

1 SECOND AMENDMENT

2 BILL NO. 2001-70

3 ORDINANCE NO. 5346

4 AN ORDINANCE TO AMEND LVMC CHAPTER 2.51 TO REVISE THE STANDARDS AND
5 PROCEDURES RELATING TO ETHICS AND ETHICS COMPLAINTS, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

6 Sponsored by: Councilwoman Lynette Boggs
7 McDonald

Summary: Amends LVMC Chapter 2.51 to
revise the standards and procedures relating to
ethics and ethics complaints.

8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: Title 2, Chapter 51, Section 20, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **2.51.020:** "Business entity" means any corporation, general or limited partnership, sole
13 proprietorship (including a private consultant operation) joint venture, unincorporated association or
14 firm, institution, trust, foundation, or other organization, whether or not organized for profit. Business
15 entity does not include local, state or federal agencies or political subdivisions thereof.

16 "Confidential information" means all information, whether transmitted verbally or in
17 writing, which is of such a nature that it is not, at the time, a matter of public record or public
18 knowledge.

19 "Disclosable gift" mean a gift that, by itself or when aggregated with other gifts from
20 that same donor during a taxable year, has a value in excess of \$200. The term does not include a gift
21 received from a person who is related to the recipient within the third degree of consanguinity or
22 affinity, or a ceremonial gift received for a birthday, wedding, anniversary, holiday or other
23 ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative
24 or political action of the recipient.

25 "Gift" means anything of economic value, regardless of the form, that is received
26 without adequate and lawful consideration, [, but not including:

27 (1) The solicitation, acceptance, receipt or regulation of political campaign
28 contributions regulated in accordance with provisions of federal, state, or local laws governing



1 campaign finances;

2 (2) A nonpecuniary gift with an economic value of less than one hundred
3 dollars;

4 (3) A nonpecuniary award presented in recognition of public service;

5 (4) Any reasonable hosting, including travel expenses, entertainment,
6 meals, or refreshments furnished in connection with appearances, ceremonies, and other occasions
7 reasonably relating to official City business, unless otherwise prohibited by law;

8 (5) Gifts from family members related within the third degree of
9 consanguinity or affinity; or

10 (6) Invitations to political fund raisers.] A campaign contribution, duly
11 reported according to law, is not a "gift."

12 "Interest," except as otherwise specifically provided, means direct or indirect pecuniary
13 or material benefit accruing to a public officer or employee as the result of a contract, transaction,
14 zoning decision, or other matter which is or may be the subject of an official act or action by or with
15 the City except for such contracts, transactions, zoning decisions, or other matters which by their
16 terms and by the substance of their provisions confer the opportunity and right to realize the accrual
17 of similar benefits to all other persons and/or property similarly situated. For purposes of this Chapter,
18 a public officer or employee shall be deemed to have an interest in the affairs of:

19 (1) The officer's or employee's spouse or children;

20 (2) Any person or business entity with whom a contractual relationship
21 exists with a public officer or employee to the extent of and within the parameter of such contractual
22 relationship only;

23 (3) Any business entity in which the public officer or employee is an
24 officer, director, member, or employee; and

25 (4) Any business entity in which the public officer or employee controls
26 or owns directly or indirectly, in excess of five percent of the total stock or an interest totaling fifty
27 thousand dollars or more in value.

28 "Lobbyist" means any person who communicates directly with a member of the City

1 Council on behalf of someone other than him or herself to influence action by the City Council and
2 who is compensated for the communication. "Lobbyist" does not include members of a bona fide
3 news medium who meet the definition of "lobbyist" only in the course of their professional duties and
4 who contact members of the Council for the sole purpose of carrying out their news gathering
5 function.

6 "Official act or action" means any legislative, administrative, appointive or
7 discretionary act of any officer or employee of the City or any agency, board, committee or
8 commission thereof.

9 "Public board member," unless otherwise stated in this Chapter, means any person,
10 holding a position by appointment of the City Council, whether paid or unpaid, to the following City
11 boards, committees and commissions:

- 12 (1) The Board of Civil Service Trustees;
- 13 (2) The Child Care Licensing Board;
- 14 (3) The Ethics Review Board;
- 15 (4) The Historic Preservation Commission;
- 16 (5) The Parks and Recreation Advisory Commission;
- 17 (6) The Planning Commission;
- 18 (7) The Traffic and Parking Commission.

19 Though the Las Vegas Housing Authority and the Las Vegas-Clark County Library District Board of
20 Trustees are not agencies of the City, members, whether paid or unpaid, appointed to the governing
21 body of these local government agencies by the City Council are subject to the provisions of this
22 Chapter.

23 "Public employee," unless otherwise stated in this Chapter, means any person, holding
24 a position by appointment or employment in the service of the City, whether paid or unpaid. The term
25 "appointed public employee" means a person appointed to the position of City Engineer, City Traffic
26 Engineer, City Treasurer, and Deputy Director or above which is established by the Constitution of
27 the State of Nevada, a statute of this State, the Las Vegas City Charter or a City ordinance.

28 "Public officer" means the Mayor and the City Council members.

SECTION 2: Title 2, Chapter 51, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.51.030: (A) Creation. An Ethics Review Board is hereby created whose membership shall be constituted and shall have the powers and duties as set forth in this Chapter.

(B) Appointment of Members. The Ethics Review Board shall consist of ~~[five]~~ seven members, and each member of the City Council, including the Mayor, shall have one appointment. Each member, upon assuming a position as Ethics Review Board member, shall take an oath of office comparable to that taken by Council members. One Ethics Review Board member shall be designated by the Mayor[, and confirmed by a majority of the City Council, as Chairperson.] as Chairperson, subject to ratification by the City Council.

(C) Terms. Ethics Review Board members shall serve for four-year, staggered terms. Of the ~~[first members appointed, three shall serve for four years (including the Chairperson) and two shall serve for two years.]~~ two members appointed in connection with the expansion of the Ethics Review Board to seven members, the City Council may appoint one or both to serve an initial term of two years. Thereafter, each Ethics Review Board member shall serve for a term of four years.

(D) Compensation. No Ethics Review Board ~~[members]~~ member shall receive a salary, but may be reimbursed for expenses in accordance with City policy.

(E) Meetings. The Ethics Review Board shall establish regular meeting times, with no less than one meeting bimonthly. Special meetings may be called as needed by the Chairperson, or by any two members.

(F) Legal Counsel. The City Attorney shall serve as legal counsel to the Ethics Review Board. For each opinion the City Attorney shall prepare at the direction of the Ethics Review Board the appropriate findings of fact and conclusions as to relevant standards and the propriety of particular conduct.

(G) Staff. The City Clerk shall designate a member of his/her staff to assist the Ethics Review Board in performing the clerical functions related to meetings of the Ethics Review Board, including the keeping of all necessary records related thereto.

(H) Duties. The Ethics Review Board's duties shall include:

1 (1) Rendering binding advisory opinions regarding present and future
2 conduct of public board members, officers and employees upon request of the City Attorney pursuant
3 to this Chapter;

4 (2) Rendering advisory opinions regarding past conduct of public board
5 members, officers or employees upon receipt of a complaint pursuant to this Chapter;

6 (3) Giving nonbinding recommendations to the City Council and City
7 Attorney on new and existing City policies on ethics;

8 (4) The adoption of procedural regulations to facilitate the receipt of
9 inquiries and prompt rendition of its opinions pursuant to NRS 281.541(b);

10 (5) The recommending to the City Council such further changes to this
11 Chapter as the Ethics Review Board considers desirable or necessary to promote and maintain high
12 standards of ethical conduct in government.

13 (I) Chairperson. The Ethics Review Board member appointed to serve as
14 Chairperson shall preside over all Ethics Review Board meetings, and may call special Ethics Review
15 Board meetings as needed, but otherwise shall have power equal to that of other Ethics Review Board
16 members.

17 (J) Panels. The Chairperson shall appoint one or more panels of two members of
18 the Ethics Review Board on a rotating basis to make a determination regarding whether just and
19 sufficient cause exists for the Ethics Review Board to render an opinion regarding complaints filed
20 pursuant to this Chapter.

21 SECTION 3: Title 2, Chapter 51, Section 40, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **2.51.040:** (A) No public board member, officer or employee having the power or duty to
24 perform an official act or action, related to a contract, transaction, zoning decision, or other matter
25 which is or may be the subject of an official act or action of the City, shall knowingly:

26 (1) Have or thereafter acquire an interest in such contract, transaction,
27 zoning decision, or other matter, except as otherwise stated in this Chapter, except that this Subsection
28 shall not apply to any public board member, officer or employee who shall disclose his or her interest

1 and who shall disqualify himself or herself from consideration of such contract, transaction, zoning
2 decision, or other matter; [or]

3 (2) Have an interest in any business entity representing, advising, or
4 appearing on behalf of, whether paid or unpaid, any person involved in such contract, transaction,
5 zoning decision, or other matter, except as otherwise stated in this Chapter, except that this Subsection
6 shall not apply to any public board member, officer or employee who shall disclose his or her interest
7 and who shall disqualify himself or herself from consideration of such contract, transaction, zoning
8 decision, or other matter relating to said business entity; [or]

9 (3) Seek, accept or negotiate employment with an outside business entity
10 which is a party to a contract, transaction, zoning decision, or other matter with the City in which the
11 public board member, officer or employee performed an official act or action without prior disclosure
12 to the Ethics Review Board. For purposes of this Subsection, the term "public employee" is limited
13 to "appointed public employees"; or

14 (4) Use or continue to use their official City title, including use on business
15 cards or stationary, following termination of employment with the City, expect that such use is not
16 prohibited if the public board member, officer or employee indicates that the employment with the
17 City was former to their current employment.

18 (B) Preacquisition of Interest. No public board member, officer or employee shall
19 acquire an interest in, or an interest affected by, any contract, transaction, zoning decision, or other
20 matter at a time when such board member, officer or employee believes or has reason to believe the
21 interest will be directly or indirectly affected by an official act or action of the City.

22 (C) Appearances. No public board member, officer or employee shall appear on
23 behalf of any private person, other than persons related within the third degree of consanguinity or
24 affinity, before any City agency or municipal court. However, a member of the City Council may
25 appear before City agencies on behalf of his or her constituents in the course of his or her duties as
26 a representative of the electorate or in the performance of public or civic obligations. Such City
27 Council members shall not receive compensation for such appearances, unless specifically authorized
28 by action of the City Council.

1 (D) Disclosure of Interest in Legislative Action.

2 (1) Any member of the City Council who has a financial interest or personal
3 interest in any proposed legislation before the Council shall disclose on the record of the City Council
4 the nature and extent of such interest.

5 (2) Any other public board member or employee who has a financial or
6 personal interest in any proposed legislative action of the City Council and who participates in
7 discussion with or gives an official opinion or recommendation to the City Council, shall disclose on
8 the record of the Council the nature and extent of such interest.

9 (E) Public Contracts. Notwithstanding the prohibitions in Subsection (A) of this
10 Section, a public board member, officer or employee may enter into any contract with the City if:

11 (1) The contract is awarded through a process of public notice and
12 competitive bidding; and

13 (2) The contract is with a division or agency of the City over which the
14 officer or employee has no functions requiring the exercise of discretion.

15 (F) Disclosure of Confidential Information. No public officer or employee, with
16 respect to any contract, transaction, zoning decision, or other matter which is or may be the subject
17 of an official act or action of the City, shall, without proper legal authorization, disclose confidential
18 information concerning the property, government, or affairs of the City, or use such information to
19 advance the financial or other private interest of the officer or employee or others.

20 (G) Incompatible Service. No public officer shall engage in or accept private
21 employment or render service, for private interests, without prior notification of the Ethics Review
22 Board.

23 (H) Special Treatment. No public officer or employee shall grant any special
24 consideration, treatment or advantage to any citizen beyond that which is available to every other
25 citizen.

26 (I) Gifts. [No public board member, employee or officer shall have solicited or
27 accepted, a present or future gift having an economic value of two hundred fifty dollars or more from
28 a person when received by the recipient in relation to the recipient's position as a public employee or

1 public officer or when the gift is offered by a person involved in a contract, transaction, zoning matter,
2 or other matter with the City which could be influenced by the recipient. For purposes of this Chapter,
3 multiple gifts from the same person shall be considered cumulative for each year beginning the
4 fifteenth day of April.

5 (1) Exceptions--Gifts Which May Be Accepted, But Require Disclosure.

6 The following gifts may be accepted by a public officer or employee, but must be disclosed pursuant
7 to Section 2.51.070.

8 (a) Any gift having an economic value of one hundred dollars or
9 more which is not otherwise prohibited by this Chapter.] The acceptance and disclosure of gifts by
10 a public officer, public board member, or appointed public employee shall be in accordance with NRS
11 Chapter 281. The acceptance and disclosure of gifts by a nonappointed public employee shall be in
12 accordance with NRS Chapter 281 and LVMC 2.51.070(F).

13 (J) Exceptions to Conflict of Interest Provisions.

14 (1) It shall not be deemed a violation of this Section if the interest of a
15 public board member, officer or employee in a person or business entity is a contractual obligation
16 of less than five hundred dollars which has not been preceded by any other obligation, discharged or
17 existing, between the parties, and which is not the first in a series of two or more loans or debts which
18 either of the parties is under an obligation to make or incur.

19 (2) A commercially reasonable loan made in the ordinary course of business
20 by an institution authorized by the laws of this State to engage in the making of such loans shall not
21 be deemed to create an interest in violation of this Section.

22 (3) A contract for a commercial retail sale, even though greater in value
23 than five hundred dollars, shall not be deemed to create an interest in violation of this Section.

24 SECTION 4: Title 2, Chapter 51, Section 70, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **2.51.070:** (A) The City Clerk shall prepare forms for supplementary disclosure statements and
27 other information required by this Chapter and furnish such forms and information free of charge for
28 use by persons subject to the [requirement] requirements of this Chapter and shall notify each person

1 required to file under this Chapter. The City Clerk shall notify the City Attorney when a public board
2 member, public officer, appointed public employee or candidate required to file a statement fails to
3 do so within the prescribed time.

4 [(A)] (B) The City Clerk shall maintain all financial disclosure [statement] statements
5 for a period of not less than six years from the last date for filing them.

6 [(B) Filing. All public board members, public officers and appointed public
7 employees shall file with the City Clerk no later than the thirty-first day of March of each year, under
8 penalty of perjury, a disclosure statement for the immediately preceding calendar year (January 1st
9 to December 31st). Such disclosure statement shall contain the information set forth in Subsection
10 (E) of this Section.

11 (C) Filing by Candidate. Each candidate shall file with the City Clerk under penalty
12 of perjury, no later than the tenth day after the last day to file as a candidate, a disclosure statement
13 containing the information set forth in Subsection (E) of this Section.

14 (D) Time of Filing. Every public board member, public officer and appointed
15 public employee shall file with the City Clerk a statement of financial disclosure within thirty days
16 of their initial appointment and thereafter no later than the thirty-first day of March of each year. All
17 public board members, public officers and appointed public employees shall file under penalty of
18 perjury a disclosure statement for the immediately preceding calendar year (January 1st to December
19 31st). Such disclosure statement shall contain the information set forth in Subsection (E) of this
20 Section. The City Clerk shall annually review these financial disclosure statements and report his or
21 her findings and concerns thereafter to the City Manager.

22 (E) Information Required. The following information is required:

23 (1) Name, address and phone number, if any, of the public board member,
24 public officer, appointed public employee or candidate;

25 (2) The length of residence in the State and the length of residence in Clark
26 County;

27 (3) The precinct in which the public board member, public officer,
28 appointed public employee or candidate is registered to vote;

1 (4) The name of all partners or associates, the principal address and the
2 general description of the business activity of any business entity conducting business with the City
3 or within the County of Clark, in which the public board member, officer, appointed public employee
4 or candidate or their spouse has had a direct financial interest at any time during the immediate
5 preceding twelve months of the calendar year.

6 (5) In the case of a gift requiring disclosure pursuant to Section 2.51.040,
7 the source of the gift, including the name and address of the donor, the value of the gift, the
8 description of the gift, and the date on which the gift was received if the donor does business with the
9 City by appearing before the City Council or appears on cash disbursement lists presented to the City
10 Council;

11 (6) The source or sources of each loan to whom he/she or a member of
12 his/her household owes five thousand dollars or more. Exceptions: The mortgage on his/her residence,
13 a loan for purchase of an automobile for private use, a debt secured by mortgage or deed of trust for
14 land located outside the City which is not required to be listed in Paragraph (7) of this Subsection, or
15 a revolving balance, the source of which is a credit card or debit card;

16 (7) In the case of real property, a listing of all real property or interest
17 therein, including options to purchase, located in the City, the State of Nevada or any adjacent state,
18 whether that property is owned outright or held in whole or in part under a corporation or partnership.
19 The listing must include, with respect to each parcel of real property or interest therein, the following:

20 (a) The specific location of the parcel, including the county
21 assessor's parcel number, if one has been assigned or, otherwise, a legal description of the parcel;

22 (b) Any particular use to which the property is being put;

23 (c) The name, if any, by which the property is commonly known;

24 and

25 (d) The names of all persons or entities who share an ownership or
26 other interest in the property with the public board member, officer, appointed public employee or
27 candidate.

28 The provisions of this Paragraph (7) do not apply to a personal residence;

1 (8) Each source of his or her income, or that of any member of his or her
2 household who is eighteen years of age or older. No listing of individual clients or customers is
3 required, but if that is the case, a general source as "professional services" must be disclosed;

4 (9) If a public board member, officer, appointed public employee or
5 candidate has ever been convicted of a felony. If yes, explain the circumstances;

6 (10) If a public board member, officer, appointed public employee or
7 candidate has filed for bankruptcy within the last seven years;

8 (11) The names and addresses of all boards and commissions on which the
9 public board member, officer, appointed public employee or candidate presently serves, except for any
10 and all boards and commissions to which the public officer, appointed public employee or candidate
11 is appointed by the City Council; and

12 (12) A listing, including the name, address, appointment and expiration date,
13 of all positions or public offices presently held for which this statement of financial disclosure is
14 required to be filed.

15 (F) Disclosure of Gifts for Nonappointed Public Employees. All other public
16 employees not included in the term "appointed public employee" shall report all disclosable gifts to
17 their Department Director no later than the thirty-first day of March of each year. The disclosure shall
18 be recorded on forms which include the name of the public employee, the source of the gift, including
19 the name and address of the donor, the value of the gift, a description of the gift, and the date on which
20 the gift was received. Following review by the Department Director, said forms shall be maintained
21 by the City Clerk. If the public employee has not received any disclosable gifts during a particular
22 year, no disclosure form need be filed.

23 (G) (C) Filing. All public board members, public officers, appointed public
24 employees and candidates who are required to file a financial disclosure statement with the Nevada
25 Commission on Ethics pursuant to NRS Chapter 281 shall file a duplicate original or true copy of that
26 statement with the City Clerk. The dates for filing shall be those established by NRS 281.561 for the
27 filing of State financial disclosure statements. Except as otherwise provided in Subsections (D) and
28 (E) of this Section, the timely filing of the State financial disclosure statement with the City Clerk

1 shall constitute compliance with this Subsection (C).

2 (D) If a person described in Subsection (C), or a member of his or her household,
3 is indebted on one or more loans of at least five thousand dollars each, the public board member,
4 public officer, appointed public employee or candidate shall also file a supplementary disclosure
5 statement that indicates the source or sources and the amount of each such loan. The supplementary
6 disclosure statement shall be made on a form to be provided by the City Clerk and shall be filed no
7 later than the time for filing the financial disclosure statements described in Subsection (C). The filing
8 requirement described in this Subsection (D) does not apply to:

9 (1) A mortgage loan on the personal residence of the public board member,
10 public officer, appointed public employee or candidate;

11 (2) A loan for the purchase of an automobile for private use;

12 (3) A debt secured by mortgage or deed of trust for land located outside the
13 City which is not required to be listed in Subsection (E) of this Section; or

14 (4) A revolving balance, the source of which is a credit card or debit card.

15 (E) If a person described in Subsection (C) owns real property (other than his or
16 her personal residence), that person shall also file a supplementary disclosure statement. The
17 supplementary disclosure statement shall be made on a form to be provided by the City Clerk, shall
18 be filed no later than the time for filing the financial disclosure statement described in Subsection (C),
19 and shall list all real property that the public board member, public officer, appointed public employee
20 or candidate owns or has an interest therein, including options to purchase, located in the City, the
21 State of Nevada or any adjacent state, whether that property is owned outright or held in whole or in
22 part under a corporation or partnership. The listing must include, with respect to each parcel of real
23 property or interest therein, the following:

24 (1) The specific location of the parcel, including the street address, if any,
25 and the county assessor's parcel number, if those have been assigned; otherwise, a legal description
26 of the parcel;

27 (2) Any particular use to which the property is being put;

28 (3) The name, if any, by which the property is commonly known; and

1 (4) The names of all persons or entities who share an ownership or other
2 interest in the property with the public board member, officer, appointed public employee or
3 candidate.

4 (F) Disclosure of Gifts for Nonappointed Public Employees. All public employees
5 not included in the term "appointed public employee" shall report all disclosable gifts to their
6 Department Director no later than the thirty-first day of March of each year. The disclosures shall be
7 recorded on forms which include the name of the public employee, the source of the gift, including
8 the name and address of the donor, the value of the gift, a description of the gift, and the date on which
9 the gift was received. Following review by the Department Director, the disclosure forms shall be
10 maintained by the City Clerk. A nonappointed public employee who does not receive a disclosable
11 gift during a particular year is not required to file a disclosure form.

12 (G) As used in this Section:

13 (1) "Candidate" means a person running for the office of Mayor or for a seat
14 on the City Council.

15 (2) "Household" includes:

16 (a) The spouse of a candidate, public board member, public officer
17 or appointed public employee;

18 (b) A person who does not live in the same home or dwelling, but
19 who is dependent on and receiving substantial support from a candidate, public board member, public
20 officer or appointed public employee; and

21 (c) A person who lived in the home or dwelling of a candidate,
22 public board member, public officer or appointed public employee for six months or more in the year
23 immediately preceding the year in which the candidate, public board member, public officer or
24 appointed public employee files the statement of financial disclosure.

25 SECTION 5: Title 2, Chapter 51, Section 100, of the Municipal Code of the City of
26 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 **2.51.100:** (A) Upon receipt of a [compliant] complaint alleging a violation of this Chapter by
28 a person whose conduct is subject to the provisions of this Chapter, the Ethics Review Board shall

1 have the primary responsibility for the enforcement of this Chapter through the City Attorney. It shall
2 have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil
3 action on behalf of the City where it believes such action is appropriate.

4 (1) Complaint--Form. Any complaint alleging a violation of this Chapter
5 shall [state] indicate or contain the following:

6 (a) The name, residence address and telephone number of the
7 complainant;

8 [(a)] (b) The name of the person who allegedly committed the violation;

9 [(b)] (c) The specific [Section] provision of this Chapter which allegedly
10 was violated;

11 [(c)] (d) A brief description of the conduct involved;

12 [(d)] (e) A list of any persons whose testimony would tend to confirm
13 or refute the allegations; [and]

14 (f) Additional written evidence in support of the complaint,
15 including sworn statements, investigative reports, or both; and

16 [(e) Declare by oath or affirmation] (g) A verification or declaration
17 that all the information contained in the complaint is true and correct. A verification must be made
18 in the manner set forth in NRS 15.010. A declaration must be made under penalty of perjury.

19 (2) Complaint--Finding of Just and Sufficient Cause. Before investigating
20 any complaint, the Ethics Review Board shall [conduct a hearing at the first meeting following the
21 filing of the complaint] refer the complaint to a panel appointed in accordance with Subsection (J) of
22 Section 2.51.030 to determine whether just and sufficient cause exists to investigate the complaint.
23 The person [about whom the complaint is alleged] whose conduct is the subject of the complaint shall
24 be notified of the complaint immediately by the City Clerk and shall be allowed to present information
25 before just and sufficient cause is examined by the [Ethics Review Board.] panel. The panel shall
26 determine that just and sufficient cause does not exist, and shall dismiss the complaint, if:

27 (a) No written evidence is submitted in support of the complaint;

28 (b) The sole written evidence submitted consists of newspaper

1 articles, unless the complaint contains a statement that the evidence is submitted solely upon
2 information and belief; or

3 (c) A complaint based upon the same facts has been filed with the
4 Nevada Commission on Ethics (or other regulatory board), and there is no independent basis for
5 finding a violation of this Chapter.

6 (3) Complaint--Hearing. (a) If the [Ethics Review Board] panel
7 determines in an adopted motion that just and sufficient cause exists to investigate a complaint, [it]
8 or if the vote of the panel is split, the panel shall forward the complaint to the Ethics Review Board
9 and shall notify the person [about whom the complaint was alleged] whose conduct is the subject of
10 the complaint of the time and place of the hearing on the matter [, allow the person to be represented
11 by counsel, and allow the person to hear evidence and present evidence on their own behalf.] and of
12 the rights described in this paragraph. The hearing by the Ethics Review Board shall occur within
13 thirty days [of the findings of just and sufficient cause.] after the complaint has been forwarded by the
14 panel to the Board, unless the person whose conduct is the subject of the complaint waives that
15 requirement.

16 (b) The person whose conduct is the subject of the complaint shall
17 have the right to full discovery of the evidence to be submitted in support of the complaint, the right
18 to be represented by counsel, the right to hear the evidence in support of the complaint, and the right
19 to present evidence and witnesses in response to the complaint. At the request of the City Attorney,
20 special counsel to the Ethics Review Board, or the person whose conduct is the subject of the
21 complaint, the Chairperson shall have the authority to issue subpoenas to compel the attendance of
22 witnesses and require the production of documents. If a witness refuses to attend, testify or produce
23 documents as required by the subpoena, the Ethics Review Board may petition a court of competent
24 jurisdiction to order the witness to appear or testify or produce the requested documents.

25 (c) If the complainant, without the prior approval of the
26 Chairperson, fails to attend the hearing, the complaint shall be dismissed.

27 (4) Assessment of Fees and Costs. If the complaint is dismissed or the
28 Ethics Review Board determines that no violation of this Chapter occurred as alleged in the complaint,

1 the Board may assess one or both of the following:

2 (a) Fees and costs against the complainant, if the Board determines
3 that the complaint was frivolous or without any basis;

4 (b) A fine against the complainant in an amount up to \$1000, if the
5 Board determines that the complaint was filed in bad faith or for vexatious purposes.

6 (B) The City Council may direct the Ethics Review Board to investigate or
7 prosecute, through the City Attorney, any apparent violation of this Chapter or the council may
8 employ or appoint any qualified attorney to investigate or prosecute any violation or series of
9 violations by one or more persons of this Chapter.

10 (C) Any [person who believes that a violation of any portion of this Chapter has
11 occurred] resident of the City may file a complaint with the Ethics Review Board. [which may
12 thereafter proceed as provided for under] The complaint shall be processed in accordance with this
13 Section. However, nothing in this Section shall be construed to prevent complainants from instituting
14 direct legal action through the appropriate judicial authority.

15 SECTION 6: If any section, subsection, subdivision paragraph, sentence, clause or
16 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or
17 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
18 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
19 City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection,
20 subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more
21 sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared
22 unconstitutional, invalid or ineffective.

23 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
24 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
25 required or the failure to do any act is made or declared to be unlawful or an offense or a
26 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
27 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
28 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

1 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

2 SECTION 8: All ordinances or parts of ordinances, sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this 1st day of August, 2001.

6 CITY OF LAS VEGAS

7 By 
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 8-1-01
14 Date

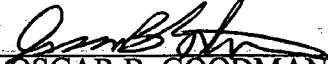
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 5thst day of July, 2001, and referred to the following committee composed of
3 Councilmembers Weekly and L. B. McDonald for recommendation; thereafter the said
4 committee reported favorably on said ordinance on the 1st day of August, 2001, which was a
5 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
6 title to the City Council as amended and adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, M. McDonald, L.B.
8 McDonald, Weekly and Mack

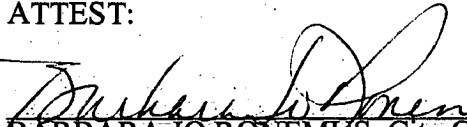
9 VOTING "NAY": None

10 ABSENT: Councilman Brown

11 APPROVED:

12 
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEMUS, City Clerk

FIRST AMENDMENT

BILL NO. 2001-70

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 2.51 TO REVISE THE STANDARDS AND PROCEDURES RELATING TO ETHICS COMPLAINTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Lynette Boggs
McDonald

Summary: Amends LVMC Chapter 2.51 to revise the standards and procedures relating to ethics complaints.

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

SECTION 1: Title 2, Chapter 51, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.51.030: (A) Creation. An Ethics Review Board is hereby created whose membership shall be constituted and shall have the powers and duties as set forth in this Chapter.

(B) Appointment of Members. The Ethics Review Board shall consist of five members [, and each member of the City Council, including the Mayor, shall have one appointment.] who are appointed by the Mayor, subject to ratification by the City Council. Each member, upon assuming a position as Ethics Review Board member, shall take an oath of office comparable to that taken by Council members. One Ethics Review Board member shall be designated by the Mayor[, and confirmed by a majority of the City Council, as Chairperson.] as Chairperson, subject to ratification by the City Council.

(C) Terms. Ethics Review Board members shall serve for four-year, staggered terms. [Of the first members appointed, three shall serve for four years (including the Chairperson) and two shall serve for two years. Thereafter, each Ethics Review Board member shall serve for a term of four years.]

(D) Compensation. No Ethics Review Board [members] member shall receive a salary, but may be reimbursed for expenses in accordance with City policy.

(E) Meetings. The Ethics Review Board shall establish regular meeting times, with no less than one meeting bimonthly. Special meetings may be called as needed by the Chairperson,

1 or by any two members.

2 (F) Legal Counsel. The City Attorney shall serve as legal counsel to the Ethics
3 Review Board. For each opinion the City Attorney shall prepare at the direction of the Ethics Review
4 Board the appropriate findings of fact and conclusions as to relevant standards and the propriety of
5 particular conduct.

6 (G) Staff. The City Clerk shall designate a member of his/her staff to assist the
7 Ethics Review Board in performing the clerical functions related to meetings of the Ethics Review
8 Board, including the keeping of all necessary records related thereto.

9 (H) Duties. The Ethics Review Board's duties shall include:

10 (1) Rendering binding advisory opinions regarding present and future
11 conduct of public board members, officers and employees upon request of the City Attorney pursuant
12 to this Chapter;

13 (2) Rendering advisory opinions regarding past conduct of public board
14 members, officers or employees upon receipt of a complaint pursuant to this Chapter;

15 (3) Giving nonbinding recommendations to the City Council and City
16 Attorney on new and existing City policies on ethics;

17 (4) The adoption of procedural regulations to facilitate the receipt of
18 inquiries and prompt rendition of its opinions pursuant to NRS 281.541(b);

19 (5) The recommending to the City Council such further changes to this
20 Chapter as the Ethics Review Board considers desirable or necessary to promote and maintain high
21 standards of ethical conduct in government.

22 (I) Chairperson. The Ethics Review Board member appointed to serve as
23 Chairperson shall preside over all Ethics Review Board meetings, and may call special Ethics Review
24 Board meetings as needed, but otherwise shall have power equal to that of other Ethics Review Board
25 members.

26 (J) Panels. The Chairperson shall appoint one or more panels of two members of
27 the Ethics Review Board on a rotating basis to make a determination regarding whether just and
28 sufficient cause exists for the Ethics Review Board to render an opinion regarding complaints filed

1 pursuant to this Chapter.

2 SECTION 2: Title 2, Chapter 51, Section 100, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **2.51.100:** (A) Upon receipt of a [compliant] complaint alleging a violation of this Chapter by
5 a person whose conduct is subject to the provisions of this Chapter, the Ethics Review Board shall
6 have the primary responsibility for the enforcement of this Chapter through the City Attorney. It shall
7 have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil
8 action on behalf of the City where it believes such action is appropriate.

9 (1) Complaint--Form. Any complaint alleging a violation of this Chapter
10 shall [state] indicate or contain the following:

11 (a) The name, residence address and telephone number of the
12 complainant;

13 [(a)] (b) The name of the person who allegedly committed the violation;
14 [(b)] (c) The specific [Section] provision of this Chapter which allegedly
15 was violated;

16 [(c)] (d) A brief description of the conduct involved;

17 [(d)] (e) A list of any persons whose testimony would tend to confirm
18 or refute the allegations; [and]

19 (f) Additional written evidence in support of the complaint, including
20 sworn statements, investigative reports, or both; and

21 [(e) Declare by oath or affirmation] (g) A verification or declaration
22 that all the information contained in the complaint is true and correct. A verification must be made
23 in the manner set forth in NRS 15.010. A declaration must be made under penalty of perjury.

24 (2) Complaint--Finding of Just and Sufficient Cause. Before investigating
25 any complaint, the Ethics Review Board shall [conduct a hearing at the first meeting following the
26 filing of the complaint] refer the complaint to a panel appointed in accordance with Subsection (J) of
27 Section 2.51.030 to determine whether just and sufficient cause exists to investigate the complaint.
28 The person [about whom the complaint is alleged] whose conduct is the subject of the complaint shall

1 be notified of the complaint immediately by the City Clerk and shall be allowed to present information
2 before just and sufficient cause is examined by the [Ethics Review Board.] panel. The panel shall
3 determine that just and sufficient cause does not exist, and shall dismiss the complaint, if:

4 (a) No written evidence is submitted in support of the complaint,
5 or the sole written evidence submitted consists of newspaper articles; or

6 (b) A complaint based upon the same facts has been filed with the
7 Nevada Commission on Ethics (or other regulatory board), and there is no independent basis for
8 finding a violation of this Chapter.

9 (3) Complaint--Hearing. (a) If the [Ethics Review Board] panel
10 determines in an adopted motion that just and sufficient cause exists to investigate a complaint, [it]
11 or if the vote of the panel is split, the panel shall forward the complaint to the Ethics Review Board
12 and shall notify the person [about whom the complaint was alleged] whose conduct is the subject of
13 the complaint of the time and place of the hearing on the matter [, allow the person to be represented
14 by counsel, and allow the person to hear evidence and present evidence on their own behalf.] and of
15 the rights described in this paragraph. The hearing by the Ethics Review Board shall occur within
16 thirty days [of the findings of just and sufficient cause.] after the complaint has been forwarded by the
17 panel to the Board, unless the person whose conduct is the subject of the complaint waives that
18 requirement.

19 (b) The person whose conduct is the subject of the complaint shall
20 have the right to full discovery of the evidence to be submitted in support of the complaint, the right
21 to be represented by counsel, the right to hear the evidence in support of the complaint, and the right
22 to present evidence and witnesses in response to the complaint. At the request of the City Attorney,
23 special counsel to the Ethics Review Board, or the person whose conduct is the subject of the
24 complaint, the Chairperson shall have the authority to issue subpoenas to compel the attendance of
25 witnesses and require the production of documents. If a witness refuses to attend, testify or produce
26 documents as required by the subpoena, the Ethics Review Board may petition a court of competent
27 jurisdiction to order the witness to appear or testify or produce the requested documents.

28 (c) If the complainant, without the prior approval of the

1 Chairperson, fails to attend the hearing, the complaint shall be dismissed.

2 (4) Assessment of Fees and Costs. If the complaint is dismissed or the
3 Ethics Review Board determines that no violation of this Chapter occurred as alleged in the complaint,
4 the Board may assess one or both of the following:

5 (a) Fees and costs against the complainant, if the Board determines
6 that the complaint was frivolous or without any basis;

7 (b) A fine against the complainant in an amount up to \$1000, if the
8 Board determines that the complaint was filed in bad faith or for vexatious purposes.

9 (B) The City Council may direct the Ethics Review Board to investigate or
10 prosecute, through the City Attorney, any apparent violation of this Chapter or the council may
11 employ or appoint any qualified attorney to investigate or prosecute any violation or series of
12 violations by one or more persons of this Chapter.

13 (C) Any [person who believes that a violation of any portion of this Chapter has
14 occurred] resident of the City may file a complaint with the Ethics Review Board, [which may
15 thereafter proceed as provided for under] The complaint shall be processed in accordance with this
16 Section. However, nothing in this Section shall be construed to prevent complainants from instituting
17 direct legal action through the appropriate judicial authority.

18 SECTION 3: If any section, subsection, subdivision paragraph, sentence, clause or
19 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or
20 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
21 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
22 City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection,
23 subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more
24 sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared
25 unconstitutional, invalid or ineffective.

26 SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases,

27 ...

28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2001.

4 CITY OF LAS VEGAS

5
6 By _____
OSCAR B. GOODMAN, Mayor

7 ATTEST:

8
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 7-17-01
12 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2001, 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 _____, 2001, 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 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BARBARA JO RONEMUS, City Clerk
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BILL NO. 2001-70

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 2.51 TO REVISE THE STANDARDS AND PROCEDURES RELATING TO ETHICS COMPLAINTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Lynette Boggs
McDonald

Summary: Amends LVMC Chapter 2.51 to
revise the standards and procedures relating to
ethics complaints.

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

**SECTION 1: Title 2, Chapter 51, Section 30, of the Municipal Code of the City of
Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:**

2.51.030: (A) Creation. An Ethics Review Board is hereby created whose membership shall
be constituted and shall have the powers and duties as set forth in this Chapter.

(B) Appointment of Members. The Ethics Review Board shall consist of five
members [, and each member of the City Council, including the Mayor, shall have one appointment.]
who are appointed by the Mayor, subject to ratification by the City Council. Each member, upon
assuming a position as Ethics Review Board member, shall take an oath of office comparable to that
taken by Council members. One Ethics Review Board member shall be designated by the Mayor[,
and confirmed by a majority of the City Council, as Chairperson.] as Chairperson, subject to
ratification by the City Council.

(C) Terms. Ethics Review Board members shall serve for four-year, staggered
terms. [Of the first members appointed, three shall serve for four years (including the Chairperson)
and two shall serve for two years. Thereafter, each Ethics Review Board member shall serve for a
term of four years.]

(D) Compensation. No Ethics Review Board [members] member shall receive a
salary, but may be reimbursed for expenses in accordance with City policy.

(E) Meetings. The Ethics Review Board shall establish regular meeting times, with
no less than one meeting bimonthly. Special meetings may be called as needed by the Chairperson,
or by any two members.

1 (F) Legal Counsel. The City Attorney shall serve as legal counsel to the Ethics
2 Review Board. For each opinion the City Attorney shall prepare at the direction of the Ethics Review
3 Board the appropriate findings of fact and conclusions as to relevant standards and the propriety of
4 particular conduct.

5 (G) Staff. The City Clerk shall designate a member of his/her staff to assist the
6 Ethics Review Board in performing the clerical functions related to meetings of the Ethics Review
7 Board, including the keeping of all necessary records related thereto.

8 (H) Duties. The Ethics Review Board's duties shall include:

9 (1) Rendering binding advisory opinions regarding present and future
10 conduct of public board members, officers and employees upon request of the City Attorney pursuant
11 to this Chapter;

12 (2) Rendering advisory opinions regarding past conduct of public board
13 members, officers or employees upon receipt of a complaint pursuant to this Chapter;

14 (3) Giving nonbinding recommendations to the City Council and City
15 Attorney on new and existing City policies on ethics;

16 (4) The adoption of procedural regulations to facilitate the receipt of
17 inquiries and prompt rendition of its opinions pursuant to NRS 281.541(b);

18 (5) The recommending to the City Council such further changes to this
19 Chapter as the Ethics Review Board considers desirable or necessary to promote and maintain high
20 standards of ethical conduct in government.

21 (I) Chairperson. The Ethics Review Board member appointed to serve as
22 Chairperson shall preside over all Ethics Review Board meetings, and may call special Ethics Review
23 Board meetings as needed, but otherwise shall have power equal to that of other Ethics Review Board
24 members.

25 (J) Panels. The Chairperson shall appoint one or more panels of two members of
26 the Ethics Review Board on a rotating basis to make a determination regarding whether just and
27 sufficient cause exists for the Ethics Review Board to render an opinion regarding complaints filed
28 pursuant to this Chapter.

SECTION 2: Title 2, Chapter 51, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.51.100: (A) Upon receipt of a [compliant] complaint alleging a violation of this Chapter by a person whose conduct is subject to the provisions of this Chapter, the Ethics Review Board shall have the primary responsibility for the enforcement of this Chapter through the City Attorney. It shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where it believes such action is appropriate.

(1) Complaint--Form. Any complaint alleging a violation of this Chapter shall [state] indicate or contain the following:

(a) The name of the person who allegedly committed the violation;
(b) The specific [Section] provision of this Chapter which allegedly was violated;

(c) A brief description of the conduct involved;
(d) A list of any persons whose testimony would tend to confirm or refute the allegations; [and]

(e) Additional written evidence in support of the complaint, including sworn statements, investigative reports, or both; and

[(e) Declare] (f) A declaration by oath or affirmation that the information contained in the complaint is true and correct.

(2) Complaint--Finding of Just and Sufficient Cause. Before investigating any complaint, the Ethics Review Board shall [conduct a hearing at the first meeting following the filing of the complaint] refer the complaint to a panel appointed in accordance with Subsection (J) of Section 2.51.030 to determine whether just and sufficient cause exists to investigate the complaint. The person [about whom the complaint is alleged] whose conduct is the subject of the complaint shall be notified of the complaint immediately by the City Clerk and shall be allowed to present information before just and sufficient cause is examined by the [Ethics Review Board.] panel. The panel shall determine that just and sufficient cause does not exist, and shall dismiss the complaint, if:

(a) No written evidence is submitted in support of the complaint.

1 or the sole written evidence submitted consists of newspaper articles; or

2 (b) A complaint based upon the same facts has been filed with the
3 Nevada Commission on Ethics (or other regulatory board), and there is no independent basis for
4 finding a violation of this Chapter.

5 (3) Complaint--Hearing. (a) If the [Ethics Review Board] panel
6 determines in an adopted motion that just and sufficient cause exists to investigate a complaint, [it]
7 or if the vote of the panel is split, the panel shall forward the complaint to the Ethics Review Board
8 and shall notify the person [about whom the complaint was alleged] whose conduct is the subject of
9 the complaint of the time and place of the hearing on the matter [, allow the person to be represented
10 by counsel, and allow the person to hear evidence and present evidence on their own behalf.] and of
11 the rights described in this paragraph. The hearing by the Ethics Review Board shall occur within
12 thirty days [of the findings of just and sufficient cause.] after the complaint has been forwarded to the
13 Board, unless the person whose conduct is the subject of the complaint waives that requirement.

14 (b) The person whose conduct is the subject of the complaint shall
15 have the right to full discovery of the evidence to be submitted in support of the complaint, the right
16 to be represented by counsel, the right to hear the evidence in support of the complaint, and the right
17 to present evidence and witnesses in response to the complaint. At the request of the City Attorney,
18 special counsel to the Ethics Review Board, or the person whose conduct is the subject of the
19 complaint, the Chairperson shall have the authority to issue subpoenas to compel the attendance of
20 witnesses and require the production of documents. If a witness refuses to attend, testify or produce
21 documents as required by the subpoena, the Ethics Review Board may petition a court of competent
22 jurisdiction to order the witness to appear or testify or produce the requested documents.

23 (c) If the complainant, without the prior approval of the
24 Chairperson, fails to attend the hearing, the complaint shall be dismissed.

25 (4) Assessment of Fees and Costs. If the complaint is dismissed or the
26 Ethics Review Board determines that no violation of this Chapter occurred as alleged in the complaint,
27 the Board may assess one or both of the following:

28 (a) Fees and costs against the complainant, if the Board determines

1 that the complaint was frivolous or without any basis;

2 (b) A fine against the complainant in an amount up to \$1000, if the
3 Board determines that the complaint was filed in bad faith or for vexatious purposes.

4 (B) The City Council may direct the Ethics Review Board to investigate or
5 prosecute, through the City Attorney, any apparent violation of this Chapter or the council may
6 employ or appoint any qualified attorney to investigate or prosecute any violation or series of
7 violations by one or more persons of this Chapter.

8 (C) Any [person who believes that a violation of any portion of this Chapter has
9 occurred] resident of the City may file a complaint with the Ethics Review Board, [which may
10 thereafter proceed as provided for under] The complaint shall be processed in accordance with this
11 Section. However, nothing in this Section shall be construed to prevent complainants from instituting
12 direct legal action through the appropriate judicial authority.

13 SECTION 3: If any section, subsection, subdivision paragraph, sentence, clause or
14 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid or
15 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
16 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
17 City of Las Vegas, Nevada, hereby declares that it would have passed each section, subsection,
18 subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more
19 sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared
20 unconstitutional, invalid or ineffective.

21 SECTION 4: All ordinances or parts of ordinances, sections, subsections, phrases,

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2001.

4 CITY OF LAS VEGAS

5
6 By _____
OSCAR B. GOODMAN, Mayor

7 ATTEST:

8
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 6-28-01
12 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2001, 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 _____, 2001, 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: _____

11 APPROVED:

12
13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BARBARA JO RONEMUS, City Clerk
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**PROPOSED REVISIONS TO SUBSECTION (A) OF SECTION 2.51.100, AS
CONTAINED IN SECTION 2 OF BILL NO. 2001-70**

(New language indicated by italics)

SECTION 2: Title 2, Chapter 51, Section 100, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.51.100: (A) Upon receipt of a [compliant] complaint alleging a violation of this Chapter by a person whose conduct is subject to the provisions of this Chapter, the Ethics Review Board shall have the primary responsibility for the enforcement of this Chapter through the City Attorney. It shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the City where it believes such action is appropriate.

(1) Complaint--Form. Any complaint alleging a violation of this Chapter shall [state] indicate or contain the following:

(a) *The name, residence address and telephone number of the complainant:*

[(a)] (b) The name of the person who allegedly committed the violation;

[(b)] (c) The specific [Section] provision of this Chapter which allegedly was violated;

[(c)] (d) A brief description of the conduct involved;

[(d)] (e) A list of any persons whose testimony would tend to confirm or refute the allegations; [and]

[(f) Additional written evidence in support of the complaint, including sworn statements, investigative reports, or both; and

[(e) Declare] (g) A verification or declaration by oath or affirmation that all the information contained in the complaint is true and correct. A verification must be made in the manner set forth in NRS 15.010. A declaration must be made under penalty of perjury.

(2) Complaint--Finding of Just and Sufficient Cause. Before investigating any complaint, the Ethics Review Board shall [conduct a hearing at the first meeting following the filing of the complaint] refer the complaint to a panel appointed in accordance with Subsection (J) of Section 2.51.030 to determine whether just and sufficient cause exists to investigate the complaint. The person [about whom the complaint is alleged] whose conduct is the subject of the complaint shall be notified of the complaint immediately by the City Clerk and shall be allowed to present information before just and sufficient cause is examined by the [Ethics Review Board.] panel. The panel shall determine that just and sufficient cause does not exist, and shall dismiss the complaint, if:

(a) No written evidence is submitted in support of the complaint, or the sole written evidence submitted consists of newspaper articles; or

(b) A complaint based upon the same facts has been filed with the Nevada Commission on Ethics (or other regulatory board), and there is no independent basis for finding a violation of this Chapter.

(3) Complaint--Hearing. (a) If the [Ethics Review Board] panel determines in an adopted motion that just and sufficient cause exists to investigate a complaint, [it] or if the vote of the panel is split, the panel shall forward the complaint to the Ethics Review Board and shall notify the person [about whom the complaint was alleged] whose conduct is the subject of the complaint of the time and place of the hearing on the matter [, allow the person to be represented by counsel, and allow the person to hear evidence and present evidence on their own behalf.] and of the rights described in this paragraph. The hearing by the Ethics Review Board shall occur within thirty days [of the findings of just and sufficient cause.] after the complaint has been forwarded by the panel to the Board, unless the person whose conduct is the subject of the complaint waives that requirement.

(b) The person whose conduct is the subject of the complaint shall have the right to full discovery of the evidence to be submitted in support of the complaint, the right to be represented by counsel, the right to hear the evidence in support of the complaint, and the right to present evidence and witnesses in response to the complaint. At the request of the City Attorney, special counsel to the Ethics Review Board, or the person whose conduct is the subject of the complaint, the Chairperson shall have the authority to issue subpoenas to compel the attendance of witnesses and require the production of documents. If a witness refuses to attend, testify or produce documents as required by the subpoena, the Ethics Review Board may petition a court of competent jurisdiction to order the witness to appear or testify or produce the requested documents.

(c) If the complainant, without the prior approval of the Chairperson, fails to attend the hearing, the complaint shall be dismissed.

(4) Assessment of Fees and Costs. If the complaint is dismissed or the Ethics Review Board determines that no violation of this Chapter occurred as alleged in the complaint, the Board may assess one or both of the following:

(a) Fees and costs against the complainant, if the Board determines that the complaint was frivolous or without any basis;

(b) A fine against the complainant in an amount up to \$1000, if the Board determines that the complaint was filed in bad faith or for vexatious purposes.

(B) The City Council may direct the Ethics Review Board to investigate or prosecute, through the City Attorney, any apparent violation of this Chapter or the council may employ or appoint any qualified attorney to investigate or prosecute any violation or series of violations by one or more persons of this Chapter.

(C) Any [person who believes that a violation of any portion of this Chapter has occurred] resident of the City may file a complaint with the Ethics Review Board, [which may thereafter proceed as provided for under] The complaint shall be processed in accordance with this Section. However, nothing in this Section shall be construed to prevent complainants from instituting direct legal action through the appropriate judicial authority.

RECEIVED
CITY CLERK

2001 JUL 30 A 11: 22

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1813047

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/21/01 to 07/21/2001, on the following days: JULY 21, 2001

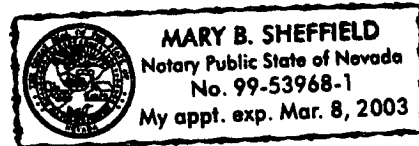
Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 24

day of July 2001

Mary B. Sheffield

Notary Public



BILL NO. 2001-70

AN ORDINANCE TO AMEND
LVMC CHAPTER 2.51 TO
REVISE THE STANDARDS
AND PROCEDURES RELAT-
ING TO ETHICS COM-
PLAINTS, AND TO PROVIDE
FOR OTHER RELATED MAT-
TERS.

Sponsored by: Council-
woman Lynette Boggs
McDonald
Summary: Amends LVMC
Chapter 2.51 to revise the
standards and procedures
relating to ethics com-
plaints.

At a City Council meeting
July 5, 2001
BILL NO. 2001-70 WAS
READ BY TITLE AND RE-
FERRED TO RECOMMEND-
ING COMMITTEE:
Councilmembers Weekly
and L. B. McDonald

COPIES OF THE COMPLETE
BILL ARE AVAILABLE FOR
PUBLIC INFORMATION IN
THE OFFICE OF THE CITY
CLERK, 1ST FLOOR, CITY
HALL, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: July 21, 2001
LV Review-Journal

RECEIVED
CITY CLERK

AFFP DISTRICT COURT
Clark County, Nevada

2001 AUG 13 A 10: 25

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
1834563

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 08/04/01 to 08/04/2001, on the following days: AUGUST 4, 2001

BILL NO. 2001-70
SECOND AMENDMENT
ORDINANCE NO. 5346

AN ORDINANCE TO AMEND
LVMC CHAPTER 2.51 TO
REVISE THE STANDARDS
AND PROCEDURES RELAT-
ING TO ETHICS COM-
PLAINTS, AND TO PROVIDE

FOR OTHER RELATED MAT-
TERS.

Sponsored by: Council-
woman Lynette Boggs
McDonald
Summary: Amends LVMC
Chapter 2.51 to revise the
standards and procedures
relating to ethics com-
plaints.

The above and foregoing
ordinance was first pro-
posed and read by title to
the City Council on the
5TH day of July, 2001, and
referred to the following
committee composed of
Councilmembers Weekly
and L. B. McDonald for rec-
ommendation; thereafter
the said committee re-
ported favorably on said
ordinance on the 1st day
of August, 2001, which
was a regular meeting of
said City Council; and that
at said regular meeting
the proposed ordinance
was read by title to the
City Council as amended
and adopted by the fol-
lowing vote:

VOTING "AYE": Mayor
Goodman and Council-
members Reese, M. McDo-
nald, L.B. McDonald,
Weekly and Mack
VOTING "NAY": NONE
EXCUSED: Councilman
Brown

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ORDINANCE ARE AVAILA-
BLE FOR PUBLIC INFORMA-
TION IN THE OFFICE OF
THE CITY CLERK, 1ST
FLOOR, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: August 4, 2001
LV Review-Journal

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

6

day of _____ 2001

August

Mary B. Sheffield

Notary Public

