

Assembly

GOVERNMENT AFFAIRS COMMITTEE

3- 1149

MINUTES OF THE MEETING

APRIL 22, 1975

MEMBERS PRESENT: CHAIRMAN DINI
VICE-CHAIRMAN MURPHY
ASSEMBLYMAN CRADDOCK
ASSEMBLYMAN HARMON
ASSEMBLYMAN MAY
ASSEMBLYMAN MOODY
ASSEMBLYMAN SCHOFIELD
ASSEMBLYMAN FORD
ASSEMBLYMAN YOUNG

ALSO PRESENT: Alex Fittinghoff
C.A. Soderblom
Mike Schultz
Chloris Goodwin
John A. Macintire
Paul W. Freitag
Jim Lillard
Mr. Petroni
Mr. Ashelman
Mr. Dick Morgan

(The following bills were discussed: S.B. 338, A.B. 532, A.B. 572).

Mr. Dini called the meeting to order at 5:00 P.M.

Senator Foote testified with regard to S.B. 338. Senator Foote informed the committee that S.B. 338 is the work project of the Charter Committee. She indicated that Mr. Goodwin and she came in with 7 pages of amendments to the charter which was to go into effect in July. They decided instead to appoint a Charter Committee. It was formed and this is their work project. It is a good charter. She asked the committee for favorable consideration.

Mr. Christensen testified next. He has been serving as Chairman of the Charter Committee for two years.

Mr. Freitag testified next. What they did was to take portions of the charter of July, 1973. They took many of the good things out of that. A lot of things from the old charter that worked very well in the past were put in this new charter.

Mr. Burnett testified next. He stated that he had discussed this with Russ MacDonald. There may be some question about residency for running for office and they are willing to accept suggestions on that and will go along with the wishes of the committee.

There is a permanent committee that will be part of the city government. The Charter Committee. He indicated that they have been very beneficial to the City of Sparks. They have become a part of the government.

Mr. Dini questioned the residency requirement. He stated that in view of the judge's decision in Las Vegas they went to 30 days. Mr. Dini indicated that perhaps this bill should be passed in compliance with the judge's order.

Mr. Freitag indicated that this was probably a good idea. They had an election pursuant to an assembly bill that was passed last time.

Mr. Dini referred to page 13. He stated that there were no qualifications for municipal judge. He asked if there was a particular reason.

Mr. Freitag indicated that they have qualified it in the first article. They feel that that was all that was required. Right now they have a lay judge. It has worked very well.

Mr. Dini referred to having an election of all councilmen at one time. He stated that there was no carryover.

Mr. Freitag stated that they felt that even though Sparks has grown to 35,000 in population the disadvantage of the cost of an additional election outweighs the advantages. He stated that they had been surviving with all councilmen being elected at one time. He indicated that they have quite a bit of carryover as far as experience in city departments. They depend on city departments. He indicated that they had the city to carry them along at least for a while.

Mrs. Ford indicated that this does not reflect the amendments in the Senate.

Mr. Freitag indicated that they had put in uniform bonding. The Charter will set salaries. In the future, the Charter Committee will recommend salaries. The mayor and the council were unable to set salaries. This would be a one time thing. It will be best in the future. Mr. Freitag indicated that he would be happy to get together with the Legislative Council Bureau with regard to the 30 days. He indicated that they would be happy to go along with the rest of the cities.

Mayor Lillard stated that he defers any comment.

Assemblyman Benkovich stated that his concern was the residency requirement and that has been adequately covered.

Mr. Craddock moved for a do pass on S.B. 338, which was seconded by Mr. May. All of the members were in favor of the motion and it carried unanimously.

The next bill to be discussed was A.B. 532. Mr. Dini ³⁻¹¹⁵¹ indicated that a subcommittee consisting of Mr. Young and Mr. Murphy had been working on this bill. Mr. Young indicated that he has so many problems with this bill. He stated that he had spoken to bonding attorneys and to the tax commission.

Mr. Young moved for indefinite postponement of A.B. 532, which was seconded by Mrs. Ford.

Mr. Fittinghoff then requested that he be able to discuss the problems with the committee if possible. He stated that the acceptability by bond counsel has been established in other states. He stated that this was something that was on the books already.

Mr. Young stated that it freezes the money in one spot. He stated that the schools can get no part of it. He stated that the way this bill is written they can be sold within the \$5.00 tax limit or special bonds can be sold over and above the \$5.00 tax limit. No one had any feeling for this bill at all. He stated that he did not feel that this bill would go anyplace.

Mr. May stated that a vote of the people was not in this bill. He stated (Mr. Fittinghoff) that the powers that are available to the city council are much greater.

Mr. Young stated that this was not a Sparks Bill. Mrs. Ford asked how much money they will be getting from the community development act. Mr. Fittinghoff stated that we would be getting nothing. All discretionary funds are used up.

Mr. Moody stated that he had mentioned that if a new hotel was constructed that they would possibly pay \$15,000 in taxes. This money would be put aside into a fund for improvements. This hotel would employ 50, 60 or 70 people. Their children would go to school. This money would be taken and used in capital improvement fund. Mr. Moody asked how they would subsidize the school.

Mr. Fittinghoff stated that over a period of several years they were asking that not more than 2-1/2% of growth be funneled into a fund. It is a regenerating fund. Those people will buy houses which will also generate taxes. He stated that there was no fund provided for the reconstruction of streets.

Mr. Craddock indicated that he failed to understand what this would accomplish. He asked why not set aside a reserve. Mr. Fittinghoff stated that the demands on what the city produces do not permit that to happen.

Mr. Craddock asked if the demands would diminish with this system.

Mr. Dini indicated that the committee had another bill scheduled at 5:30. He indicated that the hearing on this bill would be postponed until a later date.

Mr. Young indicated that if the city of Sparks wants this he has no objection. He does oppose it going into the general fund.

Mr. Fittinghoff stated that this could be made a special act if the committee so chose.

Mr. Dini then assigned Mr. Murphy to work on this bill and to try to work on this bill so that the committee would be able to understand it better.

Mr. Warren stated that they felt that this was a valid bill for the rest of the cities. He stated that they withdraw this proposal only for Sparks.

Mr. Carl Soderblom stated that he has serious questions about the diversion of funds from a specific tax levy for another purpose. He stated that the increment is definitely going to cause a problem. He stated that there would be other areas that would need these funds. He stated that this was his objection to this bill. He indicated that the statutes provide a system where this can be accomplished through the bonding procedure. It should be a citywide project.

Mr. May stated that inasmuch as this is a type of tax diversion he would recommend a do pass from the committee and re-refer to taxation. The motion was seconded by Mr. Moody. There would be no recommendation of the Government Affairs Committee.

The motion carried unanimously.

Mr. Dini indicated that Mr. May and Mr. Murphy would still continue to work on this bill as a subcommittee.

The next bill to be discussed was A.B. 572. The committee met with Mr. Dick Morgan, Mr. Petroni and Mr. Ashelman.

Mr. Dini stated that the committee had enough background on this bill. He stated that this is the only one that involves public employees. He further stated that he has a dislike for strike provisions. This is a meritorious bill, and that it would perhaps improve the Dodge Act. See Attachment

Mr. Dini further stated that some clean up language that Mr. Ashelman had proposed would be taken up by the committee.

He further stated that in Section 17 we should try to define supervisory employee. Mr. Ashelman then read from his amendment, a copy of which is attached hereto and made a part hereof. Mr. Ashelman stated that this is just what the NLRB uses. He indicated that this was done by the decision making power of the NLRB. This is known to the private industry as the straw boss.

The committee then discussed Subsection 2. The word "incidental" should be between "certain" and "administrative". Mr. Petroni and Mr. McCracken stated that they would have no argument with that language. Mr. Morgan stated that they had problems. He indicated that there were teachers that work 5 periods a day. The amendment would clear up their problem. Mr. Petroni indicated that they did not think it was supervisory. Mr. Morgan indicated that some of their school units think it is.

Section 20 was discussed next. The insertion of the word "safety" as (r) was discussed. Mr. McCracken stated that as far as adding the word safety he was wondering how broad we were trying to get there. 1153
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The right to assign and transfer was discussed. This has been the subject of bargaining in the past. Mr. Morgan indicated that if it is used as a form of discipline that they then will be able to bargain. Mr. Petroni and Mr. McCracken indicated that neither one of them had any problem with this.

The committee then discussed the various dates in the bill. Mr. Ashelman indicated that in his view the December 1 and March dates should be changed. The December 1 date should be changed to January 15th and the March date should be changed to April 1st. Mr. Petroni stated that he would have no problems. Mr. McCracken stated that this would help the cities and counties. Mr. Morgan stated that he agrees and supports the proposal.

The committee then discussed the advisory committee and indicated that there was no provision with regard to vacancies that may occur. It was decided that on the employee side it should be filled as to their desire and the same would be on the management side.

Mr. McCracken then stated that they could live without section 10.

Mr. Ashelman stated that this would be fine with Mr. Petroni's amendment. Mr. Ashelman stated that they object to Sections 10 through 14.

Mr. Morgan stated that the board is doing a good job. They have rendered 15 decisions in the last year and the teachers have won 9 and lost 6. They have no objection to the advisory committee making recommendations to the governor.

Mr. Dini stated that the purpose of the advisory board is in line 30. This would go a long way to helping the legislature.

Mr. Morgan stated that he had no problem with the advice.

Mr. McCracken stated that they were supporting a 5 man board.

Mr. Petroni referred to the scope of negotiations. He stated that it was too broad. He referred to page 5, line 48.

Mr. Ashelman stated that if you cannot negotiate you don't have a negotiation act.

Mr. Petroni referred to Line 10, page 6 and stated that they feel that that could get into a problem as far as methods used to classify employees. They would like to have item k removed.

Mr. Ashelman stated that you can nullify the effects of negotiations. All you have to do is start redefining your employees. He stated that this was needed.

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Mr. Morgan stated that one of the gravest problems is how does a person get to be a principal. They want standards about quality and education.

Mr. McCracken stated that they have a problem when you say method used to classify. There are some things that management has to do.

Mr. Ashelman stated that it was worse than that. If you put it in a non-negotiable area, you would be freezing one area of civil service.

Mr. Young asked how you would negotiate that.

Mr. Ashelman stated that classifications already exist. What happens if there are problems, then you negotiate.

Mr. McCracken stated if we are negotiating classification and negate it, it should be done at the bargaining table.

Mr. Petroni referred to page 7, line 3, item 6. This is presently in the law. That is a discussion item.

Mr. Morgan stated that with respect to section 6 it takes us back to 1968. Teachers can go in and discuss matters. The problem has really been that the superintendent did not do anything. They are not getting anything out of section 6.

Mr. Petroni stated that it works in their school district. They always have that right.

Mr. Ashelman stated that Section 6 is neutral.

Mr. McCracken stated that with regard to Section 20, their big problem is Item g and h on page 6. He stated that there was a problem of conflict there.

Mr. Ashelman stated that "day or week" could be added.

Mr. Morgan stated that there is not a teacher in the state that does not work for 7 hours. They take papers home. You don't leave the job when the whistle blows.

Mr. Petroni stated that he agrees that there are some fine teachers, but that there were some that left before the children.

Mr. Young asked how they felt about strikes.

Mr. Morgan stated that he was against S.B. 242. He stated that they did not want to go on strike.

Mr. McCracken indicated that there would be very few strikes.

Mr. Petroni stated that he likes the concept of local strikes if they are set up properly. It will probably have more meaningful negotiations.

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Mr. May stated that the strike should be a weapon. He asked what happened after the strike. How do you resolve it?

Mr. Petroni stated that you work harder to get it over with.

Mr. Ashelman stated that most of his unions bargain first. He said that more and more problems were settled. If you had a classified union walk out you would have some real problems.

Mr. Dini indicated that the committee would meet again tomorrow night to discuss the amendments again.

There being no further business to come before the meeting, the meeting adjourned.

Respectfully submitted,

BARBARA GOMEZ,
COMMITTEE SECRETARY

ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS
TUESDAY,

Date APRIL 22, 1975 Time 5:00 P.M. Room 214

3- 1120

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA SUPERSEDES THE AGENDA FOR
TUESDAY, APRIL 22, 1975

S.B. 338

Enacts new Sparks City Charter.

NOTIFY: Senator Foote, City of Sparks.

PLEASE NOTE: THE ONLY CHANGE IN THIS
agenda is the change of the time of
the meeting.

GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

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DATE: April 22, 1975 - 5:00 PM

NAME	PLEASE PRINT	BILL #	REPRESENTING	TESTIFYING
	Alex Fittinghoff	532	CITY OF SPARKS	✓
	C. A. SODERBLOM	532	Yuv. R.R. Assoc.	532
	MIKE SCHULTZ	338	CITY OF SPARKS	
	Chloris Goodwin	SB338	" " "	?
	John G. Markley	532 SB338		??
	Paul W. Wray	11	11	11
	R. Honnell	SB338 AB 532	" "	
	Clifford Devine	SB338	" "	
	W. E. STEVENSON	✓	✓ ✓	
	Al Ravnitzky	✓	✓	
	Jim Lillard	SB338 AB532	Mayor Sparks	?

Office of Research; March 24, 1975

PROPOSED SPARKS CHARTERS

Attached is a comparison between Chapter 545, 1971 Statutes and S.B. 338, 1975 session. Senator James I. Gibson has requested that each member of the Senate and Assembly Government Affairs committees receive this comparison to facilitate committee analysis of the two proposed charters.

On each page the 1971 version is in the first or left column and the 1975 version is second in the right column. Chapter 545 is used as the standard so that emphasis is on the way in which S.B. 338 differs from Chapter 545.

Portions of S.B. 338 that are different from the Chapter 545 counterpart sections are underlined. When there is nothing in the other column, there is no comparable provision except where noted.

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ARTICLE I

Incorporation of City; General Powers; Boundaries;
Wards and Annexations; City Offices

Section 1.010 Preamble: Legislative intent.

1. In order to provide for the orderly government of the City of Sparks and the general welfare of its citizens the legislature hereby establishes this charter for the government of the City of Sparks. It is expressly declared as the intent of the legislature that all provisions of this charter be liberally construed to carry out the express purposes of the charter and that the specific mention of particular powers shall not be construed as limiting in any way the general powers necessary to carry out the purposes of the charter.

2. Any powers expressly granted by this charter are in addition to any powers granted to a city by the general law of this state. All provisions of Nevada Revised Statutes which are applicable generally to cities (not including, unless otherwise expressly mentioned in this charter, chapters 265, 266 or 267 of NRS) which are not in conflict with the provisions of this charter apply to the City of Sparks.

Sec. 1.020 Incorporation of city.

1. All persons who are inhabitants of that portion of the State of Nevada embraced within the limits set forth in section 1.030 shall constitute a political and corporate body by the name of "City of Sparks" and by that name they and their successors shall be known in law, have perpetual succession and may sue and be sued in all courts.

2. Whenever used throughout this charter, "city" means the City of Sparks.

Section 1.030 Description of territory. The territory embraced in the city is: [that]

1. That certain land described in that official plat required by NRS 234.250 to be filed with the county recorder and the county assessor of Washoe County, as such plat is revised from time to time []; and

2. That certain land described in subsection 2 of section 1 of Article 1 of chapter 180, Statutes of Nevada 1949.

Sec. 1.040 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, and the territory comprising each ward shall be contiguous.

2. The boundaries of wards shall be established and changed by ordinance, passed by a vote of at least three-fifths of the city council. The boundaries of wards shall be changed whenever the number of electors registered at the time of the last preceding general election in any ward exceeds the number of electors registered in any other ward by more than 25 percent.

ARTICLE I

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3. The city may have and use a common seal and may change the same at pleasure.

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Sec. 1.040 Wards: Creation; boundaries. The city shall be divided into five wards each of which shall be as nearly equal in registered voters as can be conveniently provided, and the territory comprising each ward shall be contiguous. In December of the year preceding a general municipal election the Washoe County registrar of voters shall establish new boundaries for each ward if the number of electors registered at the time of the last preceding general election in any ward exceeds the number of electors registered in any other ward by more than 5 percent.

Sec. 1.050 Annexations. The city may annex territory by following the procedure provided for the annexation of cities in those sections of chapter 268 of NRS, as amended from time to time, which apply to counties having a population of less than 200,000.

Sec. 1.060 Elective offices.

1. The elective officers of the city consist of:
 - (a) A mayor.
 - (b) Five councilmen.
 - (c) A municipal judge.
 - (d) A city attorney.
 - (e) A city clerk.
2. Such officers shall be elected as provided by this charter.

SB 338 provides for qualifications for all offices under §1.060 while the approach under Chapter 545, 1971 Statutes was to place them under each office.

Sec. 1.070 Elective offices; Vacancies.

1. A vacancy in the city council or in the office of city clerk, city attorney or municipal judge shall be filled by the mayor, subject to confirmation by the city council, or the remaining members of the city council in the case of a vacancy in such council, within 30 days after the occurrence of such vacancy. The appointee shall have the same qualifications as are required of the elective official.
2. The appointee shall serve the balance of the term of office to which he is appointed and until his successor is duly elected and qualified.

Sec. 1.050 Annexations. The city may annex territory by following the procedure provided for the annexation of cities in those sections of chapter 268 of NRS, as amended from time to time, which apply to counties having a population of less than 200,000.

Sec. 1.060 Elective officers: Qualifications; salaries; terms of office.

1. The elective officers of the city consist of:
 - (a) A mayor.
 - (b) Five councilmen.
 - (c) A city clerk.
 - (d) A city attorney.
 - (e) A municipal judge.
2. All elective officers of the city, except the city attorney, shall be:
 - (a) Bona fide residents of the city for at least 3 years immediately prior to their election.
 - (b) Registered voters within the city.
 - (c) At least 25 years of age.
3. No person shall be elected or appointed to the office of councilman who was not an actual bona fide resident of the ward to be represented by him for a period of 6 months prior to the time designated as the last day of filing for such office, or, in the case of appointment, 6 months prior to the day the office became vacant.
4. The city attorney shall be a registered voter and a duly licensed member of the State Bar of Nevada.
5. All elective officers shall:
 - (a) Reside within the city during their terms of office;
 - (b) Be voted upon at a general municipal election by the registered voters of the city at large; and
 - (c) Serve for terms of 4 years.

Sec. 1.070 Elective offices; vacancies.

1. A vacancy in the city council, office of the city clerk, city attorney or municipal judge shall be filled by appointment of the mayor, subject to confirmation by the city council, or by the remaining members of the city council in case of vacancy in such council, within 30 days after the occurrence of such vacancy. If the majority of the council is unable or refuses for any reason to confirm any appointment made by the mayor within 30 days after the vacancy occurred, the city council shall present to the mayor the names of two qualified persons to fill the vacancy in the council. The mayor shall within 15 days after such presentation select one of the two qualified persons as councilman. The appointee shall have the same qualifications required of the elected official.
2. A vacancy in the office of the mayor shall be filled by the mayor pro tempore. The resulting vacancy in the city council shall be filled as provided in subsection 1.
3. The appointee or mayor pro tempore, in case of a vacancy in the office of mayor, shall serve the balance of the term of office to which he is appointed and until his successor is duly elected and qualified.

Specification of certain offices to be filled by appointment left out of SB 338, leaving all creation of appointive offices other than the city manager to the council.

Bond requirement for councilmen left out of SB 338.

Chapter 545, 1971 Statute

Sec. 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. Director of personnel and services.
7. Such other officers as may be necessary.

Sec. 1.090 Appointive officers: Miscellaneous provisions.

1. All appointive officers shall perform such duties as may be designated by the city manager and such other duties as may be directed by the city council.
2. The city council may require from all other 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.
3. All appointive officers of the city shall receive such salary as may be designated by the city council.

Sec. 1.100 Mayor and councilmen not to hold other office.

1. The mayor and councilmen shall not:
 - (a) Hold any other elective office with Washoe County or the city, 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. 1.110 Departments: City manager's direction. All departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer subject to the direction and supervision of the city manager.

Sec. 1.080 Appointive offices and officers.

1. The mayor of the city shall appoint a city manager, subject to confirmation by the city council.
2. The city council may establish such other appointive offices as it may deem necessary for the operation of the city.
3. Appointment of such officers shall be made by the city manager, subject to ratification of the city council.

Sec. 1.090 Appointive officers: Miscellaneous provisions.

1. All appointive officers shall perform such duties as may be directed by the city manager and such other duties as may be designated by ordinance.
2. The city council may require from all officers and employees of the city constituted or appointed under this charter, sufficient security for the faithful and honest performance of their respective duties, and the cost of such bond shall be paid by the city.
3. A person appointed by the city manager to any office may be removed from office for cause by the city manager. The officer so removed shall have the right of appeal to the mayor and city council and may demand written charges to be made and a hearing before the city council prior to the date his final removal is to take place. The decision and action of the city council upon such hearing is final.

Sec. 1.100 Mayor and councilmen not to hold other office.

1. The mayor and councilmen shall not:
 - (a) Hold any other elective office with the State of Nevada, Washoe County, the City of Sparks or any other city, except as provided by law or as a member of 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.

§1.090 §§ 3 relates to this section

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Sec. 1.120 Oath of office. Every person elected or appointed to fill any office shall subscribe to the official oath as provided by the city council. Every such person shall swear or affirm that he is not under any direct or indirect obligation to vote for, appoint or elect any person to any office, position or employment in the city government.

Sec. 1.120 Oath of office. Every person elected or appointed under the provisions of sections 1.060 to 1.080, inclusive, shall subscribe to the official oath as provided by the city council. Every such person shall swear and affirm that he is not under any direct or indirect obligation to vote for, appoint or elect any person to any office, position or employment in the city government.

Sec. 1.120 Personal financial interest prohibition.
1. Any city officer or employee who has a substantial financial interest, direct or indirect:

- (a) By reason of ownership of stock in any corporation;
- (b) In any contract with the city;
- (c) In the sale of any land, material, supplies or services to the city; or
- (d) With a contractor supplying the city;

shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a city officer or employee in the making of such sale or in the making or performance of such contract.

2. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section is guilty of malfeasance in office or position and shall forfeit the office or position.

3. Any knowledge, express or implied, of the person or corporation contracting with or making a sale to the city in violation of this section shall make the contract or sale voidable by the city manager or the city council.

Sec. 1.130 Certain activities prohibited.

1. A person shall not be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, religious creed, color, national origin, ancestry or political affiliations.

2. A person shall not willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud to prevent the impartial execution of such provisions, rules and regulations.

3. A person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall not directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion or proposed promotion.

4. A person shall not orally, in writing or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointive city position.

5. A person who holds any compensated appointive city position shall not make, solicit or receive any contribution of campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party, but he may exercise his rights as a citizen to express his opinions and to cast his vote.

6. Any person who by himself or with others willfully violates any of the provisions of subsections 1 to 4, inclusive, is subject to the jurisdiction of the Justice Court of the Township of Sparks and is guilty of a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both.

7. Any person who, by himself or with others, willfully violates any of the provisions of subsection 5 is guilty of an offense punishable by a fine of not more than \$100.

8. Any person who violates any of the provisions of this section shall be ineligible to hold any city office or position for a period of 5 years and if he is an officer or employee of the city, shall immediately forfeit his office or position.

Sec. 1.140 Charter committee: Appointment; terms; qualifications.

1. The charter committee shall consist of 11 members, appointed as follows:

- (a) One by each councilman.
- (b) Two by the mayor.
- (c) One by each member of the senate and assembly delegation representing the residents of the city.

2. Each members shall:

- (a) Serve during the term of his appointer.
- (b) Be a registered voter of the city; and
- (c) Reside in the city during his term of office.

Sec. 1.150 Charter committee duties.

The charter committee shall:

- 1. Prepare recommendations to be presented to the legislature concerning all necessary amendments to the city charter.
- 2. Recommend to the legislature the amount of salary to be paid to the mayor and to the councilmen.
- 3. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including but not limited to holding meetings and public hearings, and obtaining assistance from city officials.

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- Sec. 1.1 Charter committee members: Removal grounds.
1. Any member who misses three successive regular meetings may be removed by a majority vote of the remaining members of the committee.
 2. Any member of the committee may be removed for any cause by an eight-eleventh vote of the committee.
 3. In case of removal, a replacement shall be appointed by the officer who appointed the removed member.

- Sec. 1.170 Salaries for mayor and councilmen.
Beginning July 1, 1975, and for each successive term of office, the following salaries shall be paid:
1. To the mayor, per year..... \$12,000
 2. To each councilman, per year..... 6,000

ARTICLE II

Legislative Department

- Sec. 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 five councilmen and a mayor.
 2. The mayor and councilmen shall be:
 - (a) Bona fide residents of the city for at least 3 years immediately prior to their election.
 - (b) Registered voters within the city and taxpayers on real property located within the city for at least 3 years immediately prior to their election.
 - (c) At least 25 years of age.
 - (d) Citizens of the United States.
 3. All councilmen and the mayor shall be voted upon at a general election by the registered voters of the city at large and, except as provided in section 5.010, shall serve for terms of 4 years.
 4. The mayor and councilmen shall receive a salary in an amount fixed by the city council. Such salary shall not be increased or diminished during the term of the recipient.

- Sec. 2.020 City council: Discipline of members, other persons; subpena power.
1. The city council may:
 - (a) Provide for the punishment of any member for disorderly conduct committed in its presence.
 - (b) Order the attendance of witnesses and the production of all papers relating to any business before the city council.

ARTICLE II

Legislative Department

Sec. 2.010 City council. The legislative power of the city is vested in a city council consisting of five councilmen.

Qualifications placed under §1.060 in SB 338.

- Sec. 2.020 City council: Discipline of members, other persons; subpena power.
1. The city council may:
 - (a) Provide for the punishment of any member for disorderly conduct committed in its presence.
 - (b) Subpena any witness to appear and testify and subpena any evidence in the possession of any person relating to any business before the city council.

2. If any person ordered to appear before the city council fails to obey such order:

(a) The city council may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the city council.

(b) Such clerk may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the court may issue an order to show cause why such person should not be held in contempt of court and upon hearing of the matter may adjudge such person guilty of contempt and punish him accordingly.

Sec. 2.030 Meetings: Quorum.

1. The city council shall hold at least two regular meetings each month, and by ordinance may provide for additional regular meetings.

2. A majority of all members of the city council constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.

3. Except as otherwise provided by law, all sessions and all proceedings of the city council shall be public.

§2.040 §§ 2

2. A subpoena issued by the city council shall be signed by the city clerk, served in the same manner as a subpoena issued by the district court, and shall contain a notice that failure to obey the subpoena may subject the person subpoenaed to prosecution for a misdemeanor or may result in his being in contempt of the district court.

3. If any person subpoenaed to appear before the city council fails to obey such subpoena:

(a) He may be prosecuted in the municipal court for a misdemeanor.

(b) The city council may apply to the district court and the district court may issue an order to show cause why such person should not be held in contempt of court and upon hearing of the matter may adjudge such person guilty of contempt and punish him accordingly.

Sec. 2.030 Meetings: Regular; special; quorum.

1. The city council shall hold regular meetings on the second and fourth Mondays of each month at a time and place convenient to the council and the public. If a second or fourth Monday of a month is on a national holiday or other holiday designated as such by the governor, the council may, at the meeting which immediately precedes the regular meeting, provide for another regular meeting time on a day as soon after the regular meeting day as is practicable.

2. Special meetings may be held on a call of the mayor or by a majority of the council. Notice of a special meeting shall be given to each councilman, the mayor, city clerk and city attorney by personal service at least 24 hours prior to the time set for the meeting. If personal service cannot be made because of absence of any official from his usual residence, notice shall be served by mailing the notice by certified mail at least 60 hours prior to the time set for the special meeting. Such notice is not required if the mayor has declared an emergency.

3. At a special meeting, unless consented to by the entire city council:

(a) No contract involving the expenditure of money may be made, or claim allowed, unless notice of the meeting called to consider such action is published in a newspaper of general circulation within the city at least 1 day before such meeting.

(b) No ordinance may be passed except an emergency ordinance.

(c) No business may be transacted unless it was stated in the call of the meeting.

4. A majority of all members of the city council constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.

5. Except as otherwise provided by law, all sessions and all proceedings of the city council shall be public.

Sec. 2.040 Meetings: Special.

1. Special meetings may be held on call of the mayor or by a majority of the city council.
2. At a special meeting, unless consented to by the entire city council:
 - (a) No contract involving the expenditure of money may be made or claim allowed unless notice of the meeting called to consider such action is published in a newspaper of general circulation within the city at least 1 day before such meeting.
 - (b) No business may be transacted except such as has been stated in the call of the meeting.
 - (c) No ordinance may be passed except an emergency ordinance, or one specified in section 7.030.

\$2.030 §§ 2

Sec. 2.050 Meetings: Time and place; rules. The city council may:

1. Fix the time and place of its meetings and judge the qualifications and election of its own members.
2. Adopt rules for the government of its members and proceedings.

\$2.030

\$2.090

Sec. 2.060 Oaths and affirmations. The mayor, each councilman and the city clerk may administer oaths and affirmations relating to any business pertaining to the city before the city council or to be considered by the city council.

Sec. 2.040 Rules. The city council may adopt rules for the government of its members and proceedings.

Sec. 2.050 Oaths and affirmations. The mayor and the city clerk may administer oaths and affirmations relating to any business pertaining to the city before the city council or to be considered by the city council.

Sec. 2.070 Powers of city council: Ordinances, resolutions and orders.

1. The city council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the State of Nevada, or to the provisions of Nevada Revised Statutes or of this charter, necessary for the municipal government and the management of the affairs of the city, and for the execution of all the powers vested in the city.
2. When power is conferred upon the city council to do and perform anything, and the manner of exercising such power is not specifically provided for, the city council may provide by ordinance the manner and details necessary for the full exercise of such power.
3. The city council may enforce ordinances by providing penalties not to exceed those established by the legislature for misdemeanors.
4. The city council shall have such powers, not in conflict with the express or implied provisions of this charter, as are conferred upon the governing bodies of cities by Nevada Revised Statutes.
5. The salary of an elective officer shall not be increased or diminished during the term for which he is elected or appointed.

Sec. 2.060 Powers of city council: Ordinances, resolutions and orders.

1. The city council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the State of Nevada, or to the provisions of Nevada Revised Statutes or of this charter, necessary for the municipal government and the management of the affairs of the city, and for the execution of all the powers vested in the city.
2. When power is conferred upon the city council to do and perform something, and the manner of exercising such power is not specifically provided for, the city council may provide by ordinance the manner and details necessary for the full exercise of such power.
3. The city council may enforce ordinances by providing penalties not to exceed those established by the legislature for misdemeanors.
4. The city council shall have such powers, not in conflict with the express or implied provisions of this charter, as are conferred upon the governing bodies of cities by Nevada Revised Statutes.
5. The city council shall annually adopt a budget pursuant to the Local Government Budget Act.

Salaries of the mayor and council set under \$1.170 of SB 338.

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Sec. 2.080 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. No ordinance may be passed except by bill and by a majority vote of the whole city council. The style of all ordinances shall be as follows: "The City Council of the City of Sparks does ordain:"

2. No ordinance shall contain more than one subject, which shall be briefly indicated in the title. Where the subject of the ordinance is not so expressed in the title, the ordinance is void as to the matter not expressed in the title.

3. Any ordinance which amends an existing ordinance shall set out in full the ordinance or sections thereof to be amended, and shall indicate matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring or by italics.

Sec. 2.090 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 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 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.

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 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 together with the affidavits of publication by the publisher.

Sec. 2.070 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. An ordinance shall not be passed except by bill and by a majority vote of the whole city council. The style of all ordinances shall be as follows: "The City Council of the City of Sparks does ordain:"

2. A bill shall not contain more than one subject, which shall be briefly indicated in the title. Where the subject of the ordinance is not so expressed in the title, the bill is void as to the matter not expressed in the title.

3. Any bill which amends an existing ordinance shall set out in full the ordinance or sections thereof to be amended, and shall indicate matter to be omitted by enclosing it in brackets and shall indicate new matter by underscoring or by italics.

Sec. 2.080 Ordinances: Enactment procedure; emergency ordinances.

1. When first proposed, all bills 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 bill 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 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 a bill and its reference to committee, such committee shall report such bill back to the city council. Thereafter, it shall be read as first introduced, or as amended, and thereupon the bill shall be finally voted upon or action thereon postponed.

3. In cases of emergency or where the bill is of a kind specified in section 7.030, by unanimous consent of the whole 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 bill 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 for at 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 maintain a record of all ordinances together with the affidavits of publication by the publisher.

Sec. 2.090 Powers of city council: General areas.
The city council may exercise any power specifically granted in this charter or by any of the provisions of Nevada Revised Statutes not in conflict with this charter, in order to:

1. License all businesses, trades and professions for purposes of regulation and revenue.
2. Enact and enforce police ordinances.
3. Provide for the protection of persons and property from fire.
4. Regulate the construction and maintenance of any building or other structure within the city.
5. Provide for safeguarding of public health in the city.
6. Zone and plan the city, including the regulation of subdivision of land, as prescribed by chapter 278 of NRS.
7. Acquire, control, lease, dedicate, sell and convey rights-of-way, parks and other real property.
8. Regulate automobile traffic and parking of automobiles.
9. Establish and maintain a sanitary sewer system.
10. Condemn property within the territorial limits of the city, as well as property outside the territorial limits of the city, in the manner prescribed by chapter 37 of NRS.
11. Regulate, prohibit or suppress all businesses selling alcoholic liquors at wholesale or retail.
12. Regulate, prescribe the location for, prohibit or suppress gaming of all kinds.

Sec. 2.100 Powers of city council: Public property, buildings.

1. The city council may:
 - (a) Control the property of the corporation.
 - (b) Erect and maintain all buildings necessary for the use of the city.
 - (c) Purchase, receive, hold, sell, lease, convey and dispose of property, wherever situated, for the benefit of the city, improve and protect such property, and do all other things in relation thereto which natural persons might do.
2. The city council may not, except as otherwise specifically provided by this charter or any other law, mortgage, hypothecate or pledge any property of the city for any purpose.

\$2.090 §§7

Sec. 2.110 Powers of city council: Eminent domain. The city council may condemn property for the public use in the manner prescribed by chapter 37 of NRS, as amended from time to time.

\$2.090 §§10

Sec. 2.120 Powers of city council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The city council may:
 - (a) Regulate all businesses, trades and professions.
 - (b) Fix, impose and collect a license tax for revenue upon all businesses, trades and professions.
2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

\$2.090 §§1

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Sec. 2.130 Powers of city council: Police ordinances.

1. The city council 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 whenever such offense is committed within the city.

\$2.090 §§2

Sec. 2.140 Powers of city council: Fire protection; regulation of explosives, inflammable materials; fire codes and regulations. The city council may:

1. Organize, regulate and maintain a fire department.
2. Regulate or prohibit the storage of any explosive, combustible or inflammable material in or transported through the city, and prescribe the distance from any residential or commercial area where it may be kept.
3. Establish, by ordinance, a fire code and other regulations necessary to carry out the purposes of this section.

\$2.090 §§3

Sec. 2.150 Powers of city council: Public health, board of health; regulations. The city council may:

1. Provide for safeguarding public health in the city.
2. Create a board of health to be directed by the health officer, and prescribe the powers and duties of such board.
3. Provide for the enforcement of all regulations and quarantines established by the board of health by imposing adequate penalties for violations thereof.

\$2.090 §§5

Sec. 2.160 Powers of city council: Buildings; construction and maintenance regulations; building and safety codes. The city council may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.
2. Adopt any building or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary.

\$2.090 §§4

Sec. 2.170 Powers of city council: Zoning and planning.

1. The city council may:
 - (a) Divide the city into districts and regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within such districts.
 - (b) Establish and adopt ordinances and regulations relating to the subdivision of land.
2. The city council shall carry out the provisions of subsection 1 in the manner prescribed by chapter 278 of NRS, as amended from time to time.

\$2.090 §§6

Sec. 2.180 Powers of city council: Rights-of-way, parks, public buildings and grounds and other public places. The city council may:

1. Lay out, maintain, alter, improve or vacate all public rights-of-way in the city.
2. Regulate the use of public parks, buildings, grounds and rights-of-way and prevent the unlawful use thereof.
3. Require landowners to keep the adjacent streets, sidewalks and public parks, buildings and grounds free from encroachments or obstructions.
4. Regulate and prevent in all public places:
 - (a) The distribution and exhibition of handbills or signs.
 - (b) Any practice tending to annoy persons passing in such public places.
 - (c) Public demonstrations and processions.
5. Prevent riots or any act tending to promote riots in any public place.

\$2.090 §§7

Sec. 2.190 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.
2. The length of time for which vehicles may be parked upon the public streets and publicly owned parking lots.

\$2.090 §§8

Sec. 2.200 Powers of city council: Parking meters; off-street public parking facilities.

1. The city council may acquire, install, maintain, operate and regulate parking meters at the curbs of the streets or upon publicly owned property made available for public parking. The parking fees to be charged for the use of the parking facilities regulated by parking meters shall be fixed by the city council.
2. Except as otherwise provided by this charter, the city council may acquire property within the city by any lawful means except eminent domain for the purpose of establishing off-street public parking facilities for vehicles. The city council may, after an election is held in conformity with the provisions of chapter 350 of NRS concerning municipal bond elections, as amended from time to time, and the proposal for the issuance of the bonds is approved as therein provided, issue revenue bonds for the purpose of acquiring such property and erecting such improvements thereon as may be proper. The city council may, in such bonds, pledge the on-street parking revenues, the general credit of the city, or both, to secure the payment of the principal and interest thereon.

\$2.090 §§8

Chapter 545, 1971 Statutes

SB 338

Sec. 2.210 Powers of city council: Railroads. The city council may:

1. License, regulate or prohibit the location, construction or laying of tracks of any railroad or streetcar in any public right-of-way.
2. Grant franchises to any person or corporation to operate a railroad or streetcar upon public rights-of-way and adjacent property.
3. Declare a nuisance and require the removal of the tracks of any railroad or streetcar in any public right-of-way.
4. Condemn rights-of-way for any purpose across any railroad right-of-way.
5. Prescribe the length of time any public right-of-way may be obstructed by trains standing thereon.
6. Require railroad companies to fence their tracks and to construct cattle guards and crossings and to keep them in repair.

Sec. 2.220 Powers of city council: Nuisances. The city council may:

1. Determine by ordinance what shall be deemed nuisances.
2. Provide for the abatement, prevention and removal of such nuisances at the expense of the person creating, causing or committing such nuisances.
3. Provide that such expense of removal shall be a lien upon the property upon which the nuisance is located. Such lien shall:
 - (a) Be perfected by filing with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.
 - (b) Be coequal with the latest lien thereon to secure the payment of general taxes.
 - (c) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.
 - (d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.
4. Provide any other penalty or punishment of persons responsible for such nuisances.

Sec. 2.230 Powers of city council: Animals and poultry. The city council may:

1. Fix, impose and collect an annual license fee on all animals and provide for the capture and disposal of all animals on which the tax is not paid.
2. Regulate or prohibit the keeping or running at large or disposal of all kinds of animals and poultry.
3. Establish a pound, appoint a poundkeeper and prescribe his duties.
4. Prohibit cruelty to animals.

Sec. 2.100 Powers of city council: Railroads. The city council may:

1. License, regulate or prohibit the location, construction or laying of tracks of any railroad or streetcar in any public right-of-way.
2. Grant franchises to any person or corporation to operate a railroad or streetcar upon public rights-of-way and adjacent property.
3. Declare a nuisance and require the removal of the tracks of any railroad or streetcar in any public right-of-way.
4. Condemn rights-of-way for any purpose across any railroad right-of-way.
5. Prescribe the length of time any public right-of-way may be obstructed by trains standing thereon.
6. Require railroad companies to fence their tracks and to construct cattle guards and crossings and to keep them in repair.

Sec. 2.120 Powers of city council: Nuisances. The city council may:

1. Determine by ordinance what shall be deemed nuisances.
2. Provide for the abatement, prevention and removal of such nuisances at the expense of the person creating, causing or committing such nuisances.
3. Provide that such expense of removal shall be a lien upon the property upon which the nuisance is located. Such lien shall:
 - (a) Be perfected by filing with the county recorder a statement by the city clerk of the amount of expenses due and unpaid and describing the property subject to the lien.
 - (b) Be coequal with the latest lien thereon to secure the payment of general taxes.
 - (c) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.
 - (d) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.
4. Provide any other penalty or punishment of persons responsible for such nuisances.

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Sec. 2.240 Powers of city council: Abatement of noxious insects, rats and disease-bearing organisms. The city council may take all steps necessary and proper for the extermination of noxious insects, rats and other disease-bearing organisms, either in the city or in territory outside the city but so situated that such insects, rats and disease-bearing organisms migrate or are carried into the city.

Sec. 2.250 Powers of city council: Sanitary sewer 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 and acquire the appropriate outlets within or without the city and extend the sewerlines thereto.
3. Establish sewer fees and provide for the enforcement and collection thereof.

\$2.090 §§2

Sec. 2.260 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 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.

Sec. 2.110 Powers of the city council: Provisions for 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 provisions of such utility.
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 performed by filing with the county recorder 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.

Sec. 2.270 Powers of city council: Cemeteries; acquisition and maintenance. The city council may, by any lawful means, acquire and maintain property for public use as a cemetery.

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ARTICLE III

Executive Department

Sec. 3.010 Mayor; Duties; mayor pro tempore.

1. The mayor shall:

- (a) Preside over the meetings of the city council, but he may vote only in case of a tie.
- (b) Be recognized as the head of the city government for all purposes.
- (c) Perform such emergency duties as may be necessary for the general health, welfare and safety of the city.
- (d) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor.

2. The mayor may exercise the right of veto upon all matters except claims against the city passed by the city council. Such vetoes may be overturned only by a vote of at least four-fifths of the city council. No action requiring the expenditure of money shall be effective without the approval of the mayor unless he does not disapprove such action within 5 days after it is taken by the city council.

3. The city council shall elect one of its members to be mayor pro tempore. 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.

Sec. 3.020 City manager; Appointment; duties.

Appointment of the city manager
under SB 338 covered under §1.090.

1. The city manager shall perform such administrative and executive duties as the city council may designate. His salary shall be fixed by the city council.

2. The city manager may appoint such clerical and administrative assistants as he may deem necessary, subject to the approval of the city council.

ARTICLE III

Executive Department

Sec. 3.010 Mayor; Duties; mayor pro tempore.

1. The mayor shall:

- (a) Preside over the meetings of the city council and he may vote only in case of a tie. The mayor may not vote on any proposed ordinance.
- (b) Be recognized as the head of the city government for all purposes.
- (c) Perform such emergency duties as may be necessary for the general health, welfare and safety of the city.
- (d) Perform such other duties as may be prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor.

2. The mayor may exercise the right of veto upon all matters passed by the city council provided he give notice in writing to the city clerk within 10 days of the action taken by the city council. Such vetoes may be overturned only by a vote of at least four-fifths of the city council. An action requiring the expenditure of money is not effective without the approval of the mayor, unless he does not disapprove such action within 10 days after it is taken by the city council, or the city council by a four-fifths majority has approved or approves such expenditure at a regular meeting.

3. The city council shall elect one of its members to be mayor pro tempore. Such person shall:

- (a) Hold such office and title during the term for which he was elected without additional compensation, except as provided in paragraph (c).
- (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 and shall draw the salary of mayor. His salary and position as councilman shall cease.

Sec. 3.020 City manager; Duties.

The city manager shall be responsible to the council for the efficient administration of all the affairs of the city. He shall:

1. Exercise a careful supervision of the city's general affairs.
2. See that all laws and ordinances are duly enforced and he is hereby declared to be beneficially interested in their enforcement and may sue in the proper court to enforce them.
3. Exercise control over all departments, divisions and bureaus of the city government and over all the appointive officers and employees thereof.
4. Attend all regular meetings of the council and its committees, except when the council is considering his removal, with the right to take part in discussions, but without power to vote. He shall receive notice of all special meetings.
5. Recommend to the council the adoption of such measures and bills as he may deem necessary or expedient.

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6. Make investigations into:
 (a) The affairs of the city;
 (b) Any department or division thereof;
 (c) Any contract; or
 (d) The proper performance of any obligation owed to the city.
 7. Prepare and submit to the council the annual budget.
 8. Keep the council fully advised as to the financial condition and needs of the city.
 9. Submit to the council, at least once each month, a summary of all claims and bills approved for payment by him.
 10. Devote his entire time to the duties and interests of the city.
 11. Perform such other duties as may be prescribed by this charter or be required by ordinance or resolution of the council.

Sec. 3.030 City manager: Removal.

The city manager may be removed by the mayor and a three-fifths majority vote of the city council or by a four-fifths majority vote of the city council without the vote of the mayor.

Sec. 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.

Sec. 3.040 City clerk: Duties; deputies.

1. The city clerk shall:
 - (a) Keep the corporate seal and all books and papers belonging to the city.
 - (b) Attend all regular, special and emergency meetings of the city council, and may attend all executive sessions concerning public officers as provided in chapter 241 of the Nevada Revised Statutes.
 - (c) Keep an accurate journal of all regular, special and emergency meetings of the city council, including a record of all ordinances, bylaws and resolutions passed or adopted by it.
 - (d) Attest the journal after approval at each meeting of the city council and after it has been signed by the mayor.
 - (e) Enter the result of the vote of the city council upon all official business in the journal.
 - (f) Perform such other duties as may be designated by ordinance.
2. The city clerk may appoint deputies as may be necessary subject to the approval of the city council.

Qualifications under §1.060 in SB 338.

Sec. 3.040 City attorney: Qualifications; duties.

1. The city attorney shall be a duly licensed member of the State Bar of Nevada but he need not be a resident of the city.
2. The city attorney shall be the legal officer of the city and shall perform such duties as may be designated by ordinance.
3. The city attorney shall be a citizen of the United States.
4. The city attorney shall receive a salary in an amount fixed by the city council.
5. Receive a salary in an amount fixed by the city council.

Sec. 3.050 City attorney: Duties; deputies.

1. The city attorney shall:
 - (a) Be the legal officer of the city.
 - (b) Perform such duties as may be designated by ordinance.
 - (c) Attend all regular, special and emergency meetings of the city council, and may attend executive sessions concerning public officers as provided in chapter 241 of the Nevada Revised Statutes.
2. The city attorney may appoint such deputies as may be necessary subject to the approval of the city council.

Chapter 545, 1971 Statutes

SB 338

Sec. 3.050 County assessor to be ex officio city assessor; duties.

1. The county assessor of Washoe County shall be ex officio city assessor of the city. The county assessor shall perform such duties for the city without additional compensation.
2. Upon request of the ex officio city assessor, the city council may appoint and set the salary of a deputy city assessor to perform such duties relative to city assessments as may be deemed necessary.

Sec. 3.060 Director of finance: Qualifications. The director of finance shall:

1. Be a graduate of an accredited college or university with a bachelor's degree in accounting, finance, economics or a related field.
2. Have a minimum of 5 years of progressively responsible supervisory experience.
3. Have a broad knowledge in the field of finance, accounting and economics with specific knowledge in the field of government accounting and finance.
4. Be a citizen of the United States.

Sec. 3.070 Bond of director of finance. The director of finance shall be liable and accountable on his official bond for the performance of his duties under the provisions of this charter, and the city council may require from him such additional security as may be necessary from time to time.

Sec. 3.080 Chief of police: Qualifications; duties; salary. The chief of police shall:

1. Be a citizen of the United States.
2. Be not less than 30 years of age.
3. Have been actively engaged in law enforcement work for at least 5 years continuously and immediately preceding his appointment. Three years of such experience shall have been in a supervisory capacity.

Sec. 3.090 Fire chief: Qualifications; duties; salary. The fire chief shall:

1. Be at least 30 years of age.
2. Have at least 5 continuous years' experience in fire prevention or fire protection work immediately preceding his appointment.
3. Be a citizen of the United States.

Sec. 3.060 County assessor to be ex officio city assessor: Duties.

1. The county assessor of Washoe County shall be ex officio city assessor of the city and shall perform such duties for the city without additional compensation.
2. Upon request of the ex officio city assessor, the city council may appoint and set the salary of a deputy city assessor to perform such duties relative to city assessments as may be deemed necessary.

Sec. 3.070 County treasurer to be ex officio city tax collector: Duties.

1. The county treasurer of Washoe County shall be ex officio tax collector of the city and shall perform such duties for the city without additional compensation.
2. The county treasurer shall also be the ex officio assessment collector of the city and shall perform such duties for the city without additional compensation.

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Sec. 3.109 Director of department of parks and recreation: Qualifications. The director of parks and recreation shall:

1. Be a graduate of an accredited college or university, holding a bachelor's degree in forestry, recreation, physical education or a related field.
2. Have a minimum of 3 years of progressively responsible supervisory experience in the field of parks and recreation.
3. Be a citizen of the United States.

Sec. 3.110 Director of department of public works: Qualifications; duties; salary. The director of the department of public works shall:

1. Be registered as a civil engineer under the laws of this state for at least 2 years prior to his appointment.
2. Have been engaged in the practice of civil engineering for at least 5 years prior to his appointment.
3. Be a citizen of the United States.

Sec. 3.120 Director of personnel and services: Qualifications. The director of personnel and services shall:

1. Have a knowledge of the principles, practices and techniques of personnel management, electronic data processing and municipal purchasing.
2. Have a minimum of 5 years of progressively responsible supervisory practice.
3. Be a citizen of the United States.

Sec. 3.130 City officers: Duties restricted and altered. The city council may prescribe by ordinance the powers and duties of all city officers, where such powers and duties have not been established by this charter, and may add to, alter or restrict such powers and duties.

Sec. 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, 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. 3.080 City officers: Duties may be restricted and altered. The city council may prescribe by ordinance the powers and duties of all city officers, where such powers and duties have not been established by this charter, and may add to, alter or restrict such powers and duties.

Sec. 3.090 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 person designated to collect and receive them, 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.

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Sec. 3.150 Interference by city council.

1. The mayor or councilmen shall not dictate the appointment, suspension or removal of any city administrative officer or employee appointed by the city manager or his subordinates unless the city council fully and freely discusses the matter with the city manager. No person covered by the rules and regulations of the civil service commission may be appointed, suspended or removed except as provided in such rules and regulations.

2. The city council shall not direct the activity of a city official or employee on a matter pertaining to city business but shall deal through the city manager.

Sec. 3.160 Removal of officers. If any officer is adjudged guilty of any nonfeasance, misfeasance or malfeasance in office by any court of competent jurisdiction, the city council may declare the office vacant and fill the vacancy so caused, as provided by law.

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ARTICLE IV

Judicial Department

Sec. 4.010 Municipal court. There shall be a municipal court of the city to which the provisions of chapters 5 and 266 of NRS, relating to municipal courts, as amended from time to time, shall apply.

Sec. 4.020 Municipal court: Qualifications of municipal judge; salary.

1. 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 resident of the city for a continuous 3-year period immediately preceding his election.
- (d) A registered voter for a continuous 3-year period immediately preceding his election.
- (e) An owner of real property in the city for a 3-year period immediately preceding his election.

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

Qualifications under §1.060 in
SB 338.

Sec. 3.100 Interference by city council.

1. The mayor or councilmen shall not dictate the appointment, suspension or removal of any city administrative officer or employee appointed by the city manager or his subordinates unless the city council fully and freely discusses the matter with the city manager. No person covered by the rules and regulations of the civil service commission may be appointed, suspended or removed except as provided in such rules and regulations.

2. The city council shall not direct the activity of any appointed officer or employee on a matter pertaining to city business, but shall deal through the city manager.

Sec. 3.110 Removal of officers. If any officer is adjudged guilty of any nonfeasance, misfeasance or malfeasance in office by any court of competent jurisdiction, the city council may declare the office vacant and fill the vacancy so caused, as provided by law.

Sec. 3.120 Salaries. The city council shall annually fix the salaries of all appointive officers of the city. Any officer whose salary is reduced may demand that a bill of particulars giving the reasons for such reduction be heard at the next regular meeting of the city council.

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Sec. 4.010 Municipal court. There shall be a municipal court of the city to which the provisions of chapters 5 and 266 of NRS, relating to municipal courts, as amended from time to time, shall apply.

Sec. 4.020 Municipal court: Judge. The municipal court shall be presided over by a municipal judge.

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Sec. 4.030 Intermittent periods of incarceration. If a sentence of imprisonment is imposed by the municipal judge, the municipal judge may order intermittent periods of incarceration so long as the entire sentence will be completed within 6 months from the date of sentence. The periods of incarceration may be varied from time to time with consent of the defendant, but the total time of incarceration may not be increased.

Sec. 4.040 Disposition of fines. All fines and forfeitures for the violation of ordinances shall be paid into the treasury of the city in the manner to be prescribed by ordinance.

Sec. 4.050 Additional imprisonment to satisfy fine or forfeiture. Whenever a person is sentenced to both fine and imprisonment, or to pay a forfeiture in addition to imprisonment, he shall be confined in the city or county jail, whichever is designated in his sentence of imprisonment, for an additional period of 1 day for each \$6 of the amount until such fine or forfeiture is satisfied. He shall not be imprisoned beyond the maximum sentence for the offense for which he is confined.

ARTICLE V

Elections

Sec. 5.010 General municipal elections. A general municipal election shall be held in the city on the 1st Tuesday after the 1st Monday in June 1975, and on the same day every 4 years thereafter, at which time there shall be elected one mayor, one city clerk, councilmen as hereinbefore provided, one city attorney and one municipal judge. All candidates at the general municipal election shall be voted upon by the electors of the city at large.

Sec. 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, city clerk, city attorney or municipal judge, or three or more candidates from each ward 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. Candidates for the offices of mayor, city clerk, city attorney and municipal judge shall be voted upon by the registered voters of the city at large. Candidates for the office of councilman shall be voted upon by the registered voters of the ward in which they reside.

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Sec. 5.020 Primary municipal elections; Declaration of candidacy.

1. A candidate for any office to be voted for at any general municipal election shall file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the 1st Tuesday after the 1st Monday in May next preceding such general election.
2. If for any general municipal election there are three or more candidates for the offices of mayor, city clerk, city attorney or municipal judge, or three or more candidates from each ward for the office of councilman, a primary election for any such office shall be held on the 1st Tuesday after the 1st Monday in May preceding such general election.
3. Candidates for the offices of mayor, city clerk, city attorney and municipal judge shall be voted upon by the registered voters of the city at large. Candidates for the office of councilman shall be voted upon by the registered voters of the ward to be represented by them.

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4. The names of the two candidates for mayor, city clerk, city attorney and municipal judge and the names of the two candidates for city councilman from each ward who receive the highest number of votes at the primary election shall be placed on the ballot for the general election.

Sec. 5.030 Applicability of state election laws; elections under city council control.

1. All elections held under this charter shall be governed by the provisions of the election laws of this state, so far as such laws can be made applicable and are not inconsistent herewith.

2. The conduct of all municipal elections shall be under the control of the city council. For the conduct of municipal elections, for the prevention of fraud in such elections, and for the recount of ballots in cases of doubt or fraud, the city council shall adopt by ordinance all regulations which it considers desirable and consistent with law and this charter.

Sec. 5.040 Qualifications, registration of voters.

1. Every person who resides within the city at the time of holding any municipal election, and whose name appears upon the official register of voters in and for the city, is entitled to vote at each municipal election, whether special, primary or general, and for all officers to be voted for and on all questions that may be submitted to the people at any such primary, general or special city elections, except as otherwise provided in this article.

2. Nothing in this charter shall be so construed as to deny or abridge the power of the city council to provide for supplemental registration.

Sec. 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.

Sec. 5.060 Ballots for ordinances and charter amendments. An ordinance for charter amendment to be voted on in the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

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Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to a municipal election or to candidates or issues involved in such an election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official register of voters shall provide the same upon payment therefor in an amount determined pursuant to the provisions of subsection 2 of NRS 293.440.

Sec. 5.080 Watchers and challengers. A candidate is entitled upon written application to the election authorities at least 5 days before the election to appoint two persons to represent him as watchers and challengers at each polling place where voters may cast their ballots for him. A person so appointed has all the rights and privileges prescribed by watchers and challengers under the election laws of this state. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.

Sec. 5.090 Voting machines. The city council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law or regulations of the secretary of state.

Sec. 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 within 5 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.

Sec. 5.110 Contest of election. A contested election for any municipal office shall be determined according to the law of the state regulating proceedings in contested elections in political subdivisions.

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ARTICLE VI

Local Improvements

Sec. 6.010 Local improvement law. The city council, 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.

Sec. 6.020 Local improvement law: Collateral powers. The city council on behalf of the city for the purpose of defraying all the costs of acquiring or improving any project authorized by section 6.010, or any portion of the cost thereof not to be defrayed with moneys otherwise available therefor, is vested with the powers granted to municipalities by chapter 271 of NRS, as amended from time to time.

ARTICLE VII

Local Bonds and Franchises

Sec. 7.010 Debt limit.

1. The city shall not incur an indebtedness in excess of 20 percent of the total assessed valuation of the taxable property within the boundaries of the city.

2. In determining any debt limitation under this section, there shall not be counted as indebtedness:

(a) Any revenue bonds, unless the full faith and credit of the city is also pledged to their payment.

(b) Any special assessment bonds, although a deficiency in the proceeds of the assessments is required to be paid from the general fund to the city.

(c) Any short-term securities issued in anticipation of and payable from property taxes levied for the current fiscal year.

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Sec. 6.030 Delinquent assessments: Collection.

In addition to any manner of collection of delinquent assessments as provided in chapter 271 of NRS, the county treasurer may cause and proceed to the sale of the assessed premises in the same manner as sale in case of delinquent taxes as provided in chapter 361 of NRS, subject to any right of redemption as therein provided if any amount assessed is delinquent for more than 2 years.

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2. In determining any debt limitation under this section, there shall not be counted as indebtedness:

(a) Any revenue bonds, unless the full faith and credit of the city is also pledged to their payment.

(b) Any special assessment bonds, although a deficiency in the proceeds of the assessments is required to be paid from the general fund to the city.

(c) Any short-term securities issued in anticipation of and payable from property taxes levied for the current fiscal year.

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Sec. 7.020 Acquisition, operation of municipal utilities. The city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it, either alone or jointly, with any level of government or instrumentality or subdivision thereof.

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Sec. 7.030 Borrowing money.

Sec. 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, as amended from time to time, applies to all securities so issued, except for securities issued under section 6.020.

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 securities issued under section 6.020.

2. The city council shall 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 350.040 to 350.070, inclusive, as amended from time to time.

2. The city council shall issue a proclamation setting forth the amount, terms, maximum rate of interest and duration of any proposed indebtedness, including securities payable from pledged revenues, and the fund from which it is to be paid, except securities proposed to be issued pursuant to section 6.020. Such proclamation shall be published in full at least once a week for 4 successive weeks in a newspaper of general circulation in the city, and shall state the date of the meeting at which the city council will pass an ordinance providing for such bond issue. At the first regular meeting of the city council or any adjournment thereof after the completion of publication, the city council shall enact an ordinance for such purposes, which shall conform in all respects to the terms and conditions of the previously published proclamation, and without submitting the question to a vote of the electors of the city, unless a petition is presented to the city council signed by not less than 5 percent of the qualified electors of the city as shown by the last preceding registration list, asking for a special election upon the question of whether or not the proposed ordinance shall be passed. Thereupon, no such ordinance shall be enacted except pursuant to a special election called and held for such purpose and carried by a majority of the votes cast. Any ordinance passed providing for the issuance of bonds shall be void if passed by the city council in the absence of the filing of a petition and election, or if such petition is filed and election had, then if passed by the city council pursuant to a majority vote in favor of the ordinance. The petition for an election referred to in this section may be filed with the city council at any time prior to the date of meeting set in the published notice.

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.

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Sec. 7.040 Franchises.

1. Before granting any franchise the city council shall first adopt a resolution setting forth fully and in detail the applicant for, purpose and character of, terms and time and conditions of the proposed franchise. Such resolution shall be published in full in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, and published for at least two publications in the 2 weeks succeeding its adoption.

2. On the first regular meeting of the city council after the expiration of the period of such publication, the city council shall proceed to pass an ordinance for the granting of the franchise; but such franchise shall be granted only on substantially the same terms and conditions as expressed in the resolution as published. Otherwise such ordinance shall be void.

ARTICLE VIII

Revenue

Sec. 8.010 Municipal taxes.

1. The city council shall annually, at the time prescribed by law for levying taxes for state and county purposes, levy a tax not exceeding $1\frac{3}{4}$ percent upon the assessed value of all real and personal property within the city, except as provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied shall be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State of Nevada for collection of state and county taxes. The revenue laws of the state shall, in every respect not inconsistent with the provisions of this charter, be applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of the equalization of assessments, the rights of the city and the inhabitants thereof shall be protected in the same manner and to the same extent by the action of the county board of equalization as are the state and county.

3. All forms and blanks used in levying, assessing and collecting the revenues of the state and counties shall, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenues of the city. The city council shall enact all such ordinances as it may deem necessary and not inconsistent with this charter and the laws of the state for the prompt, convenient and economical collecting of the revenue.

Sec. 8.020 Revenue ordinances. The city council shall have full power to pass and enact all ordinances necessary to carry into effect the revenue laws in the city and to enlarge, fix and determine the powers and duties of all officers in relation thereto.

Sec. 7.040 Franchises.

1. Before granting any franchise the city council shall first adopt a resolution setting forth fully and in detail the applicant for, purpose and character of, terms and time and conditions of the proposed franchise. Such resolution shall be published in full in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, and published for at least two publications in the 2 weeks succeeding its adoption.

2. At the first regular meeting of the city council after the expiration of the period of such publication, the city council shall pass an ordinance for the granting of the franchise; but such franchise shall be granted only on substantially the same terms and conditions as expressed in the resolution as published. Otherwise, such ordinance shall be void.

ARTICLE VIII

Revenue

Sec. 8.010 Municipal taxes.

1. The city council shall annually, at the time prescribed by law for levying taxes for state and county purposes, levy a tax not exceeding $1\frac{3}{4}$ percent upon the assessed value of all real and personal property within the city, except as provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied shall be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State of Nevada for collection of state and county taxes. The revenue laws of the state shall, in every respect not inconsistent with the provisions of this charter, be applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of the equalization of assessments, the rights of the city and the inhabitants thereof shall be protected in the same manner and to the same extent by the action of the county board of equalization as are the state and county.

3. The city council shall enact all such ordinances as it may deem necessary and not inconsistent with this charter and the laws of the state for the prompt, convenient and economical collecting of the revenue.

4. The city may, however, upon the approval of the county commissioners of Washoe County, collect taxes levied for the redemption of bonds provided for in sections 6.010 to 6.030, inclusive.

Sec. 8.020 Revenue ordinances. The city council shall have full power to pass and enact all ordinances necessary to carry into effect the revenue laws in the city and to enlarge, fix and determine the powers and duties of all officers in relation thereto.

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ARTICLE IX

Civil Service

Sec. 9010 Civil Service.

1. There is hereby created a civil service commission, applicable to and governing all employees of the city except department heads, the city manager and any elected officer.
2. The civil service commission shall be governed and managed by a board composed of three commissioners appointed by the city council.
3. The board shall prepare rules and regulations governing the civil service commission to be adopted by the city council. Such rules and regulations shall provide for:
 - (a) Examination of potential employees.
 - (b) Recruitment and placement procedures.
 - (c) Classification of positions.
 - (d) Procedures for promotion, disciplinary actions and removal of employees.
 - (e) Such other matters as the board may deem necessary.
4. Copies of the rules and regulations of the civil service commission shall be distributed to all employees of the city.

Virtually all of the Article IX provisions in SB 338 are different and far more detailed than Article IX in Chapter 545, Statutes of 1971.

ARTICLE IX

Civil Service

Sec. 9.010 Civil service commission: Appointment; compensation.

1. There shall be a civil service commission of the City of Sparks, Nevada, consisting of three residents of the City of Sparks who shall be appointed by the mayor, subject to confirmation by the city council. The persons so appointed shall serve for 4-year terms.
2. Every person appointed as a member of the commission shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, and file the same, duly certified by the officer administering it, with the clerk of the city.
3. Vacancies on the civil service commission from whatever cause shall be filled by appointment by the mayor, subject to confirmation by the city council.
4. The council shall provide for such employees as shall be necessary to enable the civil service commission to carry out properly the duties prescribed herein.
5. Each member of the civil service commission shall receive as compensation for his services the sum of \$10 for each full meeting attended by him.

Sec. 9.020 Civil service commission: Rules and regulations.

1. The commission shall prepare and adopt rules and regulations to govern the selection and appointment of all employees of the city within the provisions of this article and such rules and regulations shall be designed to secure the best service for the public.
2. Such rules and regulations shall provide for:
 - (a) Ascertaining, as far as possible, physical qualifications, habits, reputation, standing and experience of all applicants for positions;
 - (b) Competitive examination of some or all applicants in such subjects as shall be deemed proper for the purpose of best determining their qualifications for a position;
 - (c) Disciplinary, suspension, demotion and dismissal proceedings;
 - (d) Promotions and advancements; and
 - (e) Such other matters as the commission may deem necessary.
3. A copy of all rules and regulations made by the commission and all changes therein shall be filed in the office of the city clerk.
4. The commission shall by rule provide for a probationary period of 6 months during which any employee within the provisions of this article may be suspended, removed or otherwise disciplined by the head of the appropriate department or by the city manager without hearing or other action by the commission.
5. The commission shall cause the rules and regulations so prepared and adopted, and all changes therein, to be printed or otherwise reproduced and distributed as they shall deem necessary, and the expense thereof shall be certified by the commission and paid by the city.

6. All selections of persons for employment or appointment or promotion, in any department of the city within the provisions of this article, shall be made in accordance with such rules and regulations.

Sec. 9.030 Rules and regulations: Amendment. After rules and regulations have been adopted, as provided in section 9.020, they may be amended or modified by the commission only after the commission has given a notice, containing the proposed amendment or modification and specifying a time when the commission will meet and hear discussion concerning the adoption of such proposed amendment or modification. The time and place for discussion concerning any modification or amendment shall be posted on a bulletin board in a conspicuous place accessible to the employees of the city in each department affected by such proposed amendment or modification not less than 10 days before the date of such meeting of the civil service commission.

Sec. 9.040 Examinations. All examinations by the commission are public and free to all citizens of the United States with proper limitations as to residence, age, health, habits and moral character. The examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the candidate to discharge the duties of the position in which they seek employment, or to which they seek to be appointed, and may include tests of manual skill and physical strength. The commission shall give due regard to the experience of the individual candidate in the department in which he is seeking promotion. All examinations shall be given under the control of the commission.

Sec. 9.050 Reports of employee performance. The head of any city department to which the provisions of this article are applicable shall maintain at all times in full force and effect and in operation within his respective department the rules and regulations adopted by the commission and applicable to such department. Such rules and regulations, in the discretion of the commission, may provide for regular efficiency reports of the members of any department, for courses, tests or examinations to be required within the department, and for any other act or thing necessary or desirable to bring about advancement or promotion within the department of the members thereof, according to merit, to bring about efficiency within the department so that it may be better qualified to serve the public, and to bring about a full and complete operation within the department of the civil service system.

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Sec. 9.109. Disciplinary authority of city manager; appeal to the commission. The city manager may suspend for a period of not exceeding 30 days or discharge or demote any employee of the city within the provisions of this article for the betterment of the service or for other justifiable cause and shall immediately report to the secretary of the commission and shall immediately report to the secretary of the commission and deliver to the commission a copy of the complaint setting forth the reason for discharge, suspension or demotion and the name of the complainant, if other than the city manager. Within 10 days after such discharge, suspension or demotion, the employee so discharged, suspended or demoted may appeal to the commission by filing with the secretary thereof a notice of appeal in the following or similar form: "To the Civil Service Commission of Sparks, Nevada: Please take notice that I appeal the order of the city manager of the City of Sparks, dated..... 19....., (demoting, discharging or suspending) me." The notice of appeal shall be signed by the employee demoted, discharged or suspended and shall clearly state the name and the address of such employee.

Sec. 9.110. Notice of hearing. The commission, after receiving the notice of appeal shall, within 15 days, serve the appellant with a copy of the complaint and a notice fixing the time and place of hearing, which time of hearing shall not be less than 5 days nor more than 30 days after service of the notice and copy of the complaint.

Sec. 9.120. Notice of hearing: Method of service. Notice of the time and place of such hearing, together with a copy of the charges preferred, shall be served upon the employee, and may be served in the same manner as a summons is served in this state or by mailing it to the employee by deposit in the United States post office at Sparks, Nevada, addressed to the employee at the address stated in the notice of appeal with postage thereon fully prepaid. Service by mail is full and adequate service of notice of all matters relating to such discharge, suspension or demotion until the final disposition of the matter by the commission whether such notice is received by the employee or not.

Sec. 9.130. Charges filed with the commission. Duly verified charges may be filed with the commission by any person setting forth sufficient cause for the discharge, suspension or demotion of any employee within the provisions of this article. Upon the filing of such charges the commission may suspend such employee and cause notice of the filing of such charges, with a copy thereof, to be served upon the employee and setting a time for the hearing if the commission believes that it will be in the interest of the service to do so.

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Sec. 9.140 Commission hearings.

1. The employee shall be entitled to a postponement or adjournment of the hearing for not to exceed a period of 20 days. The complainant is not entitled to adjournment or postponement.
2. In the course of any hearing or investigation each member of the commission has the power:
 - (a) To administer oaths;
 - (b) To secure by subpoena the attendance of witnesses and the production of books and papers relevant to such hearing or investigation;
 - (c) To compel witnesses to answer; and
 - (d) To punish for contempt in the same manner provided by law for the governing of trials before justices of the peace for failure to answer or produce books and other evidence necessary for the hearing.
3. Any hearing, in the discretion of the commission, may be closed to the public and all witnesses shall be under oath.
4. The employee shall have full opportunity to be heard in his own defense, and is entitled to secure the attendance of all witnesses necessary for his defense and may appear in person and by attorney.
5. All evidence at any hearing shall be taken by stenographic reporter who shall be first sworn to perform the duties of a stenographic reporter in taking evidence in such matter fully and fairly to the best of his ability. The transcript shall be typewritten and filed with the commission, and the cost of such stenographic reporting shall be paid by the city.

Sec. 9.150 Findings of the commission.

1. Within 15 days after a transcript of the proceedings is filed with the commission, the commission shall, by a majority vote of its members, determine whether by a preponderance of the evidence the charges were true and made in good faith for the purpose of improving the public service or whether they were made solely for religious, political or personal reasons.
2. If the charges are found to be untrue or were made solely for religious, political or personal reasons the employee shall be immediately reinstated to his former position without prejudice.
3. If the charges are found to be true and were made in good faith for the purpose of improving the public service, the commission may sustain the disciplinary action theretofore taken, or may impose such other disciplinary action as to the commission shall seem just and proper.
4. The decision and findings of the commission shall be in writing and shall be filed with the transcript of the evidence with the secretary of the commission.

Sec. 9.160 Salary of a suspended employee. Any member of a department shall not be deprived of any salary or wages for the period of time he may be suspended prior to a hearing, unless the disciplinary action or removal is sustained.

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Sec. 9.170 Meetings of the commission.

1. Upon the request of the city manager, advising the commission of matters requiring consideration, the commission shall call a meeting within 15 days after receipt of the request.
2. The commission shall hold not less than one regular meeting per month to be held on the same day of each calendar month.
3. The meeting shall be open to the public.

Sec. 9.180 Disciplinary authority of commission.

1. Except as herein otherwise provided, the commission shall have exclusive disciplinary power and authority over all employees within the provisions of this article and may remove, suspend or demote any employee in the civil service who:
 - (a) Is unable to or fails for any reason to perform his duties properly and efficiently.
 - (b) Is guilty of any actions which reduce his effectiveness as an employee or brings discredit to the city service.
 - (c) Has violated any provision of this article or of the commission's rules.
2. Any employee so removed, suspended or demoted may demand a formal hearing before the commission and the demand shall be in form similar to that provided for notices of appeals in section 9.100 of this article. The demand for a formal hearing shall be filed with the secretary of the commission.

Sec. 9.190 Applicability.

1. This article shall apply to all employees of the City of Sparks, except:
 - (a) Elected officials of the city;
 - (b) The city manager;
 - (c) Appointed officials of the city; and
 - (d) Temporary employees provided for in section 9.070.
2. Any employee of the city who has been confirmed in his position by the city council and who accepts a position as a department head or accepts appointment as an appointed official under the provisions of this chapter shall, upon his removal from such office, be restored to his former position within the department, only if there is a position available.

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ARTICLE X

Miscellaneous Provisions

Sec. 10.010 Severability of provisions. If any portion of this charter is held to be unconstitutional or invalid for any reason by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this charter. The legislature hereby declares that it would have passed the charter and each portion thereof, irrespective of the portion which may be deemed unconstitutional or otherwise invalid.

Sec. 10.020 Effect of enactment of charter.

1. All rights and property of every kind and description which were vested in the city prior to the enactment of this charter shall be vested in the same municipal corporation on the effective date of this charter. No right or liability, either in favor of or against such corporation existing at the time of becoming incorporated under this charter, and no action or prosecution shall be affected by such change, but it shall stand and progress as if no change had been made.

2. Whenever a different remedy is given by this charter, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this charter, such remedy shall be cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the city prior to the effective date of this charter shall, unless in conflict with the provisions of this charter, continue in full force and effect until amended or repealed.

4. The enactment of this charter shall not effect any change in the legal identity of the city.

5. The enactment of this charter shall not be construed to repeal or in any way affect or modify:

- (a) Any special, local or temporary law.
- (b) Any law or ordinance making an appropriation.
- (c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
- (d) The running of the statute of limitations in force at the time this charter becomes effective.
- (e) Any bond of any public officer.

ARTICLE X

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- (d) The running of the statute of limitations in force at the time this charter becomes effective.
- (e) Any bond of any public officers.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY SCHOOL DISTRICT,)

Appellant,)

No. 7470

vs.)

LOCAL GOVERNMENT EMPLOYEE-)
MANAGEMENT RELATIONS BOARD,)

Respondent.)

FILED
DEC 23 1974
G. L. Bowen
CLERK OF SUPREME COURT

WASHOE COUNTY TEACHERS)
ASSOCIATION,)

Appellant.)

No. 7597

vs.)

WASHOE COUNTY SCHOOL DISTRICT,)

Respondent.)

These appeals concern the consideration and interpretation of Chapter 288.150 of the Nevada Local Government Employee-Management Relations Act. In Case No. 7470 the appeal is from the Eighth Judicial District Court, Clark County, James D. Santini, Judge; in Case No. 7597 the appeal is from the Second Judicial District Court, Washoe County; Grant L. Bowen, Judge.

The Clark County case is affirmed and the Washoe County case is reversed.

Counsel for both parties agree that Nevada's statute is unique, thus a paucity of authorities on the subject. This is a case of first impression in Nevada.

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Amicus Curiae.
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Attorneys for Washoe County case:

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Association, of Washington, D. C.,
for Appellant.

Woodburn, Wedge, Blake, Folsom,
Forman and Hug, and C. Robert Cox,
of Reno,
for Respondent.

By the Court, ZENOFF, J.:

CLARK COUNTY CASE:

In 1969 the Nevada Legislature enacted NRS 288.150 and in 1971 amended that act, the composite of which was designed to give bargaining rights to public employees. They do not, however, have the right to strike. NRS 288.230(2).

Within the mechanism of the act is provided a Local Government Employee-Management Relations Board (NRS 288.080(1)) to "hear and determine any complaint arising out of the interpretation of, or performance under the provisions of this chapter by any local government employer or employee organization. . ." NRS 288.110. The provisions of the statute pertinent to the issues of this appeal are:

"288.150 Negotiations by employer with recognized employee organization concerning wages, hours and conditions of employment; rights of employer without negotiation.

"1. It is the duty of every local government employer, except as limited in subsection 2, to negotiate in good faith through a representative or representatives of its own choosing concerning wages, hours, and conditions of employment with the recognized employee organization, if any, for each appropriate unit among its employees. If either party requests it, agreements so reached shall be reduced to writing. Where any officer of a local government employer, other than a member of the governing body, is elected by the people and directs the work of any local government employee, such officer is the proper person to negotiate, directly or through a representative or representatives of his own choosing, in the first instance concerning any employee whose work is directed by him, but may refer to the governing body or its chosen representative or representatives any matter beyond the scope of his authority.

"2. Each local government employer is entitled, without negotiation or reference to any agreement resulting from negotiation:

- (a) To direct its employees;
- (b) To hire, promote, classify, transfer, assign, retain, suspend, demote, discharge or take disciplinary action against any employee;
- (c) To relieve any employee from duty because of lack of work or for any other legitimate reason;
- (d) To maintain the efficiency of its governmental operations;
- (e) To determine the methods, means and personnel by which its operations are to be conducted; and
- (f) To take whatever actions may be necessary to carry out its responsibilities in situations of emergency.

"Any action taken under the provisions of this subsection shall not be construed as a failure to negotiate in good faith."

In 1971 the Clark County School District refused to negotiate the question relating to daily classroom preparation time on the ground that under Section 2 of the statute those items were not subject to negotiation because they were policy matters and therefore exclusively within the purview of the school district. A hearing before the Employee-Management Relations Board (hereinafter referred to as EMRB) was held and witnesses testified to the nature, need and mechanics of classroom preparation and the value of classroom limitations after which the EMRB ruled that preparation time was a negotiable issue within NRS 288.150 because:

1. Preparation time affects a teacher's effectiveness and the achievement of the students.
2. Denial of preparation time extends a teacher's work day and affects wages as such time is uncompensated.
3. Preparation time is significantly related to wages, hours, and working conditions and is negotiable, even though said matters also relate to questions of management prerogative in terms of scheduling and administration.

On petition for review sought by the school district the district court upheld the EMRB. The school district appeals the ruling that preparation time is a negotiable subject. The appellate contentions concern the intent and meaning of this labor statute.

The appellant's interpretation of the act would render NRS 288.150 a nullity. The fact of the enactment of the legislation in itself evidences legislative intent that the statute serve a purpose and the stated purpose is to grant public employees a right that they did not have before which was to bargain collectively.

It is not conceivable that the legislature would give its extensive time and attention to study, draft, meet, hear, discuss and pass this important piece of legislation were it not to serve a useful purpose. For this court to hold that any item even though remotely relevant to management policy is beyond the pale of negotiation defeats the purpose of the legislation. Many matters involved in a teacher's work day bear somewhat on management policy and at the same time are inextricably linked to wages, hours and conditions of employment. What the legislature gave was not intended to immediately be taken away.

That teachers prepare themselves in order to transmit their fountain of knowledge to the students is a managerial policy. The employer "directs" the teacher to comply with that policy. NRS 288.150(2)(a) is fulfilled. In doing so time spent in study preparing the lectures and documenting them are necessarily involved. This means wages, hours and conditions of employment are significantly enmeshed with the requirement to be prepared. The statutory power reserved in the employer to direct its employees as provided in Section 2(a) of the act is not thereby diluted because the employer retains the right to make certain that the teacher prepares adequately and competently, in short, the right to "direct" the employee as required by NRS 288.150(2)(a).

A precise determination of the distinctions between Section 1 as subtracted by Section 2 cannot be divined. That is the function of the EMRB. Unless the board should act arbitrarily, unreasonably or capriciously beyond administrative boundaries the courts must give credence to the findings of the board. An agency charged with the duty of administering an act is impliedly clothed with power to construe it as a necessary precedent to administrative action. *Oliver v. Spitz*, 76 Nev. 5, 348 P.2d 158 (1960); *Oklahoma Real Estate Commission v. National Business & Property Exchange*, 238 F.2d 606 (10th Cir. 1956); *Utah Hotel Co. v. Industrial Commission*, 151 P.2d 467 (Utah 1944). Indeed, NRS 288.110 charges the board with that responsibility and great deference should be given to the agencies interpretation when it is within the language of the statute. *Oliver v. Spitz*, supra, at 10; *Udall v. Tallman*, 380 U.S. 1, at 16 (1965).

In this case the EMRB concluded that the applicable standard to reconcile Sections 1 and 2 is that the government employer be required to

negotiate if a particular item is found to significantly relate to wages, hours and working conditions even though that item is also related to management prerogative. The standard and the findings thereon are reasonable. Since NRS 288. 110 gives the board power to hear and determine any complaint arising out of the interpretation of the statute the board's conclusion was properly upheld by the trial court.

Affirmed.

WASHOE COUNTY CASE:

The present case was brought before the district court to review a decision of the Employee-Management Relations Board, the administrative agency with control over NRS 288. 150 of the Nevada Local Government Employee-Management Relations Act. The EMRB, as the board is called, held that where an item significantly affects wages, hours or conditions of employment it is subject to mandatory negotiation notwithstanding the limitations of Section 2 of NRS 288. 150.

Our decision of Clark County School District v. Local Government Employee-Management Board, supra, upholds the standard applied by the EMRB in effect ruling that the legal principles of judicial tests of administrative bodies apply.

The question in that case was whether or not classroom preparation time was a negotiable item. The supreme court had upheld the EMRB and the district court but the trial court in this case overruled the EMRB. The questioned issues here are:

1. Class size (dealing with the maximum number of pupils per class).

The EMRB found this proposal negotiable on the ground that class size is significantly related to wages, hours, and working conditions inasmuch as student density directly affects a teacher's workload including the required hours of preparation and post-class evaluation; affects the teacher's control and discipline problems; affects the teacher's teaching and communication techniques; and affects the total amount of work required for a fixed compensation.

2. Professional improvement (dealing with (a) in-house workshops, conferences and after-hour courses, and (b) partial tuition payment for summer school courses taken by the professional staff).

The board found that professional improvement is significantly related to working conditions since it directly affects career opportunities within the profession as well as the teacher's ability to more effectively produce meritorious results in the classroom.

3. Student discipline. The proposal of the employees would regulate the treatment of students causing disciplinary problems.

The board upheld the negotiability of this request on the ground that the matter of student discipline is significantly related to a teacher's working conditions.

4. School calendar (dealing with the length and structure of the teacher work year).

The board found this proposal negotiable on the ground that the selection of those days that a teacher must work in a given school year is significantly related to the teacher's working conditions and the amount of work the teacher is expected to perform for a fixed compensation.

5. Teacher performance (dealing with the manner in which teacher work performance is evaluated).

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The board found this proposal negotiable on the ground that the evaluation of a teacher's performance is significantly related to a teacher's working conditions inasmuch as the evaluation affects transfer, retention, promotion and the compensation scale.

6. Differentiated staffing (dealing with the establishment of a joint district-association study committee to consider the feasibility of new teacher assignment methods (e. g. , team teaching, whereby several teachers are responsible for a large group of students) prior to implementation by the district, provision for fees for consultants to assist the joint study committee, and negotiations concerning the impact upon wages, hours and conditions of employment of any such program subsequently implemented by the district).

The EMRB found this proposal negotiable on the ground that any plan of differentiated staffing which categorizes teachers on the basis of competency, experience, responsibility and other factors, affects wages hours and working conditions of individual teachers relative to their peers.

7. Teacher load (dealing with teacher preparation time, number of classes, number of different assignments, compensation for substitute teaching by fulltime teacher, and time for curriculum development and parent conferences).

The EMRB found this proposal negotiable on the ground that where a teacher works, the amount of work done and the kind of work done is part of a teacher's working conditions. The remuneration for overtime for extra work assignments is a matter of wages and hours.

8. Instructional supplies (dealing with periodic conferences between the association and the district to discuss the selection and use of

textbooks and other teaching equipment, and the creation of teacher reference libraries).

The EMRB found this proposal negotiable on the ground that the amount, type, quality and availability of instructional supplies affects the ability of a teacher to discharge his work properly and is significantly related to the teacher's working conditions and sometimes to hours.

The district court held all of the foregoing proposals are non-negotiable as being within some or all of the appropriate exclusions of Subsection 288, 150(2).

1. The enumerated managerial prerogatives of NRS 288, 150(2) reserve policies to management, both in control over employee conduct and operation of the school system. However, none of the requests materially dilute the stature of the employer.

The employer's right to "direct" its employees, NRS 288, 150(2)(a), is not at all contravened. The teachers will continue to be obligated to perform their duties within the policy framework established by the school district.

NRS 288, 150(2)(b) and (2)(c) retain the employer's right of discipline against any employee for infractions or nonperformance of their duties. None of the items requested to be negotiated by the association transcend those provisions.

The employer's prerogative to "maintain the efficiency of its governmental operation" of NRS 288, 150(2)(d) is not at cross purposes with the requested subjects in dispute. To the contrary, operational efficiency is enhanced when labor and management are in accord on the vital factors of wages, hours and conditions of employment. None of the disputed requests negate the setting of policy.

ASSEMBLY BILL NO. 572—COMMITTEE ON
GOVERNMENT AFFAIRS

APRIL 8, 1975

Referred to Committee on Government Affairs

SUMMARY—Makes changes in Local Government Employee-Management Relations Act. Fiscal Note: No. (BDR-23-1681)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to employee-management relations; requiring employee organizations to file financial reports; creating an employee-management-relations advisory committee; providing for mandatory bargaining on certain subjects; prohibiting certain practices by a local government employer and local government employee; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly do enact as follows:

- 1 SECTION 1. Chapter 288 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 14, inclusive, of this act.
- 3 SEC. 2. "*Bargaining agent*" means an employee organization recog-
- 4 nized by the local government employer as the exclusive representative of
- 5 all local government employees in the bargaining unit for purposes of col-
- 6 lective bargaining.
- 7 SEC. 3. "*Bargaining unit*" means a group of local government
- 8 employees recognized by the local government employer as having suffi-
- 9 cient community of interest appropriate for representation by an employee
- 10 organization for the purpose of collective bargaining.
- 11 SEC. 4. "*Collective bargaining*" means a method of determining con-
- 12 ditions of employment by negotiation between representatives of the local
- 13 government employer and employee organizations, entailing a mutual
- 14 obligation of the local government employer and the representative of the
- 15 local government employees to meet at reasonable times and confer in
- 16 good faith with respect to:
- 17 1. Wages, hours and other terms and conditions of employment;
- 18 2. The negotiation of an agreement;
- 19 3. The resolution of any question arising under a negotiated agree-
- 20 ment; or
- 21 4. The execution of a written contract incorporating any agreement
- 22 reached if requested by either party,
- 23 but this obligation does not compel either party to agree to a proposal
- 24 or require the making of a concession.

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1 SEC. 5. "Factfinding" means the formal procedure by which an inves-
2 tigation of a labor dispute is conducted by one person, a panel or a board
3 at which:

4 1. Evidence is presented; and

5 2. A written report is issued by the factfinder describing the issues
6 involved and setting forth recommendations for settlement which may
7 or may not be binding as provided in NRS 288.200.

8 SEC. 6. "Mediator" means assistance by an impartial third party to
9 reconcile differences between a local government employer and a bargain-
10 ing unit through interpretation, suggestion and advice.

11 SEC. 7. "Recognition" means the formal acknowledgment by the
12 local government employer that a particular employee organization has
13 the right to represent the local government employees within a particular
14 bargaining unit.

15 SEC. 8. 1. The employee-management-relations advisory committee
16 is hereby created, to consist of 10 members, five of whom shall be repre-
17 sentatives or designees of employee organizations and five of whom shall
18 be representatives or designees of local government employers.

19 2. The governor shall appoint the members of the advisory committee
20 on the basis of recommendations of employee organizations and local gov-
21 ernment employers who are affected by the provisions of this chapter. No
22 employee organization and no local government employer may have more
23 than one representative or designee appointed as a member of the advi-
24 sory committee.

25 SEC. 9. 1. The advisory committee shall solicit applications and inter-
26 view applicants for the positions available on the board. The advisory
27 committee then shall submit to the governor a list of those applicants
28 receiving a vote of at least eight of its members, from which list the
29 appointment shall be made.

30 2. The advisory committee shall meet at least semiannually to review
31 the procedures provided for in this chapter, advise the board in any man-
32 ner requested; and file a report with the legislature at the next session of
33 the legislature regarding procedures under the provisions of this chapter
34 and making recommendations for desirable legislation affecting this chap-
35 ter.

36 SEC. 10. Every employee organization, as a condition of requesting
37 recognition by a local government employer for purposes of collective bar-
38 gaining, shall file annually with the board, a financial report, signed by the
39 president and treasurer of the employee organization or corresponding
40 principal officers, containing the following information in such detail as
41 may be necessary to accurately disclose its financial condition and opera-
42 tions for its preceding fiscal year:

43 1. Assets and liabilities at the beginning and end of the fiscal year;

44 2. Receipts of any kind and the sources thereof;

45 3. Salary, allowances and other direct or indirect disbursements
46 (including reimbursed expenses) to each officer of the employee organiza-
47 tion and also to each local government employee who, during such fiscal
48 year, received more than \$100 in the aggregate from such employee orga-
49 nization or any other employee organization affiliated with it or with

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1 which it is affiliated, or which is affiliated with the same national or inter-
2 national employee organization.

3 4. Direct or indirect loans made to any officer, employee or member
4 of the employee organization which aggregated more than \$25 during the
5 fiscal year, together with a statement of the purpose, security, if any, and
6 arrangements for repayment.

7 5. Direct and indirect loans to any business enterprise, together with
8 a statement of the purpose, security, if any, and arrangements for repay-
9 ment, and

10 6. Other disbursements made by it including the purposes thereof.

11 SEC. 11. 1. The contents of the reports and documents filed with the
12 board are public information, and the board may publish any information
13 and data which it obtains pursuant to the provisions of this chapter. The
14 board may use the information and data for statistical and research pur-
15 poses, and compile and publish such studies, analyses, reports and surveys
16 based thereon as deemed appropriate.

17 2. The board shall, by regulation, make reasonable provision for the
18 inspection and examination, on the request of any person, of the infor-
19 mation and data contained in any report or other document filed with
20 them.

21 SEC. 12. Every employee organization required to submit a report
22 under this chapter shall make available the information required to be
23 contained in such report to all of its members, and every such employee
24 organization and its officers are under a duty, enforceable at the suit of
25 any member of such organization in any state court of competent juris-
26 diction or in the district court of the United States for the district in
27 which such employee organization maintains its principal office, to permit
28 such member for just cause to examine any books, records and accounts
29 necessary to verify such report. The court in such action may, in addition
30 to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable
31 attorney fee to be paid by the defendant, and costs of the action.

32 SEC. 13. Every employee organization required to file any report
33 under this chapter shall maintain records on the matters required to be
34 reported. Such records shall

35 1. Provide in sufficient detail the necessary basic information and
36 data from which the documents filed with the board may be verified,
37 explained, clarified or checked for accuracy and completeness.

38 2. Include vouchers, worksheets, receipts and applicable resolutions,
39 and

40 3. Be available for examination for a period of not less than 5 years
41 after the filing of the documents based on the information which they
42 contain.

43 SEC. 14. The board may issue, amend and rescind regulations pre-
44 scribing the form and publication of reports required to be filed under
45 this chapter and such other reasonable regulations (including regulations
46 prescribing reports concerning trusts in which an employee organization
47 is interested) as they may find necessary to prevent the circumvention or
48 evasion of such reporting requirements.

49 SEC. 15. NRS 288.020 is hereby amended to read as follows:
50 288.020. As used in this chapter, unless the context otherwise

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1 requires, the words and terms defined in NRS 288.025 to 288.075,
2 inclusive, and sections 2 to 7, inclusive, of this act, have the meanings

3 ascribed to them in such sections.

4 SEC. 16. NRS 288.040 is hereby amended to read as follows:

5 288.040. "Employee organization" means [any

6 1. Association, brotherhood, council or federation composed of

7 employees of the State of Nevada or local government employees or

8 both; or

9 2. Craft, industrial or trade union whose membership includes

10 employees of the State of Nevada or local government employees or

11 both.] *an organization of any kind having as one of its purposes improve-*

12 *ment of the terms and conditions of employment of local government*

13 *employees.*

14 SEC. 17. NRS 288.075 is hereby amended to read as follows:

15 288.075. 1. "Supervisory employee" means any individual having

16 authority in the interest of the employer to hire, transfer, suspend,

17 lay off, recall, promote, discharge, assign, reward or discipline other

18 employees [] *or responsibility to direct them, to adjust their grievances*

19 *or effectively to recommend such action, if in connection with the fore-*

20 *going, the exercise of such authority is not of a merely routine or clerical*

21 *nature, but requires the use of independent judgment.*

22 2. *Nothing in this section shall be construed to mean that a deputy*

23 *sheriff who has been given certain administrative duties shall be classified*

24 *as a supervisory employee.*

25 SEC. 18. NRS 288.080 is hereby amended to read as follows:

26 288.080. 1. The local government employee management relations

27 board is hereby created, to consist of three members, broadly representa-

28 tive of the public and not closely allied with any employee organization or

29 local government employer, not more than two of whom shall be members

30 of the same political party. Except as provided in subsection 2, the term of

31 office of each member shall be 4 years.

32 2. The governor shall appoint the members of the board [] *from a*

33 *list submitted by the advisory committee pursuant to the provisions of sec-*

34 *tion 9 of this act. Of the first three members appointed, the governor shall*

35 *designate one whose term shall expire at the end of 2 years. Whenever a*

36 *vacancy occurs on the board other than through the expiration of a term*

37 *of office, the governor shall fill such vacancy by appointment for the unex-*

38 *pired term.*

39 SEC. 19. NRS 288.110 is hereby amended to read as follows:

40 288.110. 1. The board may make rules governing proceedings before

41 it and procedures for factfinding and may issue advisory guidelines for

42 the use of local government employers in the recognition of employee

43 organizations and determination of [negotiating] *bargaining* units.

44 2. The board may hear and determine any complaint arising out of

45 the interpretation of, or performance under, the provisions of this chap-

46 ter by any local government employer or employee organization. The

47 board, after a hearing, if it finds that the complaint is well taken, may

48 order any person to refrain from the action complained of or to restore

49 to the party aggrieved any benefit of which he has been deprived by such

50 action.

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1 3. Any party aggrieved by the failure of any person to obey an order
 2 of the board issued pursuant to subsection 2 may apply to a court of
 3 competent jurisdiction for a prohibitory or mandatory injunction to
 4 enforce such order.

5 SEC. 20. NRS 288.150 is hereby amended to read as follows:

6 288.150. 1. [It is the duty of every local government employer,
 7 except as limited in subsection 2, to negotiate in good faith through a
 8 representative or representatives of its own choosing concerning wages,
 9 hours, and conditions of employment with the recognized employee orga-
 10 nization, if any, for each appropriate unit among its employees. If either
 11 party requests it, agreements so reached shall be reduced to writing.
 12 Where any officer of a local government employer, other than a mem-
 13 ber of the governing body, is elected by the people and directs the work
 14 of any local government employee, such officer is the proper person to
 15 negotiate, directly or through a representative or representatives of his
 16 own choosing, in the first instance concerning any employee whose work
 17 is directed by him, but may refer to the governing body or its chosen
 18 representative or representatives any matter beyond the scope of his
 19 authority.

20 2. Each local government employer is entitled, without negotiation or
 21 reference to any agreement resulting from negotiation:

22 (a) To direct its employees;

23 (b) To hire, promote, classify, transfer, assign, retain, suspend, demote,
 24 discharge or take disciplinary action against any employee;

25 (c) To relieve any employee from duty because of lack of work or for
 26 any other legitimate reason;

27 (d) To maintain the efficiency of its governmental operations;

28 (e) To determine the methods, means and personnel by which its oper-
 29 ations are to be conducted; and

30 (f) To take whatever actions may be necessary to carry out its respon-
 31 sibilities in situations of emergency.

32 Any action taken under the provisions of this subsection shall not be con-
 33 strued as a failure to negotiate in good faith. [Except as provided in sub-

34 section 4, it is the duty of every local government employer to negotiate in
 35 good faith through a representative or representatives of its own choosing

36 concerning the mandatory subjects of bargaining set forth in subsection 2

37 with the designated representatives of the recognized employee organiza-
 38 tion, if any, for each appropriate negotiating unit among its employees. If

39 either party so requests, agreements reached shall be reduced to writing.

40 Where any officer of a local government employer, other than a member
 41 of the governing body, is elected by the people and directs the work of any

42 local government employee, such officer is the proper person to negotiate,
 43 directly or through a representative or representatives of his own choosing,

44 in the first instance concerning any employee whose work is directed by
 45 him, but may refer to the governing body or its chosen representative or

46 representatives any matter beyond the scope of his authority.

47 2. The scope of mandatory bargaining is limited to:

48 (a) Salary or wage rates or other forms of direct monetary compensa-
 49 tion;

50 (b) Sick leave.

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- 1 (c) Vacation leave.
- 2 (d) Holidays.
- 3 (e) Other paid or nonpaid leaves of absence.
- 4 (f) Insurance benefits.
- 5 (g) Total hours of work required of an employee on each work day.
- 6 (h) Total number of days work required of an employee in a work
- 7 year.
- 8 (i) Discharge and disciplinary procedures.
- 9 (j) Recognition clause.
- 10 (k) The method used to classify employees in the negotiating unit.
- 11 (l) Deduction of dues for the recognized employee organization.
- 12 (m) Protection of employees in negotiating unit from discrimination
- 13 because of participation in recognized employee organizations consistent
- 14 with the provisions of this chapter.
- 15 (n) No-strike provisions consistent with the provisions of this chapter.
- 16 (o) Grievance and arbitration procedures for resolution of disputes
- 17 relating to interpretation or application of collective bargaining agree-
- 18 ments.
- 19 (p) General savings clauses.
- 20 (q) Duration of collective bargaining agreements.
- 21 3. Those subject matters which are not within the scope of manda-
- 22 tory bargaining and which are reserved to the local government employer
- 23 without negotiation include:
- 24 (a) The right to hire, direct, assign and transfer any employee.
- 25 (b) The right to reduce in force or lay off any employee because of lack
- 26 of work or lack of funds, in the interest of economy or in the interest of
- 27 the governmental operation involved. In exercising this right, the local
- 28 government employer shall comply with all other applicable provisions of
- 29 NRS, if any.
- 30 (c) The right to determine:
- 31 (1) Appropriate staffing levels and work performance standards;
- 32 (2) The content of the workday, including without limitation work-
- 33 load factors and work schedules;
- 34 (3) The quality and quantity of services to be offered to the public;
- 35 and
- 36 (4) The means and methods of offering those services.
- 37 4. Notwithstanding the provisions of any collective bargaining agree-
- 38 ment negotiated pursuant to this chapter, a local government employer is
- 39 entitled to:
- 40 (a) Take whatever actions may be necessary to carry out its responsi-
- 41 bilities in situations of emergency such as a riot, military action, natural
- 42 disaster or civil disorder. Such actions may include the suspension of any
- 43 collective bargaining agreement for the duration of the emergency.
- 44 (b) Contract and subcontract functions and services. Any action taken
- 45 under the provisions of this paragraph shall not be construed as a failure
- 46 to negotiate in good faith.
- 47 5. The provisions of this chapter, including without limitation the
- 48 provisions of this section, recognize and declare the ultimate right and
- 49 responsibility of the local government employer to manage its operation in

2. contract as a function of the

3. contract as a function of the

1 the most economical and efficient manner consistent with the best interests
2 of all its citizens, its taxpayers and its employees.

3 6. This section does not preclude, but this chapter does not require
4 the local government employer to negotiate or discuss subject matters enu-
5 merated in subsection 3 which are outside the scope of mandatory bar-
6 gaining.

7 Sec. 21. NRS 288.160 is hereby amended to read as follows:

8 288.160. 1. An employee organization may apply to a local govern-
9 ment employer for recognition by presenting

10 (a) A copy of its constitution and bylaws, if any;

11 (b) A roster of its officers, if any, and representatives; and

12 (c) A pledge in writing not to strike against the local government
13 employer under any circumstances.

14 A local government employer shall not recognize as representative of its
15 employees any employee organization which has not adopted, in a manner
16 valid under its own rules, the pledge required by paragraph (c).

17 2. If an employee organization, at or after the time of its application
18 for recognition, presents a verified membership list showing that it repre-
19 sents a majority of the employees in a [negotiating] bargaining unit, and
20 if such employee organization is recognized by the local government
21 employer, it shall be the exclusive [negotiating representative] bargaining
22 agent of the local government employees in that [negotiating] bargaining
23 unit.

24 3. A local government employer may withdraw recognition from an
25 employee organization which

26 (a) Fails to present a copy of each change in its constitution or bylaws,
27 if any, or to give notice of any change in the roster of its officers, if any,
28 and representatives;

29 (b) Disavows its pledge not to strike against the local government
30 employer under any circumstances; or

31 (c) Ceases to be supported by a majority of the local government
32 employees in the [negotiating] bargaining unit for which it is recognized.

33 (d) Fails to negotiate in good faith with the local government
34 employer.

35 4. If an employee organization is aggrieved by the refusal or with-
36 drawal of recognition, or by the recognition or refusal to withdraw rec-
37 ognition of another employee organization, the aggrieved employee
38 organization may appeal to the board. If the board in good faith doubts
39 whether any employee organization is supported by a majority of the
40 local government employees in a particular [negotiating] bargaining unit,
41 it may conduct an election by secret ballot upon the question. Subject to
42 judicial review, the decision of the board is binding upon the local gov-
43 ernment employer and all employee organizations involved.

44 Sec. 22. NRS 288.170 is hereby amended to read as follows:

45 288.170. 1. Each local government employer which has recognized
46 one or more employee organizations shall determine, after consultation
47 with such recognized organization or organizations, which group or
48 groups of its employees constitute an appropriate unit or units for nego-
49 tiating purposes. The primary criterion for such determination shall be
50 community of interest among the employees concerned. A principal,

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1. assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same [negotiating] bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate [negotiating] bargaining unit. A local government department head, administrative employee or supervisory employee shall not be a member of the same [negotiating] bargaining unit as the employees under his direction. Any dispute between the parties as to whether an employee is a supervisor shall be submitted to the board. In all cases, confidential employees of the local government employer shall be excluded from any [negotiating] bargaining unit.

2. If any employee organization is aggrieved by determination of a [negotiating] bargaining unit, it may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and employee organizations involved. The board shall apply the same criterion as specified in subsection 1.

SEC. 23. NRS 288.270 is hereby amended to read as follows:

288.270. 1. It is a prohibited practice for a local government employer or its designated representative willfully to:

- (a) Interfere, restrain or coerce any employee in the exercise of any right guaranteed under this chapter;
- (b) Dominate, interfere or assist in the formation or administration of any employee organization;
- (c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any employee organization;
- (d) Discharge or otherwise discriminate against any employee because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter, or because he has formed, joined or chosen to be represented by any employee organization;
- (e) Refuse to bargain collectively in good faith with the exclusive representative as required in NRS 288.150. Bargaining collectively shall be construed to include the entire bargaining process, including mediation and factfinding, provided for in this chapter;
- (f) Discriminate because of race, creed or color or because of political or personal reasons or affiliations.

2. It is a prohibited practice for a local government employee or for an employee organization or its designated agent willfully to:

- (a) Interfere with, restrain or coerce any employee in the exercise of any right guaranteed under this chapter;
- (b) Refuse to bargain collectively in good faith with the local government employer, if it is an exclusive representative, as required in NRS 288.150. Bargaining collectively shall be construed to include the entire bargaining process, including mediation and factfinding, provided for in this chapter;
- (c) Discriminate because of race, creed or color or because of political or personal reasons or affiliations;
- (d) Dominate, interfere or assist in the formation or administration of any other employee organization.