

1 **BILL NO. 2007-77**

2 **ORDINANCE NO. 5962**

3 AN ORDINANCE TO IMPLEMENT SECTION 4.040 OF THE CITY CHARTER RELATIVE TO
4 THE APPOINTMENT OF CERTAIN HEARING COMMISSIONERS, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilman Steve Wolfson

Summary: Implements Section 4.040 of the City
6 Charter relative to the appointment of certain
7 hearing commissioners.

8 WHEREAS, during its 74th Session held in 2007, the Nevada Legislature amended the
9 City Charter of the City of Las Vegas in various respects, including the adoption of a new Section 4.04
10 of the Charter, reading as follows:

11 **Sec 4.040. 1. The City Council may appoint one or more Hearing
Commissioners to hear and decide:**

12 (a) Any action for a misdemeanor constituting a violation
of chapter 484 of NRS, except NRS 484.379; and

13 (b) Any action for a misdemeanor constituting a violation
of the Las Vegas Municipal Code, except chapter 11.14 of that Code.

14 **2. Each Hearing Commissioner must:**

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

(b) Be a resident of the State;

(c) Be a qualified elector in the City;

15 (d) Have been a bona fide resident of the City for not less
16 than 1 year next preceding his appointment; and

17 (e) Not have ever been removed or retired from any judicial
office by the Commission on Judicial Discipline.

18 **3. In connection with any action of a type described in subsection
1, a Hearing Commissioner has all the powers and duties of a Municipal Judge
and a magistrate pursuant to the laws of this State. To the extent possible and
19 practicable, the proceedings in such actions must be subject to and governed by
the provisions of the laws of this State, this Charter and city ordinances
20 pertaining to Municipal Judges.**

21 **4. Hearing Commissioners shall receive such compensation as may
be allowed by the City Council.**

22 and

23 WHEREAS, the City Council now desires to implement Section 4.040 of the City
24 Charter.

25 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES
26 HEREBY ORDAIN AS FOLLOWS:

27 SECTION 1: By means of this Ordinance, the City Council hereby indicates its intent
28 to implement the provisions of Section 4.040 of the City Charter relative to the appointment of hearing



1 commissioners.

2 SECTION 2: Hearing Commissioners to be appointed by the City Council pursuant
3 to this Ordinance may be referred to as Traffic Commissioners and, in addition to the applicable
4 qualifications and limitations set forth in the City Charter, shall:

5 (A) Be recruited by standard procedures used by the Department of Human
6 Resources;

7 (B) Meet such additional qualifications and requirements as may be established by
8 the City;

9 (C) Be considered appointive employees of the City who serve at the pleasure of
10 the City Manager, but are not appointive officers under the Charter and have no appeal rights
11 thereunder;

12 (D) Receive judicial supervision from the Chief Judge of the Municipal Court, as
13 well as general direction from the Court Administrator;

14 (E) Have jurisdiction over, and be assigned to hear and decide, misdemeanor
15 actions arising under NRS Chapter 484 and corresponding violations of the Municipal Code, except
16 actions concerning violations of NRS 484.379 or LVMC Chapter 11.14; and

17 (F) Perform such functions, consistent with Subsection (E), as may be established
18 for the position during the recruitment process and thereafter by the Chief Judge and the Court
19 Administrator.

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

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SECTION 4: 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 16th day of January, 2008.

APPROVED:

By 
OSCAR B. GOODMAN, Mayor

ATTEST:


BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-5-07
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 19th day of December, 2007, and referred to a committee for recommendation;
3 thereafter the committee reported favorably on said ordinance on the 16th day of January,
4 2008, which as a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as first introduced and adopted by
6 the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Reese, Wolfson, Tarkanian,
8 Ross and Barlow

9 VOTING "NAY": None

10 EXCUSED: Brown

11 ABSTAINED: None

12 APPROVED:

13 
14 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 
18 _____
19 BEVERLY K. BRIDGES, CMC City Clerk
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BUSINESS IMPACT STATEMENT
BILL NO. 2007-77
(Implements Section 4.040 of the City Charter relative to the
appointment of certain hearing commissioners)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-77, that would implement Section 4.040 of the City Charter relative to the appointment of certain hearing commissioners.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: December 5, 2007

AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2008 JAN -9 A 10: 48

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, 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 2296311LV 3386894

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/04/2008 to 01/04/2008, on the following days:

01/04/2008

BILL NO. 2007-77

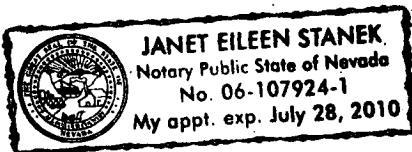
AN ORDINANCE TO IMPLEMENT SECTION 4.040 OF THE CITY CHARTER RELATIVE TO THE APPOINTMENT OF CERTAIN HEARING COMMISSIONERS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steve Wolfson
Summary: Implements Section 4.040 of the City Charter relative to the appointment of certain hearing commissioners.

At the City Council meeting of DECEMBER 19, 2007 BILL NO. 2007-77 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: January 4, 2008
LV Review-Journal



Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
4th day of January, 2008.

Janet Eileen Stanek
Notary Public

AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2008 JAN 25 A 11: 49

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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LV CITY CLERK 2296311LV 3456469

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/19/2008 to 01/19/2008, on the following days:

01/19/2008

BILL NO. 2007-77
ORDINANCE NO. 5962

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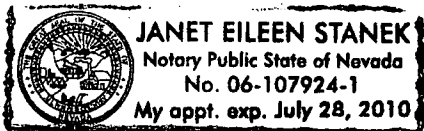
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The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of December 2007 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 16th day of January 2008, 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 introduced and was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Reese, Brown, Wolfson, Tarkanian, Ross, and Barlow
VOTING "NAY": NONE
EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: January 19, 2008
LV Review-Journal



Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

21st day of January, 2008.

Janet Eileen Stanek
Notary Public