

SENATE BILL NO. 72—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF HENDERSON)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises the Charter of the City of Henderson. (BDR S-408)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the City of Henderson; revising provisions governing the filling of a vacancy for certain municipal elective offices; revising the procedure for enacting ordinances; revising provisions governing the sale and disposition of real property; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The existing Charter of the City of Henderson requires the City Council to fill a
2 vacancy in the City Council or in the office of Mayor or Municipal Judge for the
3 remainder of the unexpired term by: (1) appointment within 60 days after the
4 occurrence of the vacancy; or (2) a special election called by resolution of the City
5 Council to be held not later than 90 days after the vacancy occurs. (Henderson City
6 Charter § 1.070) **Section 1** of this bill requires the City Council to adopt such a
7 resolution within 60 days after the occurrence of the vacancy and to specify the
8 date of the special election in the resolution. **Section 1** further provides that if the
9 City Council calls a special election to fill the vacancy, the special election must be
10 held not later than 90 days after the date on which the City Council adopts the
11 resolution, but no such special election may be held during the period starting on
12 the date immediately following a municipal primary election and ending 120 days
13 after the date of a municipal general election.

14 The existing Charter of the City of Henderson requires: (1) a proposed
15 ordinance to be read to the City Council by title, referred to a committee for
16 consideration and filed with the City Clerk for public distribution; (2) notice of the
17 filing to be published once in a qualified newspaper at least 10 days before the
18 adoption of the ordinance; (3) the committee to report the ordinance back to
19 the City Council at the next regular or special meeting of the City Council, after



20 which the proposed ordinance must be finally voted upon or action thereon
 21 postponed; and (4) the City Council to adopt or reject the ordinance or any
 22 amendment thereto within 30 days after the publication. (Henderson City Charter §
 23 2.100) **Section 2** of this bill authorizes instead of requires the City Council to refer
 24 a proposed ordinance to a committee for consideration. If a proposed ordinance is
 25 referred to a committee, **section 2** requires the committee to consider the ordinance
 26 and report its recommendations back to the City Council at a regular meeting or
 27 special meeting of the City Council following the proposal and reference of the
 28 ordinance. If a proposed ordinance is not referred to a committee, **section 2** requires
 29 the City Council to consider the ordinance in substantially the same form as
 30 proposed. Finally, **section 2** provides that regardless of whether a proposed
 31 ordinance is referred to a committee, at a regular or special meeting of the City
 32 Council, the title of the proposed ordinance must be read and the City Council must
 33 vote to adopt, revise or postpone consideration of the proposed ordinance.

34 The existing Charter of the City of Henderson: (1) authorizes the City Council
 35 to sell unimproved real property owned by the City on a time payment basis; and
 36 (2) requires that when the City Council disposes of real property to certain entities,
 37 the consideration paid must equal the cost of the acquisition to the City. (Henderson
 38 City Charter § 2.320) **Section 3** of this bill authorizes the City Council to instead
 39 sell any real property owned by the City on a time payment basis. **Section 3** also
 40 removes the requirement that the consideration paid for the disposal of real
 41 property to certain entities must equal the cost of the acquisition to the City.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Section 1.070 of the Charter of the City of
 2 Henderson, being chapter 266, Statutes of Nevada 1971, as last
 3 amended by chapter 266, Statutes of Nevada 2013, at page 1206, is
 4 hereby amended to read as follows:

5 Sec. 1.070 Elective offices: Vacancies.

6 1. ~~[A]~~ *Subject to the limitations set forth in this section,*
 7 *a* vacancy in the City Council or in the office of Mayor or
 8 Municipal Judge must be filled for the remainder of the
 9 unexpired term by:

10 (a) A majority vote of the members of the City Council,
 11 or the remaining members in the case of a vacancy in the City
 12 Council, within 60 days after the occurrence of the vacancy
 13 appointing a person who has the same qualifications as are
 14 required of the elective official; or

15 (b) A special election called by resolution of the City
 16 Council. *The City Council shall adopt the resolution within*
 17 *60 days after the occurrence of the vacancy and specify the*
 18 *date of the special election in the resolution.* The resolution
 19 must call for the special election to be held not later than 90
 20 days after the ~~[vacancy occurs.]~~ *date on which the City*
 21 *Council adopts the resolution, but no special election to fill*
 22 *a vacancy pursuant to this paragraph may be held during*



1 *the period starting on the date immediately following a*
2 *municipal primary election and ending 120 days after the*
3 *date of a municipal general election.* Every candidate at ~~the~~
4 *a special election held pursuant to this paragraph* must have
5 the same qualifications as are required of the elective official.

6 2. If a special election is held pursuant to ~~paragraph (b)~~
7 ~~of subsection 1-:] this section:~~

8 (a) The City Council shall meet to canvass the election
9 returns and declare the result pursuant to section 5.100; and

10 (b) The person elected to fill the remainder of an
11 unexpired term shall enter upon the discharge of his or her
12 respective duties at the first meeting of the City Council held
13 after the canvass of returns is made.

14 3. *A person appointed or elected to fill a vacancy*
15 *pursuant to this section serves until his or her successor has*
16 *been elected and qualified.*

17 **Sec. 2.** Section 2.100 of the Charter of the City of Henderson,
18 being chapter 266, Statutes of Nevada 1971, as last amended by
19 chapter 266, Statutes of Nevada 2013, at page 1208, is hereby
20 amended to read as follows:

21 Sec. 2.100 Ordinances: Enactment procedure;
22 emergency ordinances.

23 1. All proposed ordinances when first proposed must be
24 read to the City Council by title and *may be* referred to a
25 committee for consideration, after which an adequate number
26 of copies of the proposed ordinance must be filed with the
27 City Clerk for public distribution. Except as otherwise
28 provided in subsection ~~3-:] 4,~~ notice of the filing must be
29 published once in a newspaper qualified pursuant to the
30 provisions of chapter 238 of NRS, and published in the City
31 at least 10 days before the adoption of the ordinance. The
32 City Council ~~shall~~ *must* adopt or reject the ordinance or an
33 amendment thereto, within ~~30] 60~~ days after the date of
34 publication.

35 2. ~~[At the next]~~ *If a proposed ordinance is referred to a*
36 *committee, at a regular meeting or special meeting of the*
37 *City Council following the proposal of an ordinance and its*
38 *reference to committee, the committee shall consider the*
39 *ordinance and report ~~the ordinance] its recommendations~~*
40 *back to the City Council. ~~Thereafter, it] If a proposed~~*
41 *ordinance is not referred to a committee, the City Council*
42 *shall consider the ordinance in substantially the same form*
43 *as proposed.*

44 3. *Regardless of whether a proposed ordinance is*
45 *referred to a committee, at a regular meeting or special*



meeting of the City Council, the title of the proposed ordinance must be read ~~[by title only.]~~ and ~~[thereupon]~~ the ~~[proposed ordinance must be finally voted upon or action thereon postponed.~~

~~3.] City Council must vote to adopt, revise or postpone consideration of the proposed ordinance.~~

4. In cases of emergency or where the ordinance is of a kind specified in section 7.040, by unanimous consent of the City Council, final action may be taken immediately or at a special meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

~~4.]~~ 5. All ordinances must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the Council Members voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

~~5.]~~ 6. The City Clerk shall keep a record of all ordinances together with the affidavits of publication.

Sec. 3. Section 2.320 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 266, Statutes of Nevada 2013, at page 1209, is hereby amended to read as follows:

Sec. 2.320 Sale, lease, exchange of real property owned by the City: Procedure; disposition of proceeds.

1. Subject to the provisions of this section and any applicable provisions of chapter 268 of NRS, the City may sell, lease or exchange real property in Clark County, Nevada, acquired by the City pursuant to federal law from the United States of America.

2. The City may sell, lease or exchange real property only by resolution. Following the adoption of a resolution to sell, lease or exchange, the City Council shall cause a notice of its intention to sell, lease or exchange the real property to be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS and published in the City. The notice must be published at least 30 days before the date set by the City Council for the sale, lease or exchange, and must state:

(a) The date, time and place of the proposed sale, lease or exchange.



1 (b) The place where and the time within which
2 applications and deposits may be made by prospective
3 purchasers or lessees.

4 (c) Such other information as the City Council desires.

5 3. It must be the policy of the City Council to sell, lease
6 and exchange real property in a manner that will result in the
7 maximum benefit accruing to the City from the sales, leases
8 and exchanges. The City Council may attach any condition to
9 the sale, lease or exchange as appears to the City Council to
10 be in the best interests of the City.

11 4. The City Council may sell ~~unimproved~~ real property
12 owned by the City on a time payment basis. The down
13 payment must be in an amount determined by the City
14 Council, and the interest rate must be in an amount
15 determined by the City Council, but must not be less than 6
16 percent per annum on the declining balance.

17 5. The City Council may dispose of any real property
18 belonging to the City to the United States of America, the
19 State of Nevada, Clark County, any other political
20 subdivision of the State, or any quasi-public or nonprofit
21 entity for a nominal consideration whenever the public
22 interest requires such a disposition. ~~[In any such case, the~~
23 ~~consideration paid must equal the cost of the acquisition to~~
24 ~~the City.]~~

25 6. The City Council may sell, lease or exchange real
26 property for less than its appraised value to any person who
27 maintains or intends to maintain a business within the
28 boundaries of the City which is eligible pursuant to NRS
29 374.357 for an abatement from the sales and use taxes
30 imposed pursuant to chapter 374 of NRS.

31 7. Proceeds from all sales and exchanges of real property
32 owned by the City, after deduction of the cost of the real
33 property, legal fees, reasonable costs of publication, title
34 insurance, escrow and normal costs of sale, must be placed in
35 the Land Fund previously created by the City in the City
36 Treasury and hereby continued. Except as otherwise provided
37 in subsection 8, money in the Land Fund may be expended
38 only for:

39 (a) Acquisition of assets of a long-term character which
40 are intended to continue to be held or used, such as land,
41 buildings, machinery, furniture, computer software and other
42 equipment.

43 (b) Capital improvements of improvements thereon.



1 (c) Expenses incurred in the preparation of a long-term
2 comprehensive master planning study and any expenses
3 incurred in the master planning of the City.

4 (d) All costs, including salaries, for administration of the
5 Land Fund, and the land within the City.

6 (e) Expenses incurred in making major improvements and
7 repairs to the water, sewer and street systems as differentiated
8 from normal maintenance costs.

9 (f) Legal fees relating to the purchase, sale, lease or
10 maintenance of the real property.

11 ➤ Money received from leases of real property owned by the
12 City must be placed in the Land Fund if the term of lease is
13 20 years or longer, whether the 20 years is for an initial term
14 of lease or for an initial term and an option for renewal.

15 8. If available, money in the Land Fund may be
16 borrowed by the City.

17 **Sec. 4.** This act becomes effective upon passage and approval.



