

DUTIES OF CITY ATTORNEY REGARDING INJUNCTIVE RELIEF

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 OF THE SPARKS MUNICIPAL CODE BY AMENDING SECTION 2.05.020(I) TO INCLUDE INJUNCTIVE RELIEF AS AN EXCEPTION TO OBTAINING CITY COUNCIL APPROVAL; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, enforcing Title 5 of the Sparks Municipal Code furthers the City's interest in collecting revenue for use for the benefit of the City of Sparks and its residents; and

WHEREAS, enforcing Title 5 of the Sparks Municipal Code protects the public from unfair and unsafe business practices; and

WHEREAS, additional enforcement mechanisms, including authority to seek preliminary and permanent injunctions, may assist the City of Sparks in compelling persons who conduct or transact business in the City of Sparks in violation of Title 5 of the Sparks Municipal Code to cease such unlawful business operations; and

WHEREAS, granting the city attorney authority to seek preliminary and permanent injunctions to enforce Title 5 of the Sparks Municipal Code without the prior express permission of the City Council will promote the efficiency of the operations of the City Council and the governance of the City of Sparks as a whole.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

Section 1. Section 2.05.020: "Duties of City Attorney" is hereby amended as follows:

Section 2.05.020: "Duties of City Attorney"

The city attorney shall:

- A. Prosecute all actions or proceedings in the municipal court for the violation of any ordinance of the city;
- B. Represent the city in all actions specified in subsection 3 of NRS 266.555 in the municipal court in which the city is a party;
- C. Represent the city in all appeals to the district court from the municipal court;
- D. Advise the city council or its committees or any city officer, when requested, upon all legal questions arising in the conduct of the city business;
- E. Prepare or revise ordinances when so requested by the city council or any committee thereof;
- F. Give his opinion upon any legal matter or question submitted to him by the city council, or any of its committees, or by any city officer;

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- G. Attend all regular, special and emergency meetings of the city council, and may attend executive sessions concerning public officers as provided in chapter 241 of NRS;
- H. Prepare for execution all contracts and instruments to which the city is a party and shall approve, as to form, all bonds required to be submitted to the city;
- I. Commence civil actions in which the city is a party only upon the express prior permission of the city council, except those cases in which the city council or staff is a party, civil actions in municipal court, and actions for preliminary or permanent injunctive relief brought pursuant to SMC 5.08.046; and defend the city in all civil actions in which it is a defending party;
- J. Have the power to submit to arbitration any action, causes of action, accounts, debts, claims, complaints, demands and disputes for or against the city or in which the city is concerned as debtor or creditor;
- K. Report in writing to the city manager and city council the outcome of any litigation in which the city has an interest within twenty-four hours after the conclusion of such litigation;
- L. Make a biweekly written report to the mayor and city council of all pending litigation and the status thereof, including but not limited to cases in the municipal court in which the city has an interest;
- M. Keep a complete record of all written opinions furnished by him;
- N. Deliver all records, documents and property of every description in his possession, belonging to his office or to the city, to his successor in office, who shall give him a receipt therefore;
- O. The city attorney may appoint such deputies as may be necessary subject to the approval of the city council.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 4. This ordinance shall become effective upon passage, approval and publication.

SECTION 5. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 6. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

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SECTION 7. The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20____, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20____, by:

GENO MARTINI, Mayor

ATTEST:

TERESA GARDNER, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney