

BILL NO. 2002-32

ORDINANCE NO. 5454

AN ORDINANCE ESTABLISHING A PROCEDURE TO ALLOW A PERSON WHOSE PROPERTY WILL BE INCLUDED WITHIN THE BOUNDARIES OF AN IMPROVEMENT DISTRICT TO APPLY FOR A HARDSHIP DETERMINATION, AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic,
City Attorney

Summary: Establishes a hardship determination procedure for persons whose property will be included within the boundaries of an improvement district.

WHEREAS, the City Council (the "Council") of City of Las Vegas, Nevada (the "City") has determined and does hereby declare that it is necessary and in the best interests of the City that the City establish a procedure to allow a person whose property will be included within the boundaries of an improvement district created pursuant to the Consolidated Local Improvements Law (Chapter 271 of NRS) in the City to apply for a hardship determination; and

WHEREAS, the Council is required by NRS 271.357 to establish such a procedure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS IN THE STATE OF NEVADA, DOES ORDAIN:

SECTION 1: Pursuant to NRS 271.357 the Council does hereby establish a procedure (the "procedure") to allow any natural person whose principal residence will be included within the boundaries of an improvement district (the "District") in the City to apply for a hardship determination (the "hardship determination").

SECTION 2: A person desiring to apply for a hardship determination (the "applicant") shall file an application with the Clark County Department of Social Service (the "Department") no later than three days prior to the hearing on the assessment roll for the District. The application form and contents shall be developed by the Department. The standards to be applied by the Department in evaluating whether an applicant qualifies for a hardship determination shall be the policies and standards of eligibility of the Department as approved by the Council.

SECTION 3: After reviewing and processing each application for a hardship determination, the Department shall submit a recommendation of approval or disapproval to the



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1 Council.

2 SECTION 4: Before ordering the City Engineer to make out an assessment roll or
3 ratifying an assessment roll previously made by the City Engineer, the Council shall consider all
4 applications for hardship determinations, the Department's recommendations thereon, and make a
5 final decision on each application, taking into account the policies and standards of eligibility as
6 established by the Department. The Council shall direct the City Engineer to postpone the
7 assessments on property for which a hardship determination has been approved by the Council.

8 SECTION 5: An applicant whose application for a hardship determination has been
9 approved by the Council must apply for a renewal of the hardship determination every five years after
10 the Council has approved the applicant's application, unless the City has reason to believe a change
11 of circumstances exists with respect to the applicant, in which case the Department may require the
12 applicant to reapply for a hardship determination sooner than the five years specified herein, but in
13 no event may the Department require an applicant to reapply for a hardship determination more
14 frequently than once a year. Applications for renewal of hardship determinations shall be treated in
15 the same or similar manner as initial applications for hardship determinations.

16 SECTION 6: An applicant whose hardship determination has been approved by the
17 Council shall pay the interest on the unpaid balance of previous and current assessments at the same
18 rate and terms as has been previously established by the Council for other assessments. The payment
19 of such interest payments, including each installment thereof is secured by a lien upon the applicant's
20 property pursuant to NRS 271.420. The applicant's failure to make such interest payments shall
21 entitle the City to proceed in accordance with NRS 271.545 through NRS 271.630, including, but not
22 limited to, instituting foreclosure proceedings against the applicant.

23 SECTION 7: The assessment on property for which a hardship determination has been
24 approved by the Council shall remain postponed until the earlier of any of the following occurrences:

25 (A) The property is sold or transferred to a person other than the one to whom a
26 hardship determination has been granted;

27 (B) The term of the District's bonds expires;

28 (C) The applicant's application for renewal of the hardship determination has been

1 disapproved by the Council;

2 (D) The applicant fails to pay, in a timely manner, the interest on the unpaid balance
3 of assessments; or

4 (E) The applicant pays all previous and current assessments.

5 Upon the occurrence of any of the first four items listed in this Section, the applicant must begin
6 paying off the balance of previous and current assessments and the interest thereon in no more than
7 twenty (20) semi-annual installments (or such lesser number of installments as shall be specified by
8 the Council) which may be prepaid at any time.

9 SECTION 8: The Council shall not sell bonds on the basis of any assessments for
10 which a hardship determination has been approved. The Surplus and Deficiency Fund (the "Fund")
11 established by resolution of the Council shall be used for the payment of the costs of any project
12 assessed against property for which a hardship determination has been made. The Fund shall be
13 reimbursed when the balance of unpaid assessments are paid, including all interest paid during any
14 applicant's period of postponement.

15 SECTION 9: All provisional order notices and notices of assessment hearings
16 prepared by the City after the effective date of this Ordinance shall mention the availability of the
17 City's hardship determination procedure. City officials, after the effective date of this Ordinance,
18 shall endeavor to make an effort to mention the City's hardship determination procedure whenever
19 such officials communicate in writing with property owners whose residence shall be assessed.

20 SECTION 10: All action, proceedings, matters and things heretofore taken, had and
21 done by the City, and the officers thereof (not inconsistent with the provisions of this Ordinance),
22 concerning the hardship determination procedure are ratified, approved and confirmed.

23 SECTION 11: The officers of the City are authorized and directed to take all action
24 necessary or appropriate to effectuate the provisions of this Ordinance.

25 SECTION 12: The City is authorized to substitute another agency to provide
26 recommendations if the services of the Department are no longer available.

27 SECTION 13: If any section, subsection, subdivision, paragraph, sentence, clause or
28 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid

1 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
3 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
4 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
5 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
6 invalid or ineffective.

7 SECTION 14: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this 20 day of March, 2002.

11 APPROVED:

12 By 
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEUMUS, City Clerk

17 APPROVED AS TO FORM:

18 Val Steed 2-6-02
19 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 20th day of February, 2002, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 20th day of March, 2002, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as first introduced and adopted by the following vote:

6 VOTING "AYE": Councilmembers Reese, M. McDonald, Brown, Weekly and Mack

7 VOTING "NAY": None

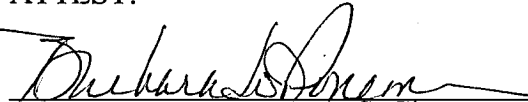
8 EXCUSED: Mayor Goodman and Councilwoman McDonald

9 APPROVED:

10 

11 OSCAR B. GOODMAN, Mayor

12 ATTEST:

13 
14 BARBARA JO RONEMUS, City Clerk

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Beverlee Marrott, 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
2108294

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 03/08/02 to 03/08/2002, on
the following days: MAR. 8, 2002

BILL NO. 2002-32

AN ORDINANCE ESTABLISHING A PROCEDURE TO ALLOW A PERSON WHOSE PROPERTY WILL BE INCLUDED WITHIN THE BOUNDARIES OF AN IMPROVEMENT DISTRICT TO APPLY FOR A HARDSHIP DETERMINATION. AND

PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Establishes a hardship determination procedure for persons whose property will be included within the boundaries of an improvement district.

At a City Council meeting
FEBRUARY 20, 2002
BILL NO. 2002-32 WAS
READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE

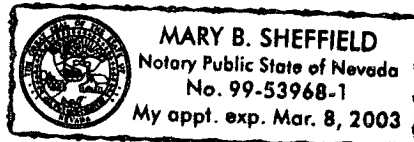
COPIES OF THE COMPLETE
BILL ARE AVAILABLE FOR
PUBLIC INFORMATION IN
THE OFFICE OF THE CITY
CLERK, 1ST FLOOR, CITY
HALL, 400 STEWART AVENUE,
LAS VEGAS, NEVADA.
PUB: March 8, 2002
LV Review-Journal

Signed: Beverlee Marrott

SUBSCRIBED AND SWORN BEFORE ME THIS THE 8

day of March 2002

Mary B. Sheffield
Notary Public



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CITY CLERK

2002 MAR 18 P 2:01

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
2128391

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 03/23/02 to 03/23/2002, on
the following days: MARCH 23, 2002

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The above and foregoing ordinance was first proposed and read by title to the City Council on the 20th day of February, 2002, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 20TH day of March, 2002, 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 first introduced and adopted by the following vote:

VOTING "AYE": Councilmembers Reese, M. McDonald, Brown, Weekly and Mack
VOTING "NAY": NONE
EXCUSED: Mayor Goodman and Councilwoman McDonald

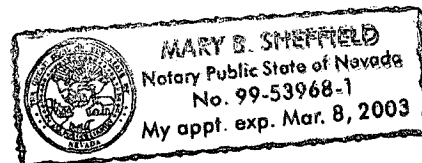
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: March 23, 2002
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 27

day of March 2002

Mary B. Sheffield
Notary Public



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2002 MAR 28 P 2:32