and Annexations; City Offices

Section 1.010 Preamble: Legislative intent.

1. In order to provide for the orderly government of the City of Henderson and the general welfare of its citizens the legislature hereby establishes this charter for the government of the City of Henderson. It is expressly declared as the intent of the legislature that all provisions of this charter be liberally construed to carry out the express purposes of the charter and that the specific mention of particular powers shall not be construed as limiting in any way the general powers necessary to carry out the purposes of the charter.
2. Any powers expressly granted by this charter are in addition to any powers granted to a city by the general law of this state. All provisions of Nevada Revised Statutes which are applicable generally to cities (not including, unless otherwise expressly mentioned in this charter, chapter 265, 266 or 267 of NRS) which are not in conflict with the provisions of this charter apply to the City of Henderson.
3. Except as otherwise expressly provided in a particular section or required by the context:
 - (a) The masculine gender includes the feminine and neuter genders.
 - (b) The singular number includes the plural number and the plural includes the singular.
 - (c) The present tense includes the future tense.

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

(Ch. 266, Stats. 1971 p. 402; A—Ch. 596, Stats. 1995, p. 2205)

Section 1.020 Incorporation of City.

1. All persons who are inhabitants of that portion of the State of Nevada embraced within the limits set forth in section 1.030 shall constitute a political and corporate body by the name of "City of Henderson" and by that name they and their successors shall be known in law, have perpetual succession and may sue or be sued in all courts.
2. Whenever used throughout this charter, "City" means the City of Henderson.

(Ch. 266, Stats. 1971 p. 402)

Section 1.030 Description of territory.

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

(Ch. 266, Stats. 1971 p. 403)

Section 1.040 Wards: Creation; boundaries.

1. The City must be divided into four wards, which must be as nearly equal in population as can be conveniently provided, and the territory comprising each ward must be contiguous.
2. The boundaries of wards must be established and changed by ordinance. Except as provided in subsection 3, the boundaries of wards must be changed whenever the population, as determined by the City's demographer and as revised figures are provided by the planning department of the City, in any ward exceeds the population in any other ward by more than 5 percent.
3. The boundaries of wards must not be changed, except to accommodate an annexation of territory to the City, during any year in which a general election is held.

(Ch. 266, Stats. 1971 p. 403; A—Ch. 34, Stats. 1973 p. 35; Ch. 89, Stats. 1981 p. 188; Ch. 596, Stats. 1995 p. 2205; Ch. 266, Stats. 2013 p. 1206)

Section 1.050 Annexations.

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

(Ch. 266, Stats. 1971 p. 403; A—Ch. 796, Stats. 1989 p. 1935;
Ch. 253, Stats. 2011 p. 1317)

Section 1.060 Elective offices.

1. The elective officers of the City consist of:
 - (a) A Mayor.
 - (b) Four Council Members.
 - (c) Municipal Judges.
2. Such officers shall be elected as provided by this Charter.

(Ch. 266, Stats. 1971 p. 403; A—Ch. 231, Stats. 1991 p. 511)

Section 1.070 Elective offices: Vacancies.

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled for the remainder of the unexpired term by:
 - (a) A majority vote of the members of the City Council, or the remaining members in the case of a vacancy in the City Council, within 60 days after the occurrence of the vacancy appointing a person who has the same qualifications as are required of the elective official; or
 - (b) A special election called by resolution of the City Council. The resolution must call for the special election to be held not later than 90 days after the vacancy occurs. Every candidate at the special election must have the same qualifications as are required of the elected official.
2. If a special election is held pursuant to paragraph (b) of subsection 1:

- (a) The City Council shall meet to canvass the election returns and declare the result pursuant to section 5.100; and
- (b) The person elected to fill the remainder of an unexpired term shall enter upon the discharge of his or her respective duties at the first meeting of the City Council held after the canvass of returns is made.

(Ch. 266, Stats. 1971 p. 403; A—Ch. 596, Stats. 1995 p. 2206; Ch. 515, Stats. 1997 p. 2450; Ch. 266, Stats. 2013 p. 1206)

Section 1.080 Mayor and Council Members not to hold other office.

- 1. The Mayor and Council Members shall not:
 - (a) Hold any other elective office with the State of Nevada or any of its political subdivisions or any other employment with the City, except as provided by law, as a member of a board or commission which is ancillary to the office which he holds or as a member of the board of trustees of a county school district.
 - (b) Be elected or appointed to any office created by or the compensation for which was increased or fixed by the City Council until one year after the expiration of the term for which he was elected.
- 2. Any person holding any office proscribed by subsection 1 automatically forfeits his office as Mayor or Council member.

(Ch. 266, Stats. 1971 p. 403; A—Ch. 231, Stats. 1991 p. 511)

Section 1.090 Executive Officers.

- 1. The City Council of the City shall appoint the following Executive Officers:
 - (a) City Manager.
 - (b) City Attorney.
 - (c) City Clerk.

2. The City Council may establish such other Executive Officers as it may deem necessary for the operation of the City. Appointment of such Executive Officers must be made by the City Manager.
3. The appointments of the following Executive Officers are subject to ratification of the City Council:
 - (a) Chief of Police.
 - (b) Assistant City Manager.
 - (c) Fire Chief.
 - (d) Chief Financial Officer.

(Ch. 266, Stats. 1971 p. 403; A—Ch. 596, Stats. 1995 p. 2206; Ch. 266, Stats. 2013 p. 1207)

Section 1.100 Executive Officers: Duties; salary.

1. All Executive Officers other than the City Attorney and City Clerk shall perform such duties as may be designated by the City Manager.
2. All Executive Officers of the City shall receive such salary as may be designated by the City Council.

(Ch. 266, Stats. 1971 p. 404; A—Chapter 266, Stats. 2013 p. 1207)

Section 1.110 Oath of office.

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

(Ch. 266, Stats. 1971 p. 404)

Section 1.120 Charter Committee: Appointment; qualifications; compensation; terms; vacancies.

1. 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.

(Added—Ch. 266, Stats. 2013 p. 1205)

Section 1.130 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.

(Added—Ch. 266, Stats. 2013 p. 1205)

Section 1.140 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 1.120.

(Added—Ch. 266, Stats. 2013 p. 1205)

ARTICLE II

Legislative Department

Section 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 Council Members and the Mayor.
2. The Mayor must be:
 - (a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.
 - (b) A qualified elector within the City.
3. Each Council Member must be:
 - (a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.
 - (b) A qualified elector within the ward which he represents.
 - (c) A resident of the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.
4. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and, except as otherwise provided in section 5.020, shall serve for terms of 4 years.

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

(Ch. 266, Stats. 1971 p. 404; A—Ch. 98, Stats. 1977 p. 206; Ch. 23, Stats. 1993 p. 45; Ch. 596, Stats. 1995 p. 2206; Ch. 218, Stats. 2011 p. 955)

Section 2.020 City Council: Contracts.

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

(Ch. 266, Stats. 1971 p. 405)

Section 2.030 City Council: Discipline of members and other persons; subpoena power.

1. The City Council may:
 - (a) Provide for the punishment of any member for disorderly conduct committed in its presence.
 - (b) Order the attendance of witnesses and the production of all documents and data relating to any business before the City Council.
2. If any person ordered to appear before the City Council or to produce documents or data fails to obey such order:
 - (a) The City Council or any member thereof may direct the City Attorney to apply to the Municipal Court for a subpoena commanding the attendance of the person before the City Council or production of the documents or data to the City Council.
 - (b) A Municipal Judge may issue the subpoena, and any peace officer may serve it.

- (c) If the person upon whom the subpoena is served fails to obey it, the Municipal Court may issue an order to show cause why such person should not be held in contempt of the Municipal Court and upon hearing of the matter may adjudge such person guilty of contempt and punish him accordingly.

(Ch. 266, Stats. 1971 p. 405; A—Ch. 266, Stats. 2013 p. 1208)

Section 2.040 Meetings: Quorum.

1. The City Council shall hold at least two regular meetings each month, and by ordinance may provide for additional regular meetings.
2. Except as otherwise provided in NRS 241.0355, a majority of all members of the City Council constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.
3. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.

(Ch. 266, Stats. 1971 p. 405; A—Ch.255, Stats. 2001 p.1130)

Section 2.050 Meetings: Special.

1. Special meetings may be held on call of the Mayor or by a majority of the City Council, by giving notice of the special meeting pursuant to NRS 241.020.
2. At a special meeting no contract involving the expenditure of money may be made or claim allowed unless notice of the meeting called to consider the action is given pursuant to the provisions of NRS 241.020.

(Ch. 266, Stats. 1971 p. 405; A—Ch. 596, Stats. 1995 p. 2207)

Section 2.060 Meetings: Time and place; rules.

The City Council may:

1. Fix the time and place of its meetings and judge the qualifications and election of its own members.
2. Adopt rules for the government of its members and proceedings.

(Ch. 266, Stats. 1971 p. 405)

Section 2.070 Oaths and affirmations.

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

(Ch. 266, Stats. 1971 p. 405)

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

1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the State of Nevada, or to the provisions of Nevada Revised Statutes or of this charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.
2. When power is conferred upon the City Council to do and perform anything, and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.
3. The City Council may enforce ordinances by providing penalties not to exceed those established by the legislature for misdemeanors.
4. The City Council has such powers, not in conflict with the express or implied provisions of this charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.

(Ch. 266, Stats. 1971 p. 406; A—Ch. 596, Stats. 1995 p. 2207)

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

1. No ordinance may be passed except by bill and by a majority vote of the whole City Council. The style of all ordinances shall be as follows: "The City Council of the City of Henderson does ordain:".
2. No ordinance shall contain more than one subject, which shall be briefly indicated in the title. Where the subject of the ordinance is not so expressed in the title, the ordinance is void as to the matter not expressed in the title.
3. Any ordinance which amends an existing ordinance shall set out in full the ordinance or sections thereof to be amended, and shall indicate matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring or by italics.

(Ch. 266, Stats. 1971 p. 406)

Section 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be read to the City Council by title and referred to a committee for consideration, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance or an amendment thereto, within 30 days after the date of publication.
2. At the next regular meeting or special meeting of the City Council following the proposal of an ordinance and its reference to committee, the committee shall report the ordinance back to the City Council. Thereafter, it must be read by title only, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.
3. In cases of emergency or where the ordinance is of a kind specified in section 7.040, by unanimous consent of the City Council, final action may be taken immediately or at a special meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.
5. The City Clerk shall keep a record of all ordinances together with the affidavits of publication.

(Ch. 266, Stats. 1971 p. 406; A—Ch. 149, Stats. 1973 p. 204; Ch. 160, Stats. 1983 p. 370; Ch. 596, Stats. 1995 p. 2208; Ch. 266, Stats. 2013 p. 1208)

Section 2.110 Powers of City Council: Public property, buildings.

The City Council may:

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

(Ch. 266, Stats. 1971 p. 407; A—Ch. 596, Stats. 1995 p. 2209)

Section 2.120 Powers of City Council: Eminent domain.

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

(Ch. 266, Stats. 1971 p. 407)

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

1. The City Council may:
 - (a) Except as otherwise provided in NRS 598D.150 and NRS 640C.100, regulate all businesses, trades and professions.

- (b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.
2. The City Council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

(Ch. 266, Stats. 1971 p. 407; A - Ch. 465, Stats. 2003 p. 2898; Ch. 325, Stats. 2005 p.1120)

Section 2.140 Powers of City Council: Police ordinances.

1. The City Council may enact and enforce such local police ordinances as are not in conflict with the general laws of the State of Nevada.
2. Any offense made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor in the City whenever such offense is committed within the City.

(Ch. 266, Stats. 1971 p. 407)

Section 2.160 Powers of City Council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations.

The City Council may:

1. Organize, regulate and maintain a Fire Department.
2. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the City, and prescribe the distance from any residential or commercial area where it may be kept. Any ordinance adopted pursuant to this subsection that regulates places of employment where explosives are stored must be at least as stringent as the standards and procedures adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890
3. Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section.

(Ch. 266, Stats. 1971 p. 407; A—Ch. 391, Stats. 1999 p. 1862)

Section 2.170 Powers of City Council: Public health; Board of Health; regulations.

The City Council may:

1. Provide for safeguarding public health in the City.
2. Provide for the enforcement of all regulations and quarantines established by the County Board of Health by imposing adequate penalties for violations thereof.

(Ch. 266, Stats. 1971 p. 408; A—Ch. 596, Stats. 1995 p. 2209)

Section 2.180 Powers of City Council: Buildings; construction and maintenance regulations; building and safety codes.

The City Council may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the City.
2. Adopt any building or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary.

(Ch. 266, Stats. 1971 p. 408)

Section 2.190 Powers of City Council: Zoning and planning.

The City Council may adopt ordinances and regulations relating to zoning and planning pursuant to the provisions of chapter 278 of NRS.

(Ch. 266, Stats. 1971 p. 408; A—Ch. 596, Stats. 1995 p. 2209)

Section 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, improve or vacate all public rights-of-way in the City.
2. 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 prevent in all public places:
 - (a) The distribution and exhibition of handbills or signs.
 - (b) Any practice tending to annoy persons passing or being in such public places.
 - (c) Public demonstrations and processions.
5. Prevent riots or any act tending to promote riots in any public place.

(Ch. 266, Stats. 1971 p. 408)

Section 2.210 Powers of City Council: Traffic control.

The City Council may, by ordinance, regulate:

1. Except as otherwise provided in section 1 of NRS 269.185, all vehicular, pedestrian and other traffic within the City and provide generally for the public safety on public streets and rights-of-way.
2. The length of time for which vehicles may be parked upon the public streets and publicly owned parking lots.

(Ch. 266, Stats. 1971 p. 408; A - Ch. 465, Stats. 2003, p. 1253)

Section 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 the streets 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 must be fixed by the City Council.

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

(Ch. 266, Stats. 1971 p. 409; A—Ch. 482, Stats. 1981 p. 972; Ch. 91, Stats 1995, p. 110)

Section 2.225 Powers of City Council: Airports.

The City Council may acquire, provide for, operate and maintain an airport for public use.

(Added—Ch. 67, Stats. 1987 p. 132)

Section 2.230 Powers of City Council: Railroads.

The City Council may:

1. License, regulate or prohibit the location, construction or laying of tracks of any railroad or streetcar in any public right-of-way.
2. Grant franchises to any person or corporation to operate a railroad, streetcar or other public transit system upon public rights-of-way and adjacent property.
3. Declare a nuisance and require the removal of the tracks of any railroad or streetcar in any public right-of-way.
4. Condemn rights of way for any public purpose across any railroad right-of-way.
5. Prescribe the length of time any public right-of-way may be obstructed by trains standing thereon.
6. Require railroad companies to fence their tracks and to construct cattle guards and crossings and to keep them in repair.
7. Acquire, provide for, operate and maintain a railroad for public use.

(Ch. 266, Stats. 1971 p. 409; A—Ch. 67, Stats. 1987 p. 132)

Section 2.240 Powers of City Council: Nuisances.

The City Council may:

1. Determine by ordinance what shall be deemed nuisances.
2. Provide for the abatement, prevention and removal of such nuisances at the expense of the person creating, causing or committing such nuisances.
3. Provide that such expense of removal shall be a lien upon the property upon which the nuisance is located. Such lien shall:
 - (a) Be perfected by filing with the county recorder a statement by the City Clerk of the amount of expenses due and unpaid and describing the property subject to the lien.
 - (b) Be coequal with the latest lien thereon to secure the payment of general taxes.
 - (c) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.
 - (d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.
4. Provide any other penalty or punishment of persons responsible for such nuisances.

(Ch. 266, Stats. 1971 p. 409)

Section 2.250 Powers of City Council: Animals.

The City Council may regulate and control animals in the City and may construct facilities for this purpose.

(Ch. 266, Stats. 1971 p. 410; A—Ch. 596, Stats. 1995 p. 2210; Ch. 266, Stats. 2013 p. 1209)

Section 2.260 Powers of City Council: Abatement of noxious insects, rats and disease-bearing organisms.

The City Council may take all steps necessary and proper for the extermination of noxious insects, rats and other disease-bearing organisms, either in the City or in territory outside the City but so situated that such insects, rats and disease-bearing organisms migrate or are carried into the City.

(Ch. 266, Stats. 1971 p. 410)

Section 2.270 Powers of City Council: Sanitary sewer facilities.

The City Council may:

1. Provide for a sanitary sewer system or any part thereof, and obtain property therefore either within or without the City.
2. Sell any product or byproduct thereof and acquire the appropriate outlets within or without the City and extend the sewer lines thereto.
3. Establish sewer fees and provide for the enforcement and collection thereof.

(Ch. 266, Stats. 1971 p. 410)

Section 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.285, the City Council may:
 - (a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.
 - (b) Provide for the construction of any facility necessary for the provision of such utilities.
 - (c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

- (1) Be coequal with the latest lien thereon to secure the payment of general taxes.
 - (2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.
 - (3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.
2. The City Council:
 - (a) Shall not sell telecommunication service to the general public.
 - (b) May purchase or construct facilities for providing telecommunication that intersect with public rights-of-way if the governing body:
 - (1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and
 - (2) Determines from the results of the study that the purchase or construction is in the interest of the general public.
3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.
4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunication service to the general public.

5. As used in this section:
 - (a) "Telecommunication" has the meaning ascribed to it in NRS 704.025.
 - (b) "Telecommunications service" has the meaning ascribed to it in NRS 704.028.

(Ch. 266, Stats. 1971 p. 410; A—Ch. 565, Stats. 1997 p. 2752; Ch. 416, Stats. 2001 p. 2098; Ch. 216, Stats. 2007 p. 686)

Section 2.285 Franchises for the provision of telecommunication service.

1. The City Council shall not:
 - (a) Impose any terms or conditions on a franchise for the provision of telecommunication service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.
 - (b) Require a company that provides telecommunication service or interactive computer service to obtain a franchise if it provides telecommunication service over the telephone or telegraph lines owned by another company.
 - (c) Require a person who holds a franchise for the provision of telecommunication service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.
2. As used in this section:
 - (a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § 230(f)(2), as that section existed on January 1, 2007.
 - (b) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

(Added—Ch. 565, Stats. 1997 p. 2752; Ch. 216, Stats. 2007 p. 686)

Section 2.310 Apportionment of County General Road Fund; use of money by City Council.

1. The Board of County Commissioners of Clark County shall, from time to time, upon the request of the City Council, apportion to the City such proportion of the General Fund of Clark County as the value of the whole property within the corporate limits of the City, as shown by the latest assessment roll, bears to the whole property of the County, inclusive of the property within the limits of the City.
2. All such moneys so apportioned and received by the City shall be expended upon the streets, alleys and public highways of the City under the direction and control of the City Council.

(Ch. 266, Stats. 1971 p. 411)

Section 2.320 Sale, lease, exchange of real property owned by the City: Procedure; disposition of proceeds.

1. Subject to the provisions of this section and any applicable provisions of chapter 268 of NRS, the City may sell or lease real property in Clark County, Nevada, acquired by the City pursuant to federal law from the United States of America.
2. The City may sell, lease or exchange real property only by resolution. Following the adoption of a resolution to sell, lease or exchange, the City Council shall cause a notice of its intention to sell, lease or exchange the real property to be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City. The notice must be published at least 30 days before the date set by the City Council for the sale, lease or exchange, and must state:
 - (a) The date, time and place of the proposed sale, lease or exchange.
 - (b) The place where and the time within which applications and deposits may be made by prospective purchasers or lessees.
3. It must be the policy of the City Council to sell, lease and exchange real property in a manner that will result in the maximum benefit accruing to the City from the sales, leases and exchanges. The City Council may attach any condition to the sale, lease or exchange as appears to the City Council to be in the best interests of the City.

4. The City Council may sell unimproved real property owned by the City on a time payment basis. The down payment must be in an amount determined by the City Council, and the interest rate must be in an amount determined by the City Council, but must not be less than 6 percent per annum on the declining balance.
5. The City Council may dispose of any real property belonging to the City to the United States of America, the State of Nevada, Clark County, any other political subdivision of the State, or any quasi-public or nonprofit entity for a nominal consideration whenever the public interest requires such a disposition. In any such case, the consideration paid must equal the cost of the acquisition to the City.
6. The City Council may sell, lease or exchange real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the City which is eligible pursuant to NRS 374.357 for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.
7. Proceeds from all sales of real property owned by the City, after deduction of the cost of the real property, legal fees, reasonable costs of publication, title insurance, escrow and normal costs of sale, must be placed in the land fund previously created by the city in the city treasury and hereby continued. Except as otherwise provided in subsection 8, money in the land fund may be expended only for:
 - (a) Acquisition of assets of a long-term character which are intended to continue to be held or used, such as land, buildings, machinery, furniture, computer software and other equipment.
 - (b) Capital improvements of improvements thereon.
 - (c) Expenses incurred in the preparation of a long-term comprehensive master planning study and any expenses incurred in the master planning of the City.
 - (d) All costs, including salaries, for administration of the land fund, and the land within the City.

- (e) Expenses incurred in making major improvements and repairs to the water, sewer and street systems as differentiated from normal maintenance costs.
- (f) Legal fees relating to the purchase, sale, lease, or maintenance of real property.

Money received from leases of real property owned by the City must be placed in the land fund if the term of lease is 20 years or longer, whether the 20 years is for an initial term of lease or for an initial term and an option for renewal.

- 8. If available, money in the Land Fund may be borrowed by the City.

(Ch. 266, Stats. 1971 p. 411; A—Ch. 682, Stats. 1989 p. 1585; Ch. 231, Stats. 1991 p. 511; Ch. 596, Stats. 1995 p. 2210; Ch. 48, Stats. 1997 p. 89; Ch. 489, Stats. 2007 p. 2832; Ch. 266, Stats. 2013 p. 1209)

ARTICLE III

Executive Department

Section 3.010 Mayor: Duties; Mayor pro tempore.

1. The Mayor shall:
 - (a) Serve as a member of the City Council and preside over its meetings.
 - (b) Have no administrative duties.
 - (c) Be recognized as the head of the City government for all ceremonial purposes.
 - (d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the City.
 - (e) Perform such other duties, except administrative duties, as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

2. The City Council shall elect one of its members to be Mayor pro tempore. Such person shall:
 - (a) Hold such office and title, without additional compensation, during the term for which he was elected.
 - (b) Perform the duties of Mayor during the absence or disability of the Mayor.
 - (c) Act as Mayor until the next municipal election if the office of Mayor becomes vacant.

(Ch. 266, Stats. 1971 p. 412)

Section 3.020 City Manager: Duties.

1. The City Manager is the Chief Executive Officer of the City and shall perform such administrative and executive duties as the City Council may designate. His duties and salary must be set by the City Council.
2. The City Manager may appoint such clerical and administrative assistants as he may deem necessary, subject to the approval of the City Council.
3. The Mayor or a Council Member may not be appointed as City Manager during the term for which he was elected or within 1 year after the expiration of his term.

(Ch. 266, Stats. 1971 p. 413; A—Ch. 596, Stats. 1995 p. 2212; Ch. 266, Stats. 2013 p. 1211)

Section 3.030 City Manager: Removal.

The City Council may remove the City Manager for cause in accordance with the terms of the City Manager's employment agreement.

(Ch. 266, Stats. 1971 p. 413; A—Ch. 266, Stats. 2013 p. 1212)

Section 3.040 City Clerk: Duties.

The City Clerk shall:

1. Keep the corporate seal and all books, records and historical papers belonging to the City.
2. Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.
3. Enter upon the journal the result of the vote of the City Council upon the passage of all ordinances and resolutions.
4. Perform such other duties as may be required by the City Council.

(Ch. 266, Stats. 1971 p. 413; A—Ch. 149, Stats. 1973 p. 205; Ch. 596, Stats. 1995 p. 2212; Ch. 266, Stats. 2013 p. 1212)

Section 3.060 City Attorney: Qualifications; duties.

1. The City Attorney must be a duly licensed member of the State Bar of Nevada.
2. The City Attorney is the Chief Legal Officer of the City and shall:
 - (a) Advise the City Council and all of the offices, departments and divisions of the City in all matters with respect to the affairs of the City;
 - (b) Determine whether the City should initiate any judicial or administrative proceeding; and
 - (c) Perform such other duties as may be designated by the City Council or prescribed by ordinance.

(Ch. 266, Stats. 1971 p. 414; A—Ch. 596, Stats. 1995 p. 2213; Ch. 266, Stats. 2013 p. 1212)

Section 3.070 County Assessor to be ex officio City Assessor; duties.

1. The County Assessor of Clark County shall be ex officio City Assessor of the City. The County Assessor shall perform such duties for the City without additional compensation.
2. Upon request of the ex officio City Assessor, the City Council may appoint and set the salary of a Deputy City Assessor to perform such duties relative to city assessments as may be deemed necessary.

(Ch. 266, Stats. 1971 p. 414)

Section 3.110 Executive Officers: Residence.

All Executive Officers must reside within the City during the term of their employment unless the City Council waives this requirement because of hardship or other extenuating circumstances.

(Ch. 266, Stats. 1971 p. 414; A—Ch. 596, Stats. 1995 p. 2213; Ch. 266, Stats. 2013 p. 1212)

Section 3.130 Collection and disposition of money.

1. All fines, forfeitures or other money except taxes collected or recovered by any employee of the City or other person pursuant to the provisions of this Charter or of any valid ordinance of the City must be paid by the employee or person collecting or receiving them to the Chief Financial Officer, who shall dispose of them in accordance with the ordinances, regulations and procedures established by the City Council.
2. The City Council, City Manager, or City Attorney may by proper legal action collect all money, including taxes, which are due and unpaid to the City or any office thereof, and the City Council may pay from the general fund all fees and expenses necessarily incurred by it in connection with the collection of such money.

(Ch. 266, Stats. 1971 p. 414; A—Ch. 596, Stats. 1995 p. 2213; Ch. 266, Stats. 2013 p. 1213)

Section 3.140 Interference by City Council.

1. No Council Member or the Mayor may direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or, except as otherwise provided in section 1.090, in any manner take part in the appointment or removal of Executive Officers and employees unless the removal is authorized pursuant to section 3.150.
2. Except for the purpose of inquiry, the Council and its members shall deal with employees solely through the City Manager, City Attorney or City Clerk, as applicable, or their designees. Neither the Council nor any member thereof may give orders to any subordinate of the City Manager, City Attorney or City Clerk, either publicly or privately.

(Ch. 266, Stats. 1971 p. 414; A—Ch. 266, Stats. 2013 p. 1213)

Section 3.150 Removal of certain Executive Officers.

If the City Manager, City Attorney or City Clerk is adjudged guilty of nonfeasance, misfeasance or malfeasance in office, the City Council may terminate the City Manager, City Attorney or City Clerk, as applicable, pursuant to the terms of his or her employment agreement, if there is an employment agreement between the City and the City Manager, City Attorney or City Clerk, as applicable. The City Council may fill the vacancy so caused as provided by law.

(Ch. 266, Stats. 1971 p. 415; A—Ch. 266, Stats. 2013 p.1213)

ARTICLE IV

Judicial Department

Section 4.015 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by, the provisions of chapters 5 and 266 of NRS which relate to municipal courts.
2. The City Council may from time to time establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each.
3. At the first primary or general municipal election which follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for a term of not more than 5 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.
4. Except as otherwise provided in subsection 3, each Municipal Judge must be voted upon by the registered voters of the City at large and, except as otherwise provided in section 5.020, shall serve for a term of 6 years.
5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.
6. The Senior Municipal Judge is selected by a majority of the sitting judges for a term of 2 years. If no Municipal Judge receives a majority of the votes, the Senior Municipal Judge is the Municipal Judge who has continuously served as a Municipal Judge for the longest period.

(Added—Ch. 231, Stats. 1991 p. 513; A—Ch. 596, Stats. 1995, p. 2213; Ch. 209, Stats. 2001 p. 970; Ch. 218, Stats. 2011 p. 955)

Section 4.020 Municipal Court: Qualifications of Municipal Judge; salary.

1. Each Municipal Judge must have been a resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.
2. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be a duly licensed member, in good standing, of the State Bar of Nevada.
3. The salary of each Municipal Judge must be fixed by the City Council and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

(Ch. 266, Stats. 1971 p. 415; A—Ch. 98, Stats. 1977 p. 207; Ch. 208, Stats. 1985 p. 674; Ch. 231, Stats. 1991 p. 513; Ch. 23, Stats. 1993 p. 46; Ch. 209, Stats. 2001 p. 971; Ch. 266, Stats. 2013 p. 1214)

Section 4.030 Disposition of fines.

All fines and forfeitures for the violation of ordinances must be paid to the Chief Financial Officer.

(Ch. 266, Stats. 1971 p. 415; A—Ch. 596, Stats. 1995 p. 2214; Ch. 266, Stats. 2013 p. 1214)

ARTICLE V

Elections

Section 5.010 Primary municipal election.

1. Except as otherwise provided in section 5.020, a primary municipal election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.
2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.
3. All candidates for elective office must be voted upon by the registered voters of the City at large.
4. If in the primary municipal election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general municipal election. If in the primary municipal election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he must be declared elected and no general municipal election need be held for that office. Such candidate shall enter upon his or her respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.

(Ch. 266, Stats. 1971 p. 415; A—Ch. 12, Stats. 1979 p. 16; Ch. 596, Stats. 1995 p. 2214; Ch. 686, Stats. 1997 p. 3480; Ch. 100, Stats. 1999 p. 272; Ch. 637, Stats. 1999 p. 3565; Ch. 218, Stats. 2011 p. 955; Ch. 266, Stats. 2013 p. 1214)

Section 5.020 General municipal election.

1. Except as otherwise provided in subsection 2:
 - a. A general municipal election must be held in the City on the second Tuesday after the first Monday in June of each odd-numbered year, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

- b. All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015, the term of office for a Municipal Judge is 6 years.
 - c. On the second Tuesday after the first Monday in June 2019, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.
 - d. On the second Tuesday after the first Monday in June 2021, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.
 - e. On the second Tuesday after the first Monday in June 2017, and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.
2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.
 3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.
 4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

(Ch. 266, Stats. 1971 p. 416; A—Ch. 67, Stats. 1987 p. 133; Ch. 209, Stats. 2001 p. 971; Ch. 218, Stats. 2011 p. 955; Ch. 266, Stats. 2013 p. 1215; Ch. 336, Stats. 2015 p. 1878)

Section 5.030 Applicability of state election laws; elections under City Council control.

1. All elections held under this Charter are governed by the provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent herewith.
2. The conduct of all municipal elections is under the control of the City Council. The City Council shall by ordinance provide for the holding of the election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.

(Ch. 266, Stats. 1971 p. 416; A—Ch. 596, Stats. 1995 p. 2215)

Section 5.040 Qualifications, registration of voters.

1. Every person who resides within the City at the time of holding any municipal election, and whose name appears upon the official register of voters in and for the City, is entitled to vote at each municipal election, whether special, primary or general, and for all officers to be voted for and on all questions that may be submitted to the people at any such primary, general or special City elections, except as otherwise provided in this article.
2. Nothing in this Charter shall be so construed as to deny or abridge the power of the City Council to provide for supplemental registration.

(Ch. 266, Stats. 1971 p. 416)

Section 5.050 Names on ballots.

1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be printed on the official ballots without party designation or symbol. If two or more candidates have the same surname or surnames so similar as to be likely to cause and:
 - (a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as printed on the ballot or;

- (b) One of them is an incumbent, the name of the incumbent must be listed first and must be printed in bold type.

(Ch. 266, Stats. 1971 p. 416; A—Ch. 596, Stats. 1995 p. 2215; Ch. 312, Stats 2003 p. 1729)

Section 5.060 Ballots for ordinances and Charter amendments.

An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

(Ch. 266, Stats. 1971 p. 417; A—Ch. 669, Stats. 1971 p. 2053)

Section 5.070 Availability of lists of registered voters.

Any person who desires a copy of a list of registered voters in the City may obtain a copy pursuant to the provisions of NRS 293.440.

(Ch. 266, Stats. 1971 p. 417; Ch. 596, Stats. 1995 p. 2215)

Section 5.090 Voting machines.

The City Council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law or regulations of the Secretary of State.

(Ch. 266, Stats. 1971 p. 417)

Section 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet at any time within 10 days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months. No person may have access to the returns except on order of a court of competent jurisdiction or by order of the City Council.
3. The City Clerk, under his hand and official seal, shall issue to each person elected a certificate of election. Except as otherwise provided in section 1.070, the officers so elected shall qualify and enter upon the discharge of their respective duties at the second regular meeting of the City Council held in June of the year of the general municipal election.
4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

(Ch. 266, Stats. 1971 p. 417; A—Ch. 149, Stats. 1973 p. 205; Ch. 504, Stats. 1985 p. 1551; Ch. 596, Stats. 1995 p. 2216; Ch. 266, Stats. 2013 p. 1216)

Section 5.110 Contest of election.

A contested election for any municipal office shall be determined according to the law of the state regulating proceedings in contested elections in political subdivisions.

(Ch. 266, Stats. 1971 p. 418)

ARTICLE VI

Local Improvements

Section 6.010 Local improvement law.

Except as otherwise provided in subsection 2 of section 2.280, and section 2.285, the City Council, on behalf of the City and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

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

16. Upon petition by a person or business authorized to provide the service, such other utility projects as are deemed necessary by the Council; and
17. Any combination thereof.

(Ch. 266, Stats. 1971 p. 418; A—Ch. 306, Stats. 1973 p. 380; Ch. 361, Stats. 1983 p. 874; Ch. 67, Stats. 1987 p. 133; Ch. 565, Stats. 1997 p. 2753; Ch. 416 Stats. 2001 p. 2099, effective July 1, 2003; Ch. 266, Stats. 2013 p. 1216)

Section 6.020 Local improvement law: Collateral powers.

The City Council on behalf of the City for the purpose of defraying all the costs of acquiring, improving or converting to any project authorized by section 6.010, or any portion of the cost thereof not to be defrayed with money otherwise available therefore, is vested with the powers granted to municipalities by chapters 271 and 704A of NRS, as amended from time to time, but not subject to the procedural limitations contained therein.

(Ch. 266, Stats. 1971 p. 418; A—Ch. 306, Stats. 1973 p. 380; Ch. 67, Stats. 1987 p. 134)

ARTICLE VII

Local Bonds and Franchises

Section 7.010 Debt limit.

1. The City shall not incur an indebtedness in excess of 15 percent of the total assessed valuation of the taxable property within the boundaries of the City.
2. In determining any debt limitation under this section, there shall not be counted as indebtedness:
 - (a) Any revenue bonds, unless the full faith and credit of the City is also pledged to their payment.
 - (b) Any special assessment bonds, although a deficiency in the proceeds of the assessments is required to be paid from the General Fund to the City.
 - (a) Any short-term securities issued in anticipation of and payable from property taxes levied for the current fiscal year.

(Ch. 266, Stats. 1971 p. 418)

Section 7.020 Acquisition, operation of municipal utilities.

Except as otherwise provided in subsection 2 of section 2.280, and section 2.285, the City may in the manner and for the purposes provided in this Charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it either alone or jointly, with any level of government or instrumentality or subdivision thereof.

(Ch. 266, Stats. 1971 p. 419; A—Ch. 565, Stats. 1997 p. 2754; Ch. 416, Stats. 2001 p. 2100, effective July 1, 2003)

Section 7.040 Borrowing money.

1. Subject to the limitations imposed by this article, the City may borrow money for any corporate purpose, including without limitation any purpose authorized by this Charter or by Nevada Revised Statutes for a city, and for such purpose may issue bonds or other securities. The Local Government Securities Law, as amended from time to time, applies to all securities so issued except for securities issued under section 6.020.
2. Any property tax levied to pay the principal of or interest on such indebtedness must be levied upon all taxable property within the City as provided in NRS 350.590 to 350.602, inclusive.
3. Any ordinance pertaining to the sale or issuance of bonds or other securities, including without limitation securities issued under section 6.020, may be adopted in the same manner as is provided for cases of emergency. A declaration by the City Council in any ordinance that it is of this kind is conclusive in the absence of fraud or gross abuse of discretion.

(Ch. 266, Stats. 1971 p. 419; A—Ch. 482, Stats. 1981 p. 973)

ARTICLE VIIA

Trusts for Furtherance of Public Functions

Section 7A.010 Trusts for furtherance of public functions: Authorization to create; purposes; eligible beneficiaries; power of beneficiary to lease trust property.

1. Express trusts may be created in real or personal property, or either or both, or in any estate or interest in either or both, with the City as the beneficiary thereof, and the purpose thereof may be the furtherance, or the providing of funds for the furtherance, of any authorized or proper function of the beneficiary; but no funds of the beneficiary derived from sources other than the trust property, or the operation thereof, shall be charged with or expended for the execution of the trust, except by express action of the legislative authority of the beneficiary first had.
2. The officers or any other governmental agencies or authorities having the custody, management or control of any property, real or personal or both, of the beneficiary of such trust, or of such a proposed trust, which property is necessary for the execution of the trust purposes, are hereby authorized and empowered to lease such property for such purposes, after the acceptance of the beneficial interest therein by the beneficiary as provided in this chapter, or conditioned upon such acceptance.

(Added—Ch. 694, Stats. 1975 p. 1409)

Section 7A.020 Creation by written instrument; execution, recording of trust instrument; acceptance by beneficiary creates contract between State, grantor; duration of trust.

1. Such trusts may be created by written instruments, or by will. A written instrument shall be subscribed by the grantor or grantors and duly acknowledged as conveyances of real property are acknowledged. Before the same shall become effective the beneficial interest therein shall be accepted by the governing body of the beneficiary, which power and authority of acceptance is hereby conferred upon the City Council. Thereupon the instrument or will, together with the written acceptance of the beneficial interest endorsed thereon, shall be recorded in the Office of the County Recorder of each county in which is situated any real property, or any

interest therein, belonging to the trust, as well as in the county where the trust property is located or its principal operations are conducted.

2. Upon the acceptance of the beneficial interest by the beneficiary as authorized in subsection 1, the same shall be and constitute a binding contract between the State of Nevada and the grantor or grantors, or the executor of the estate of the testator, for the acceptance of the beneficial interest in the trust property by the designated beneficiary and the application of the proceeds of the trust property and its operation for the purposes and in accordance with the stipulations specified by the trustor or trustors.
3. Such trusts shall have duration for the term of duration of the beneficiary, or such shorter length of time as is specified in the instrument or will creating the trust.

(Added—Ch. 694, Stats. 1975 p. 1410)

Section 7A.030 Trustees: Appointment; succession, powers; duties, terms, compensation controlled by trust instrument.

1. The instrument or will creating such trust may provide for the appointment, succession, powers, duties, term and compensation of the trustee or trustees; and in all such respects the terms of the instrument or will shall be controlling, except as otherwise provided in subsections 2 and 3. If the instrument or will makes no provision in regard to any of the foregoing, then the general laws of the State shall control as to such omission or omissions.
2. All meetings of the trustees shall be open to the public to the same extent as required by chapter 241 of NRS for state and local agencies. If the trustee is a partnership, corporation or banking association, this requirement applies to that part of every meeting of the partners or directors at which trust affairs are discussed.
3. All records of the trust are public records and shall be kept in a place which is identified by documents recorded in the Office of the County Recorder of each county in which the instrument creating the trust is recorded.

(Added—Ch. 694, Stats. 1975 p. 1410)

Section 7A.040 Trustees: Eligibility and status; standard of care; exemption from personal liability.

1. The trustee or trustees under such an instrument or will may be two or more natural persons or a partnership, corporation, national banking association or state banking association, and such trustee or trustees shall be an agency of the State and the regularly constituted authority of the beneficiary for the performance of the functions for which the trust has been created.
2. The provisions of NRS 164.050 relating to the standard of care for a trustee in investing and managing trust property apply to the trustee or trustees of a trust created by a written instrument or will pursuant to this chapter.
3. No trustee or beneficiary shall be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in the performance of such trust or in the operation of the trust property; but any act, liability for any omission or obligation of a trustee or trustees, in the execution of such trust, or in the operation of the trust property, shall extend to the whole of the trust estate, or so much thereof as may be necessary to discharge such liability or obligation, and not otherwise.

(Added—Ch. 694, Stats. 1975 p. 1410)

Section 7A.050 Annual audit of trust funds, accounts, fiscal affairs: Requirements; distribution of copies; expenses.

1. The trustee or trustees of every trust created for the benefit and furtherance of any public function with the City as the beneficiary thereof shall cause an audit to be made of the funds, accounts and fiscal affairs of such trust, such audit to be ordered within 30 days of the close of each fiscal year of the trust.
2. The audits required by subsection 1 shall be certified with the unqualified opinion of a certified public accountant or a public accountant notwithstanding any lesser requirement by any instrument under which the trust may have covenanted for an audit to be made or furnished. One copy of the annual audit shall be filed with the Legislative Auditor of the Legislative Counsel Bureau and one copy with each beneficiary of the trust not later than 90 days following the close of each fiscal year of the trust.

3. If a copy of the required audit is not filed with the Legislative Auditor of the Legislative Counsel Bureau within the time provided, the Legislative Auditor is authorized to employ, at the cost and expense of the trust, a certified public accountant or a public accountant to make the required audit.
4. The necessary expense of such audits, including the cost of typing, printing and binding, shall be paid from funds of the trust.

(Added—Ch. 694, Stats. 1975 p. 1411)

Section 7A.060 Franchise not required for acquisition, ownership or operation of trust property.

No franchise is required for the acquisition, ownership or operation of any properties of a trust created for the benefit and furtherance of any public function.

(Added—Ch. 694, Stats. 1975 p. 1411)

Section 7A.070 Approval of certain contracts and resolutions required.

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

(Added—Ch. 694, Stats. 1975 p. 1411)

Section 7A.080 Approval of financing method, underwriters by State Board of Finance.

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

(Added—Ch. 694, Stats. 1975 p. 1411)

Section 7A.090 Exemption from securities laws.

1. The provisions of the State Securities Law, the Local Government Securities Law, the University Securities Law, or of any other general, special or local statute relating to the issuance of public securities or other debt obligations do not apply to a trust created for the benefit and furtherance of any public function.
2. All bonds issued by any trust created for the benefit and furtherance of any public function must:
 - (a) Be sold at public or private sale, as determined by the trustees and approved by the City Council. If the bonds are offered at public sale, but no satisfactory bids are received from responsible bidders at the public sale, the bonds may be sold at private sale.
 - (b) Be secured:
 - (1) By property, real or personal or both, having a market value equal to at least twice the principal amount of the bonds sold; or
 - (2) By gross revenues from an existing revenue producing facility equal to at least one and one-half times the average annual debt service payable on the bonds.

(Added—Ch. 694, Stats. 1975 p. 1412; A—Ch. 596, Stats. 1995 p. 2216)

Section 7A.100 Competitive bidding not required.

Except as otherwise provided in section 7A.090, no statute, general, special or local, requiring competitive bidding applies to a trust created for the benefit and furtherance of a public function.

(Added—Ch. 694, Stats. 1975 p. 1412)

Section 7A.110 Termination of trust.

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

(Added—Ch. 694, Stats. 1975 p. 1412)

ARTICLE VIII

Revenue

Section 8.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and County purposes, levy a tax at a rate allowable under applicable provisions of the Nevada Revised Statutes upon the assessed value of all real and personal property within the City except as provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied shall be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State of Nevada for collection of state and county taxes. The revenue laws of the State shall, in every respect not inconsistent with the provisions of this Charter, be applicable to the levying, assessing and collecting of the municipal taxes.
2. In the matter of equalization of assessments, the rights of the City and the inhabitants thereof shall be protected in the same manner and to the same extent by the action of the County Board of Equalization as are the State and County.
3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties shall, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it may deem necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

(Ch. 266, Stats. 1971 p. 420; A—Ch. 266, Stats. 2013 p. 1217)

Section 8.020 Revenue ordinances.

The City Council may pass and enact all ordinances necessary to carry into effect the revenue laws in the City and to enlarge, fix and determine the powers and duties of all officers in relation thereto.

(Ch. 266, Stats. 1971 p. 420)

ARTICLE IX

Civil Service

Section 9.010 System of Civil Service.

1. There is hereby created a System of Civil Service, applicable to and governing the employment of all employees of the City except Executive Officers, department directors, senior department directors, division heads, assistant city attorneys, any other attorney employed by the Office of the City Attorney, assistants to the City Manager, the Municipal Court Administrator, any elected officer, any employee that reports directly to an elected officer, any probationary employee, any temporary employee, and any other employee excluded from the System by ordinance.
2. The System of Civil Service must be administered by a Civil Service Board composed of five persons appointed by the City Council.
3. The Board shall prepare regulations governing the System of Civil Service to be adopted by the City Council. The regulations must provide for:
 - (a) Examination of potential employees.
 - (b) Procedures for recruitment and placement.
 - (c) Classification of positions.
 - (d) Procedures for promotion, disciplinary actions and removal of employees.
 - (e) Such other matters as the Board may deem necessary.
4. Copies of the regulations governing the System of Civil Service must be distributed to all employees of the City.
5. An employee of the City who is included in the System of Civil Service and accepts a position that is excluded from the System pursuant to subsection 1 does not retain any rights or privileges within the System.

(Ch. 266, Stats. 1971 p. 421; A—Ch. 334, Stats. 1977 p. 630; Ch. 596, Stats. 1995 p. 2218; Ch.108, Stats. 2003 p. 604; Ch. 266, Stats. 2013 p. 1217)

ARTICLE X

Miscellaneous Provisions

Section 10.010 Severability of provisions.

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

(Ch. 266, Stats. 1971 p. 422)

Section 10.020 Effect of enactment of charter.

1. All rights and property of every kind and description which were vested in the City prior to the enactment of this Charter shall be vested in the same municipal corporation on the effective date of this Charter. No right or liability, either in favor of or against such corporation existing at the time of becoming incorporated under this Charter, and no action or prosecution shall be affected by such change, but it shall stand and progress as if no change had been made.
2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of such City so becoming incorporated under this Charter, such remedy shall be cumulative to the remedy before provided, and used accordingly.
3. All ordinances and resolutions in effect in the City prior to the effective date of this Charter shall, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.
4. The enactment of this Charter shall not effect any change in the legal identity of the City.

5. The enactment of this Charter shall not be construed to repeal or in any way affect or modify:
- (a) Any special, local or temporary law.
 - (b) Any law or ordinance making an appropriation.
 - (c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
 - (d) The running of the statute of limitations in force at the time this Charter becomes effective.
 - (e) Any bond of any public officer.
- (Ch. 266, Stats. 1971 p. 422)