

1 **BILL NO. 2011-45**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE RELATING TO CITY BOARDS AND COMMITTEES; UPDATING
4 MUNICIPAL CODE PROVISIONS REGARDING THE SENIOR CITIZENS' ADVISORY BOARD,
5 REPEALING PROVISIONS ESTABLISHING THE ANIMAL ADVISORY COMMITTEE,
6 MANAGEMENT COMMITTEE FOR EMERGENCY OPERATIONS, RECORDS MANAGEMENT
7 COMMITTEE, CITIZENS PRIORITY ADVISORY COMMITTEE, AND YUCCA MOUNTAIN
8 NUCLEAR REPOSITORY COMMITTEE; AND PROVIDING FOR OTHER RELATED
9 MATTERS.

7 Proposed by: Beverly K. Bridges, City Clerk

Summary: Updates provisions regarding the Senior Citizens' Advisory Board and repeals provisions establishing the Animal Advisory Committee, Management Committee for Emergency Operations, Records Management Committee, Citizens Priority Advisory Committee, and Yucca Mountain Nuclear Repository Committee.

12 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
13 AS FOLLOWS:

14 SECTION 1: Title 2, Chapter 46, Section 30, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **2.46.030:** (A) The Advisory Board shall elect from among its members a Chairman and Vice-
17 Chairman, and such officers as deemed necessary or appropriate. Officers shall serve a term of one
18 year, or until a successor is elected.

19 (B) The Director of Parks, Recreation and Neighborhood Services, or the Director's
20 designee, shall serve ex-officio to represent the City's interests and to function as liaison between the
21 Advisory Board and the City.

22 SECTION 2: Title 2, Chapter 46, Section 40, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **2.46.040:** (A) The Advisory Board shall adopt such bylaws as it deems necessary for the
25 conduct of its business. The bylaws may include procedural rules, the designation of regular meeting
26 dates, and the procedures for calling special meetings.

27 (B) Bylaws, as well as any amendments thereto:

28 (1) Must be consistent with this Chapter; and

1 (2) May be adopted only [after consideration at two consecutive meetings
2 of the Advisory Board, and only by a two-thirds] by a majority vote of the entire membership[.],
3 provided that, in each case, at least twenty days written notice of the proposed amendment has been
4 provided to Board members.

5 SECTION 3: Title 2, Chapter 30, Section 80, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7 **2.30.080:** For the purposes of this Chapter, the Mayor[, the Management Committee for
8 Emergency Operations,] and the Emergency Management Officer shall utilize the services, equipment,
9 supplies and facilities of existing departments, officers and agencies of the City to the maximum
10 extent practicable, and the officers and personnel of all such departments are directed to cooperate and
11 extend such services and facilities upon request.

12 SECTION 4: Title 2, Chapter 49, Section 10, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **2.49.010:** A person is not eligible to serve [on the Las Vegas Housing Authority Board, Las
15 Vegas-Clark County Library District Board of Trustees, Planning Commission, Traffic and Parking
16 Commission, Board of Civil Service Trustees, Child Care Licensing Board, Citizens Advisory Review
17 Board and Citizens Priority Advisory Committee that are established by this Code or by City Council
18 action unless he or she is a resident of the City. All nonresidents of the City who are members of these
19 boards or commissions on the date the ordinance codified in this section becomes effective shall be
20 allowed to complete their terms of office.] in any of the following capacities unless he or she is a
21 resident of the City:

22 (A) As a member of the Planning Commission, Traffic and Parking Commission,
23 or Board of Civil Service Trustees.

24 (B) As a City appointee to the Southern Nevada Regional Housing Authority or the
25 Las Vegas-Clark County Library District Board of Trustees.

26 SECTION 5: Title 7, Chapter 4, of the Municipal Code of the City of Las Vegas,
27 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 295,
28 reading as follows:

1 **7.04.295:** "Hearing officer" means a person appointed by the City Manager or a designee to hear
2 appeals or make recommendations under this Title. The hearing officer may be a third party not
3 otherwise affiliated with the City or a City officer who is independent of the animal control function.

4 SECTION 6: Title 7, Chapter 16, Section 50, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **7.16.050:** (A) The owner or keeper of any animal declared vicious by the Animal Regulation
7 Officer shall be notified by personal service or by certified mail, return receipt requested, sent to the
8 last known address of the owner or keeper. Within ten days after notice has been served personally
9 or deposited in the mail, the owner or keeper shall voluntarily transfer possession of the animal to the
10 Animal Regulation Officer and do one of the following:

11 (1) Voluntarily relinquish ownership of the animal for euthanasia in
12 accordance with the provisions of LVMC 7.20.040;

13 (2) Provide written proof to the Animal Regulation Officer that the animal
14 has been euthanized by a properly licensed veterinary clinic; or

15 (3) File with the Animal Regulation Officer a written request for hearing
16 before [the Animal Advisory Committee] a hearing officer to determine if the declaration that the
17 animal is vicious should be upheld. The owner or keeper may not maintain possession of the animal
18 during the hearing process.

19 (B) If a hearing is requested within the specified time period, the Animal Regulation
20 Officer shall [convene the Animal Advisory Committee] present the matter to the hearing officer no
21 later than forty-five days after receipt of the written request for hearing. The [Animal Advisory
22 Committee] hearing officer shall act expeditiously to decide the matter and may:

23 (1) Uphold the vicious animal declaration;

24 (2) Recommend that the owner or keeper obtain a dangerous animal permit,
25 if appropriate; or

26 (3) Take such other action as [it] the hearing officer deems appropriate.

27 (C) If the [Animal Advisory Committee] hearing officer upholds the vicious animal
28 declaration, the Animal Regulation Officer may proceed to destroy the animal, but not until at least

1 ten days have elapsed from the date the owner or keeper receives notice of the decision. Within that
2 ten-day period, the owner or keeper of the animal shall have the right to seek appropriate relief in the
3 Municipal Court.

4 (D) As an alternative to the procedure set forth in Subsections (A) through (C) of
5 this Section, the question of whether an animal should be declared vicious may be referred to [the
6 Animal Advisory Committee] a hearing officer by the Municipal Court in connection with the filing
7 and processing of a criminal complaint. The [Committee] hearing officer shall hold an informal
8 hearing and report [its] his or her findings and recommendations to the Court. If a defendant is found
9 guilty of violating this Title and the [Committee] hearing officer recommends that the animal be
10 destroyed, the Court may order the destruction of the animal as part of the defendant's sentence. The
11 Court is not bound by any recommendations of the [Committee] hearing officer and may in its
12 discretion order that an animal be destroyed notwithstanding a contrary recommendation by the
13 [Committee.] hearing officer.

14 SECTION 7: Title 7, Chapter 38, Section 30, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **7.38.030:** The issue as to whether a wild animal as defined by Section 7.04.490 is vicious may
17 be determined by [an Animal Advisory Committee following] means of the procedures as set forth
18 in Chapter 7.16 prior to the destruction of said animal.

19 SECTION 8: Title 2, Chapter 60, Section 70, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **2.60.070:** (A) A record may be disposed of only in accordance with the records retention
22 schedule that has been approved for records of that type.

23 (B) The following documents are hereby adopted by the City:

24 (1) "Nevada Local Government Records Program Manual," as adopted by
25 the [Nevada] Division of State Library and Archives [Division] on June 26, 2007, and subsequently
26 amended on February 9, 2010; and

27 (2) "Local Government Records Retention Schedules," as adopted by the
28 [Nevada] Division of State Library and Archives [Division] on June 26, 2007, and as subsequently

1 amended on August 28, 2008, and February 9, 2010.

2 ➡ The respective retention periods that are established in those documents shall be the minimum
3 periods for which the records of the City, other than judicial records and other documents of the
4 Municipal Court, must be retained.

5 (C) The City may establish periods of retention longer than those designated by the
6 State for any particular class of record. Further, the City may establish retention schedules for any
7 record not addressed by the State's schedules. Any schedule proposed to be established pursuant to
8 this Subsection (C) shall be submitted to the [Records Management Committee for its approval and,
9 after such schedule has received the approval of the Records Management Committee, the] City Clerk
10 for approval. Thereafter, the City Clerk shall submit the same to the City Council for its approval.
11 Such approval shall be accomplished by ordinance.

12 (D) The disposition of judicial records and other documents of the Municipal Court
13 shall be governed by a records retention schedule that is approved by the Judges of the Municipal
14 Court by a court rule that is adopted in accordance with the rules of the Nevada Supreme Court. Such
15 schedule shall become effective upon its approval by a majority of the Judges of the Municipal Court
16 and shall establish a system of records management for Municipal Court to be implemented by the
17 Court Administrator.

18 SECTION 9: Title 2, Chapter 30, Section 60, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

20 SECTION 10: Title 2, Chapter 60, Section 40, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

22 SECTION 11: Title 7, Chapter 4, Section 40, of the Municipal Code of the City of Las
23 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

24 SECTION 12: The Citizens Priority Advisory Committee, created by resolution of the
25 City Council on November 7, 1984, is hereby dissolved, and the resolution hereby repealed.

26 SECTION 13: The Yucca Mountain Nuclear Repository Committee, created by
27 resolution of the City Council on December 16, 1992, is hereby dissolved, and the resolution hereby
28 repealed.

SECTION 14: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 15: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2011.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 11-3-11
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2011, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, MMC
City Clerk

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