

FIRST AMENDMENT

BILL NO. 2011-45

ORDINANCE NO. 6172

AN ORDINANCE RELATING TO CITY BOARDS AND COMMITTEES; UPDATING MUNICIPAL CODE PROVISIONS REGARDING THE SENIOR CITIZENS' ADVISORY BOARD, REPEALING PROVISIONS ESTABLISHING THE ANIMAL ADVISORY COMMITTEE, MANAGEMENT COMMITTEE FOR EMERGENCY OPERATIONS, RECORDS MANAGEMENT COMMITTEE, AND CITIZENS PRIORITY ADVISORY COMMITTEE; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Beverly K. Bridges, City Clerk

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

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

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

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

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

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

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

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

(1) Must be consistent with this Chapter; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) Uphold the vicious animal declaration;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 SECTION 9: Title 9, Chapter 36, Section 50, of the Municipal Code of the City of
19 Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

20 **9.36.050:** The Department of Fire and Rescue is authorized and directed to do the following:

21 (A) To collect all available information with respect to the volumes, routes,
22 locations of storage incident to transportation, risks and conditions of transport and storage of
23 hazardous materials presenting the highest risk, by any mode of transportation, and to report
24 biannually to the [Management Committee for] Office of Emergency Operations on the transportation
25 of hazardous materials and the adequacy of the City's emergency response capabilities in cases of
26 accidents; and

27 (B) To collect information, as available, from the State on the routes and volumes
28 of hazardous waste shipments through the City and to request that the State conduct surveys to

1 determine the volumes, routes, compliance with Federal and State regulations, accident rates and other
2 information on truck cargos of hazardous materials.

3 SECTION 10: Title 2, Chapter 30, Section 60, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

5 SECTION 11: Title 2, Chapter 60, Section 40, of the Municipal Code of the City of
6 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

7 SECTION 12: Title 7, Chapter 4, Section 40, of the Municipal Code of the City of Las
8 Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

9 SECTION 13: The Citizens Priority Advisory Committee, created by resolution of the
10 City Council on November 7, 1984, is hereby dissolved, and the resolution hereby repealed.

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

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1 SECTION 15: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this 7th day of December, 2011.

5 APPROVED:

6
7 By Carolyn Goodman
8 CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 Vicky Skilbred
11 ~~BEVERLY K. BRIDGES, MMC~~
12 ~~City Clerk~~

By: Vicky Skilbred, MMC

13 APPROVED AS TO FORM: Acting City Clerk

14 Val Steel 12-7-11
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 16th day of November, 2011, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 7th day of
4 December, 2011, which was a regular meeting of said Council; that at said regular
5 meeting, the proposed ordinance was read by title to the City Council as amended and
6 adopted by the following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Wolfson,
Tarkanian, Ross, Barlow and Coffin

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11 DID NOT VOTE: None

12 APPROVED:

13 
14

CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 
17 ~~BEVERLY K. BRIDGES, MMC City Clerk~~

18 By: Vicky Skilbred, CMC
19 Acting City Clerk
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BUSINESS IMPACT STATEMENT

BILL NO. 2011-45

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

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-45, that will update provisions regarding the Senior Citizens' Advisory Board and repeal provisions establishing the Animal Advisory Committee, Management Committee for Emergency Operations, Records Management Committee, Citizens Priority Advisory Committee, and Yucca Mountain Nuclear Repository Committee.

1. The following constitutes a description 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:

Not applicable

Beneficial effects:

Not applicable

Direct effects:

Not applicable

Indirect effects:

Not applicable

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:

Not applicable

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 why such duplicative or more stringent provisions are necessary:

Not applicable

Date: November 3, 2011

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 16, 2011

DEPARTMENT: CITY ATTORNEY

ITEM DESCRIPTION: NEW BILL: Bill No. 2011-45 Updates City Boards and Committees

TEXT OF SECTIONS TO BE REPEALED BY BILL NO. 2011-45

2.30.060 Management committee created--Membership.

(A) A Management Committee for Emergency Operations (hereinafter "Committee") is created. The Committee shall be composed of two members of the City Council, the City Manager, the Sheriff of the Las Vegas Metropolitan Police Department, the Chief Health Officer of the Clark County Health District, the Director of Fire and Rescue, and no fewer than four additional persons who are appointed by the City Manager and selected from the Directors and Deputy Directors of Departments of the City.

(B) The Director of Fire and Rescue will be the Chairman of the Committee.

(C) The Committee shall, as a specific function, provide technical and policy guidance to the Mayor, the City Council, the City Manager and the Emergency Management Officer.

(D) The Committee is authorized to review, approve and update the emergency operations plan as prepared and recommended by the Emergency Management Officer. Any changes to the emergency operations plan shall be reported to the City Council on an annual basis.

(E) The members of the Committee shall be the primary staff of the Emergency Operations Organization and the Emergency Operations Center and shall execute the emergency operations plan to accomplish the purpose of this Chapter.

2.60.040 Records Management Committee--Responsibilities. In addition to the responsibilities described in LVMC 2.60.070, the Records Management Committee, as it deems necessary or appropriate, shall:

(A) Establish policies and procedures for use by the City in complying with the requirements of this Chapter;

(B) Review and approve policies and procedures established by the departments of the City pursuant to LVMC 2.60.050(B);

(C) Approve all requests for the purchase of filing or micrographics equipment; and

(D) Provide general guidance and assistance with respect to improvements of the records management process.

7.04.040 Animal Advisory Committee. "Animal Advisory Committee" means a committee consisting of five members selected and appointed to a two-year term by the City Council, convened and administrated by the Animal Regulation Officer to gather information and make recommendations concerning whether an animal is vicious and should be destroyed. A quorum of three members must be present to hear evidence; a majority thereof is required to make a finding of facts in order to submit recommendations. This Committee shall possess subpoena power issued by the Las Vegas Municipal Court. The Committee may hear evidence from the complainant or the animal's owner, or both, as well as view the animal in controversy.

AFFIDAVIT OF PUBLICATION

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

7578330

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/23/2011 to 11/23/2011, on the following days:

11/23/2011

BILL NO. 2011-45 AN ORDINANCE RELATING TO CITY BOARDS AND COMMITTEES; UPDATING MUNICIPAL CODE PROVISIONS REGARDING THE SENIOR CITIZENS' ADVISORY BOARD, REPEALING PROVISIONS ESTABLISHING THE ANIMAL ADVISORY COMMITTEE, MANAGEMENT COMMITTEE FOR EMERGENCY OPERATIONS, RECORDS MANAGEMENT COMMITTEE, CITIZENS PRIORITY ADVISORY COMMITTEE, AND YUCCA MOUNTAIN NUCLEAR REPOSITORY COMMITTEE; AND PROVIDING FOR OTHER RELATED MATTERS. Proposed by: Beverly K Bridges, City Clerk Summary: Updates provisions regarding the Senior Citizens' Advisory Board and repeals provisions establishing the Animal Advisory Committee, Management Committee for Emergency Operations, Records Management Committee, Citizens Priority Advisory Committee, and Yucca Mountain Nuclear Repository Committee. At the City Council meeting of NOVEMBER 16, 2011 BILL NO. 2011-45 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: November 23, 2011 LV Review-Journal

Signed: _____

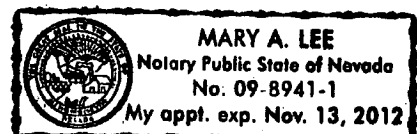
Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

23rd day of November, 2011.

Notary Public

Mary A. Lee



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2011 DEC 19 P 1:05

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

7619219

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/10/2011 to 12/10/2011, on the following days:

12/10/2011

FIRST AMENDMENT
BILL NO. 2011-45
ORDINANCE NO. 6172

AN ORDINANCE RELATING TO CITY BOARDS AND COMMITTEES; UPDATING MUNICIPAL CODE PROVISIONS REGARDING THE SENIOR CITIZENS' ADVISORY BOARD, REPEALING PROVISIONS ESTABLISHING THE ANIMAL ADVISORY COMMITTEE, MANAGEMENT COMMITTEE FOR EMERGENCY OPERATIONS, RECORDS MANAGEMENT COMMITTEE, AND CITIZENS PRIORITY ADVISORY COMMITTEE; AND PROVIDING FOR OTHER RELATED MATTERS.

Proposed by: Beverly K Bridges, City Clerk

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

The above and foregoing ordinance was first proposed and read by title to the City Council on the 16th day of November 2011 and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 7th day of December 2011, 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 was adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Wolfson, Tarkanian, Ross, Barlow, and Coffin
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: December 10, 2011
LV Review-Journal

Signed:

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

12th day of

December 2011

Notary Public

