

ORDINANCE NO. 1656

AN ORDINANCE ESTABLISHING RULES AND PROCEDURES FOR THE GOVERNMENT OF THE BOARD OF CITY COMMISSIONERS AND FURTHER ESTABLISHING RULES AND PROCEDURES FOR THE GOVERNING OF THE CONDUCT OF ALL ELECTED OFFICIALS OF THE CITY OF LAS VEGAS, PROVIDING FOR SUSPENSION AND REMOVAL BY THE BOARD OF CITY COMMISSIONERS OF SUCH ELECTED OFFICIALS ARRESTED FOR A FELONY AFTER ADMINISTRATIVE HEARINGS, PROVIDING FOR DUE NOTICE, PROVIDING FOR TESTIMONY TO BE TAKEN AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, There exists in the democratic system of government an inherent suspicion of its own governmental processes which is a right retained by the citizens; and

WHEREAS, There exists a need to continually indicate to the citizens that their elected representatives are governing themselves and their positions of trust in the government in an honest and faithful manner; and

WHEREAS, There exists the power, both inherently and by act of the Legislature, to allow the Board of City Commissioners to adopt rules for the government of its members and to likewise govern the conduct of all its elected officials in the City of Las Vegas.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES
ORDAIN AS FOLLOWS:

SECTION 1. A new Title I, Chapter 5, Section 5, of the Municipal Code of the City of Las Vegas is hereby adopted to read as follows:

1-5-5 DISCIPLINE OF ELECTED OFFICIALS: HEARINGS,
SUSPENSION, REMOVAL FROM OFFICE

(A) Any member of the Board of City Commissioners who shall be charged for any felony violation other than by indictment, may be suspended from office by the Board of City Commissioners, pending the outcome of such alleged violation after a hearing and unanimous vote as set forth below.

(B) Any elected official of the City of Las Vegas who shall be charged for any felony violation other than by indictment, may be suspended from office by the Board of City Commissioners, pending the outcome of such alleged violation after a hearing and unanimous vote as set forth below.

(C) Upon any charge for felony violation being issued as set forth above, other than by indictment, the Board of City Commissioners may hold an administrative hearing, after a unanimous vote by the members of the Board, excluding the member so charged, if he be a Board member, regarding the official charged as to the nature of the conduct of the said official resulting in the felony charge. The hearing also shall not be held until after a preliminary hearing on the said charge has been held in one of the Justice of the Peace Courts of competent jurisdiction; if such preliminary hearing is waived by the said official so accused, then the Board of City Commissioners may hold the administrative hearing at any time after the unanimous vote mentioned above. Due consideration should be given to the official so charged if in fact he shall be going to trial within sixty (60) days from having been so charged, under State law. The hearing shall be in the same manner as provided in Title I, Chapter 5, Section 4, of the Municipal Code of the City of Las Vegas and in accordance with Ordinance 1655 of the City of Las Vegas and the terms, complaint, information, or charge of the felony violation shall be used in the place of the word indictment.

(D) After evidence shall be taken by testimony or otherwise, and after all statements, arguments, or points made by the City Attorney and the Board and the official so charged, the Board of City Commissioners shall make a determination in view of the evidence and in view of the interests of the public and the welfare of the government whether such official so charged should be suspended from office pending the outcome of the charge in a court of law. An appeal from a decision so suspending such official may be taken to the appropriate court of competent jurisdiction, but until such decision by the Board is reversed, the official so charged shall remain suspended from his office. Pending the outcome of the charge, while the official is suspended, or pending any appeal by him to the appropriate court of law, the office may be filled temporarily as in a case of vacancy.

(E) If the public official so charged is the City Attorney, then neither he nor his staff shall conduct the hearing, but the

Board of City Commissioners shall appoint a person to conduct the hearing and proceedings.

(F) If the official so charged is ultimately found guilty of the charges against him, the Board of City Commissioners shall determine whether the said official shall be removed from office. The Board may hold hearings similar to those set forth above and provide for notice, evidence and testimony if necessary in order to make their determination. If the official so charged is acquitted of the charges against him, his suspension shall be terminated and he shall take office for the remainder of his term for which he was so elected. If his position has been filled by temporary vacancy as provided above, the person so holding office by virtue of a temporary vacancy shall go out of office upon the elected official's returning in his original capacity.

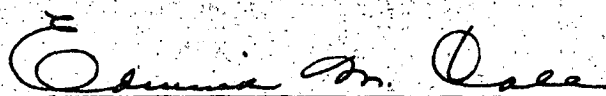
(G) The salary paid to the said official so indicted shall be withheld from him and shall be placed into a trust account pending the outcome of the indictment. If the official so indicted is acquitted, said money shall be paid immediately to him. If he is found guilty and the Board removes him from office, the money shall revert to the City of Las Vegas, Nevada. In the event his office during such suspension is filled temporarily, as in the case of a vacancy, the person filling the said office shall receive the same amount commensurate with the said office without regard to the said salary being paid into the trust account.

SECTION 2. Any ordinance or parts of ordinances in conflict herewith are hereby expressly repealed.


SECTION 3. If any section, paragraph, sentence, phrase, term, word, connotation or application of this ordinance, or a portion thereof is for any reason held invalid, inapplicable or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.

PASSED, ADOPTED AND APPROVED this 26th day of September, 1973.

ATTEST:


Edwina M. Cole, City Clerk

APPROVED:

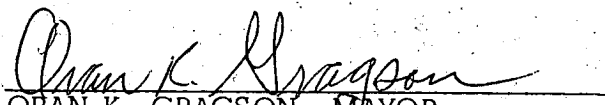

ORAN K. GRAGSON

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 5th day of September, 1973, and referred to the following committee composed of Commissioners Franklin and Lurie for recommendation; thereafter the said committee reported favorably on said ordinance on the 26th day of September, 1973, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

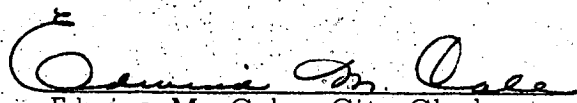
VOTING "AYE": Commissioners Christensen, Lurie, Morelli and Mayor Gragson

VOTING "NAY": Commissioner Franklin ABSENT: None

APPROVED:


ORAN K. GRAGSON, MAYOR

ATTEST:


Edwina M. Cole, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

{ ss.

ROBERT E. HUNTER

, being first duly sworn,

COMPOSING ROOM FOREMAN

deposes and says: That he is _____ of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 Day

from September 8, 1973 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

September 8, 1973

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed _____

Subscribed and sworn to before me this 10th
day of September, 1973

My Commission Expires _____



Notary Public in and for Clark County, Nevada
Notary Public—State of Nevada
COUNTY OF CLARK
My Commission Expires April 14, 1977

ORDINANCE NO. 1656

AN ORDINANCE ESTABLISHING
RULES AND PROCEDURES FOR THE
GOVERNMENT OF THE BOARD OF
CITY COMMISSIONERS AND
FURTHER ESTABLISHING RULES
AND PROCEDURES FOR THE
GOVERNING OF THE CONDUCT
OF ALL ELECTED OFFICIALS OF THE
CITY OF LAS VEGAS, PROVIDING
FOR SUSPENSION AND REMOVAL
BY THE BOARD OF CITY
COMMISSIONERS OF SUCH
ELECTED OFFICIALS ARRESTED FOR
A FELONY AFTER ADMINISTRATIVE
HEARINGS, PROVIDING FOR DUE
NOTICE, PROVIDING FOR
TESTIMONY TO BE TAKEN AND
PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO.

The above and foregoing or-
dinance was first proposed and read
by title to the Board of Com-
missioners on the 15th day of
September, 1973, and referred to
the following committee composed
of Commissioners Franklin and Lurie
for recommendation.

COPIES OF THE COMPLETE
ORDINANCE NO. 1656 ARE
AVAILABLE FOR PUBLIC
INFORMATION IN THE OFFICE OF
THE CITY CLERK, 10TH FLOOR, 400
E. STEWART AVENUE, LAS VEGAS,
NEVADA.

Pub. Sept. 8, 1973.

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The above and foregoing ordi-
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 by title to the Board of
 Commissioners on the 5th day of
 September, 1973, and referred to
 the following committee composed
 of Commissioners Franklin and Lurie
 for recommendation; thereafter the
 said committee reported favorably
 on said ordinance on the 20th day of
 September, 1973, which was a
 regular meeting of said Board; that
 at said regular meeting the propos-
 ed ordinance was read by title to the
 Board of Commissioners as amend-
 ed and adopted by the following
 vote:

VOTING YAYE: Commissioners
 Christensen, Lurie, Morelli, and
 Mayor Grogan.
 VOTING NAYE: Commissioner
 Franklin. ABSENT: None.

COPIES OF THE COMPLETE
 ORDINANCE NO. 1656 ARE
 AVAILABLE FOR PUBLIC
 INFORMATION IN THE OFFICE OF
 THE CITY CLERK, 10TH FLOOR, 400
 W. STEWART AVENUE, LAS VEGAS,
 NEVADA.
 PUB. Oct. 1, 1973

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
 COUNTY OF CLARK

{ ss.

ROBERT E. HUNTER

RECEIVED
 Oct 15 3 23 PM '73
 CITY CLERK

, being first duly sworn,

COMPOSING ROOM FOREMAN

deposes and says: That he is _____ of the
 LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
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 continuously published in said newspaper for a period of 1 Day

from October 1, 1973 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

October 1, 1973

That said newspaper was regularly issued and circulated on each of the dates
 above named.

Signed *Robert E. Hunter*

Subscribed and sworn to before me this 10th
 day of October, 1973

Arthur J. Franklin

My Commission Expires

NOTARY PUBLIC
 Notary Public in and for Clark County, Nevada
 Notary Public—State of Nevada
 COUNTY OF CLARK
 My Commission Expires April 14, 1977

