

CONTINUATION STUDY OF NEVADA MUNICIPAL GOVERNMENTS

Bulletin No. 105



**LEGISLATIVE COMMISSION
LEGISLATIVE COUNSEL BUREAU**

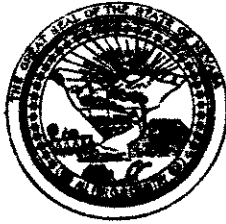
STATE OF NEVADA

December 1972

Carson City, Nevada

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Senate Concurrent Resolution No. 21—Committee on Federal, State and
Local Governments

FILE NUMBER 105

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to continue its study of municipal governments and report to the 57th session of the legislature.

WHEREAS, The 55th session of the legislature of the State of Nevada directed the legislative commission to study the provisions governing municipal governments in the state; and

WHEREAS, A subcommittee of the legislative commission visited every incorporated city in the state in the course of preparation of its report to the 56th session, and gathered a mass of information and facts regarding the problems inherent in the governments of these cities; and

WHEREAS, Because of limitations of time it was impossible to complete the analysis, research and bill drafting necessary to finish the entire project in time for action by the 56th session; and

WHEREAS, The conclusion was reached by the subcommittee that there are many facets of interrelationship between city and county affairs which should be further studied, in addition to the disposition of the more complex aspects of the municipal government study which remain; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is directed to continue its study of municipal governments in Nevada and submit appropriate additional suggestions and recommendations for necessary legislation to the 57th session of the Nevada legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 57th SESSION OF THE NEVADA LEGISLATURE:

The Legislative Commission appointed a subcommittee to continue the study of municipal governments in Nevada for the purpose of submitting appropriate additional suggestions and recommendations for necessary legislation to the 57th session of the Nevada legislature. Assemblyman R. Hal Smith was designated chairman of the subcommittee and the following legislators were named as members: Senators Stanley J. Drakulich, James I. Gibson, Assemblymen Joseph E. Dini, Jr., and C. W. "Corky" Lingenfelter.

The Legislative Commission accepts the subcommittee's report and thanks the members of the subcommittee for their efforts in making the required study.

The report is transmitted to the members of the 1973 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
State of Nevada

December 20, 1972

FINAL REPORT OF THE LEGISLATIVE COMMISSION'S
SUBCOMMITTEE FOR STUDY OF MUNICIPAL GOVERNMENTS

I.

INTRODUCTION

In 1969 the 55th session of the Nevada Legislature by Senate Concurrent Resolution No. 13 directed the Legislative Commission to make a study of the special charters of Nevada cities in this state and of the provisions of chapters 266 and 267 of NRS, and submit appropriate recommendations and suggested legislation to the 56th session of the Nevada Legislature. This was accomplished and a report of the Legislative Commission on Nevada Municipal Governments was submitted on November 22, 1970 (Legislative Counsel Bureau Bulletin No. 92). That study culminated in the introduction in the 56th session of the Nevada Legislature of special charters for most of the cities in the State of Nevada. The scope of the problems faced by that subcommittee of the Legislative Commission, however, was so great that many topics were left unresolved. The majority of charters proposed for enactment involved so many ramifications that it was determined that the best procedure would be to proceed to enact the proposed charters but delay the effective date until July 1, 1973, so that the 57th session of the Nevada Legislature could again review the charters prior to their effective date. This culminated in the introduction and enactment of chapters 31, 265, 266, 275, 276, 344, 465, 515, 545, 573 and 662, Statutes of Nevada 1971, which will become the charters of Caliente, Gabbs, Henderson, Wells, Elko, Carlin, Yerington, Las Vegas, Sparks, North Las Vegas and Reno, respectively. All charters except Caliente's and Carlin's will become effective on July 1, 1973. The new charters of Caliente and Carlin were effective July 1, 1971.

Because of the pressing need to resolve the study of these charters and make all necessary modifications prior to their effective date, and because of the many problem areas that the municipal governments' subcommittee of the Legislative Commission had to leave untouched, the 56th session of the Nevada Legislature adopted Senate Concurrent Resolution No. 21, which directed the Legislative Commission to continue its study of municipal governments in Nevada and submit appropriate additional suggestions and recommendations for necessary legislation to the 57th session of the Nevada Legislature.

The subcommittee met first with the Nevada Municipal Association at their Annual Conference in Fallon, Nevada, on October 29, 1971, for an all-day workshop meeting in which the status of the cities' charters and other problems were discussed. It became apparent that many modifications would be required in most of the charters enacted. Although the subcommittee felt that its primary mission was to adequately resolve these problems and make specific legislative recommendations to the 57th session of the Nevada Legislature, a host of other problems were presented by the cities for consideration of the legislature. As a result, the scope of the study conducted was substantially as follows:

1. A review with each city affected of special charters enacted;
2. A discussion with each city in the state of general legislative problems affecting that particular city; and
3. A review of the revenue problems affecting each particular city.

The subcommittee then scheduled 17 public meetings throughout the State of Nevada with each incorporated city in the state to examine on a city-by-city basis the charter, general and revenue problems affecting each city. All of these problems were not resolved at such public hearings and followup correspondence, conferences and meetings were held with various city officials throughout the State of Nevada in an attempt to clarify the cities' positions in particular cases as to problems discussed. This was not completely successful in all cases and, as will be noted later in this report, certain cities presented charter and other problems which have not been completely resolved. In the main, however, the meetings were very fruitful and produced the recommendations contained in this report.

II.

CITY CHARTERS

As previously described, 11 city charters were enacted by the 56th session of the Nevada Legislature. This involved rewriting the city charters of all the cities in the State of Nevada governed by special charters, except Carson City, and the creation of a special charter for the City of Carlin, which had previously been governed by chapter 267 of NRS. In addition to a review of the 11 special charters enacted, the provisions of chapter 266 of NRS applicable to Ely, Fallon, Lovelock and Winnemucca were reviewed and the provisions of chapter 267 of NRS applicable to Boulder City were discussed.

This has produced 11 proposed bills for enactment by the 57th session of the Nevada Legislature, which are attached to this report and which will be discussed herein. These proposed bills modify ten city charters in the state and the provisions of chapter 266 of NRS. Only the city charter of Carlin has been left intact. The following is a summary of the subcommittee's meetings with these cities in the state. Any city which is omitted does not indicate that the particular city had no problems. Cities omitted generally are those general law cities without special charters.

First, the subcommittee met with the City of Reno, which resulted in several modifications to the proposed City of Reno Charter (chapter 662, Statutes of Nevada 1971). The subcommittee recommends the adoption of BDR S-207 (attached as Appendix 1 to this report) by the 57th session of the Nevada Legislature. With regard to the City of Reno, it should be noted that the city expressed dissatisfaction with the provisions of the new city charter concerning civil service. However, in spite of numerous followup attempts to obtain specific proposals from the City of Reno to change its civil service provisions, none have been forthcoming and, therefore, none are contained in BDR S-207.*

Secondly, the subcommittee met with the City of Sparks regarding its newly enacted city charter (chapter 545, Statutes of Nevada 1971), which resulted in BDR S-208 (attached as Appendix 2 to this report). The subcommittee recommends the enactment of BDR S-208. The City of Sparks in August 1972 enacted a resolution of the city recommending that the newly enacted city charter for Sparks (chapter 545, Statutes of Nevada 1971) be "rescinded" and that Sparks revert to its former charter. This action by Sparks occurred after the subcommittee had completed all of its public meetings and had agreed upon the proposed charter changes to be recommended to the next session of the Nevada Legislature. No subcommittee action was therefore taken with regard to the new proposal of the City of Sparks that all of the work done to date by this subcommittee and by the former subcommittee be repealed.

Next, the subcommittee met with Carson City. The Carson City Charter had been enacted by the 1969 session of the Nevada

*On November 30, 1972, the City of Reno submitted to the Legislative Counsel recommendations for civil service in the Reno Charter. The submission was too late to be included in this report or BDR S-207. The request will be considered by the subcommittee for revision of BDR S-207.

Legislature (chapter 213, Statutes of Nevada 1969, as last amended by chapter 672, Statutes of Nevada 1969). The Carson City Charter had, therefore, not been newly enacted by the 1971 session of the Nevada Legislature and involved some unique problems relating to the consolidation of Ormsby County and Carson City into one municipal government to be known as Carson City. Carson City, however, had 2 years of experience in working with its charter enacted in 1969, and had certain recommendations to make, primarily regarding the setting of city salaries. This resulted in BDR S-209 (attached hereto as Appendix 3), and which is recommended for enactment by the subcommittee. The problem in Carson City arises from a constitutional amendment by which Ormsby County was consolidated into Carson City. The salaries of the municipal officers had been previously set by statute in the same manner as county officers' salaries are set throughout Nevada. However, Carson City desired to set their salaries in uniformity with other municipal governments which have been permitted by their newly enacted city charters to set salaries of all city officials, including city councilmen by city ordinance. Although this may involve a constitutional problem as to whether the government of Carson City is to be considered a county or city government, it is felt by the subcommittee that the proposal to treat Carson City in uniformity with other municipal governments in this state is important, and the enactment of BDR S-209 is recommended.

The subcommittee met with the City of Fallon and considered two proposals with regard to the enactment of city ordinances by those cities in the state governed by chapter 266 of NRS. This resulted in BDR 21-210 (attached hereto as Appendix 4), which will affect not only the City of Fallon but also the cities of Ely, Lovelock and Winnemucca. The change proposed would bring these general law cities into closer conformity with the balance of the cities in Nevada in the procedure for enacting city ordinances and is, therefore, recommended by the subcommittee for enactment.

The subcommittee, in its meeting with Yerington, reviewed its new city charter, namely chapter 465, Statutes of Nevada 1971. Several modifications were pointed out to the subcommittee which resulted in BDR S-211 (attached hereto as Appendix 5 of this report), which is recommended for enactment by the legislature.

Next, the subcommittee in its meeting with the City of Elko reviewed its city charter (chapter 276, Statutes of Nevada

1971), which resulted in some modifications to its charter provisions on duties of the Elko Board of Supervisors, and the power of the mayor to veto certain city actions, which resulted in BDR S-212 (attached hereto as Appendix 6 to this report), which is recommended for enactment.

The subcommittee, in its meeting with the City of Wells, discussed a host of new provisions in the Wells City Charter (chapter 275, Statutes of Nevada 1971). Many of the new provisions in the Wells Charter had been created for the purpose of uniformity in procedure throughout the state. In at least one area, however, uniform provisions for calling special or emergency meetings with public notice published in a local newspaper were regarded as extremely burdensome for small cities in Nevada with only a weekly newspaper serving their community. Therefore, several cities in Nevada have modifications proposed in their charters which allow emergency action with ratification of that action by unanimous consent, in writing, of all the members of the council. This provision and certain transitional provisions for future elections are contained in BDR S-213 (attached as Appendix 7 to this report), which the subcommittee recommends for enactment.

The subcommittee, in its review of the city charter of Caliente, again was faced with a problem identical with that previously discussed for Wells regarding emergency meetings, and this charter modification resulted in BDR S-214 (attached as Appendix 8 to this report), which is recommended for enactment.

In the subcommittee's review of the Las Vegas Charter, several problems were brought to the attention of the subcommittee concerning election of municipal judges, addition to their powers relating to special assessment districts and the authority of the city to contract or franchise certain municipal services. This resulted in BDR S-215 (attached as Appendix 9 to this report), which is recommended by the subcommittee for enactment.

The subcommittee in its review of the Henderson City Charter (chapter 266, Statutes of Nevada 1971), again discussed the problem raised in Wells and Caliente of emergency meetings, and proposed to modify the Henderson Charter by provision for unanimous consent to emergency actions. In addition, the subcommittee considered a change in the procedure for enactment of ordinances, canvass of elections and issuance of business licenses. This resulted in BDR S-216 (attached hereto as Appendix 10 to this report), which is recommended for enactment by the Nevada Legislature.

Finally, the subcommittee, in its review of the North Las Vegas City Charter (chapter 573, Statutes of Nevada 1971), reviewed a lengthy list of proposed modifications in its charter and have made these modifications in BDR S-217 (attached hereto as Appendix 11 to this report), which the subcommittee recommends for adoption by the Nevada Legislature. In North Las Vegas, controversy has arisen over its method of selling bonds without election. This resulted, in 1971, in action by the Nevada Legislature limiting this authority. It appears, however, that the limitations imposed on the North Las Vegas City Charter with regard to their ability to sell bonds was much too drastic, and, in the opinion of two separate bond counsel for the city, may have resulted in the removal of all authority for North Las Vegas to sell municipal bonds. Therefore, BDR S-217 reinstated certain provisions of its previous city charter as recommended by bond counsel, which will have the effect of authorizing the city to sell bonds with an election. The additional provisions of the old city charter of North Las Vegas, empowering it to sell bonds without an election, have been deleted.

III.

GENERAL PROBLEMS AFFECTING EACH PARTICULAR CITY

Without exception, the cities in Nevada had special legislative problems to bring to the attention of the subcommittee. This should not be confused with the general legislative program presented to the Nevada Legislature by the Nevada Municipal Association. These problems affected each particular city with whom the subcommittee met. Some of the problems may be incorporated into the Nevada Municipal Association's general recommendations. It is not feasible to review here every single problem raised in every single city. This review concerns those problems that were raised which the subcommittee felt were substantial enough to be mentioned, recommended or acted upon with direction for a forthcoming bill. Some of the problems were of such complexity that bill drafts could not be prepared to accompany this report. Therefore, to prevent this report from becoming unduly voluminous, those problems will be discussed here and, where a bill draft has been requested by the subcommittee, it will be simply noted here. An attempt is made to identify the cities bringing these problems to the attention of the subcommittee, but cities not specifically mentioned have had their problems resolved in the recommendations made for similar problems in other cities.

Some cities brought problems to the attention of the subcommittee which were currently being studied by other subcommittees of the Legislative Commission. For example, the Legislative Commission's subcommittee on subdivision problems is grappling with many problems mentioned to the municipal government subcommittee at hearings in cities throughout the state. These problems have been referred to the appropriate subcommittee.

First, and of primary concern to the subcommittee, was a problem related almost without exception by every charter city in the State of Nevada. This problem involved reapportionment of special charter cities and was created by chapter 648, Statutes of Nevada 1971 (S.B. 662), which required local government entities to reapportion into single-member districts. This bill was presented late in the session of the 1971 legislature, and it was the understanding of many members of the subcommittee that the bill was not intended to affect cities in Nevada. In fact, it appears that this act does, by its language, appear to cover special charter cities in the State of Nevada and require them to reapportion into single-member districts. This was unfortunate because the charters of most Nevada cities contain provisions that will enable them to reapportion themselves to meet constitutional requirements. It is the feeling of the subcommittee that this problem is best left to the cities to handle without a general law purporting to require them to reapportion in any particular way. Therefore, it is the recommendation of the subcommittee that the provisions of chapter 648, Statutes of Nevada 1971, (which have become NRS 237.015 through NRS 237.045, inclusive,) be amended to specifically exempt all Nevada cities. A bill will be presented to accomplish this, and it is critical that action upon this problem be taken immediately because most of the cities in the State of Nevada will be faced with a primary and general election of city officials in May and June of 1973. The problem must be resolved prior to that time.

Other problems of a general nature which should be mentioned in this review concern a proposal first presented by the City of Sparks and particularly urged by Sparks, Las Vegas and North Las Vegas. This would allow for census updating, to be prepared on a biennial basis, containing current figures for city population for tax distribution purposes. This would be in addition to the census prepared every 10 years by the Federal Government. The proposal approved by the subcommittee would enable the Nevada Tax Commission to contract for census services to

be made of all cities in the state every 2 years for the purpose of adjusting additional tax revenue available to the cities. The proposal would not decrease any present funding for the cities and would readjust only the new revenues produced from tax sources which are distributed to the cities in the state on a population basis. The subcommittee recommends consideration of this proposal and will present a bill along the lines mentioned here.

Next, several cities mentioned problems regarding building code enforcement and quality control for mobile homes in Nevada. Chapter 489 of NRS attempts to provide this on a statewide basis through the Department of Motor Vehicles, but many cities feel the act needs substantial review and strengthening.

The City of Las Vegas indicated problems between the city and the Las Vegas Valley Water District regarding fire protection facilities. This is only part of a larger problem of water resource management within Clark County which should be studied by the Nevada Legislature. Any such study should include the particular problems mentioned by Las Vegas regarding maintenance and control over fire protection facilities.

Boulder City brought to the attention of the subcommittee problems regarding underground electric and communication service districts created by chapter 578, Statutes of Nevada 1971. Bonding counsel has indicated that this act, as presently written, is unworkable, and the subcommittee recommends that modifications be made to the act so that it can be implemented in the State of Nevada. Bond counsel is assisting the Legislative Counsel in preparing such modifications, and they will be presented to the Nevada Legislature. The subcommittee recommends adoption of such modifications.

Several cities have requested a uniform procedure for destruction of old records by cities. Some city charters contain enabling provisions for this, but it is the feeling of the subcommittee that a uniform act on this subject should be adopted amending chapter 268 of NRS so that it will be applicable to all cities. A bill will be prepared and presented to the legislature accomplishing this.

The Cities of Reno and Sparks presented to the subcommittee a problem regarding licensing of real estate brokers with branch offices in another city. NRS 645.550 provides that

a real estate broker licensed by one city need not be licensed in any other city. The subcommittee recommends that, where a real estate broker maintains a branch office in another city, all cities where a broker has an office and is doing business be allowed to license such a broker.

Finally, the City of Winnemucca pointed out a problem in the Local Government Purchasing Act which required notice to insurance agents in the locality when a city purchases or renews its insurance policies. The law, however, does not define what kind of notice is required, and the subcommittee recommends the act be modified to define the contents of such notice to insurance agents.

IV.

CITY REVENUE PROBLEMS

Many cities presented general financial problems without specifically recommending how they could be solved. The subcommittee noted comments of these cities, but will mention herein only those problems covered specifically. First, several cities indicated their street maintenance funds were insufficient to cover the needs of the city. The optional motor vehicle fuel tax is earmarked for cities primarily for new construction and does not seem to cover the power of the cities to use these funds for street maintenance. The City of Reno has proposed that the optional gas tax funds earmarked for cities be increased by 1 cent, which additional funds could be used for street maintenance purposes. The Cities of Sparks, Fallon, Caliente, Lovelock, Winnemucca and Henderson specifically joined in this request. The subcommittee feels that the problem should be carefully reviewed by the Nevada Legislature and, included in that review, should be consideration of whether or not the tax should be broadened to include other motor vehicle fuels such as diesel fuel.

The City of Gabbs brought to the attention of the subcommittee a very serious problem existing in Gabbs regarding water and sanitation services. A suggestion was made in Gabbs that a state fund be created to assist cities in obtaining matching money for federal grants for water and sewage facilities. The problem is a complex one and affects many other entities in the State of Nevada. In addition, the federal law on local participation is undergoing a change, particularly for water and sewer facilities affecting environment. The subcommittee strongly recommends that

this problem be carefully reviewed by the Nevada Legislature and that state assistance, where appropriate, be provided. It may be necessary to enable the state to sell bonds to create state funds for the purpose of obtaining federal grants to meet federal and state requirements on environmental control, particularly in the area of water and sanitary sewage facilities.

Finally, the proposal was made by the Cities of Fallon and Caliente that county road fund proceeds now allocated by statute be reallocated on a more equitable basis. NRS 403.450 provides that 10 percent of the county road tax funds be allocated to cities. No recommendation is made by the subcommittee at this point on this request, inasmuch as the counties of the state for the most part did not participate in the subcommittee's hearings.

V.

CONCLUSION

The subcommittee has now concluded a review of the city charters of the State of Nevada, which has been, in effect, a 4-year study spanning two legislative sessions. The need for uniformity in these charters, the need for up-to-date procedures and the need to remove archaic language in these charters is apparent. The modifications that are proposed in this report hopefully will aid the cities in making their charters more workable.

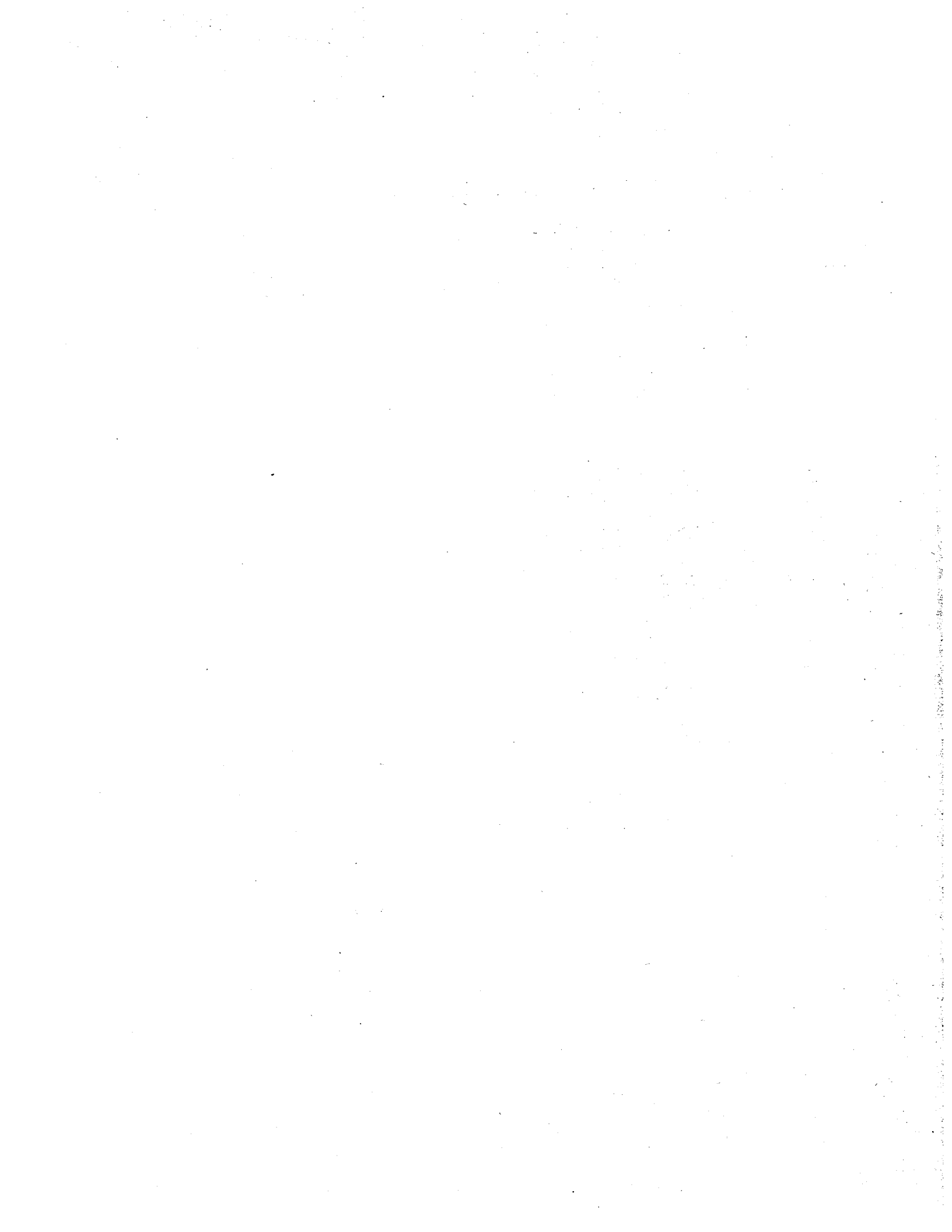
The legislative contact with the cities of the State of Nevada, on the cities' home grounds, has proven invaluable in giving the subcommittee a better understanding of the cities' problems. The legislature should give some consideration to continuing its efforts to improve relationships with local governments in Nevada, including cities, counties and towns. The subcommittee recommends that the 57th session of the Nevada Legislature direct the Legislative Commission to continue its study of local governments through an interim subcommittee meeting with counties, cities and unincorporated towns in this state.

The subcommittee was substantially assisted in its study by the cooperation of the Nevada Municipal Association, and

and wishes to thank, in particular, the 1972 officers of the association, including President Morgan Sweeney and Executive Director Curtis H. Blyth.

Respectfully submitted,

Assemblyman R. Hal Smith, Chairman
Assemblyman Joseph E. Dini, Jr.
Senator Stanley J. Drakulich
Senator James I. Gibson
Assemblyman C. W. Lingenfelter



SUMMARY--Amends new charter of the City of Reno, making substantive as well as technical changes and additions. Fiscal Note: No. (BDR S-207)

AN ACT to amend an act entitled "An Act incorporating the City of Reno, in Washoe County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved May 6, 1971, as amended.

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

Section 1. Section 1.050 of Article I of the above-entitled act, being chapter 662, Statutes of Nevada 1971, at page 1963, is hereby amended to read as follows:

Section 1.050 Wards: Creation; boundaries.

1. The city shall be divided into five wards, which shall be as nearly equal in registered voters as can be conveniently provided. The territory comprising each ward shall be contiguous, except that if any territory of the city which is not contiguous to the remainder of the city does not contain sufficient population to constitute a separate ward, it may be placed in any ward of the city.

2. The boundaries of wards shall be established and changed by ordinance, passed by a vote of at least five-sevenths of the city council. The boundaries of wards shall be changed [whenever the number of registered voters at the time of any municipal election

in any ward exceeds the number of registered voters in any other ward by more than 15 percent.] on the second Monday in January preceding any regular municipal election whenever, at the close of registration prior to each general state election held in even-numbered years, the number of registered voters in any ward shall exceed the number of registered voters in any other ward by any substantial variation, but in no event shall such variation exceed 5 percent.

3. Ordinances establishing or changing the boundaries of wards shall not be passed or amended until the county clerk of Washoe County certifies that the number of registered voters in each proposed ward will not exceed the number of registered voters in any other ward by [more than 15 percent.] any substantial variation, but in no event shall such variation exceed 5 percent.

Sec. 2. Section 1.090 of Article I of the above-entitled act, being chapter 662, Statutes of Nevada 1971, at page 1963, is hereby amended to read as follows:

Section 1.090 Appointive officers.

1. The city council shall provide for the appointment of a city manager to perform the duties outlined in section 3.020. A vacancy in the office of city manager shall be filled within 6 months.

2. The city council may establish such other appointive offices as it may deem necessary for the operation of the city by designating the position in the salary ordinance. Appointment of such officers

shall be made by the city manager and confirmed by the city council.

Such appointive offices may include:

- (a) City controller.
- (b) City engineer.
- (c) Chief of police.
- (d) Fire chief.
- (e) Assistant city manager.
- (f) Director of public works.
- (g) Director of personnel . [and finance.]
- (h) Director of finance.

[(h)] (i) Director of parks, recreation and public properties.

[(i)] (j) Director of public safety.

[(j)] (k) Chief license inspector.

[(k)] (l) Airport manager.

[(l)] (m) Building inspector chief.

[(m)] (n) Superintendent of recreation.

[(n)] (o) Superintendent of parks.

[(o)] (p) Traffic engineer.

[(p)] (q) Superintendent of sanitation.

[(q)] (r) Superintendent of streets.

[(r)] (s) Superintendent of sewers.

[(s)] (t) Superintendent of city shops.

[(t)] (u) Superintendent of sewer plant.

(v) Animal regulation officer.

3. A city clerk shall be appointed by the city council.

Sec. 3. Section 2.260 of Article II of the above-entitled act, being chapter 662, Statutes of Nevada 1971, at page 1970, is hereby amended to read as follows:

Section 2.260 Powers of city council: Public transportation. The city council may grant an exclusive franchise to any person, firm, association or corporation to operate and maintain a busline in the city. Such franchise may be granted only upon terms which are advantageous to the city. The city council may extend, prior to the expiration of such franchise, the duration or term of such franchise for such additional period and upon such terms as are deemed advantageous to the city, and fix, prescribe and change the fares to be charged by such franchise holder. The city council may expend public funds, upon such terms and conditions as it shall prescribe, to aid or assist the operator of such busline in accomplishing the purposes of such franchise.

Sec. 4. Article II of the above-entitled act, being chapter 662, Statutes of Nevada 1971, at page 1965, is hereby amended by adding thereto a new section to be designated as section 2.325, which shall immediately follow section 2.320 and shall read as follows:

Section 2.325 Powers of city council: Federal grants and loans.

The city council may:

1. Accept from any federal agency grants for or in aid of the construction of any public works project.

2. Make contracts and execute instruments containing such terms, provisions and conditions as may be necessary or required to obtain grants or loans, or both, from any federal agency pursuant to any act of the Congress of the United States of America.

3. Subscribe to and comply with the terms of any such act and with the rules and regulations of any federal agency governing any such grant or loan, or both.

Sec. 5. Section 3.060 of Article III of the above-entitled act, being chapter 662, Statutes of Nevada 1971, at page 1974, is hereby amended to read as follows:

Section 3.060 City attorney: Qualifications; duties; salary.

1. The city attorney shall be a duly licensed member of the State Bar of Nevada and a resident of the city and taxpayer on real property in the city at the time of his election. He shall hold office for the term of 4 years and until his successor shall be duly elected and qualified.

2. The city attorney shall be the legal officer of the city and shall perform such duties as may be designated by ordinance. He shall be present at all meetings of the city council and shall be counsel for the civil service commission. He shall devote his full time to the duties of the office and shall not engage in the private practice of law.

3. The city attorney shall receive a salary as fixed by resolution of the city council.

4. The city attorney may appoint and remove such assistants as he may require in the discharge of the duties of his office. Such assistants shall not be civil service employees. The council may appropriate such funds as it may deem proper to compensate any such assistants.

SUMMARY--Amends new charter of the City of Sparks, providing for deputy city clerk and making technical changes. Fiscal Note: No. (BDR S-208)

AN ACT to amend an act entitled "An Act incorporating the City of Sparks in Washoe County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 25, 1971, as amended.

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

Section 1. Section 1.080 of Article I of the above-entitled act, being chapter 545, Statutes of Nevada 1971, at page 1144, is hereby amended to read as follows:

Section 1.080 Appointive offices. The city council of the city shall appoint a city manager and may establish such other appointive offices as it may deem necessary for the operation of the city. Appointment of such officers shall be made by the city manager, subject to ratification of the city council. Such officers shall include:

1. Director of finance.
2. Chief of police.
3. Fire chief.
4. [Director of the department of parks and recreation.
- 5.] Director of the department of public works.
- [6.] 5. Director of personnel and services.
- [7.] 6. Such other officers as may be necessary.

Sec. 2. Section 3.030 of Article III of the above-entitled act, being chapter 545, Statutes of Nevada 1971, at page 1151, is hereby amended to read as follows:

Section 3.030 City clerk: Duties. The city clerk shall:

1. Keep the corporate seal and all books and papers belonging to the city.
2. Attend all meetings of the city council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the city council, the city clerk shall attest the journal after it has been signed by the mayor.
3. Enter upon the journal the result of the vote of the city council upon all official business.
4. Perform such other duties as may be required by the city council.
5. Receive a salary in an amount fixed by the city council.
6. Appoint, subject to the approval of the city council, a deputy city clerk to perform the duties of city clerk during any period of the city clerk's absence from, or inability to perform the duties of the office of city clerk. If the city clerk is unable to make such appointment, it shall be made by the city council.

Sec. 3. Section 3.140 of Article III of the above-entitled act, being chapter 545, Statutes of Nevada 1971, at page 1153, is hereby amended to read as follows:

Section 3.140 City officers: Collection and disposition of moneys.

1. All taxes, fines, forfeitures or other moneys collected or recovered by any officer or person pursuant to the provisions of this charter or of any valid ordinance of the city shall be paid by the officer or person collecting or receiving them to the [city clerk,] director of finance, who shall dispose of them in accordance with the ordinances, regulations and procedures established by the city council.

2. The city council may by proper legal action collect all moneys which are due and unpaid to the city or any office thereof, and the city council may pay from the general fund all fees and expenses necessarily incurred by it in connection with the collection of such moneys.

Sec. 4. Section 3.100 of Article III of the above-entitled act, being chapter 545, Statutes of Nevada 1971, at page 1152, is hereby repealed.

**SUMMARY--Amends charter of Carson City to permit board of supervisors to fix salaries of elected officers.
Fiscal Note: No. (BDR S-209)**

AN ACT to amend an act entitled "An Act relating to Carson City; consolidating Ormsby County and Carson City into one municipal government to be known as Carson City; providing a charter therefor; and providing other matters properly relating thereto," approved April 1, 1969, as amended.

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

Section 1. Section 2.010 of Article II of the above-entitled act, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 672, Statutes of Nevada 1969, at page 1467, is hereby amended to read as follows:

Section 2.010 Board of supervisors: Qualifications; election; term of office; salary.

1. The legislative power of Carson City is vested in a board of supervisors consisting of five supervisors, including the mayor.

2. The mayor shall be:

(a) An actual and bona fide resident of Carson City for at least 6 months prior to his election.

(b) A registered voter within Carson City and a taxpayer on real property located within Carson City.

3. Each supervisor shall be:

(a) An actual and bona fide resident of Carson City for at least 6 months prior to his election.

(b) A registered voter within the ward which he represents and a taxpayer on real property located within Carson City.

(c) A resident of the ward which he represents, except that changes effected in ward boundaries pursuant to the provisions of section 1.060 shall not affect the right of any elected supervisor to continue in office for the term for which he was elected.

4. All supervisors, including the mayor, shall be voted upon by the registered voters of Carson City at large and shall serve for terms of 4 years.

5. [The supervisors, including the mayor, shall receive annual salaries in the amount specified in NRS 245.043.] The supervisors shall receive annual salaries pursuant to section 2.085.

Sec. 2. Article II of the above-entitled act, being chapter 213, Statutes of Nevada 1969, at page 294, is hereby amended by adding thereto a new section to be designated as section 2.085, which shall immediately follow section 2.080 and shall read as follows:

Section 2.085 Duty of board: Determination of compensation for elected officers.

1. The board by ordinance shall fix and provide for the payment of annual compensation for the following elected officers of Carson City:

(a) Members of the board of supervisors.

(b) Mayor.

(c) Clerk.

(d) Recorder and auditor.

(e) Assessor.

(f) Sheriff.

(g) District attorney.

(h) Any other elected officer.

2. Such compensation shall be in full payment for all services required by law to be performed by such officers, and shall not be increased or diminished during the term for which such officers have been elected.

3. No elected officer of Carson City shall be considered as a "county officer" or "officer" within the meaning of section 32 of article 4, and section 9 of article 15, respectively, of the constitution of the State of Nevada for purposes of fixing, increasing, diminishing or otherwise determining the compensation of such officer.

Sec. 3. Section 3.010 of Article III of the above-entitled act, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 532, Statutes of Nevada 1971, at page 1113, is hereby amended to read as follows:

Section 3.010 Mayor: Duties.

1. The mayor shall:

(a) Serve as a member of the board and preside over its meetings.

(b) Be recognized as the head of the Carson City government for all ceremonial purposes and by the governor for purposes of military law.

(c) Perform such emergency duties as may be necessary for the general health, welfare and safety of Carson City.

(d) Perform such other duties as may be prescribed by ordinance or by provisions of Nevada Revised Statutes which apply to a mayor or to the chairman of a board of county commissioners.

2. The mayor shall receive [\$600 in addition to the annual salary as provided in section 2.010.] an annual salary pursuant to section 2.085.

Sec. 4. Section 3.030 of Article III of the above-entitled act, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 532, Statutes of Nevada 1971, at page 1113, is hereby amended to read as follows:

Section 3.030 Clerk: Duties; salary.

1. The provisions of chapter 246 of NRS apply to the office of clerk.

2. The clerk shall:

(a) Keep the corporate seal and all books and papers belonging to Carson City.

(b) Attend all meetings of the board and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the board, the clerk shall attest the journal after it has been signed by the mayor.

(c) Sign all warrants issued.

(d) Number and countersign all licenses issued by Carson City. All licenses shall be in a form devised by the clerk and approved by the board.

(e) Establish, with the approval of the board, such book-keeping controls and accounting systems as are necessary to carry out effectively the duties of his office. He shall keep an accurate account of all warrants and orders in such manner that the board can, at any time, ascertain the actual outstanding indebtedness of Carson City. He shall comply with the provisions of subsection 4 of NRS 251.030 and the recorder and auditor is relieved from the duties imposed by subsection 4 of NRS 251.030, it being the intention of the legislature that only one set of books be kept for Carson City.

(f) Enter upon the journal the result of the vote of the board upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(g) Act as ex officio treasurer. The provisions of chapter 249 of NRS shall apply to the clerk while acting in such capacity.

(h) Perform such other duties as may be required by the board, or by provisions of Nevada Revised Statutes which apply to a county clerk.

3. The clerk shall receive an annual salary [in the amount specified in NRS 245.043.] pursuant to section 2.085.

Sec. 5. Section 3.040 of Article III of the ~~above-~~entitled act, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 532, Statutes of Nevada 1971, at page 1114, is hereby amended to read as follows:

Section 3.040 Recorder and auditor: Duties; salary.

1. The provisions of chapter 247 of NRS apply to the recorder and auditor.

2. Such official shall:

(a) Serve as public administrator without additional salary but shall be entitled to any fees provided by law for the public administrator. The provisions of chapter 253 of NRS apply to the office of recorder and auditor while performing the duties of public administrator.

(b) Extend the taxes on the assessment roll without any additional compensation.

(c) Perform such other duties as may be imposed by the board or by provisions of Nevada Revised Statutes which apply to county recorders or auditors, except the duties imposed by subsection 4 of NRS 251.030, which shall be performed by the clerk pursuant to the provisions of section 3.030.

3. No fees may be charged by the recorder and auditor except as provided by law and all such fees are payable in advance, if demanded. If such official does not receive the fees payable to him for services rendered by him, he may have execution therefor in his own name against the person from whom they are due, to be issued from the court, upon the order of the judge or court upon affidavit filed.

4. The recorder and auditor is authorized to use a facsimile signature produced through a mechanical device in place of his handwritten signature whenever the necessity may arise and upon approval of the board of supervisors, subject to the following conditions:

(a) That the mechanical device shall be of such a nature that the facsimile signature may be removed from the mechanical device and kept in a separate secure place.

(b) That the use of the facsimile signature shall be made only under the direction and supervision of the officer whose signature it represents.

(c) That all of the mechanical device shall at all times be kept in a vault, securely locked, when not in use, to prevent any misuse of the same.

(d) That no facsimile signature produced through a mechanical device authorized by the provisions of this section shall be combined with the signature of another officer.

5. The recorder and auditor shall receive an annual salary [in the amount specified in NRS 245.043.] pursuant to section 2.085.

Sec. 6. Section 3.050 of Article III of the above-entitled act, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 672, Statutes of Nevada 1969, at page 1469, is hereby amended to read as follows:

Section 3.050 Assessor: Duties; salary.

1. The provisions of chapter 250 of NRS apply to the office of assessor.

2. The assessor shall perform such other duties as may be imposed by the board, or by provisions of Nevada Revised Statutes which apply to county assessors.

3. The assessor shall receive an annual salary [in the amount specified in NRS 245.043.] pursuant to section 2.085.

Sec. 7. Section 3.060 of Article III of the above-entitled act, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 672, Statutes of Nevada 1969, at page 1470, is hereby amended to read as follows:

Section 3.060 Sheriff: Duties; salary.

1. The provisions of chapter 248 of NRS apply to the office of sheriff.

2. The sheriff shall:

(a) Diligently enforce all ordinances of Carson City.

(b) Collect all amounts due on delinquent licenses and pay the amount collected to the treasurer.

(c) Perform such other duties as may be imposed by the board, or by provisions of Nevada Revised Statutes which apply to county sheriffs.

3. The sheriff shall not be answerable upon his official bond for the conduct of deputies appointed under the provisions of this charter, but the board may require of such deputies such bonds as it may deem proper.

4. The sheriff shall receive an annual salary [in the amount specified in NRS 245.043.] pursuant to section 2.085.

Sec. 8. Section 3.070 of Article III of the above-entitled act, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 672, Statutes of Nevada 1969, at page 1470, is hereby amended to read as follows:

Section 3.070 District attorney: Duties; salary.

1. The provisions of chapter 252 of NRS apply to the office of district attorney for Carson City.

2. The district attorney shall perform such other duties as may be imposed by the board or by provisions of Nevada Revised Statutes which apply to county district attorneys.

3. The district attorney shall receive an annual salary [in the amount specified in NRS 245.043.] pursuant to section 2.085.

Sec. 9. NRS 245.043 is hereby amended to read as follows:

245.043 [1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the mayor and supervisors of Carson City.

2.] On and after January 4, 1971, the elected officers of the counties of this state shall receive annual salaries in the amounts specified in the following table. Such annual salaries shall not be increased or diminished during the term for which such county officers have been elected. The annual salaries shall be in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties shall be paid into the county treasury each month without deduction of any nature. The provisions of this section shall not apply to Carson City.

ANNUAL SALARIES AFTER JANUARY 4, 1971

County	<u>County Commissioner</u>	<u>District Attorney</u>	<u>Sheriff</u>	<u>County Clerk</u>	<u>County Assessor</u>	<u>County Recorder</u>	<u>County Treasurer</u>
Class 1--Clark.....	\$8,400	\$22,000	\$21,000	\$18,000	\$18,000	\$18,000	\$18,000
Class 2--Washoe.....	7,800	20,500	19,000	17,500	17,500	17,500	17,500
Class 3--[Carson City.....	4,500	14,600	14,000	14,000	14,000	14,000	--]
Elko.....	4,500	14,000	15,000	14,000	14,500	14,000	14,000
Class 4--Douglas.....	4,200	11,600	11,600	11,600	11,600	11,600	--
Class 5--White Pine.....	4,000	10,600	11,400	10,600	10,600	10,600	10,600
Class 6--Humboldt.....	4,000	9,900	9,900	9,900	9,900	9,900	9,900
Lyon.....	4,000	9,900	9,900	9,900	9,900	9,900	--
Nye.....	4,800	9,900	9,900	9,900	9,900	9,900	--
Class 7--Churchill.....	3,900	9,600	9,600	9,600	9,600	9,600	--
Mineral.....	3,900	9,600	9,600	9,600	9,600	9,600	--
Class 8--Pershing.....	3,600	9,200	9,200	9,200	9,200	9,200	--
Eureka.....	3,600	9,000	9,000	9,000	9,000	9,000	--
Lander.....	3,600	9,000	9,000	9,000	9,000	9,000	9,000
Lincoln.....	3,600	9,000	9,000	9,000	9,000	9,000	9,000
Class 9--Esmeralda.....	3,000	8,400	8,400	8,400	--	8,400	--
Storey.....	3,000	8,400	8,400	8,400	8,400	8,400	--

SUMMARY--Changes requirements for publication and effective date of city ordinances. Fiscal Note: No. (BDR 21-210)

AN ACT to amend NRS 266.115 relating to city ordinances; permitting final publication by title alone and an effective date of the date of publication.

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

Section 1. NRS 266.115 is hereby amended to read as follows:

266.115 1. The style of ordinances shall be as follows:

"The City Council of the City of do ordain." All proposed ordinances, when first proposed, shall be read by title to the city council and may be referred to a committee of any number of the members of the council for consideration, after which at least one copy of the ordinance shall be filed with the city clerk for public examination. Notice of such filing shall be published once in a newspaper published in the city, if any there be, otherwise in some newspaper published in the county and having a general circulation in the city, at least 1 week prior to the adoption of the ordinance. The city council shall adopt or reject the ordinance, or the ordinance as amended, within 30 days from the date of such publication, except that in cases of emergency, by unanimous consent of the whole council, final action may be taken immediately or at a special meeting called for that purpose.

2. At the next regular or adjourned ~~meeting~~ of the council following the proposal of an ordinance and its reference to committee, the committee shall report the ordinance back to the council, and thereafter it shall be read in full as first introduced, or if amended, as amended, and thereupon the proposed ordinance shall be finally voted upon or action thereon postponed.

3. After final adoption the ordinance shall be signed by the mayor, and, together with the votes cast thereon, shall be published by title once in a newspaper published in the city, if any there be, otherwise in some newspaper published in the county and having a general circulation in the city. [Twenty days after] Upon the date of such publication the same shall go into effect, except emergency ordinances which may be effective immediately.

**SUMMARY--Amends new charter of the City of Yerington. Fiscal Note:
No. (BDR S-211)**

AN ACT to amend an act entitled "An Act incorporating the City of Yerington, in Lyon County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 23, 1971, as amended.

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

Section 1. Section 1.090 of Article I of the above-entitled act, being chapter 465, Statutes of Nevada 1971, at page 902, is hereby amended to read as follows:

Section 1.090 Officers' [performance] fidelity bonds. The city councilmen may require from all officers and employees of the city constituted or appointed under this charter, except councilmen sufficient security for the faithful and honest performance of their respective duties.

Sec. 2. Section 2.010 of Article II of the above-entitled act, being chapter 465, Statutes of Nevada 1971, at page 903, is hereby amended to read as follows:

Section 2.010 City council: Qualifications; election; term of office; salary.

1. The legislative power of the city is vested in a city council consisting of four councilmen.

2. The councilmen shall be:

(a) Bona fide residents of the city for at least 6 months immediately preceding their election.

(b) Registered voters in the city [and taxpayers on real property located within the city.]

(c) At least 25 years of age.

(d) Citizens of the United States.

3. All councilmen shall be voted upon by the registered voters of the city at large and shall serve for terms of 4 years.

4. The councilmen shall receive a salary in an amount fixed by the city council.

Sec. 3. Section 2.100 of Article II of the above-entitled act, being chapter 465, Statutes of Nevada 1971, at page 905, is hereby amended to read as follows:

Section 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed shall be read to the city council by title and referred to a committee for consideration, after which an adequate number of copies of the proposed ordinance shall be filed with the city clerk for public inspection. Except as otherwise provided in subsection 3, notice of such filing shall be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended

from time to time, and published in the city at least 1 week prior to the adoption of the ordinance. The city council shall adopt or reject the ordinance or an amendment thereto, within 30 days from the date of such publication.

2. At the next regular meeting or adjourned meeting of the city council following the proposal of an ordinance and its reference to committee, such committee shall report such ordinance back to the city council. Thereafter, it shall be read as first introduced, or as amended, and thereupon the proposed ordinance shall be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.030, 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. The determination of the city council that an emergency exists shall be **conclusive upon all persons**, and the city council shall not be required to set forth the nature of the emergency in any ordinance adopted as an emergency ordinance, in the minutes of the city council or otherwise.

4. All ordinances shall be signed by the mayor, attested by the city clerk, and shall be published [in full,] by title, together with the names of the councilmen voting for or against

passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, and published in the city for at least one publication, before the ordinance shall become effective.

5. The city clerk shall record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 4. Section 2.210 of Article II of the above-entitled act, being chapter 465, Statutes of Nevada 1971, at page 907, is hereby amended to read as follows:

Section 2.210 Powers of city council: Traffic control.
The city council may, by ordinance, regulate:

1. All vehicular, pedestrian and other traffic within the city and provide generally for the public safety on public streets and rights-of-way [.] , publicly owned parking lots and parking areas to which the public is invited.

2. The length of time for which vehicles may be parked upon the public streets and publicly owned parking lots.

Sec. 5. Section 2.280 of Article II of the above-entitled act, being chapter 465, Statutes of Nevada 1971, at page 909, is hereby amended to read as follows:

Section 2.280 Powers of city council: Provision of utilities.
The city council may:

1. Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

2. Provide for the construction of ~~any~~ facility necessary for the provision of such utilities.

3. Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and shall be perfected by filing with the county recorder of Lyon County a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien shall:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

4. Pursue any other legal remedy for collection of charges for utility services, facilities or commodities.

Sec. 6. Section 3.010 of Article III of the above-entitled act, being chapter 465, Statutes of Nevada 1971, at page 910, is hereby amended to read as follows:

Section 3.010 Mayor: Duties.

1. The mayor shall be:

(a) A bona fide resident of the city for at least 6 months immediately preceding his election.

(b) A registered voter in the city . [and a taxpayer on real property located within the city.]

(c) At least 25 years of age.

(d) A citizen of the United States.

2. The mayor shall:

(a) Serve as the chief executive and administrative officer of the city.

(b) Preside over the meetings of the city council. He shall not be entitled to vote on any matter before the council except in case of a tie.

(c) Have the right of veto on any matter passed by the city council. A three-fourths vote of the council is necessary to override such veto.

(d) Perform such emergency duties as may be necessary for the general health, welfare and safety of the city.

(e) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

Sec. 7. Section 4.020 of Article IV of the above-entitled act, being chapter 465, Statutes of Nevada 1971, at page 911, is hereby amended to read as follows:

Section 4.020 Municipal court: [Ex officio judge.] Acting judge; salary of judge.

1. [The justice of the peace of Mason Valley Township shall be ex officio judge of the municipal court of the city unless the city council appoints another competent person to be municipal judge.] The city council shall appoint a qualified person to serve as acting judge of the municipal court during any period of absence or illness of the regularly constituted municipal judge.

2. The salary of the municipal judge shall be fixed by the city council.

Sec. 8. Article IV of the above-entitled act, being chapter 465, Statutes of Nevada 1971, at page 911, is hereby amended by adding thereto a new section to be designated as section 4.040, which shall immediately follow section 4.030 and shall read as follows:

Section 4.040 Payment of fines. The judge of the municipal court may order the payment of any fine by installments or any other method of future payment, and failure to comply with such order shall constitute a contempt of court, punishable by law.

SUMMARY--Amends new charter of the City of Elko, removing mayor's power of veto and making technical changes. Fiscal Note: No. (BDR S-212)

AN ACT to amend an act entitled "An Act incorporating the City of Elko, in Elko County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 15, 1971, as amended.

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

Section 1. Section 1.070 of Article I of the above-entitled act, being chapter 276, Statutes of Nevada 1971, at page 475, is hereby amended to read as follows:

Section 1.070 Appointive offices.

1. The board of supervisors of the city shall appoint the following officers:

- (a) City clerk.
- (b) City attorney.
- (c) Chief of police.
- (d) Municipal judge.
- (e) Fire chief.
- (f) City manager.
- (g) City engineer, who may be the city manager.
- [(h) Superintendent of streets and waterworks.]

2. The board of supervisors shall have the power to establish such other offices and to appoint such other officers as it may deem necessary.

Sec. 2. Section 2.030 of Article II of the above-entitled act, being chapter 276, Statutes of Nevada 1971, at page 477, is hereby amended to read as follows:

Section 2.030 Board of supervisors: Duties concerning departments.

1. The board of supervisors shall control and supervise the departments of the city and may establish such rules and regulations as may be necessary for the administration of such departments.

2. The mayor shall designate from among the board of supervisors, members to act as:

(a) Police supervisor.

(b) Supervisor of [streets, waterworks and public property.]
streets.

(c) [Supervisor of fire, sewerage and light.] Supervisor of waterworks and sewer.

(d) Supervisor of fire.

(e) Supervisor of airport and public property.

3. The mayor shall be known as the supervisor of finance and revenue.

4. The duties of each department shall be designated by the board of supervisors.

Sec. 3. Section 3.010 of Article III of the above-entitled act, being chapter 276, Statutes of Nevada 1971, at page 485, is hereby amended to read as follows:

Section 3.010 Mayor: Qualifications; duties; vice president.

1. The mayor shall be:

(a) A bona fide resident of the city for at least 2 years prior to his election.

(b) A registered voter within the city and a taxpayer on real property located within the city for at least 2 years prior to his election.

(c) At least 25 years of age.

(d) A citizen of the United States.

2. The mayor shall:

(a) Serve as ex officio president of the board of supervisors and preside over its meetings.

(b) Serve as the chief executive officer of the city.

(c) Be recognized as the head of the city government for all ceremonial purposes.

(d) Perform such emergency duties as may be necessary for the health, welfare and safety of the city.

(e) Perform such other duties, **except administrative duties** assigned by the board of supervisors to the city manager, as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized under the provisions of a special charter.

3. [The mayor may exercise the right of veto upon all matters passed by the board of supervisors and it shall require a three-fourths vote of the whole board of supervisors to pass any matter receiving the mayor's veto.

4.] The board of supervisors shall elect one of its members to be vice president. Such person shall:

(a) Hold such office and title, without additional compensation, during the term for which he was elected.

(b) Perform the duties of mayor during the absence or disability of the mayor.

(c) Act as mayor until the next municipal election if the office of mayor becomes vacant.

**SUMMARY--Amends the new charter of the City of Wells, enacting changes, additions and transitional provisions.
Fiscal Note: No. (BDR S-213)**

AN ACT to amend an act entitled "An Act incorporating the City of Wells, in Elko County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 15, 1971, as amended.

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

Section 1. Section 2.010 of Article II of the above-entitled act, being chapter 275, Statutes of Nevada 1971, at page 459, is hereby amended to read as follows:

Section 2.010 Board of councilmen: Qualifications; election; term of office; salary.

1. The legislative power of the city is vested in a board of councilmen consisting of four councilmen and a mayor.

2. The mayor and councilmen shall be:

(a) Bona fide residents of the city for at least 2 years prior to their election.

(b) Registered voters within the city [and taxpayers on real property located within the city] for at least 2 years prior to their election.

(c) At least 25 years of age.

(d) Citizens of the United States.

3. All councilmen, including the mayor, shall be voted upon by the registered voters of the city at large and shall serve for terms of 4 years.

4. The mayor and councilmen shall receive a salary in an amount fixed by the board of councilmen.

Sec. 2. Article II of the above-entitled act, being chapter 275, Statutes of Nevada 1971, at page 459, is hereby amended by adding thereto a new section to be designated as section 2.065, which shall immediately follow section 2.060 and shall read as follows:

Section 2.065 Meetings: Assent to actions. Any action taken by a majority of the board of councilmen at any regular or special meeting, even though such meeting is not properly noticed or called, and the record thereof, if assented to in writing by all of the members of the board of councilmen, shall be as valid and effective in all respects as if passed by the board of councilmen in a properly noticed and called regular or special meeting.

Sec. 3. Section 2.160 of Article II of the above-entitled act, being chapter 275, Statutes of Nevada 1971, at page 463, is hereby amended to read as follows:

Section 2.160 Powers of board of councilmen: Police ordinances.

1. The board of councilmen may enact and enforce such local

police ordinances as are not in conflict with the general laws of the State of Nevada.

2. Any offense made a misdemeanor by the laws of the State of Nevada [shall also be deemed to be a misdemeanor in the city] may also be established by ordinance of the board of councilmen as a city offense whenever such offense is committed within the city.

Sec. 4. The above-entitled act, being chapter 275, Statutes of Nevada 1971, at page 457, is hereby amended by adding thereto a new article to be designated as Article X, which shall immediately follow Article IX and shall read as follows:

ARTICLE X

Transitional Provisions

Section 10.010 Continuation of certain officers.

1. The councilman elected at large to a 4-year term at the general municipal election held June 3, 1969, shall continue in office as a councilman until the election, and qualification thereafter, of his successor at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successor shall serve a 4-year term until the election, and qualification thereafter, in turn, of his successor pursuant to subsection 2 of section 5.010.

2. The two councilmen elected at large for 2-year terms each at the general municipal election held June 8, 1971, shall

continue in office as councilmen until the election, and qualification thereafter, of their successors at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successors shall each serve a 4-year term until the election, and qualification thereafter, in turn, of their successors pursuant to subsection 2 of section 5.010.

3. The councilman elected at large to a 4-year term at the general municipal election held June 8, 1971, shall continue in office as a councilman until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.

4. The mayor, elected to a 4-year term at the general municipal election held June 8, 1971, shall continue in the office of mayor until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.

Sec. 5. Section 4 of this act shall become effective upon passage and approval.

**SUMMARY--Amends the new charter of the City of Caliente by providing for ratification of action by city council.
Fiscal Note: No. (BDR S-214)**

AN ACT to amend an act entitled "An Act incorporating the City of Caliente, in Lincoln County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved March 9, 1971, as amended.

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

Section 1. Article II of the above-entitled act, being chapter 31, Statutes of Nevada 1971, at page 55, is hereby amended by adding thereto a new section to be designated as section 2.055, which shall immediately follow section 2.050 and shall read as follows:

Section 2.055 Meetings: Assent to actions. Any action taken by a majority of the city council at any regular or special meeting, even though such meeting is not properly noticed or called, and the record thereof, if assented to in writing by all of the members of the city council, shall be as valid and effective in all respects as if passed by the city council in a properly noticed and called regular or special meeting.

SUMMARY--Amends the new charter of the City of Las Vegas.
Fiscal Note: No. (BDR S-215)

AN ACT to amend an act entitled "An Act incorporating the City of Las Vegas, in Clark County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 24, 1971, as amended.

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

Section 1. Article II of the above-entitled act, being chapter 515, Statutes of Nevada 1971, at page 1066, is hereby amended by adding thereto a new section to be designated as section 2.330, which shall immediately follow section 2.320 and shall read as follows:

Section 2.330 Powers of board of commissioners: Municipal services. The board of commissioners may provide by contract or franchise for any of the following municipal services:

1. Ambulance services;
2. Computer services;
3. Fire protection and suppression services;
4. Garbage collection and disposal services;
5. Police protection and watchman services;
6. Search and rescue services;
7. Inspection services;
8. Towing and wrecking services; and

9. Other municipal services deemed by the board of commissioners to be in the public interest.

Sec. 2. Section 4.010 of Article IV of the above-entitled act, being chapter 515, Statutes of Nevada 1971, at page 1076, is hereby amended to read as follows:

Section 4.010 Municipal court.

1. There shall be a municipal court of the city, consisting of two or more departments, to which the provisions of chapters 5 and 266 of NRS, relating to municipal courts, as amended from time to time, shall apply.

2. Departments of the municipal court shall be numbered consecutively, commencing with the arabic numeral "1".

3. The municipal judge senior by longevity shall be the senior judge for the purpose of setting trial dates and other matters pertaining to the court calendar.

4. The board of commissioners shall provide for additional municipal judges. The addition of municipal judges shall be accomplished in a manner so that as nearly as practicable, one-half of the offices of municipal judge shall be elected in an election year which precedes election of the other one-half by two years. It is the intent of this provision that as nearly as practicable, the terms of additional municipal judges shall alternate with those of existing municipal judges.

Sec. 3. Section 4.020 of Article IV of the above-entitled

act, being chapter 515, Statutes of Nevada 1971, at page 1076, is hereby amended to read as follows:

Section 4.020 Municipal court: Qualifications of municipal judges; [salary.] salary; term.

1. Each department of the municipal court shall be presided over by a municipal judge, who shall be:

(a) Not less than 25 years of age.

(b) A citizen of the United States.

(c) A registered voter within the city for a continuous 2-year period immediately preceding the year in which he is elected.

2. The salary of the municipal judges shall be fixed by the board of commissioners.

3. The municipal judges shall be voted upon by the registered voters of the city at large and shall serve for terms of 4 years.

Sec. 4. Section 5.010 of Article V of the above-entitled act, being chapter 515, Statutes of Nevada 1971, at page 1077, is hereby amended to read as follows:

Section 5.010 Primary municipal elections.

1. On the Tuesday after the 1st Monday in May 1975, and at each successive interval of 4 years, there shall be held a primary municipal election, at which time there shall be nominated candidates for mayor, [and] two offices of [commissioner.] commissioner, and the office or offices of municipal judge.

2. On Tuesday after the 1st Monday in May 1977, and at each successive interval of 4 years, there shall be held a primary municipal election, at which time there shall be nominated candidates for city attorney, two offices of commissioner and the office or offices of municipal judge.

3. The candidates for commissioner to be nominated as provided in subsections 1 and 2 shall be voted for and nominated separately. The offices shall be designated on the ballot by numbering them "1," "2," "3" and "4," with candidates for offices "1" and "3" nominated as provided in subsection 1 and candidates for offices "2" and "4" nominated as provided in subsection 2.

4. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes shall be placed on the ballot for the general election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he shall be declared elected and no general election need be held for that office.

5. A candidate shall file his candidacy for office no earlier than 40 days, nor later than 30 days prior to the primary election.

Sec. 5. Section 6.010 of Article VI of the above-entitled act, being chapter 515, Statutes of Nevada 1971, at page 1079, is hereby amended to read as follows:

Section 6.010 Local improvement law. The board of commissioners, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain:

1. Curb and gutter projects;
2. Drainage projects;
3. Off-street parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Sidewalk projects;
8. Storm sewer projects;
9. Street projects;
10. Underpass projects;
11. Water projects; [and]
12. Underground utility and communication [lines.] lines; and
13. Street lights.

Sec. 6. Section 7.030 of Article VII of the above-entitled act, being chapter 515, Statutes of Nevada 1971, at page 1080, is hereby amended to read as follows:

Section 7.030 Borrowing money.

1. Subject to the limitations imposed by this article, the city may borrow money for any corporate purpose, including without limitation any purpose expressly authorized by this charter

or by Nevada Revised Statutes for a city, and for such purpose may issue bonds or other securities. The Local Government Securities Law, except for securities issued under section 6.020, as amended from time to time, applies to all securities so issued.

2. The board of commissioners shall submit any proposal to borrow money, except an [emergency loan] interfund transfer or budget augmentation, as defined and authorized by chapter 354 of NRS, as amended from time to time, and except for securities issued under section 6.020, but including securities payable from pledged revenues, to the registered voters of the city in the manner provided by NRS 350.010 to 350.070, inclusive, as amended from time to time.

3. Any property tax levied to pay the principal of or interest on such indebtedness authorized under subsection 2 shall be levied upon all taxable property within the city, as provided in NRS 350.590 to 350.602, inclusive, as from time to time amended.

4. Any ordinance pertaining to the sale or issuance of bonds or other securities, including, without limitation, securities issued under section 6.020, may be adopted in the same manner as is provided for cases of emergency. A declaration by the board of commissioners in any ordinance that it is of this kind shall be conclusive in the absence of fraud or gross abuse of discretion.

SUMMARY--Amends the new charter of the City of Henderson.
Fiscal Note: No. (BDR S-216)

AN ACT to amend an act entitled "An Act incorporating the City of Henderson, in Clark County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 13, 1971, as amended.

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

Section 1. Article II of the above-entitled act, being chapter 266, Statutes of Nevada 1971, at page 404, is hereby amended by adding thereto a new section to be designated as section 2.055, which shall immediately follow section 2.050 and shall read as follows:

Section 2.055 Meetings: Assent to actions. Any action taken by a majority of the city council at any regular or special meeting, even though such meeting is not properly noticed or called, and the record thereof, if assented to in writing by all of the members of the city council, shall be as valid and effective in all respects as if passed by the city council in a properly noticed and called regular or special meeting.

Sec. 2. Section 2.100 of Article II of the above-entitled act, being chapter 266, Statutes of Nevada 1971, at page 406, is hereby amended to read as follows:

Section 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed shall be read to the city council by title and referred to a committee for consideration, after which an adequate number of copies of the proposed ordinance shall be filed with the city clerk for public distribution. Except as otherwise provided in subsection 3, notice of such filing shall be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, and published in the city at least 1 week prior to the adoption of the ordinance. The city council shall adopt or reject the ordinance or an amendment thereto, within 30 days from the date of such publication.

2. At the next regular meeting or adjourned meeting of the city council following the proposal of an ordinance and its reference to committee, such committee shall report such ordinance back to the city council. Thereafter, it shall be read [as first introduced, or as amended,] by title only, and thereupon the proposed ordinance shall be finally voted upon or action thereon postponed.

3. 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. All ordinances shall be signed by the mayor, attested by the city clerk, and shall be published by title, together with the names of the councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, and published in the city for at least one publication, before the ordinance shall become effective. The city council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The city clerk shall record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 3. Section 3.040 of Article III of the above-entitled act, being chapter 266, Statutes of Nevada 1971, at page 413, is hereby amended to read as follows:

Section 3.040 City clerk: Duties. The city clerk shall:

1. Keep the corporate seal and all books and papers belonging to the city.

2. Attend all meetings of the city council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the city council, the city clerk shall attest the journal after it has been signed by the mayor.

3. Sign all warrants issued.

4. [Number and countersign all licenses issued by the city. All licenses shall be in a form devised by the city clerk and approved by the city council.

5.] Enter upon the journal the result of the vote of the city council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses or increasing or decreasing the rates of licenses.

{6.} 5. Perform such other duties as may be required by the city council.

Sec. 4. Section 5.100 of Article V of the above-entitled act, being chapter 266, Statutes of Nevada 1971, at page 417, is hereby amended to read as follows:

Section 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the city clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the city council.

2. The city council shall meet [on the first Tuesday] at any time within 14 days after any election and canvass the returns and declare the result. The election returns shall then be sealed and kept by the city clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the city council.

3. The city clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the city council shall summon the candidates who received the tie vote and determine the tie by lot. The city clerk shall then issue to the winner a certificate of election.

SUMMARY--Amends the new charter of the City of North Las Vegas making various substantive as well as technical changes and additions. Fiscal Note: No. (BDR S-217)

AN ACT to amend an act entitled "An Act incorporating the City of North Las Vegas, in Clark County, Nevada, and defining the boundaries thereof, under a new charter; and providing other matters properly relating thereto," approved April 26, 1971, as amended.

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

Section 1. Section 1.070 of Article I of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1211, is hereby amended to read as follows:

Section 1.070 Mayor and councilmen not to hold other office.

1. The mayor and councilmen shall not:

(a) Hold any other elective office or employment with [Clark County or] the city, except as provided by law or as a member or a board or commission for which no compensation is received.

(b) Be elected or appointed to any office created by or the compensation for which was increased or fixed by the city council until 1 year after the expiration of the term for which such person was elected.

2. Any person holding any office proscribed by subsection 1 shall automatically forfeit his office as mayor or councilman.

Sec. 2. Section 2.020 of Article II of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1212, is hereby amended to read as follows:

Section 2.020 City council: [~~Contracts.~~] Contracts; conflict of interest.

1. Members of the city council may vote on any lease, contract or other agreement which extends beyond their terms of office.

2. No member of the city council, including the mayor, shall:

(a) Be pecuniarily interested, directly or indirectly, in any contract let by the city, or in any transaction wherein the rights or liberties of the city are, or may be involved. This paragraph does not apply to contracts for utilities and other services provided for the public by the city under this charter and the ordinances thereunder, when the councilman or mayor applies for and receives such services in the same manner and pays the same established rates and charges as any member of the public.

(b) Be interested directly or indirectly in any public work or contract let, supervised or controlled, or which is paid wholly, or in part, by the city. This paragraph does not preclude or discharge a councilman or the mayor from paying his proportionate share of the cost of any public works when he has become obligated in the same manner as any member of the public, nor does it prohibit a councilman or the mayor from enjoying the benefits of a work constructed for the benefit of the public in the same manner as any other member of the public.

(c) Become the surety of any person on any bond or other obligation running to the city.

Sec. 3. Section 2.100 of Article II of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1214, is hereby amended to read as follows:

Section 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed shall be read to the city council by title, after which an adequate number of copies of the proposed ordinance shall be filed with the city clerk for public distribution. Except as otherwise provided in [subsection 3,] subsections 3 and 4, notice of such filing shall be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, and published in the city at least 1 week prior to the adoption of the ordinance.

2. At the next regular meeting or adjourned meeting of the city council following the proposal of an ordinance, it shall be read by title as first introduced, any amendment shall be proposed and voted upon and thereupon the proposed ordinance, with any adopted amendments, shall be finally voted upon or action thereon postponed.

3. [In cases of emergency or where] Where the ordinance is of a kind specified in section 7.040, by unanimous consent a

special meeting may be called for the purpose of taking final action, and by a majority vote of the city council final action may be taken immediately and no notice of the filing of the copies of the proposed ordinance with the city clerk need be published. It shall become effective immediately upon passage.

4. In cases of emergency, final action may be taken at a regular, adjourned regular, special, or adjourned special meeting by a majority vote of the city council, and no notice of the filing of the copies of the proposed ordinance with the city clerk need be published. It shall become effective immediately upon passage.

5. All ordinances shall be signed by the mayor, attested by the city clerk, and shall be published in the city, once, by title, together with the names of the councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 or NRS, as amended from time to time, before the ordinance, except [an emergency ordinance,] as otherwise provided in subsections 3 and 4, shall become effective. The city council may, by a majority vote, order the publication of the ordinance in full in lieu of publication by title only.

[5.] 6. The city clerk shall maintain a record of all ordinances, together with the affidavits of publication by the publisher, until disposed of in accordance with law.

Sec. 4. Section 2.110 of Article II of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1215,

as amended by chapter 669, Statutes of Nevada 1971, at page 2054, is hereby amended to read as follows:

Section 2.110 Codification of ordinances; publication of code.

1. The city council may codify and publish a code of its municipal ordinances in the form of a municipal code, which code may, at the election of the city council, have incorporated therein a copy of this charter and such additional data as the city council may prescribe. When such code is published, two copies shall be filed with the librarian at the Nevada state library [.] , and thereafter the code shall be received in all courts of this state as an authorized compilation of the municipal ordinances of the city. Two copies shall also be filed with the city clerk and the librarian of the North Las Vegas municipal library.

2. The ordinances in the code shall be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the mayor, attestations and other formal parts.

3. The codification shall be adopted by an ordinance and shall not contain any substantive changes, modifications or alterations of existing ordinances; and the only title necessary for the ordinance shall be, "An ordinance for codifying and compiling the general ordinances of the City of North Las Vegas."

4. The codification may be amended or extended by ordinance.

Sec. 5. Section 2.180 of Article II of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1216, is hereby amended to read as follows:

Section 2.180 Powers of city council: Buildings; construction and maintenance regulations; building, plumbing, electrical, mechanical, housing, sign and safety codes. The city council may:

1. Regulate all matters relating to the construction, maintenance, use, occupancy and safety of buildings, structures and property within the city.

2. Adopt any building, plumbing, electrical, mechanical, housing, sign or safety code necessary to carry out the provisions of this section and establish such fees and penalties as may be necessary.

3. Notwithstanding the provisions of subsection 2, if state law requires the adoption by the city of a particular code or regulation, that, and no other, shall be adopted by the city as the exclusive authority governing the subject concerned.

Sec. 6. Section 2.190 of Article II of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1216, is hereby amended to read as follows:

Section 2.190 Powers of city council: Planning and zoning.

1. The city council may by ordinance:

(a) Establish an official map of the city, on which shall be shown and indicated:

(1) All public streets existing and established by law at the time of the establishment of the official map.

(2) All planned streets or street lines as located on plats adopted by the council in accordance with the provisions of chapter 278 of NRS at the time of the establishment of the map.

(3) All streets or street lines as located on final or recorded plats of subdivisions approved by the council at the time of the establishment of the map. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes. The council may in the same manner place upon the official map the location of existing or planned parks or other public open spaces.

(b) Provide that no permit shall be issued for any building or structure [of] or any part thereof on any land located between the mapped lines of a street as shown on the official map.

Just Thereafter, all street locations on final or recorded plats of subdivisions or plats adopted by council under the provisions of chapter 278 of NRS, as amended from time to time, shall be deemed additions to or modifications of the official map and shall be placed thereon. The council may by ordinance make,

from time to time, other additions to or modifications of the official map by placing thereon the location of proposed streets, street extensions, widenings, narrowings or vacations. Any such proposed addition to or modification of the official map shall be referred to the city planning commission for its approval, but if the planning commission disapproves or fails to act within 30 days, the council by a majority vote of its members may overrule such disapproval.

2. The city council shall carry out the provisions of chapter 278 of NRS, as amended from time to time.

Sec. 7. Section 2.270 of Article II of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1218, is hereby amended to read as follows:

Section 2.270 Powers of city council: [~~Sanitary sewer~~] Sani-
tation and water facilities. The city council may:

1. Provide for a sanitary sewer system or any part thereof, and obtain property therefor either within or without the city.

2. Sell any product or byproduct [~~thereof~~] of such sewer system and acquire the appropriate outlets within or without the city and extend the sewer lines thereto.

3. [~~Establish sewer fees and provide for the enforcement and collection thereof.~~] Provide for a garbage collection system or any part thereof, and obtain property therefor either within or without the city.

4. Provide for a water distribution system or any part thereof, and obtain property therefor either within or without the city.

Sec. 8. Section 2.280 of Article II of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1219, is hereby amended to read as follows:

Section 2.280 Powers of city council: Provision of utilities. The city council may:

1. Provide, by contract, franchise [or] and public enterprise, for any utility to be furnished to the city for [the residents thereof.] residents located either within or without the city.

2. Provide for the construction and maintenance of any [facility] facilities necessary for the provision of all such utilities.

3. [Fix the rate to be paid for any utility provided by the city. Any charges due for services, facilities or commodities furnished by any utility provided by the city is a lien upon the property to which the service is rendered and shall be perfected by filing with the county recorder of Clark County a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien shall:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.] Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally-operated or municipally-owned utility or undertaking, and notwithstanding any provision of this charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally-operated or municipally-owned utility or undertaking shall be prescribed, revised, amended or altered, increased or decreased, without the procedure as set forth in this subsection first being followed.

(a) There shall be filed with the city clerk schedules of rates, fees, tolls or charges which shall be open to public inspection, showing all rates, fees, tolls or charges which the city has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the city.

(b) No changes shall be made in any schedule so filed with the city clerk except upon 30 days' notice to the inhabitants of the city and a public hearing held thereon. Notice of such proposed change or changes shall be given by at least two publications in a newspaper published in the city during the 30-day period prior to the hearing thereon.

(c) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(d) Every utility operated by the city shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, shall be just and reasonable.

4. Any charges due for services, facilities or commodities furnished by the city or by any utility operated by the city under this section is a lien upon the property to which the service is rendered and shall be perfected by filing with the county recorder of Clark County of a statement by the city clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien shall:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

Sec. 9. Section 3.080 of Article III of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1221, is hereby amended to read as follows:

Section 3.080 Department of finance: Director; conduct.

1. The city council may establish a department of finance, the head of which shall be the director of finance. The department of finance may also include a city treasurer and such other qualified personnel as the city manager determines are necessary to handle the financial matters of the city properly.

2. The director of finance shall be the city manager, or he may, subject to ratification by the city council, appoint a director of finance.

3. The department of finance shall maintain complete records of all fiscal transactions of, and claims against, the city.

4. Before payment, all accounts shall be audited and approved by the department of finance. The director of finance shall be responsible for the preparation of all [warrants and] claims paid. [Warrants] Claims so issued shall bear the signatures of any two of the three following officers: City manager, director of finance and city treasurer. Facsimile signatures may be permitted if at least two of the three designated officers control the use of the device.

Sec. 10. Section 5.020 of Article V of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1223, is hereby amended to read as follows:

Section 5.020 Primary municipal elections; declaration of candidacy.

1. The city council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents.

2. If for any general municipal election there are three or more candidates for the offices of mayor or municipal judge, or five or more candidates for the office of councilman, a primary election for any such office shall be held on the Tuesday following the 1st Monday in May preceding such general election.

3. After the primary election, the names of the two candidates for mayor and municipal judge and the names of the four candidates for city councilman who receive the highest number of votes shall be placed on the ballot for the general election unless one of the candidates for mayor or municipal judge receives a majority of the total votes cast for that office in the primary election, in which case such candidate shall be declared the winner. [If one candidate for the office of city councilman receives a majority of the votes cast for that office, such candidate shall be declared elected and a general election shall be held only to fill any office for which a winner has not been declared.]

Sec. 11. Section 5.050 of Article V of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1224, is hereby amended to read as follows:

Section 5.050 Names on ballots. The full names of all candidates, except those who have withdrawn, died or become ineligible, shall be printed on the official ballots without party

designation or symbol. The use of nicknames in conjunction with the candidates' legal names is allowed and the nicknames may be printed on the official ballots. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot. In any election regulated by this charter, the names of candidates as printed on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.

Sec. 12. Section 5.080 of Article V of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1225, is hereby amended to read as follows:

Section 5.080 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or general municipal election shall be filed with the city clerk, who shall immediately place such returns in a safe or vault, and no person shall be permitted to handle, inspect or in any manner interfere with such returns until canvassed by the city council.

2. The city council shall meet [on the first Tuesday] at any time within 14 days after any election and canvass the returns and declare the result. The election returns shall then be

sealed and kept by the city clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the city council.

3. The city clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon the discharge of their respective duties on the 1st Monday in July next following their election.

4. If any election should result in a tie, the city council shall summon the candidates who received the tie vote and determine the tie by lot. The clerk shall then issue to the winner a certificate of election.

Sec. 13. Section 7.040 of Article VII of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1226, is hereby amended to read as follows:

Section 7.040 Borrowing money. [The city council may borrow money in accordance with the Local Government Securities Law, as amended from time to time.]

1. Subject to the limitations imposed by this article, the city may borrow money for any corporate purpose, including without limitation any purpose, expressly authorized by this charter or by Nevada Revised Statutes for a city, and for such purpose may issue bonds or other securities. The Local Government Securities Law, as amended from time to time, applies to

all securities so issued, except for securities issued under section 6.020.

2. The city council may submit any proposal to borrow money, except an emergency loan as defined and authorized by chapter 354 of NRS, as amended from time to time, and except for securities issued under section 6.020, but including securities payable from pledged revenues, to the registered voters of the city in the manner provided by NRS 350.010 to 350.070, inclusive, as amended from time to time.

3. Any property tax levied to pay the principal of or interest on such indebtedness authorized under subsection 2 shall be levied upon all taxable property within the city, as provided in NRS 350.590 to 350.602, inclusive, as amended from time to time.

4. Any ordinance pertaining to the sale or issuance of bonds or other securities, including, without limitation, securities issued under section 6.020, may be adopted in the same manner as is provided for cases of emergency. A declaration by the city council in any ordinance that it is of this kind shall be conclusive in the absence of fraud or gross abuse of discretion.

Sec. 14. Section 2.030 of Article II of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1213, is hereby repealed.

Sec. 15. Section 5.070 of Article V of the above-entitled act, being chapter 573, Statutes of Nevada 1971, at page 1225, is hereby repealed.