

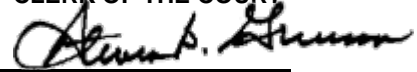
# DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

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Steven D. Grierson  
CLERK OF THE COURT



## I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): American Civil Liberties Union of Nevada Foundation, 601 S. Rancho Dr., #B-11, Las Vegas, NV 89106, 702.830.9889 Laura Martin, 601 S. Rancho Dr., #B-11, Las Vegas, NV 89106, 702.830.9889 Ender Austin III, 601 S. Rancho Dr., #B-11, Las Vegas, NV 89106, 702.830.9889 Sean Tory, 601 S. Rancho Dr., #B-11, Las Vegas, NV 89106, 702.830.9889	Defendant(s) (name/address/phone): City of North Las Vegas 2250 Las Vegas Blvd. North North Las Vegas, 89030 702.633.1050
Attorney (name/address/phone): Sophia Romero, 601 S. Rancho Dr., #B-11, Las Vegas, NV 89106, 702.830.9889 Christopher Peterson, 601 S. Rancho Dr., #B-11, Las Vegas, NV 89106, 702.366.1902 Athar Haseebullah, 601 S. Rancho Dr., #B-11, Las Vegas, NV, 702.830.9889	Attorney (name/address/phone): North Las Vegas City Attorney 2250 Las Vegas Blvd. North North Las Vegas, 89030 702.633.1050

## II. Nature of Controversy (please select the one most applicable filing type below)

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate (select case type and estate value)</b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input checked="" type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

12.20.2021

Date

Signature of initiating party or representative

*See other side for family-related case filings.*

WMAN

SOPHIA A. ROMERO, ESQ

Nevada Bar No. 12446

CHRISTOPHER M. PETERSON, ESQ.

Nevada Bar No. 13932

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**AMERICAN CIVIL LIBERTIES**

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*Attorneys for Petitioners/Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAURA MARTIN, and individual; SEAN TORY,  
an individual; ENDER AUSTIN, an individual; and  
the AMERICAN CIVIL LIBERTIES UNION OF  
NEVADA FOUNDATION, a domestic nonprofit  
corporation,

Petitioners/Plaintiffs,

vs.

CITY OF NORTH LAS VEGAS, a local municipal  
government entity;

Respondent/Defendant.

Case No.:

Department:

**HEARING REQUESTED**

**ARBITRATION EXEMPTION  
CLAIMED:**

Equitable and Extraordinary Relief

**PETITION FOR WRIT OF MANDAMUS TO COMPEL THE CITY OF NORTH LAS  
VEGAS TO HOLD AN ELECTION FOR MUNICIPAL COURT JUDGE,  
DEPARTMENT 1 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE  
RELIEF**

The Petitioners/Plaintiffs, LAURA MARTIN, SEAN TORY, ENDER AUSTIN, and the  
AMERICAN CIVIL LIBERTIES UNION OF NEVADA (“ACLU of Nevada”) (collectively  
referred to as “Petitioners”), hereby bring this Petition for Writ of Mandamus (NRS Chapter 34)  
and Complaint for declaratory (NRS Chapter 30) and injunctive relief (NRS Chapter 33).

1 Petitioners are seeking an order directing Respondent/Defendant, the CITY OF NORTH LAS  
2 VEGAS (“the City” or “Respondent”),<sup>1</sup> to hold an election for Municipal Court Judge, Department  
3 1 as well as for reasonable costs an attorney’s fees (NRS18.010 and Nevada’s Substantial Benefit  
4 Doctrine).

### 5 **INTRODUCTION**

6 On February 17, 2021, the City of North Las Vegas, by and through its Mayor and City  
7 Council, passed and adopted Ordinance No. 3060, creating a new municipal court department,  
8 North Las Vegas City Municipal Court Department 1, and granting the City the power to appoint  
9 a judge for the newly created judicial department to serve until “the primary or general elections  
10 of June and November 2026 and until the judge elected in 2026 takes the bench.”

12 The City’s ordinance directly violates the North Las Vegas City Charter, which mandates  
13 that when the City appoints a judge to fill a vacant position in the Municipal Court, “[n]o such  
14 appointment extends beyond the first day of the month following the next general municipal  
15 election, at which election the office must be filled for the remaining unexpired term.” The next  
16 elections to be held in the City of North Las Vegas are scheduled for June and November of  
17 2022, four years prior to the expiration of the appointment described in Ordinance No. 3060.

19 In courts throughout Nevada, appointments fill vacant judicial seats *until the next election*  
20 *cycle*<sup>2</sup> because Nevada voters, not government officials, determine who ultimately serves as  
21 judge in this state. However, the City improperly and unlawfully made an appointment in  
22 Municipal Court Department 1 to serve through 2026, skipping two election cycles and depriving  
23

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24 <sup>1</sup> NRS 12.105 State and local governmental agencies may be sued without naming members of their governing  
25 bodies; service. Any political subdivision, public corporation, special district, or other agency of state or local  
26 government which is capable of being sued in its own name may be sued by naming it as the party without naming  
27 the individual members of its governing body in their representative capacity. In addition to any other method which  
may be provided by statute or rule of court, service may be made upon the clerk or secretary of the political  
subdivision, corporation or agency.

<sup>2</sup> Nev. Const. art. VI, § 20.

1 North Las Vegas voters of their right to select the current appointee's successor during the first  
2 election after appointment in violation of Sections 1.050(2), 1.060(2), and 4.005(3) of the North  
3 Las Vegas City Charter.

4 Petitioners ask that this Court hold Section 2 of Ordinance No. 3060 to be void and order  
5 the City of North Las Vegas to hold an election for the successor to Municipal Court Department  
6 1 during the 2022 election cycle as required by the North Las Vegas City Charter.

7  
8 **PARTIES**

9 1. Petitioner, LAURA MARTIN, is, and was at all times relevant herein, a resident  
10 of the State of Nevada, County of Clark, City of North Las Vegas.

11 2. Petitioner, SEAN TROY, is, and was at all times relevant herein, a resident of the  
12 State of Nevada, County of Clark, City of North Las Vegas.

13 3. Petitioner, ENDER AUSTIN, is, and was at all times relevant herein, a resident of  
14 the State of Nevada, County Clark, City of North Las Vegas.

15 4. Petitioner, the AMERICAN CIVIL LIBERTIES UNION OF NEVADA, is a  
16 domestic nonprofit, non-partisan organization that works to defend and advance the civil liberties  
17 and civil rights of all Nevadans operating in the State of Nevada.

18 2. Respondent, CITY OF NORTH LAS VEGAS, is a Charter City, created by and  
19 operating under the laws of the State of Nevada and, pursuant to NRS 12.105, may be served  
20 with process herein by service upon the North Las Vegas City Clerk, located at 2250 Las Vegas  
21 Blvd. N. North Las Vegas, Nevada 89030.

22  
23 ///

24 ///

25 ///

5. The transactions and occurrences that give rise to the Petitioners' claims against Respondent, the City of North Las Vegas, occurred in the City of North Las Vegas, Clark County, Nevada.

7. This Court has original subject matter jurisdiction over this request for declaratory and injunctive relief under Article 6, Section 6, of The Constitution of the State of Nevada. *See also* NRS 30.030 (Uniform Declaratory Judgments Act).

## ACLU OF NEVADA’S ASSOCIATIONAL STANDING

10. The ACLU of Nevada has standing in this matter because a) its members would otherwise have standing to sue in their own right; b) the interests it seeks to protect are germane

1 to the organization's purpose; and c) neither the claim asserted nor the relief requested requires  
2 the participation of individual members in the lawsuit.<sup>3</sup>

3 11. As discussed below, the citizens of the City of North Las Vegas, including the ACLU of  
4 Nevada's North Las Vegas membership and employees, face the imminent risk of having the  
5 rights provided by The Constitution of the State of Nevada and laid out by the Nevada  
6 Legislature skirted by the City of North Las Vegas.

7 12. As the guardian of civil liberties of all Nevadans for 55 years, and with 148 members and  
8 two employees residing in the City of North Las Vegas, preventing constitutional violations is of  
9 substantial interest to the ACLU of Nevada. The ACLU of Nevada works to defend and advance  
10 the civil liberties, civil rights, and other fundamental human rights of all Nevadans.<sup>4</sup>

### 12 STATEMENT OF RELEVANT FACTS

13 13. A declaration for each individual Petitioner attesting to the factual allegations in this  
14 petition is attached hereto as **EXHIBIT 1**. See NRS 34.170; NRS 53.045; EJDRC 2.14.

15 14. Article 8, Section 8 of The Constitution of the State of Nevada specifically states:  
16

17  
18 <sup>3</sup> “[W]e have recognized that an association has standing to bring suit on behalf of its members when: (a) its  
19 members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to  
20 the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of  
21 individual members in the lawsuit.” *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333, 343, 97  
22 S.Ct. 2434, 53 L.Ed.2d 383 (1977). *Greater Birmingham Ministries v. Sec'y of State for State of Alabama*, 992 F.3d  
23 1299, 1316 (11th Cir. 2021)

24 <sup>4</sup> ACLU of Nevada has 148 members and two employees residing in North Las Vegas. Additionally, one employee  
25 is a resident of the City of North Las Vegas; is an “elector” as defined by The Constitution of the State of Nevada  
26 and NRS 293.055; and, as a North Las Vegas resident for more than six months and a member in good standing of  
27 the State Bar of Nevada, is eligible for judicial candidacy under section 4.020 of article 5 of the North Las Vegas  
City Charter. See Sec. 4.020: Municipal Court: Qualifications of Municipal Judge; salary.

1. A Municipal Judge must have been a resident of the City for a continuous period of at least 6 months  
immediately preceding his or her election.

2. A 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, except that the requirement to be a duly licensed  
member, in good standing, of the State Bar of Nevada does not apply to any Municipal Judge who holds the office  
of Municipal Judge on January 1, 2009, as long as he or she continues to serve as such in uninterrupted terms.

3. If so required by an ordinance duly enacted, candidates for the office of Municipal Judge, at the time of  
filing, shall produce evidence in satisfaction of any or all of the qualifications for office.

4. The salary of a Municipal Judge must be fixed by the City Council, must be uniform for all departments of  
the Municipal Court and may be increased during the term for which a Municipal Judge is elected or appointed.

1 Municipal corporations formed under general laws. The  
2 legislature shall provide for the organization of cities and towns by  
3 general laws and shall restrict their power of taxation, assessment,  
4 borrowing money, contracting debts and loaning their credit, except  
5 for procuring supplies of water; *provided, however*, that the  
6 legislature may, by general laws, in the manner and to the extent  
7 therein provided, permit and authorize the electors of any city or  
8 town to frame, adopt and amend a charter for its own government,  
9 or to amend any existing charter of such city or town.<sup>5</sup>

6 (Emphasis in original.)

7  
8 15. On April 26, 1971 the Legislature incorporated the City of North Las Vegas, in Clark  
9 County Nevada under the North Las Vegas City Charter. *See* North Las Vegas City Charter, for  
10 convenience, attached hereto as **EXHIBIT 2**.<sup>6</sup>

11 16. Section 1.050 of the North Las Vegas City Charter states:

- 12 1. The elective officers of the City consist of:  
13 (a) A Mayor.  
14 (b) One Council Member from each ward.  
15 (c) One or more Municipal Judges, as determined pursuant to  
16 section 4.005 of this Charter.  
17 2. Such officers must be elected as provided by this Charter.

18 <sup>5</sup> "Right to vote; qualifications of elector; qualifications of nonelector to vote for President and Vice President of  
19 United States. All citizens of the United States (not laboring under the disabilities named in this constitution) of the  
20 age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state six months,  
21 and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now  
22 or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided*,  
23 that no person who has been or may be convicted of treason or felony in any state or territory of the United States,  
24 unless restored to civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal  
25 capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election  
26 on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who  
27 does not have the status of an elector in another state and who does not meet the residence requirements of this section  
may vote in this state for President and Vice President of the United States." Nev. Const. art 2, § 1. *See also*, NRS  
293.055 which defines "Elector" as "a person who is eligible to vote under the provisions of Section 1 of Article 2 of  
the Constitution of the State of Nevada."

24 <sup>6</sup> NRS 268.017 Pleading and proof of charter and ordinances in judicial proceedings. The charter and all  
25 ordinances, rules, resolutions or other regulations of an incorporated city shall be received as prima facie evidence in  
26 all courts without pleading the contents thereof. Such charter, ordinances, rules, resolutions or other regulations may  
27 be pleaded by title only and may be proved by introduction of:

- 26 1. The original entry thereof on the records of the city council or other governing body.  
27 2. A copy of such original entry certified by the city clerk.  
3. A printed copy published or purported to have been published by authority of the city council or other  
governing body.

1 (Emphasis added.) See Ex. 2, at 1.

2 17. Section 1.060 of the North Las Vegas City Charter states:

3 Except as otherwise provided in [NRS 268.325](#).<sup>7</sup>

4 1. A vacancy in the City Council or in the office of Mayor or  
5 Municipal Judge must be filled by a majority vote of the members  
6 of the City Council within 30 days after the occurrence of the  
7 vacancy. A person may be selected to fill a prospective vacancy in  
8 the City Council before the vacancy occurs. In such a case, each  
9 member of the Council, except any member whose term of office  
10 expires before the occurrence of the vacancy, may participate in any  
11 action taken by the Council pursuant to this section. The appointee  
12 must have the same qualifications as are required of the elective  
13 official.

14 2. No such appointment extends beyond the first day of the  
15 month following the next general municipal election, at which  
16 election the office must be filled for the remaining unexpired term.

17 (Emphasis added.) Ex. 2, at 1-2.

18 18. Section 4.005(3) of the North Las Vegas City Charter states in pertinent part:

19 At the first primary or general municipal election that follows the  
20 appointment of an additional Municipal Judge to a newly created  
21 department of the Municipal Court, the successor to that Municipal  
22 Judge must be elected for an initial term of not more than 6 years,  
23 as determined by the City Council, in order that, as nearly as  
24 practicable, one-third of the number of Municipal Judges be elected  
25 every 2 years.

26 (Emphasis added.) Ex. 2, at 10.

27 19. The next election cycle for the City of North Las Vegas municipal elections will take  
place in June (primary) and November (general) of 2022. Sec. 5.010(3), Ex. 2, at 10-11.<sup>8</sup>

<sup>7</sup> NRS 268.325 Methods to fill vacancy on governing body of city. If a vacancy occurs on the governing body of a city, the governing body may, in lieu of appointment, declare by resolution a special election to fill the vacancy.

<sup>8</sup> On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, a Municipal Judge who shall hold office for a period of 6 years and until his or her successor has been elected and qualified. North Las Vegas City Charter Sec. 5.010.



1        20. On February 17, 2020, City of North Las Vegas Ordinance No. 3060 (“Ordinance No.  
2 3060”) became effective. *See* City of North Las Vegas, Ordinance No. 3060, attached hereto as

3 **EXHIBIT 3.**

4        21. Ordinance No. 3060 was passed and adopted by The City of North Las Vegas Mayor Lee,  
5 Mayor Pro Tempore and Council Member Barron (Ward 1) as well as Council Members Pamela  
6 A. Goynes-Brown (Ward 2), Scott Black (Ward 3), and Richard Cherchio (Ward 4), and was  
7 attested to by North Las Vegas City Clerk, Catherine A. Raynor. Ex. 3, at 3.

8  
9        22. Section 1(B) of Ordinance No. 3060 states: “There shall be a Municipal Court of the city  
10 consisting of two departments....and except for an initial periods of service by appointment prior  
11 to election, a duly elected and qualified judge shall preside over the department.” Ex. 3, at 2.

12        23. Section 2(B) of Ordinance No. 3060 changes the North Las Vegas Municipal Code  
13 2.06.020, to state:

14  
15                The Judge for the newly established Department 1 shall be  
16 appointed by the City Council as required by the City Charter and  
17 *shall serve until the primary or general elections of June and*  
18 *November 2026 and until the Judge elected in 2026 takes the*  
19 *bench.* Beginning with the term commencing with the primary and  
20 general elections of June and November of 2026, the term of office  
21 for the Judge for Department 1 shall be six years.

22 (Emphasis added.) Ex. 3, at 2.

23        24. Also, on February 17, 2021, the City of North Las Vegas Mayor, John Lee and the City  
24 Council appointed Chris Lee to fill the newly created Municipal Court Department 1 position until  
25 November 2026. *See* Notice and Agenda, City of North Las Vegas, City Council Regular Meeting,  
26 attached hereto as **EXHIBIT 4.**

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## STANDARD OF REVIEW – MANDAMUS

25. A writ of mandamus may be issued by the court “to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station; or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled and from which the party is unlawfully precluded by such inferior tribunal, corporation, board or person,” when there is no plain, speedy, and adequate remedy in the ordinary course. *See* NRS 34.160; NRS 34.170.<sup>9</sup>

26. A writ of mandamus can require a board or official to affirmatively act in a manner which the law compels that board or official to act. *See State v. Second Jud. Dist. Ct. ex rel. Cnty. of Washoe*, 118 Nev. 609, 614, 55 P.3d 420, 423 (2002).

27. Writ relief is an extraordinary remedy, and therefore, it is within the court’s sound discretion whether to grant such relief. *Segovia v. Eighth Judicial Dist. Court*, 133 Nev. 910, 911, 407 P.3d 783, 785 (2017). “Extraordinary writ relief may be available where there is no ‘plain, speedy and adequate remedy in the ordinary course of law.’” *Id.* (quoting NRS 34.170 and NRS 34.330).

28. However, even when a legal remedy is available, the court can “still entertain a petition for writ ‘relief where the circumstances reveal urgency and strong necessity.’” *Id.*, quoting *Barngrover v. Fourth Judicial Dist. Court*, 115 Nev. 104, 111, 979 P.2d 216, 220 (1999).

29. Most importantly to the current matter, a writ of mandamus is available to compel the performance of an act required by law as a duty resulting from an office, trust, or station or to

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<sup>9</sup> “The writ may be issued by ... a district court or a judge of the district court, to compel the performance of an act which the law especially enjoins as a duty resulting from an office, trust or station; or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled and from which the party is unlawfully precluded by such inferior tribunal, corporation, board or person. When issued by a district court or a judge of the district court it shall be made returnable before the district court.” NRS 34.160.

1 control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v.*  
2 *Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008).

3 30. The court must examine each request for writ relief individually. *Jeep Corp. v. Second*  
4 *Judicial Dist. Court*, 98 Nev. 440, 443, 652 P.2d 1183, 1185 (1982).

5 31. The court will generally exercise its discretion to consider an extraordinary writ where an  
6 important legal issue that needs clarification is raised or to promote judicial economy and  
7 administration. *State Office of the Attorney General v. Justice Court of Las Vegas Township*, 133  
8 Nev. 78, 80, 392 P.3d 170, 172 (2017).

## 10 **CLAIMS FOR RELIEF**

### 11 **A. WRIT OF MANDAMUS**

12 32. Here there is no plain, speedy and adequate remedy in the ordinary course of law. There  
13 is no other method to challenge Ordinance No. 3060 or to do so quickly enough to require the  
14 City of North Las Vegas to hold an election for Municipal Court Judge, Department 1 during the  
15 2022 election cycle.

17 33. Municipal corporations, like the City of North Las Vegas, are created by special act  
18 passed by the state legislature. Nev. Const. art. 8, § 1.

19 34. The state legislature that provides for the organization of cities and towns by general  
20 laws. Nev. Const. art. 8, § 8.

21 35. The Nevada Supreme Court has held that the legislature expressly established the charter  
22 for the city government and The Constitution of the State of Nevada grants the city all powers  
23 conferred by its charter.<sup>10</sup>

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26 <sup>10</sup> See *Glover v. Concerned Citizens for Fuji Park & Fairgrounds*, 118 Nev. 488, 497, 50 P.3d 546, 551 (2002), as  
27 corrected (Sept. 6, 2002), and disapproved of by *Garvin v. Ninth Jud. Dist. Ct. ex rel. Cty. of Douglas*, 118 Nev.  
749, 59 P.3d 1180 (2002).

1 36. The Court further held that action contradictory to the charter must be accomplished by  
2 charter amendment, not by ordinance. *See Id.*

3 37. According to The Constitution of the State of Nevada, Section 8, Article 8 only “electors”  
4 may, at the will of the legislature, adopt and amend a charter for its own government, or to  
5 amend any existing charter of such city or town.

6 38. The North Las Vegas City Charter specifically states that the elective officers of the City  
7 Consist of the Mayor, One Council Member from each ward and one or more Municipal Judges  
8 and that such officers **must be elected as provided by this Charter**. *See* North Las Vegas City  
9 Charter, Sec. 1.050 (Ex. 2, at 1). (Emphasis added.)  
10

11 39. The North Las Vegas City Charter states that, when a vacancy is filled by appointment,  
12 “[n]o such appointment extends beyond the first day of the month following the next general  
13 municipal election, at which election the office must be filled for the remaining unexpired term.”  
14 North Las Vegas City Charter, Section 1.060(2) (Ex. 2, at 2).  
15

16 40. Based upon the plain language of the North Las Vegas City Charter, when a Municipal  
17 Judge is appointed to a newly created department of the Municipal Court, a successor must be  
18 elected at the first primary or general municipal election following the appointment. *See* North  
19 Las Vegas City Charter, Section 4.005(3) (Ex. 2, at 10).  
20

21 41. Ordinance No. 3060, section 2(B) violates section 4.005(3) of the North Las Vegas City  
22 Charter in that it does not provide for an election at the first opportunity following the  
23 appointment, but rather waits 6 years before holding an election for the newly created Municipal  
24 Court Department 1.

25 42. In passing and adopting this order, the City of North Las Vegas, by the actions of its  
26 Mayor and City Councilmembers violated its own City Charter.  
27

1 43. As discussed above, a writ is appropriate in this matter to compel the performance of an  
2 act required by law as a duty resulting from an office, trust, or station or to control an arbitrary or  
3 capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc.*, 124 Nev. at 197, 179  
4 P.3d at 558.

5 44. Due to the gross violation of the North Las Vegas City Charter by the Mayor and the City  
6 Council, Petitioners are requesting that this Court resolve the discrepancy between Ordinance  
7 No. 3060 and the North Las Vegas City Charter by issuing a writ of mandamus 1) ruling that the  
8 North Las Vegas City Charter governs over Ordinance No. 3060; 2) voiding Section 2 of  
9 Ordinance No. 3060 and the newly enacted North Las Vegas Municipal Code 2.06.020(B); 3)  
10 requiring the City of North Las Vegas to hold an election for Municipal Court Judge, Department  
11 1 during the 2022 election cycle (as this is the “the first primary or general municipal election  
12 that follows the appointment of an additional Municipal Judge to a newly created department of  
13 the Municipal Court...”<sup>11</sup>; and 4) directing the City of North Las Vegas City Clerk to expand  
14 the period for potential judicial candidates to submit an application for candidacy as necessary to  
15 ensure sufficient time to hold a fair and open election.  
16  
17

#### 18 **B. DECLARATORY JUDGMENT**

19 45. Alternatively,<sup>12</sup> under the Nevada Uniform Declaratory Judgments Act, NRS 30.010 to  
20 30.160, this Court has the power to declare the rights, status and other legal relations of the parties  
21 whether or not further relief is or could be claimed, and a declaration may be either affirmative or  
22 negative in form and effect, and such declarations have the force and effect of a final judgment or  
23 decree. *See* NRS 30.030.  
24

25 46. More specifically, with respect to contracts, statutes, and other writings, NRS 30.040(1)  
26

27 <sup>11</sup> Section 4.005(3) of the City Charter for the City of North Las Vegas.

<sup>12</sup> *See* NRCF 8(a)(4).

1 provides:

2 Any person interested under a deed, written contract or other  
3 writings constituting a contract, or whose rights, status, or other  
4 legal relations are affected by statute, municipal ordinance, contract  
5 or franchise, may have determined any question of construction or  
6 validity arising under the instrument, statute, ordinance, contract or  
7 franchise and obtain a declaration of rights, status or other legal  
8 relations thereunder.

9 47. The provisions of the Act are to be liberally construed and administered, and are intended  
10 to be remedial, in order to settle and to afford relief from uncertainty and insecurity with respect  
11 to rights, status and other legal relations. NRS 30.140.

12 48. Such declarations have the force and effect of a final judgment or decree. NRS 30.030.

13 49. This matter satisfies the four elements that must be met for declaratory relief to be granted,  
14 as described below. *Kress v. Corey*, 65 Nev. 1, 25–26, 189 P.2d 352, 364 (1948).

15 50. The facts stated above herein reveal a justiciable controversy in which a claim of right is  
16 asserted against one who has an interest in contesting it.

17 51. The controversy is between persons whose interests are adverse.

18 52. The ACLU of Nevada, specifically its North Las Vegas membership, has a legally  
19 protectable interest in the controversy.

20 53. The issue involved in the controversy is ripe for determination as the next election is  
21 scheduled for June and November of 2022, with filing deadlines quickly approaching.

22 54. Thus, the ACLU of Nevada seeks an order declaring its rights, and the rights of all  
23 Electors<sup>13</sup> in the City of North Las Vegas, with respect to the enforcement of the North Las  
24 Vegas City Charter.

---

25  
26  
27 <sup>13</sup> As defined by NRS 293.055.

1 55. For the sake of brevity, Petitioners hereby incorporate paragraphs 34 - 42, above, as if  
2 fully set forth herein.

3 56. Ordinance No. 3060, section 2(B) violates section 4.005(3) of the North Las Vegas City  
4 Charter in that it does not provide for an election at the first opportunity following the  
5 appointment, the 2022 election cycle, but rather skips two elections, waiting 6 years before  
6 holding an election for the newly created Municipal Court Judge, Department 1.

7 57. As such, Petitioners are requesting that this Court resolve the discrepancy between  
8 Ordinance No. 3060 and the North Las Vegas City Charter by declaring 1) that the North Las  
9 Vegas City Charter governs over Ordinance No. 3060; 2) void Section 2 of Ordinance No. 3060  
10 and the newly enacted North Las Vegas Municipal Code 2.06.020(B); 3) the City of North Las  
11 Vegas is required to hold an election for Municipal Court Judge, Department 1 during the 2022  
12 election cycle (as this is the “the first primary or general municipal election that follows the  
13 appointment of an additional Municipal Judge to a newly created department of the Municipal  
14 Court...”)<sup>14</sup>; and 4) directing the City of North Las Vegas City Clerk to expand the period for  
15 potential judicial candidates to submit an application for candidacy necessary to ensure sufficient  
16 time to hold a fair and open election.  
17

### 18 **C. INJUNCTIVE RELIEF**

19 58. Injunctive relief is a historical equitable remedy that has been codified in Nevada law at  
20 NRS 33.010,  
21

22 59. The ACLU of Nevada does not have an adequate remedy at law.  
23

24 60. NRS 33.010 states that an injunction may be granted:

- 25 1. When it shall appear by the complaint that the plaintiff is entitled to the relief  
26 demanded, and such relief or any part thereof consists in restraining the

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27 <sup>14</sup> Section 4.005(3) of the City Charter for the City of North Las Vegas.

commission or continuance of the act complained of, either for a limited period or perpetually.

2. When it shall appear by the complaint or affidavit that the commission or continuance of some act, during the litigation, would produce great or irreparable injury to the plaintiff.

3. When it shall appear, during the litigation, that the defendant is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual.

61. As discussed above, the ACLU of Nevada, specifically its City of North Las Vegas membership, is entitled to relief regarding the election of the Municipal Court Judge for Department 1.

62. Failing to require the City of North Las Vegas to hold an election as required by its charter will cause irreparable injury to Petitioners by denying them, both as individual Petitioners and the ACLU of Nevada on behalf of its membership, residing in the City of North Las Vegas to vote for the judicial officer to fill the newly created Municipal Court Department 1, or the opportunity to run in the judicial race, a right to which they are entitled as a matter of law.

63. The ACLU of Nevada requests injunctive relief, stopping the City of North Las Vegas from passing and codifying ordinances that conflict with the North Las Vegas City Charter.

#### **REQUEST FOR RELIEF**

WHEREFORE, Petitioner, ACLU of Nevada, asks for the following relief:

A. A Writ of Mandamus ordering that 1) ruling that the North Las Vegas City Charter governs over Ordinance No. 3060; 2) voiding Section 2 of Ordinance No. 3060 and the newly enacted North Las Vegas Municipal Code 2.06.020(B); 3) requiring the City of North Las Vegas to hold an election for Municipal Court Judge, Department 1 during the 2022 election cycle (as this is the "the first primary or general municipal election that follows



1 the appointment of an additional Municipal Judge to a newly created department of the  
2 Municipal Court...”<sup>15</sup>; and 4) directing the City of North Las Vegas City Clerk to expand  
3 the period for potential judicial candidates to submit an application for candidacy necessary  
4 to ensure sufficient time to hold a fair and open election;

5 B. All equitable declaratory relief and/or statutory declaratory relief that arises from or is  
6 implied by the facts, whether or not specifically requested, including but not limited to:  
7 that 1) a declaration that the Petitioner/Plaintiff is entitled to writ/injunctive relief; 2) that  
8 the North Las Vegas City Charter governs over Ordinance No. 3060; 3) void Section 2 of  
9 Ordinance No. 3060 and the newly enacted North Las Vegas Municipal Code  
10 2.06.020(B); 4) the City of North Las Vegas is required to hold an election for Municipal  
11 Court Judge, Department 1 during the 2022 election cycle; and 5) directing the City of  
12 North Las Vegas City Clerk to expand the period for potential judicial candidates to  
13 submit an application for candidacy necessary to ensure sufficient time to hold a fair and  
14 open election;  
15

16 C. All equitable injunctive relief that arises from or is implied by the facts, whether or not  
17 specifically requested, including an injunction against the City of North Las Vegas from  
18 passing ordinances that violate or contradict its City Charter;  
19

20 D. Award Petitioner its reasonable attorney’s fees and costs incurred in this action as provided  
21 by NRS 18.010 or Nevada’s Substantial Benefit Doctrine<sup>16</sup>; and  
22  
23

24 <sup>15</sup> Section 4.005(3) of the North Las Vegas City Charter.

25 <sup>16</sup> Generally, the substantial benefit doctrine is inapplicable in actions against municipalities because all citizen  
26 taxpayers in a municipality “usually cannot share the [conferred benefit], and therefore, the costs cannot be shifted  
27 with some exactitude to those benefitting.” *Thomas* 122 Nev. at 92, 127 P.3d at 1064. However, this court has  
recognized an exception to the general rule when a successful party represents all citizen taxpayers in the litigation,  
and the litigation benefits all of the taxpayers. *See id.* at 92–93, 127 P.3d at 1064–65. *Wagner v. City of N. Las  
Vegas*, 129 Nev. 1160 (2013), 2013 WL 7155945.

1 E. Such other and further relief as the court deems just and equitable.

2 Dated this 17<sup>th</sup> day of December, 2021.

This document does **not** contain the Social Security number of any person.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

**AMERICAN CIVIL LIBERTIES  
UNION OF NEVADA**

/s/ Sophia A. Romero, Esq.

SOPHIA A. ROMERO, ESQ.

Nevada Bar No. 12446

CHRISTOPHER M. PETERSON, ESQ.

Nevada Bar No. 13932

ATHAR HASEEBULLAH, ESQ.

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Email: [romero@aclunv.org](mailto:romero@aclunv.org)

*Attorneys for Petitioners/Plaintiffs*

# EXHIBIT 1

**DECL**

SOPHIA A. ROMERO, ESQ

Nevada Bar No. 12446

CHRISTOPHER M. PETERSON, ESQ.

Nevada Bar No. 13932

ATHAR HASEEBULLAH, ESQ.

Nevada Bar No. 13646

**AMERICAN CIVIL LIBERTIES**

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*Attorneys for Petitioners/Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAURA MARTIN, and individual; SEAN TORY,  
an individual; ENDER AUSTIN, an individual; and  
the AMERICAN CIVIL LIBERTIES UNION OF  
NEVADA FOUNDATION, a domestic nonprofit  
corporation,

Petitioners,

vs.

CITY OF NORTH LAS VEGAS, a local municipal  
government entity;

Respondent.

Case No.:

Department:

**DECLARATION OF LAURA MARTIN IN SUPPORT OF PETITION FOR WRIT OF  
MANDAMUS TO COMPEL THE CITY OF NORTH LAS VEGAS TO HOLD AN  
ELECTION FOR MUNICIPAL COURT JUDGE, DEPARTMENT 1 AND COMPLAINT  
FOR DECLATORY AND INJUNCTIVE RELIEF**

I, Laura Martin, under penalty of perjury declare:


1. I am over the age of 18 and I am competent to testify.
2. I have personal knowledge of the facts set forth in this declaration.

3. I make this declaration in support of the Petition for Writ of Mandamus and Complaint for Declaratory and Injunctive Relief.

4. I am, and was at all times relevant hereto, a resident of the State of Nevada,  
County of Clark, City of North Las Vegas.

I declare under penalty of perjury that the foregoing is true and correct.

Dated December 17, 2021.

  
Laura Martin

1 **DECL**

2 SOPHIA A. ROMERO, ESQ

3 Nevada Bar No. 12446

4 CHRISTOPHER M. PETERSON, ESQ.

5 Nevada Bar No. 13932

6 ATHAR HASEEBULLAH, ESQ.

7 Nevada Bar No. 13646

8 **AMERICAN CIVIL LIBERTIES**

9 **UNION OF NEVADA**

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Email: [romero@aclunv.org](mailto:romero@aclunv.org)

*Attorneys for Petitioners/Plaintiffs*

10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 LAURA MARTIN, and individual; SEAN TORY,  
13 an individual; ENDER AUSTIN, an individual; and  
14 the AMERICAN CIVIL LIBERTIES UNION OF  
NEVADA FOUNDATION, a domestic nonprofit  
corporation,

15  
16 Petitioners,

17 vs.

18 CITY OF NORTH LAS VEGAS, a local municipal  
government entity;

19  
20 Respondent.

Case No.:

Department:

21 **DECLARATION OF SEAN TORY IN SUPPORT OF PETITION FOR WRIT OF**  
22 **MANDAMUS TO COMPEL THE CITY OF NORTH LAS VEGAS TO HOLD AN**  
**ELECTION FOR MUNICIPAL COURT JUDGE, DEPARTMENT 1 AND COMPLAINT**  
23 **FOR DECLATORY AND INJUNCTIVE RELIEF**

24 I, Sean Tory, under penalty of perjury declare:

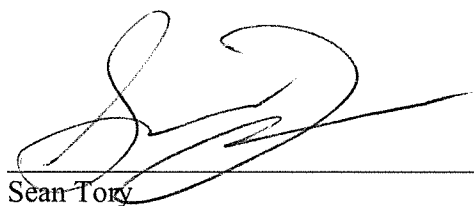
- 25 1. I am over the age of 18 and I am competent to testify.
- 26 2. I have personal knowledge of the facts set forth in this declaration.
- 27

1 3. I make this declaration in support of the Petition for Writ of Mandamus and  
2 Complaint for Declaratory and Injunctive Relief.

3 4. I am, and was at all times relevant hereto, a resident of the State of Nevada, County of  
4 Clark, City of North Las Vegas.

5  
6 I declare under penalty of perjury that the foregoing is true and correct.

7  
8 Dated December 17, 2021.

9  
10   
Sean Tory

**DECL**

SOPHIA A. ROMERO, ESQ  
Nevada Bar No. 12446  
CHRISTOPHER M. PETERSON, ESQ.  
Nevada Bar No. 13932  
ATHAR HASEEBULLAH, ESQ.  
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*Attorneys for Petitioners/Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAURA MARTIN, and individual; SEAN TORY,  
an individual; ENDER AUSTIN, an individual; and  
the AMERICAN CIVIL LIBERTIES UNION OF  
NEVADA FOUNDATION, a domestic nonprofit  
corporation,

Petitioners,

vs.

CITY OF NORTH LAS VEGAS, a local municipal  
government entity;

Respondent.

Case No.:

Department:

**DECLARATION OF ENDER AUSTIN IN SUPPORT OF PETITION FOR WRIT OF  
MANDAMUS TO COMPEL THE CITY OF NORTH LAS VEGAS TO HOLD AN  
ELECTION FOR MUNICIPAL COURT JUDGE, DEPARTMENT 1 AND COMPLAINT  
FOR DECLATORY AND INJUNCTIVE RELIEF**

I, Ender Austin, under penalty of perjury declare:

1. I am over the age of 18 and I am competent to testify.
2. I have personal knowledge of the facts set forth in this declaration.



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3. I make this declaration in support of the Petition for Writ of Mandamus and  
Complaint for Declaratory and Injunctive Relief.

4. I am, and was at all times relevant hereto, a resident of the State of Nevada, County of  
Clark, City of North Las Vegas.

I declare under penalty of perjury that the foregoing is true and correct.

Dated December 17, 2021.

  
\_\_\_\_\_  
Ender Austin

**DECL**

SOPHIA A. ROMERO, ESQ  
Nevada Bar No. 12446  
CHRISTOPHER M. PETERSON, ESQ.  
Nevada Bar No. 13932  
ATHAR HASEEBULLAH, ESQ.  
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*Attorneys for Petitioners/Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAURA MARTIN, and individual; SEAN TORY,  
an individual; ENDER AUSTIN, an individual; and  
the AMERICAN CIVIL LIBERTIES UNION OF  
NEVADA FOUNDATION, a domestic nonprofit  
corporation,

Petitioners,

vs.

CITY OF NORTH LAS VEGAS, a local municipal  
government entity;

Respondent.

Case No.:

Department:

**DECLARATION OF THE ACLU OF NEVADA IN SUPPORT OF PETITION FOR  
WRIT OF MANDAMUS TO COMPEL THE CITY OF NORTH LAS VEGAS TO HOLD  
AN ELECTION FOR MUNICIPAL COURT JUDGE, DEPARTMENT 1 AND  
COMPLAINT FOR DECLATORY AND INJUNCTIVE RELIEF**

I, Athar Haseebullah on behalf of the ACLU of Nevada, under penalty of perjury declare:

1. I am over the age of 18 and I am competent to testify.
2. I am the Executive Director of the ACLU of Nevada.
3. I have personal knowledge of the facts set forth in this declaration.

- 1 4. I make this declaration in support of the Petition for Writ of Mandamus and  
2 Complaint for Declaratory and Injunctive Relief.
- 3 5. The ACLU of Nevada currently has 148 members residing in the City of North Las  
4 Vegas.
- 5 6. ALCU of Nevada employee, Sophia A. Romero, is a resident of the City of North Las  
6 Vegas; is an “elector” as defined by The Constitution of the State of Nevada and NRS  
7 293.055; and, as a North Las Vegas resident for more than six months and a member  
8 in good standing of the State Bar of Nevada, is eligible for judicial candidacy under  
9 section 4.020 of article 5 of the North Las Vegas City Charter.
- 10 7. Article 8, Section 8 of The Constitution of the State of Nevada specifically states:  
11  
12 Municipal corporations formed under general laws. The  
13 legislature shall provide for the organization of cities and towns by  
14 general laws and shall restrict their power of taxation, assessment,  
15 borrowing money, contracting debts and loaning their credit, except  
16 for procuring supplies of water; *provided, however,* that the  
17 legislature may, by general laws, in the manner and to the extent  
18 therein provided, permit and authorize the electors of any city or  
19 town to frame, adopt and amend a charter for its own government,  
20 or to amend any existing charter of such city or town. (Emphasis in  
21 original.)
- 22 8. On April 26, 1971 the Legislature incorporated the City of North Las Vegas, in Clark  
23 County Nevada under the North Las Vegas City Charter.
- 24 9. Section 1.050 of the North Las Vegas City Charter states:  
25 1. The elective officers of the City consist of:  
26 (a) A Mayor.  
27 (b) One Council Member from each ward.  
(c) One or more Municipal Judges, as determined pursuant to  
section 4.005 of this Charter.
2. Such officers **must** be elected as provided by this Charter.  
(Emphasis added.)

10. Section 1.060 of the North Las Vegas City Charter states:

Except as otherwise provided in [NRS 268.325](#):<sup>1</sup>

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled by a majority vote of the members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. *No such appointment extends beyond the first day of the month following the next general municipal election, at which election the office must be filled for the remaining unexpired term.*

(Emphasis added.)

11. Section 4.005(3) of the North Las Vegas City Charter states in pertinent part:

At the *first primary or general municipal election that 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 an initial term* of not more than 6 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. (Emphasis added.)

12. The next election cycle for the City of North Las Vegas municipal elections will take place in June (primary) and November (general) of 2022.

13. On February 17, 2020, City of North Las Vegas Ordinance No. 3060 (“Ordinance No. 3060”) became effective.

14. Ordinance No. 3060 was passed and adopted by The City of North Las Vegas Mayor Lee, Mayor Pro Tempore and Council Member Barron (Ward 1) as well as Council

<sup>1</sup> NRS 268.325 Methods to fill vacancy on governing body of city. If a vacancy occurs on the governing body of a city, the governing body may, in lieu of appointment, declare by resolution a special election to fill the vacancy.

Members Pamela A. Goynes-Brown (Ward 2), Scott Black (Ward 3), and Richard Cherchio (Ward 4), and was attested to by North Las Vegas City Clerk, Catherine A. Raynor.

15. Section 1(B) of Ordinance No. 3060 states: "There shall be a Municipal Court of the city consisting of two departments....and except for an initial periods of service by appointment prior to election, a duly elected and qualified judge shall preside over the department."

16. Section 2(B) of Ordinance No. 3060 changes the North Las Vegas Municipal Code 2.06.020, to state:

The Judge for the newly established Department 1 shall be appointed by the City Council as required by the City Charter and shall serve until the primary or general elections of June and November 2026 and until the Judge elected in 2026 takes the bench. Beginning with the term commencing with the primary and general elections of June and November of 2026, the term of office for the Judge for Department 1 shall be six years. (Emphasis added.)

17. Also, on February 17, 2021, the City of North Las Vegas Mayor, John Lee and the City Council appointed Chris Lee to fill the newly created Municipal Court Department 1 position until November 2026.

I declare under penalty of perjury that the foregoing is true and correct.

Dated December 17, 2021.

  
ACLU of Nevada

Athar Haseebullah, Executive Director  
Name of Authorized Representative

# EXHIBIT 2

[Rev. 12/21/2019 9:27:11 AM--2019]

## NORTH LAS VEGAS CITY CHARTER

---

### CHAPTER 573, STATUTES OF NEVADA 1971

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

[Approved April 26, 1971]

#### ARTICLE I - Incorporation of City; General Powers; Boundaries; Annexations; City Offices

##### **Section 1.010 Preamble: Legislative intent.**

1. In order to provide for the orderly government of the City of North Las Vegas and the general welfare of its citizens the Legislature hereby establishes this charter for the government of the City of North Las Vegas. 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 North Las Vegas.

(Ch. 573, [Stats. 1971 p. 1210](#))

##### **Sec. 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 North Las Vegas" and by that name they and their successors shall be known in law, have perpetual succession and may sue and be sued in all courts.

2. Whenever used throughout this Charter, "City" means the City of North Las Vegas.

(Ch. 573, [Stats. 1971 p. 1210](#))

**Sec. 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 amended from time to time.

(Ch. 573, [Stats. 1971 p. 1211](#))

**Sec. 1.040 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. 573, [Stats. 1971 p. 1211](#); A — Ch. 796, [Stats. 1989 p. 1935](#); Ch. 253, [Stats. 2011 p. 1318](#))

##### **Sec. 1.045 Wards: Creation; Boundaries.**

1. The City must be divided into four wards which must be as nearly equal in population as practicable, and each of which must be composed entirely of contiguous territory.

2. The boundaries of the wards must be established and changed by ordinance. Except as otherwise provided in subsection 3, the boundaries of the wards must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.

3. The boundaries of the wards must not be changed, except to accommodate an annexation of territory to the City, during the period beginning 30 days immediately preceding the last day for filing a declaration of candidacy for a municipal election and ending on the date of the election.

(Added — Ch. 344, [Stats. 1999 p. 1413](#))

##### **Sec. 1.050 Elective offices.**

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Council Member from each ward.

(c) One or more Municipal Judges, as determined pursuant to section 4.005 of this Charter.

2. Such officers must be elected as provided by this Charter.

(Ch. 573, [Stats. 1971 p. 1211](#); A — Ch. 215, [Stats. 1997 p. 747](#); Ch. 499, [Stats. 2005 p. 2690](#))

##### **Sec. 1.060 Elective offices: Vacancies.** Except as otherwise provided in [NRS 268.325](#):

1. A vacancy in the City Council or in the office of Mayor or Municipal Judge must be filled by a majority vote of the



members of the City Council within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first day of the month following the next general municipal election, at which election the office must be filled for the remaining unexpired term.

(Ch. 573, [Stats. 1971 p. 1211](#); A — Ch. 301, [Stats. 1979 p. 451](#); Ch. 854, [Stats. 1989 p. 2061](#); Ch. 515, [Stats. 1997 p. 2451](#); Ch. 558, [Stats. 2019 p. 3560](#))

**Sec. 1.070 Mayor and Council Members not to hold other office.**

1. The Mayor and Council Members shall not:

(a) Hold any other elective office or employment with the City, except as provided by law or as a member of a board or commission for which no compensation is received.

(b) Be appointed to any office created by or the compensation for which was increased or fixed by the City Council until 1 year after the expiration of the term for which that person was elected.

2. Any person holding any office proscribed by subsection 1 shall automatically forfeit his or her office as Mayor or Council Member.

(Ch. 573, [Stats. 1971 p. 1211](#); A — Ch. 723, [Stats. 1973 p. 1436](#); Ch. 70, [Stats. 1981 p. 169](#))

**Sec. 1.080 Appointment of officers; City Manager's direction.**

1. Except as otherwise provided in section 3.050, all officers, not elected or covered under the Civil Service System, must be appointed by the City Manager subject to ratification by the City Council.

2. All departments, offices and agencies under the direction and supervision of the City Manager must be administered by an officer subject to the direction and supervision of the City Manager. With the consent of the City Council, the City Manager may serve as the head of two or more departments, offices or agencies or may appoint one person to be head of two or more departments, offices or agencies.

3. All appointive officers of the City are entitled to receive such salary as may be designated by the City Council.

4. The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except Council Members, sufficient security for the faithful and honest performance of their respective duties.

(Ch. 573, [Stats. 1971 p. 1211](#); A — Ch. 159, [Stats. 1999 p. 838](#))

**Sec. 1.090 Oath of office.** Every person elected or appointed to fill any office shall subscribe to the official oath as provided by the City Council. Every such person shall swear or affirm that he or she 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. 573, [Stats. 1971 p. 1212](#))

## ARTICLE II - Legislative Department

**Sec. 2.010 City Council: Qualifications; election; term of office; salary.**

1. The legislative power of the City is vested in a City Council consisting of four Council Members and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the City.

3. Each Council Member:

(a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

(b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.

7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

(Ch. 573, [Stats. 1971 p. 1212](#); A — Ch. 98, [Stats. 1977 p. 209](#); Ch. 215, [Stats. 1997 p. 748](#); Ch. 344, [Stats. 1999 p. 1413](#); Ch. 499, [Stats. 2005 p. 2691](#); Ch. 218, [Stats. 2011 p. 961](#); Ch. 558, [Stats. 2019 p. 3561](#))

**Sec. 2.015 Mayor: Duties; Mayor pro tempore.**

1. The Mayor shall:

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

(b) Have no administrative duties.

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

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

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

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

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

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

(Ch. 573, [Stats. 1971 p. 1212](#); A — Ch. 723, [Stats. 1973 p. 1437](#))



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

1. Members of the City Council may vote on any lease, contract or other agreement which extends beyond their terms of office.
2. No member of the City Council, including the Mayor, shall:
  - (a) Be pecuniarily interested, directly or indirectly, in any contract let by the City, or in any transaction wherein the rights or liberties of the City are, or may be involved. This paragraph does not apply to contracts for utilities and other services provided for the public by the City under this Charter and the ordinances thereunder, when the Council Member or Mayor applies for and receives such services in the same manner and pays the same established rates and charges as any member of the public.
  - (b) Be interested directly or indirectly in any public work or contract let, supervised or controlled, or which is paid wholly, or in part, by the City. This paragraph does not preclude or discharge a Council Member or the Mayor from paying his or her proportionate share of the cost of any public works when he or she has become obligated in the same manner as any member of the public, nor does it prohibit a Council Member or the Mayor from enjoying the benefits of a work constructed for the benefit of the public in the same manner as any other member of the public.
  - (c) Become the surety of any person on any bond or other obligation running to the City.  
(Ch. 573, [Stats. 1971 p. 1212](#); A — Ch. 723, [Stats. 1973 p. 1437](#))

**Sec. 2.035 City Council: Discipline and subpoena power.**

1. The City Council may order the attendance of witnesses and the production of all papers relating to any business before the City Council.
2. If any person ordered to appear before the City Council fails to obey such order:
  - (a) The City Council or any member thereof may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.
  - (b) Such clerk may issue the subpoena, and any peace officer may serve it.
  - (c) If the person upon whom the subpoena is served fails to obey it, the court may issue an order to show cause why such person should not be held in contempt of court and upon hearing of the matter may adjudge such person guilty of contempt and punish him or her accordingly.  
(Ch. 573, [Stats. 1971 p. 1213](#))

**Sec. 2.040 Meetings: Quorum.**

1. The City Council shall hold at least one regular meeting 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.
3. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.  
(Ch. 573, [Stats. 1971 p. 1213](#); A — Ch. 301, [Stats. 1979 p. 451](#); Ch. 255, [Stats. 2001 p. 1131](#))

**Sec. 2.050 Meetings: Special.**

1. Special meetings may be held on call of the Mayor or by a majority of the City Council.
2. At a special meeting:
  - (a) No contract involving the expenditure of money, except emergency purchases, may be made or claim allowed.
  - (b) No business may be transacted except such as has been stated in the call of the meeting.
  - (c) No ordinance may be passed except an emergency ordinance, or one specified in section 7.040.  
(Ch. 573, [Stats. 1971 p. 1213](#); A — Ch. 301, [Stats. 1979 p. 451](#))

**Sec. 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. 573, [Stats. 1971 p. 1213](#))

**Sec. 2.070 Oaths and affirmations.** The Mayor, each Council Member, the City Clerk and the Municipal Court Clerk or other officers designated by the City Council may administer oaths and affirmations relating to any business pertaining to the City.  
(Ch. 573, [Stats. 1971 p. 1213](#))

**Sec. 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 shall have 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.
5. The City Council shall not pass any ordinance increasing or diminishing the salary of any elective officer during the term for which he or she is elected or appointed.  
(Ch. 573, [Stats. 1971 p. 1213](#))

**Sec. 2.090 Ordinances: Amendments; subject matter; title requirements.**

1. No ordinance may be passed except 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 North Las Vegas 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 or repeals an existing ordinance shall state the ordinance or sections thereof to be amended or repealed.

(Ch. 573, [Stats. 1971 p. 1214](#))

**Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.**

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

2. Not later than the second regular meeting of the City Council following the proposal of an ordinance, it must be read by title as first introduced, any amendment must be proposed and voted upon and thereupon the proposed ordinance, with any adopted amendments, must be finally voted upon or action thereon postponed.

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

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

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

(Ch. 573, [Stats. 1971 p. 1214](#); A — Ch. 723, [Stats. 1973 p. 1438](#); Ch. 301, [Stats. 1979 p. 452](#); Ch. 160, [Stats. 1983 p. 372](#); Ch. 208, [Stats. 2005 p. 679](#))

**Sec. 2.110 Codification of ordinances; publication of Code.**

1. The City Council may codify and publish a Code of its municipal ordinances in the form of a Municipal Code, which Code may, at the election of the City Council, have incorporated therein a copy of this Charter and such additional data as the City Council may prescribe. When such Code is published, two copies shall be filed with the Librarian at the Supreme Court Law Library, and two copies shall be filed with the City Clerk and the Librarian of the North Las Vegas Municipal Library.

2. The ordinances in the Code shall be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the Mayor, attestations and other formal parts.

3. The codification shall be adopted by an ordinance and shall not contain any substantive changes, modifications or alterations of existing ordinances; and the only title necessary for the ordinance shall be, "An ordinance for codifying and compiling the general ordinances of the City of North Las Vegas."

4. The codification may be amended or extended by ordinance.

(Ch. 573, [Stats. 1971 p. 1215](#); A — Ch. 669, [Stats. 1971 p. 2054](#); Ch. 344, [Stats. 1973 p. 429](#); Ch. 723, [Stats. 1973 p. 1438](#); Ch. 74, [Stats. 1977 p. 155](#))

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

1. The City Council may:

- (a) Control the property of the corporation.
- (b) Erect and maintain all buildings necessary for the use of the City.

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

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

(Ch. 573, [Stats. 1971 p. 1215](#))

**Sec. 2.130 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. 573, [Stats. 1971 p. 1215](#))

**Sec. 2.140 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 [640C.100](#), regulate all businesses, trades and professions.
- (b) Fix, impose and collect a license fee for revenue upon all businesses, trades and professions.

2. The City Council may establish any equitable standard to be used in fixing license fees required to be collected pursuant to this section.

(Ch. 573, [Stats. 1971 p. 1215](#); A — Ch. 465, [Stats. 2003 p. 2899](#); Ch. 325, [Stats. 2005 p. 1142](#))

**Sec. 2.150 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. 573, [Stats. 1971 p. 1215](#))

**Sec. 2.160 Powers of City Council: Fire protection; regulation of explosives, flammable 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 flammable 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. 573, [Stats. 1971 p. 1216](#); A — Ch. 391, [Stats. 1999 p. 1863](#))

**Sec. 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. Create a Board of Health and prescribe the powers and duties of such Board.
3. Provide for the enforcement of all regulations and quarantines established by the Board of Health by imposing adequate penalties for violations thereof.

(Ch. 573, [Stats. 1971 p. 1216](#))

**Sec. 2.180 Powers of City Council: Buildings; construction and maintenance regulations; building, plumbing, electrical, mechanical, housing, sign and safety codes.**

1. The City Council may:

(a) Regulate all matters relating to the construction, maintenance, use, occupancy and safety of buildings, structures and property within the City.

(b) Adopt any building, plumbing, electrical, mechanical, housing, sign or safety code necessary to carry out the provisions of this section and establish such fees and penalties as are necessary.

(c) Adopt any ordinance to prohibit the use or maintenance of a building or structure for any activity that violates the laws of the State or ordinances of the City or the County in which the City is located, including, but not limited to, laws or ordinances relating to the sale, distribution, manufacture or use of controlled substances, gambling or prostitution. The ordinance may include such penalties as are necessary.

2. Notwithstanding the provisions of subsection 1, if state law requires the adoption by the City of a particular code or regulation, that, and no other, must be adopted by the City as the exclusive authority governing the subject concerned.

(Ch. 573, [Stats. 1971 p. 1216](#); A — Ch. 723, [Stats. 1973 p. 1439](#); Ch. 290, [Stats. 1991 p. 762](#))

**Sec. 2.190 Powers of City Council: Planning and zoning.**

1. The City Council may by ordinance:

(a) Establish an official map of the City, on which shall be shown and indicated:

(1) All public streets existing and established by law at the time of the establishment of the official map.

(2) All planned streets or street lines as located on plats adopted by the Council in accordance with the provisions of [chapter 278](#) of NRS at the time of the establishment of the map.

(3) All streets or street lines as located on final or recorded plats of subdivisions approved by the Council at the time of the establishment of the map. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes. The Council may in the same manner place upon the official map the location of existing or planned parks or other public open spaces.

(b) Provide that no permit shall be issued for any building or structure or any part thereon on any land located between the mapped lines of a street as shown on the official map. Thereafter, all street locations on final or recorded plats of subdivisions or plats adopted by Council under the provisions of [chapter 278](#) of NRS, as amended from time to time, shall be deemed additions to or modifications of the official map and shall be placed thereon. The Council may by ordinance make, from time to time, other additions to or modifications of the official map by placing thereon the location of proposed streets, street extensions, widenings, narrowings or vacations. Any such proposed addition to or modification of the official map shall be referred to the City Planning Commission for its approval, but if the Planning Commission disapproves or fails to act within 30 days, the Council by a majority vote of its members may overrule such disapproval.

2. The City Council shall carry out the provisions of [chapter 278](#) of NRS, as amended from time to time.

(Ch. 573, [Stats. 1971 p. 1216](#); A — Ch. 723, [Stats. 1973 p. 1439](#))

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

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

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

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

4. Regulate and prevent in all public places:

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

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

(c) Public demonstrations and processions.

5. Prevent riots or any act tending to promote riots.

(Ch. 573, [Stats. 1971 p. 1217](#))

**Sec. 2.210 Powers of City Council: Traffic control.** The City Council may, by ordinance, regulate:

1. Except as otherwise provided in [NRS 707.375](#), 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 parking facilities.

(Ch. 573, [Stats. 1971 p. 1217](#); A — Ch. 237, [Stats. 2003 p. 1253](#))

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

1. The City Council may acquire, install, maintain, operate and regulate parking meters at the curbs of 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 shall be fixed by the City Council.

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

(Ch. 573, [Stats. 1971 p. 1217](#))

**Sec. 2.230 Powers of City Council: Public transportation.**

1. The City Council may:

(a) License, regulate or prohibit the location, construction or installation of public transportation facilities, except a monorail, in any public right-of-way.

(b) Grant franchises to any person or corporation to operate public transportation facilities upon public rights-of-way and adjacent property.

(c) Declare a nuisance and require the removal of the public transportation facilities, except a monorail, in any public right-of-way.

(d) Condemn rights-of-way for any public purpose across any public transportation facility.

(e) Prescribe the length of time any public right-of-way may be obstructed by public transportation facilities operating thereon.

2. As used in this section, "monorail" means a system to transport passengers that is installed and operated on an exclusive fixed guideway. The term:

(a) Includes associated passenger stations, power propulsion systems, lots for parking motor vehicles, workshops and other land and structures.

(b) Does not include a system to transport passengers between two end points with no intermediate stops.

(Ch. 573, [Stats. 1971 p. 1218](#); A — Ch. 513, [Stats. 1997 p. 2447](#))

**Sec. 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. 573, [Stats. 1971 p. 1218](#))

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

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

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

3. Establish a pound.

4. Prohibit cruelty to animals.

(Ch. 573, [Stats. 1971 p. 1218](#))

**Sec. 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. 573, [Stats. 1971 p. 1218](#))

**Sec. 2.270 Powers of City Council: Sanitation and water facilities.** The City Council may:

1. Provide for a sanitary sewer system or any part thereof, and obtain property therefor either within or without the City.

2. Sell any product or by-product of such sewer system and acquire the appropriate outlets within or without the City and extend the sewer lines thereto.

3. Provide for a garbage collection system or any part thereof, and obtain property therefor either within or without the City.

4. Provide for a water distribution system or any part thereof, and obtain property therefor either within or without the City.

(Ch. 573, [Stats. 1971 p. 1218](#); A — Ch. 723, [Stats. 1973 p. 1440](#))

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

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

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

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

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

(1) There must be filed with the City Clerk schedules of rates, fees, tolls or charges which must be open to public



inspection, showing all rates, fees, tolls or charges which the City has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the City.

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

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

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

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

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

- (a) Be coequal with the latest lien thereon to secure the payment of general taxes.
- (b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.
- (c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The City Council:

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

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

- (1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and
- (2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

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

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

6. As used in this section:

- (a) "Housing unit" means a:

- (1) Single-family dwelling;
- (2) Townhouse, condominium or cooperative apartment;
- (3) Unit in a multiple-family dwelling or apartment complex; or
- (4) Mobile home.

- (b) "Telecommunication" has the meaning ascribed to it in [NRS 704.025](#).

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

(Ch. 573, [Stats. 1971 p. 1219](#); A — Ch. 723, [Stats. 1973 p. 1440](#); Ch. 584, [Stats. 1983 p. 1865](#); Ch. 465, [Stats. 1985 p. 1439](#); Ch. 565, [Stats. 1997 p. 2758](#); Ch. 636, [Stats. 1999 p. 3543](#); Ch. 416, [Stats. 2001 p. 2103](#); Ch. 216, [Stats. 2007 p. 723](#))

#### **Sec. 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. 2758](#); A — Ch. 216, [Stats. 2007 p. 725](#))

**Sec. 2.290 Powers of City Council: Cemeteries; acquisition and maintenance.** The City Council may, by any lawful means, acquire and maintain property for public use as a cemetery.

(Ch. 573, [Stats. 1971 p. 1219](#))

#### **Sec. 2.310 Powers of City Council: Creation of library district.**

1. The City Council may create a municipal library district to include all of the territory of the City. The City Council may designate itself as the governing authority of the municipal library district or may appoint a board of trustees as the governing authority.

2. The governing authority of the municipal library district has the powers and duties provided for the trustees of a public library by [NRS 379.025](#), [379.026](#), [379.040](#) and [379.060](#), and the City Council may provide for a tax upon all taxable property in the district for the purpose of operating the district. The rate of the tax must be calculated pursuant to [NRS 354.59811](#). The limit upon the calculated receipts from the tax may be exceeded pursuant to a vote of the people as provided in [NRS 354.5982](#).

3. The governing authority of the municipal library district may propose the issuance of general obligation bonds in an amount not to exceed 10 percent of the total last assessed valuation of the taxable property of the district for the purpose of acquiring, constructing or improving buildings and other real property to be used for library purposes or for purchasing books, materials and equipment for libraries. If the governing authority decides to propose the issuance of bonds, the proposal must be submitted to the Debt Management Commission of the county in which the district is situated, pursuant to the provisions of [NRS](#)

[350.011](#) to [350.0165](#), inclusive. If the Commission approves the proposed issuance, the question of issuing the bonds must be submitted to the registered electors of the district in accordance with the provisions of [NRS 350.020](#) to [350.070](#), inclusive. If a majority of the electors voting on the question favors the proposal, the governing authority shall issue the bonds as general obligations of the municipal library district pursuant to the provisions of the Local Government Securities Law.

4. The district is not entitled to receive any distribution of supplemental city-county relief tax.

(Added — Ch. 189, [Stats. 1993 p. 333](#); A — Ch. 246, [Stats. 1995 p. 400](#); Ch. 203, [Stats. 1997 p. 511](#); Ch. 470, [Stats. 1997 p. 1756](#))

### ARTICLE III - Executive Department

#### **Sec. 3.010 City Manager: Appointment and qualifications; acting City Manager.**

1. The City Council shall appoint a City Manager for an indefinite term and fix his or her compensation. The City Manager shall be appointed on the basis of his or her administrative qualifications. The City Manager need not be a resident of the City or the State of Nevada at the time of his or her appointment, but he or she may reside outside the City while in office only with the approval of the City Council.

2. By letter filed with the City Clerk, the City Manager shall designate, subject to the approval of the City Council, a qualified city administrative officer to exercise the powers and perform the duties of the City Manager during his or her temporary absence or disability. The City Council may revoke such designation at any time.

(Ch. 573, [Stats. 1971 p. 1219](#))

#### **Sec. 3.020 City Manager: Powers and duties.**

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

2. The City Manager shall:

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

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

(1) As otherwise provided by law; and

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

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

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

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

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

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

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

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

(Ch. 573, [Stats. 1971 p. 1219](#); A — Ch. 301, [Stats. 1979 p. 452](#))

#### **Sec. 3.025 City Manager: Suspension.**

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

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

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

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

5. Suspension of the City Manager by the City Council is not subject to review by any agency or court.

(Added — Ch. 640, [Stats. 1975 p. 1197](#))

#### **Sec. 3.030 City Manager: Removal.**

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

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

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

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

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

Manager is not subject to review by any agency or court.

(Ch. 573, [Stats. 1971 p. 1220](#); A — Ch. 640, [Stats. 1975 p. 1198](#))

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

1. Keep his or her office at the place of meeting of the City Council or some other place convenient thereto, as the City Council may direct.
2. Keep the corporate seal and all papers and records of the City and keep a record of the proceedings of, and be the Clerk of the City Council, whose meetings it shall be his or her duty to attend. Copies of all papers filed in his or her office, and transcripts from all records of the City Council certified by him or her, under the corporate seal, shall be evidence in all courts to the same effect as if the original were produced.
3. Supervise and coordinate administrative and responsible clerical work relating to the functions of the City Council.
4. Attend all meetings of the City Council.
5. Record votes of members of the City Council.
6. Direct the transcription and keeping of minutes and official records and the making and keeping of audio recordings or transcripts of all City Council meetings.
7. Countersign official contracts, bonds and other official City documents.
8. Be the custodian of all official City records, including contract and agreement documents, resolutions, ordinances, official minute book and the corporate seal.
9. Make arrangements for special or informal meetings other than the regular meetings of the City Council.
10. Supervise the operation and maintenance of a central file system for all departments of the City.
11. Supervise the recruitment of all election workers, the printing of all ballots and tally of election returns.
12. Serve as custodian of official election records for all City elections.
13. Administer official oaths for the City.

(Ch. 573, [Stats. 1971 p. 1221](#); A — Ch. 373, [Stats. 2005 p. 1416](#))

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

1. Except as otherwise provided in subsection 6, the City Council shall appoint a City Attorney and fix his or her salary.
2. The City Attorney and any attorney with whom the City Council enters into a contract pursuant to subsection 6 must be a licensed member of the State Bar of Nevada.
3. The City Attorney is the Chief Legal Officer of the City and shall perform such duties as may be designated by the City Council or prescribed by ordinance.
4. The City Attorney is under the general direction and supervision of the City Council.
5. The City Attorney serves at the pleasure of the City Council and may be removed by an affirmative vote of a majority of the entire membership of the City Council at any time.
6. In lieu of or in addition to appointing a City Attorney pursuant to subsection 1, the City Council may enter into a contract with one or more attorneys employed by or associated with a professional corporation, partnership or limited-liability company that engages in the practice of law in this state to perform all or a portion of the duties of the City Attorney. If the City Council enters into such a contract, the City Council shall ensure that the contract specifies the duties to be performed and the compensation payable for the performance of those duties.
7. An attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the City Attorney pursuant to subsection 6 has, for each of the duties specified in the contract, all the powers and duties otherwise conferred upon a City Attorney who is appointed pursuant to subsection 1.

(Ch. 573, [Stats. 1971 p. 1221](#); A — Ch. 159, [Stats. 1999 p. 838](#); Ch. 146, [Stats. 2001 p. 748](#))

**Sec. 3.060 County Assessor to be ex officio City Assessor; duties.** 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.

(Ch. 573, [Stats. 1971 p. 1221](#))

**Sec. 3.070 City Registry Agent.** The Registrar of Voters of Clark County shall be ex officio Registry Agent for the City.

(Ch. 573, [Stats. 1971 p. 1221](#))

**Sec. 3.080 Department of Finance: Director; conduct.**

1. The City Council may establish a Department of Finance, the head of which shall be the Director of Finance. The Department of Finance may also include a City Treasurer and such other qualified personnel as the City Manager determines are necessary to handle the financial matters of the City properly.
2. The Director of Finance shall be the City Manager, or he or she may, subject to ratification by the City Council, appoint a Director of Finance.
3. The Department of Finance shall maintain complete records of all fiscal transactions of, and claims against, the City.
4. Before payment, all accounts shall be audited and approved by the Department of Finance. The Director of Finance shall be responsible for the preparation of all claims paid. Claims so issued shall bear the signatures of any two of the three following officers: City Manager, Director of Finance and City Treasurer. Facsimile signatures may be permitted if at least two of the three designated officers control the use of the device.

(Ch. 573, [Stats. 1971 p. 1221](#); A — Ch. 723, [Stats. 1973 p. 1441](#))

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

1. All taxes, fines, forfeitures or other moneys collected or recovered by any officer or person pursuant to the provisions of this Charter or of any valid ordinance of the City shall be paid by the officer or person collecting or receiving them to the Director of Finance, who shall dispose of them in accordance with the ordinances, regulations and procedures established by the City Council.
2. The City Council may by proper legal action:
  - (a) Collect all moneys which are due and unpaid to the City or any office thereof; and

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

(c) Provide for the imposition of reasonable interest charges on any fees, debts, obligations or assessments owed to the City.  
(Ch. 573, [Stats. 1971 p. 1222](#))

### **Sec. 3.100 Interference by City Council.**

1. Neither the City Council nor any of its members shall dictate the appointment, suspension or removal of any City administrative officer or employee whom the City Manager or his or her subordinates are empowered to appoint unless the City Council expresses its views and fully and freely discusses with the City Manager anything pertaining to appointment, suspension or removal of such officer or employee. The City Council may then appoint, suspend or remove such officer or employee by unanimous vote.

2. Except for the purpose of inquiries, the City Council or its members shall deal officially with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give official orders to any such officer or employee, either publicly or privately.

(Ch. 573, [Stats. 1971 p. 1222](#))

## **ARTICLE IV - Judicial Department**

### **Sec. 4.005 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, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first primary or general municipal election that 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 an initial term of not more than 6 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 by the ordinance establishing an additional department, each Municipal Judge must be voted upon by the registered voters of the City at large and, except as otherwise provided in sections 5.010 and 5.100, holds office for a period of 6 years and until his or her successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

(Added — Ch. 215, [Stats. 1997 p. 747](#); A — Ch. 73, [Stats. 2003 p. 484](#); Ch. 218, [Stats. 2011 p. 962](#); Ch. 558, [Stats. 2019 p. 3561](#))

### **Sec. 4.020 Municipal Court: Qualifications of Municipal Judge; salary.**

1. A Municipal Judge must have been a resident of the City for a continuous period of at least 6 months immediately preceding his or her election.

2. A 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, except that the requirement to be a duly licensed member, in good standing, of the State Bar of Nevada does not apply to any Municipal Judge who holds the office of Municipal Judge on January 1, 2009, as long as he or she continues to serve as such in uninterrupted terms.

3. If so required by an ordinance duly enacted, candidates for the office of Municipal Judge, at the time of filing, shall produce evidence in satisfaction of any or all of the qualifications for office.

4. The salary of a Municipal Judge must be fixed by the City Council, must be uniform for all departments of the Municipal Court and may be increased during the term for which a Municipal Judge is elected or appointed.

(Ch. 573, [Stats. 1971 p. 1222](#); A — Ch. 98, [Stats. 1977 p. 209](#); Ch. 208, [Stats. 1985 p. 675](#); Ch. 215, [Stats. 1997 p. 748](#); Ch. 73, [Stats. 2003 p. 485](#); Ch. 389, [Stats. 2007 p. 1756](#))

**Sec. 4.030 Intermittent periods of incarceration.** If a sentence of imprisonment is imposed by the Municipal Judge, the Municipal Judge may order intermittent periods of incarceration so long as the entire sentence will be completed within 6 months from the date of sentence. The periods of incarceration may be varied from time to time with consent of the defendant, but the total time of incarceration may not be increased.

(Ch. 573, [Stats. 1971 p. 1223](#))

**Sec. 4.040 Disposition of fines.** All fines and forfeitures for the violation of ordinances shall be paid into the Treasury of the City in the manner to be prescribed by ordinance.

(Ch. 573, [Stats. 1971 p. 1223](#))

## **ARTICLE V - Elections**

### **Sec. 5.010 General municipal elections.**

1. On the second Tuesday after the first Monday in June 2019, there must be elected, at a general municipal election to be held for that purpose, two Council Members, who shall hold office until their successors have been elected and qualified pursuant to subsection 4.

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

3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, a Municipal Judge who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.



4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. In a general municipal election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

(Ch. 573, [Stats. 1971 p. 1223](#); A — Ch. 405, [Stats. 1981 p. 754](#); Ch. 73, [Stats. 2003 p. 485](#); Ch. 499, [Stats. 2005 p. 2691](#); Ch. 218, [Stats. 2011 p. 962](#); Ch. 336, [Stats. 2015 p. 1892](#); Ch. 558, [Stats. 2019 p. 3562](#))

#### **Sec. 5.020 Primary municipal elections; declaration of candidacy.**

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. A primary municipal election must be held:

(a) On the Tuesday following the first Monday in April 2019; and

(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.

(Ch. 573, [Stats. 1971 p. 1223](#); A — Ch. 723, [Stats. 1973 p. 1442](#); Ch. 215, [Stats. 1997 p. 748](#); Ch. 344, [Stats. 1999 p. 1414](#); Ch. 637, [Stats. 1999 p. 3566](#); Ch. 499, [Stats. 2005 p. 2692](#); Ch. 9, [Stats. 2009 p. 17](#); Ch. 218, [Stats. 2011 p. 963](#); Ch. 558, [Stats. 2019 p. 3562](#))

#### **Sec. 5.025 City Council authorized to provide for primary and general municipal elections in even-numbered years.**

Repealed. (See chapter 558, [Statutes of Nevada 2019, at page 3566](#).)

#### **Sec. 5.030 Applicability of state election laws; elections under City Council control. [Effective through December 31, 2019.]**

1. All elections held under this Charter shall be governed by the provisions of the election laws of this State, so far as such laws can be made applicable and are not inconsistent herewith.

2. The conduct of all municipal elections shall be prescribed by ordinance. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

(Ch. 573, [Stats. 1971 p. 1224](#))

#### **Sec. 5.030 Applicability of state election laws; elections under City Council control. [Effective January 1, 2020.]**

1. All elections held under this Charter must be governed by:

(a) The provisions of [NRS 293.5772](#) to [293.5887](#), inclusive, which supersede and preempt any conflicting provisions of this Charter; and

(b) All other provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent with the provisions of this Charter.

2. The conduct of all municipal elections shall be prescribed by ordinance. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the City Council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter.

(Ch. 573, [Stats. 1971 p. 1224](#); A — Ch. 619, [Stats. 2019 p. 4138](#), effective January 1, 2020)

#### **Sec. 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. 573, [Stats. 1971 p. 1224](#))

#### **Sec. 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.

2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion 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.

3. In any election regulated by this Charter, the names of candidates as printed on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.

(Ch. 573, [Stats. 1971 p. 1224](#); A — Ch. 723, [Stats. 1973 p. 1442](#); Ch. 312, [Stats. 2003 p. 1730](#))

**Sec. 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 or her vote, either for or against the ordinance or amendment.

(Ch. 573, [Stats. 1971 p. 1224](#); A — Ch. 669, [Stats. 1971 p. 2054](#))

**Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure. [Effective through December 31, 2019.]**

1. The election returns from any special, primary or general municipal election shall be filed with the City Clerk, who shall immediately place the returns in a safe or vault, and no person may be permitted to 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 16 days after any election and shall canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 6 months, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st day of the month next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

(Ch. 573, [Stats. 1971 p. 1225](#); A — Ch. 723, [Stats. 1973 p. 1442](#); Ch. 301, [Stats. 1979 p. 453](#); Ch. 465, [Stats. 1985 p. 1440](#); Ch. 558, [Stats. 2019 p. 3563](#))

**Sec. 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure. [Effective January 1, 2020.]**

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

2. The City Council shall meet within the time set forth in [NRS 293C.387](#) 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, and no person may have access thereto except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st day of the month next following their election.

4. If any election should result in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

(Ch. 573, [Stats. 1971 p. 1225](#); A — Ch. 723, [Stats. 1973 p. 1442](#); Ch. 301, [Stats. 1979 p. 453](#); Ch. 465, [Stats. 1985 p. 1440](#); Ch. 558, [Stats. 2019 p. 3563](#); Ch. 619, [Stats. 2019 p. 4138](#), effective January 1, 2020)

**Sec. 5.090 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. 573, [Stats. 1971 p. 1225](#))

**Sec. 5.100 Continuation of certain officers.**

1. The Municipal Judge elected at the general municipal election held in June 2015 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 3 of section 5.010.

2. The Mayor and two Council Members elected at the general municipal election held in June 2017 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.

(Added — Ch. 558, [Stats. 2019 p. 3560](#))

## ARTICLE VI - Local Improvements

**Sec. 6.010 Local improvement law.** Except as otherwise provided in subsection 3 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. Library, park or recreation projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; and

13. Water projects.  
(Ch. 573, [Stats. 1971 p. 1225](#); A — Ch. 306, [Stats. 1973 p. 384](#); Ch. 361, [Stats. 1983 p. 875](#); Ch. 565, [Stats. 1997 p. 2760](#); Ch. 416, [Stats. 2001 p. 2104](#))

**Sec. 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 moneys otherwise available therefor, is vested with the powers granted to municipalities by [chapters 271](#) and [704A](#) of NRS, as amended from time to time.

(Ch. 573, [Stats. 1971 p. 1226](#); A — Ch. 306, [Stats. 1973 p. 384](#))

## ARTICLE VII - Local Bonds and Franchises

### Sec. 7.010 Debt limit.

1. The City shall not incur an indebtedness in excess of 20 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, whether or not a deficiency in the proceeds of the assessments is required to be paid from the General Fund to the City.

(c) Any short-term securities issued in anticipation of and payable from property taxes levied for the current fiscal year.

(Ch. 573, [Stats. 1971 p. 1226](#))

**Sec. 7.020 Acquisition, operation of municipal utilities.** Except as otherwise provided in subsection 3 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. 573, [Stats. 1971 p. 1226](#); A — Ch. 565, [Stats. 1997 p. 2760](#); Ch. 416, [Stats. 2001 p. 2105](#))

### Sec. 7.030 Water, sewer and electric light and power revenue bonds.

1. The City Council may issue bonds to obtain revenue for acquiring or constructing systems, plants, works, instrumentalities and properties needed in connection with:

(a) The obtaining of a water supply.  
(b) The conservation, treatment and disposal of sewage waste and storm water.  
(c) The generation and transmittal of electricity for light and power for public and private uses.

2. In issuing bonds pursuant to subsection 1, the City Council shall follow procedures established in the Local Government Securities Law, as amended from time to time.

(Ch. 573, [Stats. 1971 p. 1226](#))

### Sec. 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 expressly 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. 573, [Stats. 1971 p. 1226](#); A — Ch. 644, [Stats. 1973 p. 1134](#); Ch. 723, [Stats. 1973 p. 1443](#); Ch. 482, [Stats. 1981 p. 974](#))

## ARTICLE VIIA - Revitalization and Redevelopment

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

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

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

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

4. The necessity for this article results from:

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

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

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

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

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

(f) Deficiencies which also constitute an economic and social liability which imposes onerous municipal burdens which

decrease the tax base and reduce tax revenues, aggravate traffic hazards and the improvement of the traffic facilities.

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

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

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

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

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

(Added — Ch. 584, [Stats. 1983 p. 1850](#); A — Ch. 404, [Stats. 2005 p. 1595](#))

**Sec. 7A.020 Definitions.** Except as is provided in this article or where the context otherwise requires, the terms which are used or referred to in this article are as defined in [NRS 268.672](#) to [NRS 268.740](#), inclusive, and, except as is otherwise provided in those sections, as defined in [NRS 350.500](#) to [NRS 350.720](#), inclusive, but the definitions which are contained in sections 7A.030 to 7A.110, inclusive, of this Charter, except where the context otherwise requires, govern the construction of this article.

(Added — Ch. 584, [Stats. 1983 p. 1851](#))

**Sec. 7A.030 “Bond requirements” defined.** “Bond requirements” means the principal of any prior redemption premiums due in connection with and the interest on the designated bonds or other securities.

(Added — Ch. 584, [Stats. 1983 p. 1851](#))

**Sec. 7A.040 “Cost of undertaking” defined.** “Cost of the undertaking,” or any phrase of similar import, means the “cost of any project” as the latter phrase is defined in [NRS 350.516](#).

(Added — Ch. 584, [Stats. 1983 p. 1852](#))

**Sec. 7A.050 “Engineer” defined.** “Engineer,” without further qualification, means the City Engineer or a firm of engineers which is employed by the City in connection with any undertaking or any project or the exercise of any power which is authorized in this article.

(Added — Ch. 584, [Stats. 1983 p. 1852](#))

**Sec. 7A.060 “Facilities” defined.**

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

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

(Added — Ch. 584, [Stats. 1983 p. 1852](#))

**Sec. 7A.070 “Mailed notice,” “notice by mail” defined.** “Mailed notice” and “notice by mail” each means the giving by the Engineer, City Clerk or any of their deputies, as determined by the City Council, of any designated written or printed notice which must be addressed to any designated person, or to the last known owner of each tract in any tax increment area, at his or her last known address by the deposit, at least 20 days before the designated hearing or other time or event, in the United States mails, postage prepaid as first-class mail.

(Added — Ch. 584, [Stats. 1983 p. 1852](#))

**Sec. 7A.080 “Posting” defined.** “Posting” means posting any required notice in three public places at or near the site of any designated undertaking or project at least 20 days before the designated hearing or other time or event.

(Added — Ch. 584, [Stats. 1983 p. 1852](#))

**Sec. 7A.090 “Tax Increment Account” defined.** “Tax Increment Account” means a special account which is created pursuant to subsection 3 of section 7A.210 of this Charter and the other provisions in this article which are supplemental to it.

(Added — Ch. 584, [Stats. 1983 p. 1852](#))

**Sec. 7A.100 “Tax increment area” defined.** “Tax increment area” means the area which is specially benefited by an undertaking under this article, is designated by ordinance, as provided in subsection 3 of section 7A.210 of this Charter, and in which is located the taxable property the assessed valuation of which is the basis for the allocation of tax proceeds to any tax increment account under section 7A.230 of this Charter.

(Added — Ch. 584, [Stats. 1983 p. 1852](#))

**Sec. 7A.110 “Undertaking” defined.** “Undertaking” means any enterprise to acquire, develop, improve or equip, or any combination thereof, any project which is authorized in [NRS 268.672](#) to [268.740](#), inclusive, or which is a mixed-use or transit-oriented community, and to defray the cost of that enterprise, wholly or in part, by the issuance of the City’s bonds or other securities which are payable, wholly or in part, from tax proceeds which are allocated to any tax increment account that pertains to



the enterprise pursuant to section 7A.230 of this Charter.

(Added — Ch. 584, [Stats. 1983 p. 1853](#); A — Ch. 404, [Stats. 2005 p. 1596](#))

**Sec. 7A.120 Requirements for posting.**

1. The posting of any notice which is required by this article must be verified by the affidavit or certificate of the Engineer, City Clerk, deputy or other person who posted the notice. The affidavit or certificate must be filed with the City Clerk and retained in the records of the City at least until all of the bonds and other securities which pertain to any Tax Increment Account have been paid in full or any claim which relates to those bonds or securities is barred by a statute of limitations.

2. The affidavit or certificate of posting is prima facie evidence of the posting of the notice in accordance with the requirements of this section.

(Added — Ch. 584, [Stats. 1983 p. 1853](#))

**Sec. 7A.130 Requirements for notice by mail.**

1. The name and address of any property owner to whom notice is required by this article may be obtained from the records of the County Assessor or from any source which the Clerk or the Engineer deems to be reliable. Any list of the names and addresses which pertain to any tax increment area may be revised from time to time, but the list need not be revised more frequently than at 12-month intervals, if the list is needed for a period longer than 12 months.

2. The mailing of any notice which is required by this article must be verified by the affidavit or certificate of the Engineer, City Clerk, deputy, or other person who mailed the notice. The affidavit or certificate must be filed with the City Clerk and, retained in the records of the City at least until all of the bonds and other securities which pertain to any Tax Increment Account have been paid in full or any claim which relates to those bonds or securities is barred by a statute of limitations.

3. The affidavit or certificate of mailing is prima facie evidence of the mailing of the notice in accordance with the requirements of this section.

(Added — Ch. 584, [Stats. 1983 p. 1853](#))

**Sec. 7A.140 Requirements for publication.**

1. Any publication which is required by this article, except as otherwise expressly provided or necessarily implied in this article, must be made at least once a week for 3 consecutive weeks by three weekly insertions, the first publication being at least 15 days before the designated time or event. Unless it is otherwise stated, it is not necessary that publication be made on the same day of the week in each of the 3 calendar weeks, but not less than 14 days must intervene between the first publication and the last publication.

2. Publication is complete, if more than one insertion is required, on the day of the last publication.

3. Any publication which is required by this article must be verified by the affidavit of the publisher, which must be filed with the City Clerk and retained in the records of the City at least until all of the bonds and other securities which pertain to any Tax Increment Account have been paid in full or any claim which relates to those bonds or securities is barred by a statute of limitations.

4. The affidavit of publication is prima facie evidence of the publication of the notice in accordance with the requirements of this section.

(Added — Ch. 584, [Stats. 1983 p. 1853](#))

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

1. Except as is provided in subsections 2 and 3, the City Council, on behalf of the City and in its name, may at any time designate a tax increment area within the City to create a special account for the payment of bonds or other securities which are issued to defray the cost of the acquisition, improvement or equipment (or any combination thereof) of any project which is authorized in [NRS 268.672 to 268.740](#), inclusive, including without limitation the condemnation of property for the undertaking, as are supplemented by [NRS 350.500 to 350.720](#), inclusive, except as is otherwise provided in this article.

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

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

(Added — Ch. 584, [Stats. 1983 p. 1854](#))

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

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

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

(Added — Ch. 584, [Stats. 1983 p. 1854](#))

**Sec. 7A.170 Initiating procedure.**

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

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

(b) A statement of the proposed tax increment area which pertains to the undertaking, the last finalized amount of the assessed valuation of the taxable property in the area and the amount of taxes (including in the amount the sum of all unpaid taxes, whether

or not they are delinquent) which resulted from the last taxation of the property, based upon the records of the County Assessor and the County Treasurer; and

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

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

3. The resolution must state:

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

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

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

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

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

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

(Added — Ch. 584, [Stats. 1983 p. 1855](#))

#### **Sec. 7A.180 Provisional order resolution; notice of hearing.**

1. In the provisional order resolution, the City Council must set the time, which must be at least 20 days after the adoption of the resolution, and the place when and where any representative of the Federal Government, the State or any public body or any person who resides in the City or owns taxable personal or real property in the City, or any representative of that person, may appear before the governing body and be heard concerning the propriety and advisability of the undertaking.

2. Notice of that hearing must be given:

(a) By mail;

(b) By posting; and

(c) By publication.

3. The notice must:

(a) Describe the undertaking and the project which relates to it (without mentioning minor details or incidentals);

(b) State the preliminary estimate of the cost of the undertaking, including all incidental costs, as are stated in the Engineer's report which was filed with the City Council pursuant to subsection 5 of section 7A.170 of this Charter;

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

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

(e) State how the remaining part or portion of the expenses, if any, is to be financed;

(f) State the basic security and any additional security for the payment of the securities of the City which pertain to the undertaking;

(g) State the estimated amount of the tax proceeds which are to be credited annually to the Tax Increment Account which pertains to the undertaking during the term of the proposed securities which are payable from those tax proceeds and the estimated amount of any net revenue which will be derived annually from the operation of the project which pertains to the undertaking and is pledged for the payment of the securities;

(h) State the estimated aggregate principal amount which is to be borrowed through the issuance of the securities (excluding proceeds of those securities to fund or refund outstanding securities) and the estimated total bond requirements of the securities;

(i) State whether or not the governing body finds, determines and declares that the estimated tax proceeds which will be credited to the Tax Increment Account and any net pledged revenue which will be derived annually from the operation of the project which pertains to the undertaking will be fully sufficient to pay the bond requirements of the securities as they become due; and

(j) The time and place when and where the City Council will consider the ordering of the undertaking and hear all of the complaints, protests, objections and other relevant comments with respect to it which may be made in writing by any natural person or body corporate which is designated in subsection 1 and filed with the City Clerk at least 3 days before the hearing or made orally at the hearing by any natural person who is designated in subsection 1.

4. All of the proceedings may be modified or rescinded, wholly or in part, by resolution which is adopted by the City Council at any time before the passage of the ordinance which orders the undertaking and creates the tax increment area and the Tax Increment Account which pertains to the undertaking pursuant to subsection 3 of section 7A.210 of this Charter.

5. No substantial change in the undertaking, the preliminary estimates, the proposed tax increment area or other statements which relate to the undertaking may be made after the first publication, posting or mailing of the notice to property owners, whichever occurs first, except for the deletion of a portion of the undertaking and property from the proposed tax increment area, unless the City Council, after ordering that change, provides for another provisional order hearing on all of the matters in the premises and for a notice of the hearing in the same manner as is provided in this article for the initial hearing, but a subsequent finalization of the amount of the assessed valuation of the taxable property in the tax increment area or a subsequent levy of taxes may not adversely affect the proceedings which are taken under this article.

6. The Engineer also has the right to make minor changes in, and to develop the undertaking with respect to, the time, plans and materials which enter into the undertaking at any time before its completion.

(Added — Ch. 584, [Stats. 1983 p. 1856](#))

#### **Sec. 7A.190 Provisional order hearing.**

1. At the time and place of the hearing, or at any adjournment of the hearing, the City Council must proceed to read and consider all of the written complaints, protests, objections and other relevant comments which have been properly made and filed with the City Clerk and to hear all oral comments which relate to the undertaking.

2. After the hearing has been concluded, after all of the written complaints, protests, objections and other relevant comments have been read and considered, and after the City Council has heard and considered all of the oral comments which were made by persons who have an interest in the undertaking and has also considered any other relevant material which was offered, if the City Council determines that the undertaking, or any part of it, is not in the public interest, the City Council by resolution must make an order to that effect and may modify the proposed tax increment area to conform to that order. Thereupon, the undertaking or that part of the undertaking which was determined against by the order must stop and may not be begun again until the adoption of a new resolution.

3. Any complaint, protest or objection to the regularity, validity and correctness of the proceedings which were taken and the instruments which were made before the date of the hearing are deemed to have been waived unless they were presented in writing at the time and in the manner which is specified in this article.

(Added — Ch. 584, [Stats. 1983 p. 1858](#))

**Sec. 7A.200 Appeal from adverse order.** If any person or public body, the State or the Federal Government filed a written complaint, protest or objection as provided in paragraph (j) of subsection 3 of section 7A.180 of this Charter, that person or public body, the State or the Federal Government, as the case may be, may commence, within 30 days after the City Council has finally passed upon its complaint, protest or objection by resolution pursuant to subsection 2 of section 7A.190 of this Charter or by ordinance pursuant to subsection 3 of section 7A.210 of this Charter, an action or suit in any court of competent jurisdiction to correct or set aside the determination, but thereafter all actions or suits which attack the validity of the proceedings or the determination of the City Council, or both, are perpetually barred.

(Added — Ch. 584, [Stats. 1983 p. 1858](#))

**Sec. 7A.210 Final order of undertaking.**

1. After the provisional order hearing and the consideration of all of the matters in the premises, or, in the event of a material change other than the deletion of a part of the undertaking and any modification of the tax increment area to conform to that deletion pursuant to subsection 2 of section 7A.190 of this Charter, after the supplemental provisional order hearing and the consideration of any supplemental matters in the premises, the City Council shall determine whether or not to proceed under this article. If it has ordered any modification and desires to proceed, it shall direct the Engineer appropriately to modify the plans, estimates and statements which were filed by him or her with the City Clerk pursuant to subsection 5 of section 7A.170 of this Charter.

2. The Engineer shall appropriately modify those plans, estimates and statements and forthwith file the modified plans, estimates and statements with the City Clerk.

3. When the plans, estimates and statements are prepared, filed with the City Clerk and are satisfactory to the City Council, the City Council shall by ordinance overrule all of the complaints, protests and objections which were not otherwise acted upon, unconditionally order the undertaking as modified, if modified, describe the tax increment area which pertains to the undertaking and create the Tax Increment Account for the undertaking.

4. The ordinance may be introduced and adopted at one meeting by the unanimous vote of the entire City Council as if an emergency exists and may be effective upon its adoption and publication by title, or it may be introduced and adopted as a regular measure, pursuant to section 2.110 of this Charter.

(Added — Ch. 584, [Stats. 1983 p. 1858](#))

**Sec. 7A.220 Amendment of ordinance.**

1. The City Council may amend an ordinance which was adopted pursuant to subsection 3 of section 7A.210 of this Charter by adopting a supplemental ordinance, which must be introduced and adopted as a regular measure, to:

(a) Modify the undertaking by specifying new projects or removing or modifying projects which were specified in the original ordinance;

(b) Add areas to or remove areas from a tax increment area; or

(c) Make such other changes, additions or deletions as the City Council determines will further its objectives within the tax increment area.

2. If a proposed amendment would add any area to or remove any area from a tax increment area, notice by mail of the meeting of the City Council at which the proposed amendment will be considered must be given to the last known owner or owners of each tract of land which is proposed to be added or removed.

3. The amount of taxes to be allocated to a Tax Increment Account pursuant to subsection 2 of section 7A.230 of this Charter must be computed separately for the original tax increment area and each addition of land to the original tax increment area.

(Added — Ch. 584, [Stats. 1983 p. 1859](#))

**Sec. 7A.230 Allocation, division and disposition of tax proceeds.** After the effective date of the ordinance which unconditionally orders the undertaking and provides for the tax increment financing, any tax which is levied upon the taxable property in the tax increment area each year by or for the benefit of the State, the City and any public body must be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area, as is shown on the assessment roll which is used in connection with the taxation of the property by the taxing agency, as that roll was last equalized before the effective date of the ordinance, must be allocated to and, when the taxes are collected, paid into the funds of the respective taxing agencies as taxes by or for the taxing agencies as the taxes on all other property are paid.

2. That portion of the levied taxes each year which are in excess of that amount must be allocated to and, when the taxes are collected, paid into the Tax Increment Account which pertains to the undertaking to pay the bond requirements of any loan or any money which was advanced to, or any indebtedness, whether it is funded, refunded, assumed or otherwise incurred by, the City to finance or refinance, in whole or in part, the undertaking. Until the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the area, as shown by the last equalized assessment roll



which is referred to in subsection 1, all of the taxes which are levied and collected upon the taxable property in the area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all of the money which is thereafter received from taxes upon the taxable property in the area must be paid into the funds of the respective taxing agencies as the taxes on all other property are paid.

3. For the purposes of this section, the last equalized assessment roll which is referred to in subsection 1 is the assessment roll which was in existence on the 15th day of April which immediately precedes the effective date of the ordinance which unconditionally orders the undertaking and provides for the tax increment financing.

(Added — Ch. 584, [Stats. 1983 p. 1859](#))

#### **Sec. 7A.240 Municipal securities.**

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

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

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

3. Additionally, the securities:

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

(b) May, at the City's option, be made payable from the taxes which are levied by the City against all of the taxable property within the City, without limitation of rate or amount except for the limitation which is provided in [Section 2 of Article 10](#) of the Nevada Constitution. The City may also issue general obligation securities which are authorized by any law other than this article and are made payable from taxes without also making those securities payable from the net pledged revenues or tax proceeds which are accounted for in a Tax Increment Account, or from both these revenue sources.

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

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

(a) [NRS 350.011 to 350.0165](#), inclusive; and

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

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

(Added — Ch. 584, [Stats. 1983 p. 1860](#))

#### **Sec. 7A.250 Cooperative powers.** The City also has the following powers:

1. To accept contributions or loans from the Federal Government, the State or any public body (or any combination of those entities) to finance the planning, acquisition, improvement, equipping, maintenance and operation of any enterprise which pertains to an undertaking in which the City is authorized to engage and to enter into contracts and cooperate with and accept cooperation from the Federal Government, the State or any public body (or any combination of those entities) in the planning, acquisition, improvement, equipping, maintenance and operation and in the financing of the planning, acquisition, improvement, equipping, maintenance and operation of that enterprise in accordance with any legislation which Congress, the State Legislature or any governing body or legislative body of any public body (or any combination of those bodies) may have adopted or may, after the effective date of this Charter, adopt, under which aid, assistance and cooperation may be furnished by the Federal Government, the State or public body (or any combination of those entities) in the planning, acquisition, improvement, equipping, maintenance and operation or in the financing of the planning, acquisition, improvement, equipping, maintenance and operation of any enterprise, including without limitation the costs of engineering, architectural and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures and other action which is preliminary to the acquisition, improvement or equipping of any project and to do anything which is necessary in order to avail itself of the aid, assistance and cooperation which may be available under any federal or state legislation which is now in existence or may, after the effective date of this Charter, be enacted.

2. To enter into and perform, without any election, joint operating or service contracts and agreements, acquisition, improvement, equipment or disposal contracts or other arrangements, for any term which does not exceed 50 years, with the Federal Government, the State and any public body (or any combination of those entities) with respect to the undertaking, and any project or property which pertains thereto, whether it is acquired by the City, by the Federal Government, by the State or by any



public body, and to accept grants and contributions from the Federal Government, the State, any public body, or any person (or any combination of those entities) in connection with those contracts, agreements and arrangements.

3. To enter into and perform, without any election, when it is determined by the City Council to be in the public interest, contracts and agreements, for any term which does not exceed 50 years, with the Federal Government, the State, any public body or any person (or any combination of those entities) for the provision and operation by the City of any facilities, whether or not they pertain to the undertaking of the City or any project which relates to that undertaking and the payment periodically by the Federal Government, the State, the public body or the person (or any combination of those entities) to the City of amounts which are at least sufficient, if any, in the determination of the City Council, to compensate the City for the cost of providing, operating and maintaining the facilities which serve the Federal Government, the State, the public body or the person, or otherwise.

4. To enter into and perform, without any election, contracts and agreements with the Federal Government, the State, any public body or any person (or combination of those entities) for or with respect to the planning, construction, lease or other acquisition, improvement, equipping, operation, maintenance, disposal and financing of any property which pertains to the facilities of the City or to any undertaking or any project of the City, or otherwise, including without limitation any contract or agreement for any term which does not exceed 50 years.

5. To cooperate with and act in conjunction with the Federal Government or any of its engineers, officers, boards, commissions or departments, or with the State or any of its engineers, officers, boards, commissions or departments, or with any public body or with any person in the acquisition, improvement or equipping of any facilities or any project which is authorized for the City or for any other work, act or purpose which is provided for in this article and to adopt and carry out any definite plan or system of work for that purpose.

6. To cooperate with the Federal Government, the State or any public body (or any combination of those entities) by an agreement with any or all of those entities by which the City may:

(a) Acquire and provide, without cost to the cooperating entity, the land, easements and rights-of-way which are necessary for the acquisition, improvement or equipping (or any combination thereof) of any properties which pertain to the undertaking or any other facility;

(b) Hold and save harmless the cooperating entity free from any claim for damages which may arise from the acquisition, improvement, equipping, maintenance and operation (or any combination thereof) of any facility;

(c) Maintain and operate any facility in accordance with the regulations which are prescribed by the cooperating entity; and

(d) Adopt and enforce regulations, if any, with respect to the facilities and which are satisfactory to the cooperating entity.

7. To provide, by any contract, for any term which does not exceed 50 years, or otherwise, without an election:

(a) For the joint use of the personnel, equipment and facilities of the City, the Federal Government, the State and any public body (or any combination of those entities) including without limitation public buildings which are constructed by or under the supervision of the City Council or by the governing body or legislative body of the other party to the contract, upon such terms and agreements and within such areas within the City as may be determined, for the promotion and protection of the public health, safety, prosperity, security, comfort, convenience, general welfare and property of the inhabitants of the City, the Federal Government, the State, any public body and any person of interest, as the case may be; and

(b) For the joint employment of clerks, stenographers and other employees which pertain to the facilities, any project or the undertaking which now exist or may, after the effective date of this Charter, be established in the City upon such terms and conditions as may be determined for the equitable apportionment of the expenses which result from that employment.

8. In connection with any facility of the City, or any part of any facility which is acquired or proposed in connection with an undertaking, or with any project, to consult with any regulatory or other agency of the Federal Government, the State or any public body and to submit plans, specifications or other instruments or documents (or any combination thereof) to that governmental agency for its review, recommendations and other comments.

(Added — Ch. 584, [Stats. 1983 p. 1862](#))

**Sec. 7A.260 Public purpose.** The exercise of any power which is authorized in this article by the City Council on behalf of the City has been determined and is hereby declared to effect a public purpose, and any undertaking which is authorized in this article also effects a public purpose.

(Added — Ch. 584, [Stats. 1983 p. 1864](#))

#### **Sec. 7A.270 Sufficiency of article.**

1. This article, without reference to other statutes of the State, except as is otherwise expressly provided in this article, constitutes full authority for the exercise of the powers which are granted in this article.

2. No other law with respect to the exercise of any power which is granted in this article that provides for an election, requires an approval or in any way impedes or restricts the carrying out of the acts which are authorized by this article to be done may be construed as applying to any proceeding which is taken under this article or act done pursuant to this article, except as is provided in this article.

3. The powers which are granted by this article are in addition and supplemental to, and not in substitution for any other law, and the limitations which are imposed by this article do not affect the powers which are granted by any other law.

4. No part of this article repeals or affects any other law or part thereof, it being intended that this article merely provides a separate method of accomplishing its objectives, rather than the exclusive one.

(Added — Ch. 584, [Stats. 1983 p. 1864](#))

### **ARTICLE VIII - Revenue**

#### **Sec. 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 not exceeding 3 percent 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 the 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. 573, [Stats. 1971 p. 1227](#))

**Sec. 8.020 Revenue ordinances.** The City Council shall have full power to 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. 573, [Stats. 1971 p. 1227](#))

## ARTICLE IX - Civil Service

### Sec. 9.010 Civil Service.

1. There shall be a Civil Service System, which shall be applicable to and govern the employment of all personnel of the City except elected and appointed officials and personnel specifically excluded by ordinance from provisions of the Civil Service System.

2. The City Council shall appoint a Civil Service Board of Trustees to be comprised of five board members, whose terms of office shall be set by the City Council.

3. The City Manager may appoint a personnel director, who shall be charged with the proper administration of the Civil Service System.

4. The Civil Service Board of Trustees shall prepare in ordinance form for passage and adoption by the City Council rules and regulations governing the administration of the Civil Service System. Such ordinance shall provide procedures for:

- (a) Recruitment, examining and placement of employees;
- (b) Classification of positions and pay plan;
- (c) Promotions, disciplinary actions and removal of employees;
- (d) Appeal hearings; and
- (e) Such other personnel matters as the Board may recommend.

(Ch. 573, [Stats. 1971 p. 1227](#))

### Sec. 9.020 Personnel excluded from Civil Service.

1. Personnel specifically excluded from the provisions of the Civil Service ordinance may have established by ordinance their terms and conditions of employment.

2. Such terms and conditions of employment may include provisions relative to base pay, longevity pay, requirements for physical examinations, training, performance, standards of conduct, sick, holiday, annual, jury, emergency and other leave, and such other matters as may be deemed necessary.

(Ch. 573, [Stats. 1971 p. 1228](#))

### Sec. 9.030 Collective bargaining.

1. The City Council shall recognize employee organizations for the purpose of collective bargaining pursuant to [chapter 288](#) of NRS.

2. The City Manager is responsible for and shall direct all collective bargaining with recognized employee organizations. The City Manager may designate any administrative officer subject to his or her direction and supervision as his or her representative for the purpose of those negotiations.

3. Any agreement resulting from those negotiations must be ratified by the City Council before it is effective.

(Added — Ch. 324, [Stats. 1987 p. 744](#))

## ARTICLE X - Miscellaneous Provisions

**Sec. 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. 573, [Stats. 1971 p. 1228](#))

### Sec. 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. 573, [Stats. 1971 p. 1228](#))

# EXHIBIT 3

## ORDINANCE NO. 3060

**AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING CHAPTER 6 OF TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO EXPAND THE NUMBER OF DEPARTMENTS OF THE NORTH LAS VEGAS MUNICIPAL COURT FROM ONE TO TWO TO ALLOW FOR A COMMUNITY DIVERSION COURT IN THE NEW DEPARTMENT; REPEALING ORDINANCE NO. 2786 AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

**WHEREAS**, Article IV, Section 4.005(1) of the North Las Vegas City Charter and NRS 5.010 provide for the establishment of at least one Municipal Court department in the City of North Las Vegas;

**WHEREAS**, Article IV, Section 4.005(2) grants the City Council of the City of North Las Vegas the power to, by ordinance, establish additional departments of the North Las Vegas Municipal Court and appoint judges to those departments;

**WHEREAS**, the City opened the North Las Vegas Community Correctional Center (CCC) in July 2020 with the goals, among others, of promoting rehabilitation and reducing recidivism for the benefit of the City;

**WHEREAS**, the North Las Vegas Municipal Court plays an integral part in achieving the City's goals of lowering recidivism, promoting rehabilitation of lower-level offenders, and improving the quality of life in the City;

**WHEREAS**, the North Las Vegas Municipal Court is very supportive of the City's goals and understands the need for a community diversionary court and the need for a second municipal judge because of the work and dedication required to create and effectuate the mission of problem-solving courts;

**WHEREAS**, an additional department in the Municipal Court will give the North Las Vegas Municipal Court the ability to create a community diversionary court that will help the City and the Municipal Court achieve the goals of reducing recidivism, promoting rehabilitation of lower-level offenders, and improving quality of life in the City; and

**WHEREAS**, it is in the best interest of the City and the public to increase the number of departments in the North Las Vegas Municipal Court from one to two, effective as of the date this ordinance is passed, adopted, and approved by the City Council.

**NOW THEREFORE**, the City Council of the City of North Las Vegas does ordain:

**SECTION 1:** Title 2, Chapter 6, Section 010 of the North Las Vegas Municipal Code is hereby deleted in its entirety and replaced with the following:

- A. The Municipal Court and the City share the goals of reducing recidivism, promoting the rehabilitation of lower-level offenders, and improving quality of life within the City. The Municipal Court believes that these goals can be achieved by creating a community diversionary court program in the Municipal Court. To assist the Municipal Court in achieving these goals, the City hereby creates an additional department in the Municipal Court. The City wants to ensure the success of a specialty court for the benefit of the City, and the City finds that an additional department dedicated to a community diversionary court, as described by the Municipal Court, will give the City and Municipal Court the tools needed to achieve the above goals. The Community Diversionary Court is established to provide a non-adversarial approach to handling certain misdemeanor offenses and municipal ordinance violations.
- B. There shall be a Municipal Court of the city consisting of two departments. The departments shall be numbered 1 and 2, and except for initial periods of service by appointment prior to election, a duly elected and qualified judge shall preside over the department.
- C. The Municipal Court shall be held in the facilities provided at the North Las Vegas City Hall Campus, and at such other facilities as may be designated by the court administrator.
- D. The Municipal Court shall be a court of record effective August 1, 2014.

**SECTION 2:** Title 2, Chapter 6, Section 020 of the North Las Vegas Municipal Code is hereby deleted in its entirety and replaced with the following:

**2.06.020 Terms of judges.**

- A. The term of office of a municipal court judge shall be for six (6) years except as otherwise provided in 2.06.020.B.
- B. The term for the Judge elected to Department 2, which was extended for one year from 2021 to 2022 pursuant to AB50 during the 2019 Nevada Legislative Session, ends in 2022 following the primary and/or general election(s). The Judge for the newly established Department 1 shall be appointed by the City Council as required by the City Charter and shall serve until the primary or general elections of June and November 2026 and until the judge elected in 2026 takes the bench. Beginning with the term commencing with the primary and general elections of June and November of 2026, the term of office for the judge for Department 1 shall be six (6) years.

**SECTION 3:** NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges or immunities secured by the laws providing for equal rights of citizens or persons.

**SECTION 4:** EFFECTIVE DATE. This ordinance shall become effective after its passage by the City Council of the City of North Las Vegas, and after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time.

**SECTION 5:** PUBLICATION. The City Clerk shall cause this ordinance, immediately following its adoption, to be published once by title, together with names of the council members voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time.

PASSED AND ADOPTED ON THIS 17<sup>th</sup> DAY OF February, 2021.


AYES: Mayor Lee, Mayor Pro Tempore Barron, Council Members Black, Cherchio, and Goynes-Brown

NAYES: None

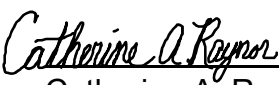
ABSENT: None

ABSTAIN: None

APPROVED:

  
\_\_\_\_\_  
John J. Lee, Mayor

ATTEST:

  
\_\_\_\_\_  
Catherine A. Raynor, MMC, City Clerk

# EXHIBIT 4



# NOTICE AND AGENDA CITY OF NORTH LAS VEGAS CITY COUNCIL REGULAR MEETING

February 17, 2021

Website - <http://www.cityofnorthlasvegas.com>

## CALL TO ORDER

4:00 p.m., Council Chambers, 2250 Las Vegas Boulevard North,  
North Las Vegas, Nevada 89030

## WELCOME

The North Las Vegas City Council welcomes each of you to its City Council Meeting. **On March 12, 2020 and March 15, 2020, respectively, the State and the City declared States of Emergency related to COVID-19. On March 22, 2020, Governor Sisolak issued Declaration of Emergency Directive 006 that (1) suspended the requirements contained in NRS 241.020(1) and 241.023(1)(b) that there be a physical location designated for meetings of public bodies where the public can attend and participate, and (2) that suspended the requirements in NRS 241.020(4)(a) that public notice agendas be posted at the principal office of the public body and at not less than three other separate places within the jurisdiction of the public body. Emergency Directive 006 has been extended multiple times and was most recently extended on July 31, 2020 in Emergency Directive 029.**

**To ensure your safety and the safety of others, anyone interested in speaking in regards to items on this agenda may participate in one of the following ways:**

- **Submit comments no later than 2 PM on February 17, 2021 using the online form found at [http://www.cityofnorthlasvegas.com/departments/city\\_clerk](http://www.cityofnorthlasvegas.com/departments/city_clerk);**
- **Provide comments to City Clerk no later than 2 PM on February 17, 2021 by emailing [cityclerk@cityofnorthlasvegas.com](mailto:cityclerk@cityofnorthlasvegas.com);**
- **Call agenda item specific phone numbers as posted at the end of each agenda item title during the meeting to speak when your item is heard (callers will be in a queue and recognized when it is their turn to speak); and**
- **If attending in person, by speaking during the designated public comment periods on the agenda or in connection with public hearing items on the agenda.**

Comments provided in written format are shared with the Council when the specific item is heard. If you attend the meeting and wish to speak, please complete one of the blue cards located at either the table outside the main entrance to Council Chambers or at the podium rail inside Council Chambers. Please give the card to the City Clerk. When called upon to speak (either on the phone or in person), we request that you limit your comments to no less than three minutes and that you avoid repetition.

Items on the agenda may be taken out of order. Two or more agenda items may be combined for consideration or items may be removed from the agenda or have the discussion delayed to another date. For general questions regarding this agenda or for supporting material, please contact Catherine A. Raynor, MMC, City Clerk at (702) 633-1030.



The North Las Vegas City Council Chambers is accessible to all persons. If you need special assistance to attend and participate in this meeting, please call Relay Nevada, a free service provider for deaf, hard of hearing, deaf-blind or those having difficulty speaking on the phone, by dialing 7-1-1. Call at least 72 hours in advance of the meeting in order to speak to City offices in order to submit your comments on agenda items.

These proceedings can be viewed in person at Council Chambers or live online at the [City's website](#) and [YouTube](#). Council meeting video is recorded for future viewings on KCLV, Cable Channel 2. The video of the meeting is rebroadcast on KCLV Channel 2 the Friday after the meeting at 4:00 P.M., the following Tuesday at 12:00 P.M. and the following Thursday at 6:00 A.M. Video rebroadcasts can also be viewed on Channels 2 or 1002 by CenturyLink and Cox customers. The video of the meeting is published to the City's [Public Access Portal](#) the day after the meeting.

### **VERIFICATION**

Verification that the Agenda and Meeting Notice was properly posted on the bulletin board at City Hall, 2250 Las Vegas Boulevard North, the bulletin board at the Public Safety Building, 2266 Civic Center Drive, the City's website (including supporting materials) and Nevada Public Notice website in compliance with NRS 241 (the Nevada Open Meeting Law) and in compliance with Emergency Directive 006 **(and subsequent extensions of Directive 006, including the most recent extension contained in Directive 029).**

### **RULES OF DECORUM**

In accordance with City of North Las Vegas Municipal Code (CNLVMC) 2.04.150 Rules of Decorum, the Mayor is empowered to enforce proper conduct at meetings and to prohibit conduct impeding Council meetings. Any person willfully disrupting a meeting shall be warned to refrain from inappropriate conduct and may be removed from the meeting if they do not comply with the request.

CNLVMC 2.04.150(C): Persons Addressing the Council. Any person making personal, impertinent, slanderous, or profane remarks or who willfully utters loud, threatening or abusive language, or engages in any disorderly conduct which would impede, disrupt or disturb the orderly conduct of any meeting, hearing or other proceeding, shall be called to order by the presiding officer and if such conduct continues, may at the discretion of the presiding officer be ordered barred from further audience before the Council during that meeting.

CNLVMC 2.04.150(D): Members of the Audience. No person in the audience shall engage in disorderly conduct such as hand clapping, stamping of feet, whistling, using profane language, yelling, and similar demonstrations, which conduct disturbs the peace and good order of the meeting.

### **INVOCATION**

Pastor Aaron Hansel  
Discovery Church

### **PLEDGE OF ALLEGIANCE - BY INVITATION**

### **PRESENTATIONS**

[Update on the State of the City by Delen Goldberg, Assistant City Manager.](#)

**PUBLIC FORUM (702) 215-6380**

*This is the first portion of the City Council meeting devoted to public comment. Upon recognition by the Mayor, please state your name and address for the record. In consideration of other citizens, we ask that you please limit your comments to three minutes and that repetition be avoided.*

**AGENDA**

1. [Approve City Council Regular Meeting Agenda of February 17, 2021. \(For Possible Action\)](#)

**CONSENT AGENDA**

*Matters listed on the Consent Agenda are considered routine and may be approved by a single motion. However, any Consent Item may be moved to the Business portion of the agenda for discussion at the request of any Council member.*

2. [Approve City Council Regular Meeting Minutes of February 3, 2021. \(Citywide\) \(For Possible Action\) \(702\) 215-6380](#)
3. [Approve Retail Marijuana Store Business License for Lone Mountain Partners LLC, dba Zen Leaf North Las Vegas, 4444 West Craig Road, Suites 100-104, North Las Vegas, Nevada 89032, Pending All Required Departmental Approvals Including, but Not Limited to Chapter 5.29 of the North Las Vegas Municipal Code. \(Ward 3-Black\) \(For Possible Action\) \(702\) 215-6380](#)
4. [Authorize Submittal of Application and Acceptance of the Resulting Grant Award from the Nevada Governor's Office of Economic Development for Community Development Block Grant Covid-19 Round 2 Funds in the Total Amount of \\$682,436 to continue the City's Small Business Stabilization Forgivable Loan Program; and Authorize the City Manager or His Designee to Execute the Grant Award Documents and Enter into Agreements for Local Administration of Funding. \(Citywide\) \(For Possible Action\) \(702\) 215-6380](#)
5. [Approve Purchase Agreement with Custom Storage Inc., dba cStor Corporation in the Total Amount of \\$341,995.87; \\$75,896 for Year 1; and Authorize the City Manager at His Sole Discretion to Renew the Service for Three Additional Years at an Estimated Amount of \\$81,967.68 for Year 2, \\$88,525.09 for Year 3, and \\$95,607.10 for Year 4 for Arctic Wolf Hardware and Software in Support of Improving the City's Cyber Security Posture. \(Citywide\) \(For Possible Action\) \(702\) 215-6380](#)
6. [Approve Amendment No. 2 to the Professional Engineering Services Agreement with C.A. Group, Inc., for the Cheyenne Avenue Intersection Improvements Project to Increase the Contract from \\$600,700 to an Amount Not to Exceed \\$655,700; \\$52,250 in Nevada Department of Transportation Funds and \\$2,750 in Tax Override Funds for a Local 5% Match, CIP Project No. 10266. \(Ward 2-Goynes-Brown\) \(For Possible Action\) \(702\) 215-6380](#)

7. [Approve Special Improvement District No. 64 \(Valley Vista\) Apportionment Report and Final Assessment Roll Amendment No. 13 Based Upon the Subdivision of Land Into Numerous Parcels Necessitating the Apportionment of the Assessment on Which an Improvement District is Levied. \(Ward 3-Black\) \(For Possible Action\) \(702\) 215-6380](#)
8. [Award Bid Number 1617 and Approve Pest Control Services Agreement with W.B. Sprague Company, Inc., dba Sprague Pest Solutions in a Total Amount Not to Exceed \\$134,400; \\$20,880 Annually with an Additional \\$6,000 Annually for Bird Control, Termites and Ants on an as Needed Basis for a Three-Year Period with an Option to Renew for Two Additional One-Year Periods at the Sole Discretion of the City Manager to Provide Pest Control Services for All City Facilities. \(Citywide\) \(For Possible Action\) \(702\) 215-6380](#)
9. [Approve Services Agreement with Chill-Rite, Inc., in an Amount Not to Exceed \\$77,489 to Upgrade the HVAC System at the Fire Department Administration Building Located on 4040 Losee Road, CIP Project No. 25008. \(Ward 2-Goynes-Brown\) \(For Possible Action\) \(702\) 215-6380](#)
10. [Approve Amendment No. 3 to the Professional Landscape Architectural Services Agreement with Design Vision, Inc. dba Southwick Landscape Architects for the Craig Ranch Regional Park Perimeter Road/Multi-Use Fields, Which Increases the Design Agreement from \\$440,000 to an Amount Not to Exceed \\$1,098,000, Funded by a Grant from Clark County Real Property Management, CIP Project No. 10481. \(Ward 2-Goynes-Brown\) \(For Possible Action\) \(702\) 215-6380](#)
11. [Approve Agreement to Use Local Government Contract with Olin Corporation, dba Olin Chlor Alkali Products in the Total Amount of \\$490,000, Funded by the Utility Enterprise Fund Which Expires on August 31, 2023 for the Purchase of Wastewater Treatment. \(Citywide\) \(For Possible Action\) \(702\) 215-6380](#)

## **PUBLIC HEARINGS**

*Matters listed under Public Hearing are those items that are required to have a public hearing according to Nevada Revised Statutes and other applicable codes. Items under this heading may require a notice published in a newspaper of general circulation and/or may require mailed notices. In addition to Public Hearing items, associated Ordinances for Final Action may be included under this heading to facilitate action on items related to the same project.*

12. [Approve \*\*AMP-14-2020\*\* \(Cheyenne & Valley\) for Applicant: LGI Homes - Nevada, LLC to Request an Amendment to the Comprehensive Master Plan to Change the Land Use Designation from Mixed-Use Employment to Single-Family Medium on Property Located North of Cheyenne Avenue, Approximately 500 Feet West of Valley Drive. \(Ward 3-Black\) \(For Possible Action\) \(702\) 215-6312](#)

13. [Approve \*\*ZN-23-2020\*\* and Pass and Adopt \*\*Ordinance No. 3056\*\*, an Ordinance Related to Zoning; Reclassifying Approximately 24.30± Acres in the Zoning Map of North Las Vegas from a PUD Planned Unit Development District to an R-CL Single-Family Compact Lot Residential District \(ZN-23-2020, Cheyenne & Valley\) for Property Located North of Cheyenne Avenue, Approximately 500 Feet West of Valley Drive and Providing for Other Matters Properly Relating Thereto. \(Ward 3-Black\) \(For Possible Action\) \(702\) 215-6313](#)
14. [Approve \*\*VAC-13-2020\*\* \(Cheyenne & Valley\) for Applicant: LGI Homes - Nevada, LLC to Vacate an Approximate 226 Foot Long Sidewalk Easement and Three Driveway Easements Along Cheyenne Avenue for a Proposed Residential Subdivision Located North of Cheyenne Avenue, Approximately 500 Feet West of Valley Drive. \(Ward 3-Black\) \(For Possible Action\) \(702\) 215-6314](#)
15. [Approve \*\*VAC-11-2020\*\* \(Valley Vista Parcel 2.7.1\) for Applicant: DR Horton, Inc. to Vacate a 25 Foot Wide Street, Drainage and Utility Easement Generally Located East of Aviary Way, Approximately 500 Feet North of Farm Road. \(Ward 3-Black\) \(For Possible Action\) \(702\) 215-6315](#)
16. [Approve \*\*ZN-21-2020\*\* and Pass and Adopt \*\*Ordinance No. 3055\*\*, an Ordinance Related to Zoning; Reclassifying Approximately 4.50± Acres in the Zoning Map of North Las Vegas from an R-E Ranch Estates District to an R-1 Single-Family Low Density District \(ZN-21-2020, Centennial Commerce\) for Property Located North of Centennial Parkway, Approximately 408 Feet West of Commerce Street and Providing for Other Matters Properly Relating Thereto. \(Ward 4-Cherchio\) \(For Possible Action\) \(702\) 215-6316](#)
17. [Approve \*\*VAC-12-2020\*\* \(Centennial Commerce\) for Applicant: Beazer Homes to Vacate an Approximate 40 Foot Wide Private Right-of-Way, a Public Utility Easement, and a Drainage Easement Generally Located Approximately 610 Feet West of Commerce Street and Extending Approximately 465 Feet North of Centennial Parkway. \(Ward 4-Cherchio\) \(For Possible Action\) \(702\) 215-6317](#)
18. [Approve \*\*ZN-24-2020\*\* and Pass and Adopt \*\*Ordinance No. 3057\*\*, an Ordinance Related to Zoning; Reclassifying Approximately 2.04± Acres in the Zoning Map of North Las Vegas from an O-L Open Land District to an M-2 General Industrial District \(ZN-24-2020, Tropical Assemblage 2.0\) for Property Located at the Southwest Corner of Centennial Parkway and Beesley Drive and Providing for Other Matters Properly Relating Thereto. \(Ward 1-Barron\) \(For Possible Action\) \(702\) 215-6318](#)
19. [Approve \*\*ZN-25-2020\*\* and Pass and Adopt \*\*Ordinance No. 3058\*\*, an Ordinance Related to Zoning; Reclassifying Approximately 0.05± Acres in the Zoning Map of North Las Vegas from an O-L Open Land District to an M-2 General Industrial District \(ZN-25-2020, Tropical Assemblage 2.0\) for Property Located South of Interstate 15 and Approximately 660 Feet Southwest of the Intersection of Centennial Parkway and Beesley Drive and Providing for Other Matters Properly Relating Thereto. \(Ward 1-Barron\) \(For Possible Action\) \(702\) 215-6319](#)

20. [Approve \*\*ZN-26-2020\*\* and Pass and Adopt \*\*Ordinance No. 3059\*\*, an Ordinance Related to Zoning; Reclassifying Approximately 4.77± Acres in the Zoning Map of North Las Vegas from an O-L Open Land District to an M-2 General Industrial District \(ZN-26-2020, Tropical Assemblage 2.0\) for Property Located at the Northwest Corner of Azure Avenue and Beesley Drive and Providing for Other Matters Properly Relating Thereto. \(Ward 1-Barron\) \(For Possible Action\)](#)  
**(702) 215-6320**

### **ORDINANCES - FINAL ACTION**

*Ordinances listed under Final Action were introduced at a previous Council meeting for action at this meeting.*

21. [Pass and Adopt Ordinance No. 3060, Amending Chapter 6 of Title 2 of the Municipal Code to Expand the Number of Departments of the North Las Vegas Municipal Court from One to Two to Allow for a Community Diversion Court in the New Department; Repealing Ordinance No. 2786 and Providing for Other Matters Properly Relating Thereto. \(Citywide\) \(For Possible Action\)](#) **(702) 215-6380**
22. [Pass and Adopt Ordinance No. 3066, Repealing Ordinance No. 2890; and Replacing the Same with a New Ordinance Governing the Salary and Benefits for the Municipal Court Judges and the Compensation of Alternate Municipal Court Judges; and Providing Other Matters Properly Related Thereto. \(Citywide\) \(For Possible Action\)](#) **(702) 215-6380**

### **APPOINTMENTS**

23. [Appointment of Chris Lee as Municipal Court Judge for Department No. 1 of the North Las Vegas Municipal Court for a Term to Expire When a Judge is Elected in the 2026 Primary or General Municipal Elections.](#) **(702) 215-6380**

### **CITY MANAGER'S REPORT**

### **PUBLIC FORUM** **(702) 215-6381**

*This is the portion of the meeting devoted to the Public to speak on any subject within the jurisdiction, control, or authority of the City Council. After completing and submitting a blue speaker card, please come forward to the podium upon recognition by the Mayor. No matter raised in Public Forum may be the subject of deliberation or action but may be referred to the City Manager for action at a later date. Please state your name and address for the record. In consideration of other citizens, we ask that you please limit your comments to three minutes and that repetition be avoided.*

### **ADJOURNMENT**

*The City Clerk keeps the official record of all proceedings of the City Council. In order to maintain a complete and accurate record of all proceedings, any photograph, map, chart, or other document used in any presentation to the*

*Council should be submitted to the City Clerk. If materials are to be distributed to members of the City Council, please provide thirteen copies for distribution to the City Manager, Assistant City Manager, City Attorney, City Clerk, and Staff.*

-



SOPHIA A. ROMERO, ESQ  
Nevada Bar No. 12446  
CHRISTOPHER M. PETERSON, ESQ.  
Nevada Bar No. 13932  
ATHAR HASEEBULLAH, ESQ.  
Nevada Bar No. 13646  
**AMERICAN CIVIL LIBERTIES  
UNION OF NEVADA**  
601 South Rancho Drive, Suite B-11  
Las Vegas, NV 89106  
Telephone: (702) 366-1536  
Facsimile: (702) 366-1331  
Email: [romero@aclunv.org](mailto:romero@aclunv.org)  
*Attorneys for Petitioners/Plaintiffs*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

LAURA MARTIN, and individual; SEAN TORY,  
an individual; ENDER AUSTIN, an individual; and  
the AMERICAN CIVIL LIBERTIES UNION OF  
NEVADA FOUNDATION, a domestic nonprofit  
corporation,

Petitioners/Plaintiffs,

vs.

CITY OF NORTH LAS VEGAS, a local municipal  
government entity,

Respondents/Defendants.

Case No.

Dept. No.

**INITIAL APPEARANCE FEE  
DISCLOSURE  
(NRS CHAPTER 19)**

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for  
parties appearing in the above-entitled action as indicated below:

American Civil Liberties Union of Nevada Foundation .....	\$270.00
Laura Martin .....	\$30.00
Sean Tory .....	\$30.00
Ender Austin III .....	\$30.00



1  
2 TOTAL REMITTED: \$360.00  
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4 DATED this 20 Day of December, 20 21  
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6  
7

8 /s/ Christopher M. Peterson

9 SOPHIA A. ROMERO, ESQ

Nevada Bar No. 12446

10 CHRISTOPHER M. PETERSON, ESQ.

Nevada Bar No. 13932

11 ATHAR HASEEBULLAH, ESQ.

Nevada Bar No. 13646

12 **AMERICAN CIVIL LIBERTIES**

13 **UNION OF NEVADA**

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16 *Attorneys for Plaintiffs*  
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