

Senate

GOVERNMENT AFFAIRS COMMITTEE

Minutes of Meeting - March 19, 1975

Present: Chairman Gibson
 Senator Walker
 Senator Foote
 Senator Hilbrecht
 Senator Gojack
 Senator Schofield
 Senator Dodge

Also Present:

Assemblyman Chet Christensen
 Jim Lillard, Mayor of Sparks
 Chloris Goodwin, City Clerk, Sparks
 Paul W. Freitag, City Attorney, Sparks
 John MacIntyre, City Manager, Sparks
 Judi Watts, interested party
 Frank Daykin, L.C.B.
 Senator Monroe, sponsor of SB-331
 William A. Nisbet, Office Manager, Elko
 Andy Gross, L.C.B.
 Bob Warren, Nevada League of Cities

The twentieth meeting of the Government Affairs Committee was called to order by Chairman Gibson at 2:45 P.M. with a quorum present.

SB-331 Creates Elko City-County Civic Auditorium Authority and provides for issuance of its bonds. (BDR S-1265)

Mr. Frank Daykin, L.C.B. provided the committee with the legal and technical ramifications of SB-331. Mr. Daykin pointed out that an election is required to approve the bonds. Prior to the election the boundaries will be set so the people who will be effected by the bonds will be permitted to vote. The taxes received will pay for the building and maintenance of the auditorium.

Senator Monroe introduced Mr. William A. Nisbet, office manager for the city of Elko. Mr. Nisbet handed out a copy to each committee member indicating the reasons that the city of Elko wants and needs an auditorium. They would appreciate the committee's speedy action on this bill in order to have it ready for the election. (see attached)

Motion of "Do Pass" by Senator Hilbrecht, seconded by Senator Schofield. Motion carried unanimously.

SB-338 Enacts new Sparks city charter. (BDR S-1123)

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Assemblyman Chet Christensen, Sparks, spoke to the committee on the changes and work involved in creating the new charter and urged the committee vote in favor of SB-338.

Assemblyman Christensen introduced Mr. Paul Freitag, City Attorney for Sparks who was better qualified to go over the changes made in the charter.

Mr. Freitag went over the changes in the charter and the reasons for each change. One of the biggest changes was in the duties of the Mayor. Another change was in the setting of salaries by the charter committee upon approval of the legislative body.

Chairman Gibson stated that it has been the policy of the legislature not to get involved in setting salaries for the city employees. This has caused a great deal of problem in the past, they have subsequently taken this out of all city charters.

Assemblyman Christensen indicated that the setting of salaries had been put in by the city council as they did not want to be put in the position of setting their own salaries.

Mayor Lillard stated that the salaries have not been changed in twelve years and the salaries are quite out of line with the other city officials in Nevada. This proves that the system is not working and they were hopeful that the legislature would approve the salaries set by the counsel.

Mayor Lillard suggested that the committee adopt the charter and write in an amendment that would state that every four years hereafter the council will have to set the salaries.

Chairman Gibson requested Mr. Andy Gross, L.C.B., to prepare for the committee a composite reflecting the new charter and its changes with the charter that would otherwise go into effect in June, 1975.

Chairman Gibson read the amendment that was prepared by Mr. Quinan and Mr. McFarland regarding SB-315. On Page 2, after sub-section 5 between lines 23 and 24 add the following, "all fire chiefs that are designated representatives of any incorporated or unincorporated city or town which has an organized fire department shall act as deputy state fire marshals. Shall enforce without additional compensation all laws, regulations pursuant to NRS 477.030.

Chairman Gibson asked the committee if it would be acceptable to them to introduce the above as a committee amendment. There was no objection from the committee.

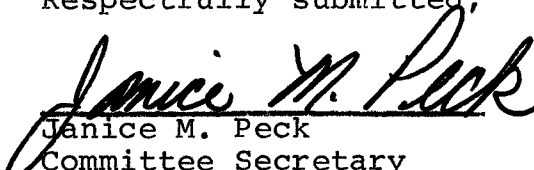
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Motion to "Amend and Do Pass" by Senator Hilbrecht. Seconded
by Senator Schofield. Motion carried unanimously.

With no further business the meeting was adjourned at 4:00 P.M.

Respectfully submitted,


Janice M. Peck
Committee Secretary

Approved:


Chairman

AGENDA FOR COMMITTEE ON ... GOVERNMENT AFFAIRS.....
 WEDNESDAY
 DATE March 19, 1975... TIME... 2:45 P.M.... ROOM..... 345.....

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel Requested*</u>
SB-331	Creates Elko City-County Civic Auditorium Authority and provides for issuance of its bonds. (BDR S-1265) Notify: Senator Monroe (sponsor)	Yes
ADDED TO AGENDA - Eff. 3-18-75 (9 A.M.)		
SB-338	Enacts new Sparks city Charter. (BDR S-1123) Notify: Senator Foote	

* Please do not ask for counsel unless necessary

Elko is the county seat of Elko County, and the business center for an area of approximately 35,000 square miles. The region, like the rest of the state of Nevada, caters to and relies upon the tourism industry for a significant portion of its economic well being.

Since the destruction, by fire, in October, 1971 of the 550 seat Elko High School auditorium, the area has been without an auditorium. More recently, the condemnation of a second school building, occasionally used for stage and musical productions as an interim step, has left the community with no facility of the kind.

The Elko Chamber of Commerce Auditorium Committee, working with the City of Elko, and Elko County, has undertaken preliminary architectural studies to determine site preference, transportation plans, facilities for inclusion, and tentative construction costs and predictable annual operation budgets.

The community support is strongly favorable for the establishment of an auditorium-conference center, to cater to the various needs of the Elko County School district, the convention-tourism trade, and the some 60 clubs, lodges, associations, and other groups who need meeting space or who sponsor entertainment, and cultural events at intervals.

Architectural estimates for a 1200 seat auditorium and 9,000 square feet conference center (to include kitchen, exhibit hall, meeting rooms, storage and mechanical provisions) to be \$2,500,000.00

Prepared by:

Elko Chamber of Commerce
Civic Auditorium Committee
Thomas K. Hood, M. D. Chm.

S. B. 331

SENATE BILL NO. 331—SENATOR MONROE

MARCH 12, 1975

Referred to Committee on Government Affairs

SUMMARY—Creates Elko City-County Civic Auditorium Authority and provides for issuance of its bonds. Fiscal Note: No. (BDR S-1265)



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

AN ACT relating to a civic auditorium and convention center within or proximate to the City of Elko, Nevada; creating the Elko City-County Civic Auditorium Authority and providing for the governing body thereof; providing for the issuance of the bonds thereof in a principal amount not exceeding \$2,500,000, for the payment of such bonds by the levy and collection of general (ad valorem) property taxes within the boundaries of the Authority; providing for the acquisition and construction of a civic auditorium and convention center, including incidental improvements, equipment, furnishings and appurtenances; generally describing the boundaries of the Authority, and providing a procedure for the precise definition of such boundaries and for the addition of lands to such boundaries; providing for an approving bond election; 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. There is hereby created the Elko City-County Civic Audi-
- 2 torium Authority, a body corporate and politic, and a municipal corpo-
- 3 ration of the State of Nevada.
- 4 SEC. 2. As used in this chapter, "Authority" means the Elko City-
- 5 County Civic Auditorium Authority and the "Board of Commissioners"
- 6 means the governing body of the Elko City-County Civic Auditorium
- 7 Authority.
- 8 SEC. 3. The Authority is hereby authorized and empowered without
- 9 the necessity of an election or further preliminaries (except for the
- 10 approving bond election hereinafter required) to construct, concurrently
- 11 or in phases, and otherwise acquire (including a site therefor) a civic
- 12 auditorium and convention center, including improvements incidental
- 13 thereto, and equipment and furnishings therefor and all appurtenances to
- 14 be located within or proximate to the City of Elko, Nevada (herein some-
- 15 times referred to as the "Project"); and to defray wholly or in part the
- 16 cost of the Project by the issuance of Authority Bonds (herein sometimes
- 17 designated as the "Bonds") in the aggregate principal amount not exceed-
- 18 ing \$2,500,000 or such lesser amount as the Board of County Com-
- 19 missioners of Elko County, Nevada, may determine in the resolution

1 described in Sections 19 and 20 of this Act as being necessary or desirable
2 for such purpose.

3 SEC. 4. The Bonds authorized to be issued by this Act shall be general
4 obligation bonds of the Authority payable from general (ad valorem)
5 property taxes to be levied by the County Commissioners of Elko County,
6 Nevada, on behalf of the Board of Commissioners of the Authority, such
7 taxes to be levied upon all taxable properties within the boundaries of the
8 Authority as such boundaries shall be hereafter established and defined
9 and from time to time redefined by reason of inclusion of additional lands.

10 SEC. 5. The Bonds shall be issued independent of any debt limita-
11 tion or other restriction, except as otherwise provided in this Act and in
12 the Local Government Securities Law, and the Authority acting by its
13 Board of Commissioners may, in connection with the powers authorized
14 by this Act, exercise the incidental powers provided in the Local Govern-
15 ment Securities Law, except as otherwise provided in this Act.

16 SEC. 6. Nothing in this Act shall be construed as preventing the
17 Board of Commissioners, on behalf and in the name of the Authority,
18 from refunding or reissuing the Bonds at any time as provided in the
19 Local Government Securities Law.

20 SEC. 7. The County of Elko is hereby authorized to make from time
21 to time fair and reasonable payment to the Authority from its general
22 fund or other available moneys for any use of the Project by the County
23 or any of its departments, boards, agencies or by any persons sponsored
24 by the County.

25 SEC. 8. The Authority shall be governed by a Board of three Com-
26 missioners who shall be appointed by resolution, two members by the
27 City Council of the City of Elko and one member by the Board of County
28 Commissioners of the County of Elko, and each Commissioner shall
29 serve at the pleasure of the respective appointing body, but each appoint-
30 ment shall be reviewed no less than every four years and each member
31 must be a resident of the City or County from which he is appointed and
32 may be, but is not required to be, a member of the Council or Board
33 of the appointing body. The Board of Commissioners shall elect a Chair-
34 man from time to time as shall be necessary from its own members and
35 the City Clerk and City Treasurer of the City of Elko shall act as Secre-
36 tary and Treasurer to the Board of Commissioners and the Authority
37 without additional compensation.

38 SEC. 9. Forthwith upon appointment of the first members of the
39 Board of Commissioners, the Board shall organize, adopt a seal, establish
40 a principal place of business, and adopt, and thereafter from time to time
41 amend, if necessary, appropriate rules and regulations not inconsistent
42 with this Act for carrying on the business and affairs of the Board and of
43 the Authority.

44 SEC. 10. Two members of the Board of Commissioners shall consti-
45 tute a quorum at any meeting and the Board may take action either by
46 motion or by resolution.

47 SEC. 11. In connection with the Project, the Board, on behalf of, and
48 in the name of the Authority, in addition to, and not in limitation of,

1 powers elsewhere conferred thereon and without the necessity of an elec-
2 tion; hearing, referendum or other further preliminaries not provided
3 herein, is authorized and empowered:

4 1. To arrange a contract for the furnishing by any person or agency,
5 public or private, of services, works or facilities for, or in connection with
6 the Project and any part thereof.

7 2. To hire and retain independent contractors, agents and employees,
8 including but not limited to engineers, architects, financial consultants,
9 attorneys at law, or any other persons necessary or desirable to effect the
10 purposes of this Act; and to prescribe their compensation, duties or other
11 terms of employment.

12 3. To make and keep records in connection with the Project or any
13 part thereof.

14 4. To establish rules and regulations and fees and charges with respect
15 to the use of the Project.

16 5. To cause to be levied general (ad valorem) property taxes suffi-
17 cient, after taking into account revenues from fees and charges, to pay the
18 cost of maintenance and operation of the Project and to pay timely the
19 principal of, together with the interest on, the Bonds.

20 6. To arbitrate any differences arising in connection with the Project.

21 7. To commence, defend, conduct, terminate by settlement or other-
22 wise, participate in any litigation or other court, judicial or quasi-judicial
23 action, either at law or in equity, by suit, action, mandamus or other pro-
24 ceedings, concerning the Project or any part thereof, or in any manner
25 appertaining thereto.

26 8. To use for or in connection with the Project, moneys, land and
27 other real and personal property legally available therefor of the City of
28 Elko or the County of Elko not originally acquired therefor.

29 9. To do and perform any and all other acts and things necessary,
30 convenient, desirable or appropriate to carry out the provisions of this
31 Act; and to have and exercise all rights and powers necessary or incidental
32 to or implied from the specific powers granted in this Act, and such spe-
33 cific powers shall not be considered as a limitation upon any power neces-
34 sary, convenient, desirable or appropriate to carry out the purposes and
35 intent of this Act.

36 SEC. 12. Provisions of the Local Government Budget Act, NRS
37 354.470 to 354.626, inclusive, as now and hereafter amended, shall apply
38 to the Authority as a local government and the Authority shall, for pur-
39 poses of such application, be deemed a district other than a school district.

40 SEC. 13. The Authority may provide for the publication by title of
41 any resolution which it may adopt for the issuance of bonds or for the
42 inclusion of lands under this Act, in one issue of a newspaper having cir-
43 culation within the County of Elko. For a period of thirty days after the
44 date of such publication any person in interest may contest the legality of
45 such resolution or any bonds which may be issued pursuant thereto or any
46 of the provisions made for the security and payment of such bonds,
47 including the boundaries of the Authority, or with respect to any special
48 election at which such bonds or any portion thereof are authorized, or for
49 the inclusion of such lands, but after such time no one shall have any

1 cause of action to contest the regularity, formality or legality thereof for
2 any cause.

3 SEC. 14. No contract for doing construction work for acquiring or
4 improving the Project provided for herein or any portion thereof shall be
5 entered into until the Authority shall have requested competitive bids and
6 published notice stating that bids will be received at a time and place des-
7 ignated therein.

8 SEC. 15. The Authority may contract only with responsible bidders
9 submitting the lowest bid upon proper terms, but the Authority shall have
10 the right to reject any and all bids and to waive any irregularity in the
11 form of any bid.

12 SEC. 16. Any contract may be let on a lump sum or on a unit basis,
13 but no contract shall be entered into for such work unless the contractor
14 shall give an undertaking with a sufficient surety or sureties approved by
15 the Board of Commissioners in an amount fixed by it for the faithful per-
16 formance of the contract and for payment of the labor and materials.

17 SEC. 17. The Board of Commissioners, except as expressly limited in
18 this section, may, in the letting of contracts, impose such conditions upon
19 bidders with regard to bonds and sureties and such guarantees of good
20 and faithful performance in the completion of any work and the keeping
21 of the same in repair, and providing for any further matter or thing in
22 connection therewith, as may be considered by the Board to be advan-
23 tageous to the Authority and to all interested.

24 SEC. 18. The boundaries of the Authority shall include all lands now
25 and hereinafter within the City of Elko, together with all lands within 3
26 miles of the present boundaries of the City of Elko and together with
27 those lands generally designated in the Official Records of Elko County,
28 Nevada, as follows:

29 Humboldt River Ranchos Inc., Unit No. 1.
30 Town of Lamoille as shown on the "Map of the Town of Lamoille,"
31 including Tract A, File No. 37018 and on "Map of the First
32 Addition, Town of Lamoille," File No. 107888.
33 Last Chance Ranch Inc., Units No. 1, 2 and 3.
34 L.C.R. 11 Subdivision.
35 Lucky Nugget Ranches Inc., Unit No. 1 and the unvacated por-
36 tions of Unit No. 2.
37 Meadow Valley Ranchos Units No. 1 through 5, inclusive, and 7
38 through 12, inclusive.
39 Pleasant Valley Estates.
40 River Valley Ranches, Unit No. 1.
41 Twin River Ranchos, Inc., Units No. 2, 3 and 4.
42 Valley Vista Acres.
43 Spring Creek Tracts No. 101, 102, 103, 201, 301, 101-A, 104, 105,
44 107, 106-A, the unabandoned portion of 401, 106-B, the
45 unabandoned portion of 106-C, 202, 303, 402, 304, 109, 403
46 and 106-D, inclusive.

47 SEC. 19. Within sixty days of the effective date of this Act, the Board
48 of County Commissioners of Elko County, Nevada, shall by resolution
49 establish the boundaries of the Authority described in Section 18 of this
50 Act with sufficient certainty so as to enable any person to determine

1 whether or not his or her residence is within such boundaries and shall fix
2 the date of a special bond election to be held not more than ninety days
3 after the date of adoption of such resolution. Registration for such election
4 shall close on the 30th calendar day preceding the date set for such elec-
5 tion and all persons residing within the boundaries of the Authority as
6 established by said resolution who are qualified to vote at general elections
7 in this State and reside within such boundaries upon the date of close of
8 registration shall be entitled to vote at such election. Appropriate notice of
9 registration and of such election shall be given by the County Clerk once
10 by publication, unless the Board of County Commissioners shall direct
11 that any such notice shall also be given one or more times by mail. Such
12 election shall further be held, except as herein provided to the contrary, in
13 accordance with the general election laws of this State.

14 SEC. 20. In the resolution referred to in Section 19 of this Act fixing
15 the date of said special bond election, the Board of County Commis-
16 sioners may determine as provided in Section 3 of this Act that an
17 amount lesser than \$2,500,000 principal amount of bonds is so required
18 either to defray the costs of the Project or to defray solely the costs of a
19 first phase of the Project, and, if the Board shall determine that a lesser
20 amount is so required, then such lesser amount shall be submitted to the
21 voters at the special bond election fixed by said resolution. If the Board
22 of County Commissioners shall determine to submit to the electorate
23 only that principal amount of bonds necessary to defray the costs of a
24 first phase of the Project, then the Board of County Commissioners may
25 thereafter submit to the electorate at a special bond election or elections
26 fixed therefor the principal amount of bonds necessary to defray the
27 costs of a second phase and of subsequent phases, all in the manner and
28 to the same effect as the initial special bond election, but in no event
29 shall the combined principal amount of bonds so submitted exceed the
30 principal amount of \$2,500,000.

31 SEC. 21. The form of the ballot at the special bond election shall be:
32 "Shall the Elko City-County Civic Auditorium Authority be authorized
33 to issue and sell not to exceed [enter—\$2,500,000 principal amount of
34 bonds or such lesser amount as may be established by the Board of
35 County Commissioners] to defray the costs of [enter—a civic auditorium
36 and convention center or, if applicable, a description of related phase of
37 the Project] which bonds shall be payable from the proceeds of general
38 (ad valorem) property taxes levied upon lands within the boundaries of
39 the Authority and which bonds shall otherwise be issued in accordance
40 with the Local Government Securities Law. Yes....., No....."

41 SEC. 22. Election returns from the special bond election shall be filed
42 with the County Clerk of Elko County. The Board of County Commis-
43 sioners of Elko County shall meet within ten days after the special bond
44 election and canvass the returns and declare the results.

45 SEC. 23. If upon the canvass it is found that a majority of the votes so
46 cast at the special bond election were cast in the affirmative, then the
47 Authority shall be authorized to issue and sell the Bonds, as herein pro-
48 vided.

1 **SEC. 24.** If upon the canvass it is found that a majority of the votes so
2 cast at the special bond election were cast in the negative, then the
3 Authority shall not be authorized to issue and sell the Bonds, but the
4 Board of County Commissioners may, at a general or special election,
5 resubmit the matter one or more times to the electorate in the same man-
6 ner and to the same effect as the initial special bond election, but any such
7 resubmission shall not occur until at least one year shall have passed since
8 the last such submission or resubmission and the Board of County Com-
9 missioners may reconsider the principal amount of Bonds to be so resub-
10 mitted in accordance with the provisions of Sections 3 and 20 of this Act.

11 **SEC. 25.** If upon the canvass it is found that a majority of the votes
12 cast at the special bond election were in the affirmative, then the Board of
13 County Commissioners of Elko County shall forthwith require the Elko
14 County Engineer to determine the precise boundaries of the Authority,
15 shall adopt and finally establish the boundaries of the Authority in the res-
16 olution referred to in Section 8 of this Act and, immediately upon organi-
17 zation of the Board of Commissioners of the Authority, the Authority
18 shall comply with the provisions of NRS 234.250. Since the lands of the
19 Authority are not contiguous, each portion thereof shall be described so
20 as to close.

21 **SEC. 26.** After establishment and definition of the initial boundaries
22 of the Authority, inclusion of additional lands within the boundaries of
23 the Authority shall be accomplished pursuant to one of the following pro-
24 cedures:

25 1. If lands proximate to the boundaries of the Authority shall here-
26 after be platted or mapped pursuant to the provisions of NRS Chapter
27 278, the owner or owners thereof may request in writing that such lands
28 be included within the boundaries of the Authority and the Board of
29 County Commissioners of Elko County shall provide for the notation
30 of such inclusion upon the final subdivision map or parcel map prior to
31 the final recordation thereof, and shall notify the Board of Commissioners
32 of the Authority in writing of the fact of such inclusion; or

33 2. If the owner or owners of lands proximate to the boundaries of
34 the Authority so proposed to be platted or mapped shall fail to request
35 inclusion of such lands within the boundaries of the Authority and the
36 Board of County Commissioners of Elko County shall preliminarily
37 determine that, by reason of such proximity, such lands should be so
38 included within the boundaries of the Authority, then prior to final rec-
39 ordation of such map the Board of County Commissioners shall by
40 resolution make such a preliminary determination, shall fix in said reso-
41 lution the time and place of a hearing on any such inclusion and shall
42 give at least thirty days prior notice in writing of the time and place of
43 such hearing to both the owner or owners of lands proposed to be so
44 platted or mapped and to the Authority. At the time and place of such
45 hearing, the Board of County Commissioners shall hear the owner or
46 owners and the Authority, as well as all persons interested, as to the
47 question of whether or not such lands should be so included within the
48 boundaries of the Authority. Upon completion of the hearing, the Board
49 of County Commissioners shall determine by resolution whether or not
50 said lands shall be so included and the determination of the County

1 Commissioners, in the absence of fraud or abuse of discretion, shall be
2 final and conclusive. The final action of the Board of County Commis-
3 sions shall, prior to final recordation, be noted on the title sheet of any
4 subdivision or parcel map approved pursuant to the provisions of NRS
5 Chapter 278 and the County Commissioners shall give the Authority
6 notice in writing of its final determination; and
7 Upon inclusion of any additional lands within the boundaries of the
8 Authority, the Board of Commissioners of the Authority shall forthwith
9 adopt a resolution confirming the inclusion of such lands and shall other-
10 wise comply with the provisions of NRS 234.250.

11 SEC. 27. The powers conferred by this Act shall be in addition to and
12 supplemental to, and the limitations imposed by this Act shall not affect
13 the powers conferred by any other law, general or special; and securities
14 may be issued under this Act without regard to the procedure required by
15 any other such law, except as otherwise provided in this Act or in the
16 Local Government Securities Law. Insofar as the provisions of this Act
17 are inconsistent with the provisions of any other law, general or special,
18 the provisions of this Act shall be controlling.

19 SEC. 28. This Act being necessary to secure and preserve the public
20 health, safety, convenience and welfare shall be literally construed to
21 effect its purposes.

22 SEC. 29. If any provision of this Act or the application thereof to any
23 person, thing or circumstance is held invalid, such invalidity shall not
24 affect the provisions or application of this Act that can be given effect
25 without the invalid provision or application, and to this end the provisions
26 of this Act are declared to be severable.

27 SEC. 30. This Act shall become effective upon passage and approval.

S. B. 338

SENATE BILL NO. 338—SENATOR FOOTE

MARCH 14, 1975

Referred to Committee on Government Affairs

SUMMARY—Enacts new Sparks city charter. Fiscal Note: No. (BDR S-1123)

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

AN ACT incorporating the City of Sparks in, Washoe County, Nevada, under a new charter; defining the boundaries thereof; 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. The charter of the City of Sparks is as follows. Each
2 section of the charter shall be deemed to be a section of this act for the
3 purpose of any subsequent amendment.
4

5
6 ARTICLE I

7
8 Incorporation of City; General Powers; Boundaries;
9 Wards and Annexations; City Offices
10

11 Section 1.010 Preamble: Legislative intent.

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

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

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

1 Sec. 1.020 Incorporation of city.

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

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

9 Sec. 1.030 Description of territory. The territory embraced in the
10 city is that certain land described in the official plat required by NRS
11 234.250 to be filed with the county recorder and the county assessor of
12 Washoe County, as such plat is revised from time to time.

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

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

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

26 1. The elective officers of the city consist of:

- 27 (a) A mayor.
28 (b) Five councilmen.
29 (c) A city clerk.
30 (d) A city attorney.
31 (e) A municipal judge.

32 2. All elective officers of the city, except the city attorney, shall be:

- 33 (a) Bona fide residents of the city for at least 3 years immediately
34 prior to their election.
35 (b) Registered voters within the city.
36 (c) At least 25 years of age.

37 3. No person shall be elected or appointed to the office of council-
38 man who was not an actual bona fide resident of the ward to be repre-
39 sented by him for a period of 6 months prior to the time designated as
40 the last day of filing for such office, or, in the case of appointment, 6
41 months prior to the day the office became vacant.

42 4. The city attorney shall be a registered voter and a duly licensed
43 member of the State Bar of Nevada.

44 5. All elective officers shall:

- 45 (a) Reside within the city during their terms of office;
46 (b) Be voted upon at a general municipal election by the registered
47 voters of the city at large; and
48 (c) Serve for terms of 4 years.

1 **Sec. 1.070 Elective offices; vacancies.**

2 1. A vacancy in the city council, office of the city clerk, city attorney
3 or municipal judge shall be filled by appointment of the mayor, subject
4 to confirmation by the city council, or by the remaining members of the
5 city council in case of vacancy in such council, within 30 days after the
6 occurrence of such vacancy. If the majority of the council is unable or
7 refuses for any reason to confirm any appointment made by the mayor
8 within 30 days after the vacancy occurred, the city council shall present
9 to the mayor the names of two qualified persons to fill the vacancy in
10 the council. The mayor shall within 15 days after such presentation select
11 one of the two qualified persons as councilman. The appointee shall
12 have the same qualifications required of the elected official.

13 2. A vacancy in the office of the mayor shall be filled by the mayor
14 pro tempore. The resulting vacancy in the city council shall be filled as
15 provided in subsection 1.

16 3. The appointee or mayor pro tempore, in case of a vacancy in the
17 office of mayor, shall serve the balance of the term of office to which he
18 is appointed and until his successor is duly elected and qualified.

19 **Sec. 1.080 Appointive offices and officers.**

20 1. The mayor of the city shall appoint a city manager, subject to
21 confirmation by the city council.

22 2. The city council may establish such other appointive offices as it
23 may deem necessary for the operation of the city.

24 3. Appointment of such officers shall be made by the city manager,
25 subject to ratification of the city council.

26 **Sec. 1.090 Appointive officers: Miscellaneous provisions.**

27 1. All appointive officers shall perform such duties as may be directed
28 by the city manager and such other duties as may be designated by ordi-
29 nance.

30 2. The city council may require from all officers and employees of
31 the city constituted or appointed under this charter, sufficient security
32 for the faithful and honest performance of their respective duties, and the
33 cost of such bond shall be paid by the city.

34 3. A person appointed by the city manager to any office may be
35 removed from office for cause by the city manager. The officer so removed
36 shall have the right of appeal to the mayor and city council and may
37 demand written charges to be made and a hearing before the city council
38 prior to the date his final removal is to take place. The decision and
39 action of the city council upon such hearing is final.

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

41 1. The mayor and councilmen shall not:

42 (a) Hold any other elective office with the State of Nevada, Washoe
43 County, the City of Sparks or any other city, except as provided by law
44 or as a member of a board or commission for which no compensation is
45 received.

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

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

1 Sec. 1.110 Oath of office. Every person elected or appointed under
2 the provisions of sections 1.060 to 1.080, inclusive, shall subscribe to the
3 official oath as provided by the city council. Every such person shall
4 swear and affirm that he is not under any direct or indirect obligation to
5 vote for, appoint or elect any person to any office, position or employ-
6 ment in the city government.

7 Sec. 1.120 Personal financial interest prohibition.

8 1. Any city officer or employee who has a substantial financial inter-
9 est, direct or indirect:

10 (a) By reason of ownership of stock in any corporation;

11 (b) In any contract with the city;

12 (c) In the sale of any land, material, supplies or services to the city; or

13 (d) With a contractor supplying the city;

14 shall make known that interest and shall refrain from voting upon or other-
15 wise participating in his capacity as a city officer or employee in the mak-
16 ing of such sale or in the making or performance of such contract.

17 2. Any city officer or employee who willfully conceals such a substan-
18 tial financial interest or willfully violates the requirements of this section is
19 guilty of malfeasance in office or position and shall forfeit the office or
20 position.

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

25 Sec. 1.130 Certain activities prohibited.

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

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

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

41 4. A person shall not orally, in writing or otherwise solicit or assist
42 in soliciting any assessment, subscription or contribution for any political
43 party or political purpose whatever from any person holding any com-
44 pensated appointive city position.

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

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

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

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

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

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

16 (a) One by each councilman.

17 (b) Two by the mayor.

18 (c) One by each member of the senate and assembly delegation rep-
 19 resenting the residents of the city.

20 2. Each members shall:

21 (a) Serve during the term of his appointer.

22 (b) Be a registered voter of the city; and

23 (c) Reside in the city during his term of office.

24 Sec. 1.150 Charter committee duties.

25 The charter committee shall:

26 1. Prepare recommendations to be presented to the legislature con-
 27 cerning all necessary amendments to the city charter.

28 2. Recommend to the legislature the amount of salary to be paid to
 29 the mayor and to the councilmen.

30 3. Perform all functions and do all things necessary to accomplish
 31 the purposes for which it is established, including but not limited to
 32 holding meetings and public hearings, and obtaining assistance from
 33 city officials.

34 Sec. 1.160 Charter committee members: Removal; grounds.

35 1. Any member who misses three successive regular meetings may be
 36 removed by a majority vote of the remaining members of the committee.

37 2. Any member of the committee may be removed for any cause by
 38 an eight-eleventh vote of the committee.

39 3. In case of removal, a replacement shall be appointed by the officer
 40 who appointed the removed member.

41 Sec. 1.170 Salaries for mayor and councilmen.

42 Beginning July 1, 1975, and for each successive term of office, the fol-
 43 lowing salaries shall be paid:

44 1. To the mayor, per year..... \$12,000
 45 2. To each councilman, per year..... 6,000

ARTICLE II

Legislative Department

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

7 Sec. 2.020 City council: Discipline of members, other persons; sub-
8 pena power.

9 1. The city council may:

10 (a) Provide for the punishment of any member for disorderly conduct
11 committed in its presence.

12 (b) Subpena any witness to appear and testify and subpena any evi-
13 dence in the possession of any person relating to any business before the
14 city council.

15 2. Any subpena issued by the city council shall be signed by the city
16 clerk, served in the same manner as a subpena issued by the district court,
17 and shall contain a notice that failure to obey the subpena may subject
18 the person subpenaed to prosecution for a misdemeanor or may result in
19 his being in contempt of the district court.

20 3. If any person subpenaed to appear before the city council fails to
21 obey such subpena:

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

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

27 Sec. 2.030 Meetings: Regular; special; quorum.

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

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

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

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

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

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

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

6 5. Except as otherwise provided by law, all sessions and all pro-
7 ceedings of the city council shall be public.

8 Sec. 2.040 Rules. The city council may adopt rules for the govern-
9 ment of its members and proceedings.

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

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

14 1. The city council may make and pass all ordinances, resolutions
15 and orders not repugnant to the Constitution of the United States or the
16 State of Nevada, or to the provisions of Nevada Revised Statutes or of
17 this charter, necessary for the municipal government and the management
18 of the affairs of the city, and for the execution of all the powers vested in
19 the city.

20 2. When power is conferred upon the city council to do and perform
21 something, and the manner of exercising such power is not specifically
22 provided for, the city council may provide by ordinance the manner and
23 details necessary for the full exercise of such power.

24 3. The city council may enforce ordinances by providing penalties not
25 to exceed those established by the legislature for misdemeanors.

26 4. The city council shall have such powers, not in conflict with the
27 express or implied provisions of this charter, as are conferred upon the
28 governing bodies of cities by Nevada Revised Statutes.

29 5. The city council shall annually adopt a budget pursuant to the
30 Local Government Budget Act.

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

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

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

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

44 Sec. 2.080 Ordinances: Enactment procedure; emergency ordinances.

45 1. When first proposed, all bills shall be read to the city council by
46 title and referred to a committee for consideration, after which an ade-
47 quate number of copies of the proposed bill shall be filed with the city
48 clerk for public inspection. Except as otherwise provided in subsection 3,

1. 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: Railroads. The city council may:

- 1 1. License, regulate or prohibit the location, construction or laying of
- 2 tracks of any railroad or streetcar in any public right-of-way.
- 3 2. Grant franchises to any person or corporation to operate a rail-
- 4 road or streetcar upon public rights-of-way and adjacent property.
- 5 3. Declare a nuisance and require the removal of the tracks of any
- 6 railroad or streetcar in any public right-of-way.
- 7 4. Condemn rights-of-way for any purpose across any railroad right-
- 8 of-way.
- 9 5. Prescribe the length of time any public right-of-way may be
- 10 obstructed by trains standing thereon.
- 11 6. Require railroad companies to fence their tracks and to construct
- 12 cattle guards and crossings and to keep them in repair.
- 13 Sec. 2.110 Powers of the city council: Provisions for utilities. The
- 14 city council may:
 - 15 1. Provide by contract, franchise or public enterprise, for any utility
 - 16 to be furnished to the city for the residents thereof.
 - 17 2. Provide for the construction of any facility necessary for the pro-
 - 18 visions of such utility.
 - 19 3. Fix the rate to be paid for any utility provided by public enterprise.
 - 20 Any charges due for services, facilities or commodities furnished by any
 - 21 utility owned by the city is a lien upon the property to which the service
 - 22 is rendered and shall be performed by filing with the county recorder a
 - 23 statement by the city clerk of the amount due and unpaid and describing
 - 24 the property subject to the lien. Each such lien shall:
 - 25 (a) Be coequal with the latest lien thereon to secure the payment of
 - 26 general taxes.
 - 27 (b) Not be subject to extinguishment by the sale of any property on
 - 28 account of the nonpayment of general taxes.
 - 29 (c) Be prior and superior to all liens, claims, encumbrances and titles
 - 30 other than the liens of assessments and general taxes.
 - 31 Sec. 2.120 Powers of city council: Nuisances. The city council may:
 - 32 1. Determine by ordinance what shall be deemed nuisances.
 - 33 2. Provide for the abatement, prevention and removal of such nui-
 - 34 sances at the expense of the person creating, causing or committing such
 - 35 nuisances.
 - 36 3. Provide that such expense of removal shall be a lien upon the
 - 37 property upon which the nuisance is located. Such lien shall:
 - 38 (a) Be perfected by filing with the county recorder a statement by the
 - 39 city clerk of the amount of expenses due and unpaid and describing
 - 40 the property subject to the lien.
 - 41 (b) Be coequal with the latest lien thereon to secure the payment of
 - 42 general taxes.
 - 43 (c) Not be subject to extinguishment by the sale of any property on
 - 44 account of the nonpayment of general taxes.
 - 45 (d) Be prior and superior to all liens, claims, encumbrances and titles
 - 46 other than the liens of assessments and general taxes.
 - 47 4. Provide any other penalty or punishment of persons responsible
 - 48 for such nuisances.

ARTICLE III

Executive Department

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5 Sec. 3.010 Mayor: Duties; mayor pro tempore.

6 1. The mayor shall:

7 (a) Preside over the meetings of the city council and he may vote only
8 in case of a tie. The mayor may not vote on any proposed ordinance.

9 (b) Be recognized as the head of the city government for all purposes.

10 (c) Perform such emergency duties as may be necessary for the general
11 health, welfare and safety of the city.12 (d) Perform such other duties as may be prescribed by ordinance or by
13 the provisions of Nevada Revised Statutes which apply to a mayor.14 2. The mayor may exercise the right of veto upon all matters passed
15 by the city council provided he give notice in writing to the city clerk
16 within 10 days of the action taken by the city council. Such vetoes may be
17 overturned only by a vote of at least four-fifths of the city council. An
18 action requiring the expenditure of money is not effective without the
19 approval of the mayor, unless he does not disapprove such action within
20 10 days after it is taken by the city council, or the city council by a four-
21 fifths majority has approved or approves such expenditure at a regular
22 meeting.23 3. The city council shall elect one of its members to be mayor pro
24 tempore. Such person shall:25 (a) Hold such office and title during the term for which he was elected
26 without additional compensation, except as provided in paragraph (c).27 (b) Perform the duties of mayor during the absence or disability of the
28 mayor.29 (c) Act as mayor until the next municipal election if the office of
30 mayor becomes vacant and shall draw the salary of mayor. His salary
31 and position as councilman shall cease.

32 Sec. 3.020 City manager: Duties.

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

35 1. Exercise a careful supervision of the city's general affairs.

36 2. See that all laws and ordinances are duly enforced, and he is
37 hereby declared to be beneficially interested in their enforcement and may
38 sue in the proper court to enforce them.39 3. Exercise control over all departments, divisions and bureaus of
40 the city government and over all the appointive officers and employees
41 thereof.42 4. Attend all regular meetings of the council and its committees,
43 except when the council is considering his removal, with the right to take
44 part in discussions, but without power to vote. He shall receive notice
45 of all special meetings.46 5. Recommend to the council the adoption of such measures and bills
47 as he may deem necessary or expedient.

48 6. Make investigations into:

49 (a) The affairs of the city;

50 (b) Any department or division thereof;

- 1 (c) Any contract; or
- 2 (d) The proper performance of any obligation owed to the city.
- 3 7. Prepare and submit to the council the annual budget.
- 4 8. Keep the council fully advised as to the financial condition and
- 5 needs of the city.
- 6 9. Submit to the council, at least once each month, a summary of all
- 7 claims and bills approved for payment by him.
- 8 10. Devote his entire time to the duties and interests of the city.
- 9 11. Perform such other duties as may be prescribed by this charter or
- 10 be required by ordinance or resolution of the council.
- 11 Sec. 3.030 City manager: Removal.
- 12 The city manager may be removed by the mayor and a three-fifths
- 13 majority vote of the city council or by a four-fifths majority vote of the
- 14 city council without the vote of the mayor.
- 15 Sec. 3.040 City clerk: Duties; deputies.
- 16 1. The city clerk shall:
- 17 (a) Keep the corporate seal and all books and papers belonging to the
- 18 city.
- 19 (b) Attend all regular, special and emergency meetings of the city
- 20 council, and may attend all executive sessions concerning public officers
- 21 as provided in chapter 241 of the Nevada Revised Statutes.
- 22 (c) Keep an accurate journal of all regular, special and emergency
- 23 meetings of the city council, including a record of all ordinances, bylaws
- 24 and resolutions passed or adopted by it.
- 25 (d) Attest the journal after approval at each meeting of the city council
- 26 and after it has been signed by the mayor.
- 27 (e) Enter the result of the vote of the city council upon all official busi-
- 28 ness in the journal.
- 29 (f) Perform such other duties as may be designated by ordinance.
- 30 2. The city clerk may appoint deputies as may be necessary subject to
- 31 the approval of the city council.
- 32 Sec. 3.050 City attorney: Duties; deputies.
- 33 1. The city attorney shall:
- 34 (a) Be the legal officer of the city.
- 35 (b) Perform such duties as may be designated by ordinance.
- 36 (c) Attend all regular, special and emergency meetings of the city
- 37 council, and may attend executive sessions concerning public officers as
- 38 provided in chapter 241 of the Nevada Revised Statutes.
- 39 2. The city attorney may appoint such deputies as may be necessary
- 40 subject to the approval of the city council.
- 41 Sec. 3.060 County assessor to be ex officio city assessor: Duties.
- 42 1. The county assessor of Washoe County shall be ex officio city
- 43 assessor of the city and shall perform such duties for the city without addi-
- 44 tional compensation.
- 45 2. Upon request of the ex officio city assessor, the city council may
- 46 appoint and set the salary of a deputy city assessor to perform such duties
- 47 relative to city assessments as may be deemed necessary.
- 48 Sec. 3.070 County treasurer to be ex officio city tax collector: Duties.
- 49 1. The county treasurer of Washoe County shall be ex officio tax

1 collector of the city and shall perform such duties for the city without
2 additional compensation.

3 2. The county treasurer shall also be the ex officio assessment collec-
4 tor of the city and shall perform such duties for the city without addi-
5 tional compensation.

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

10 Sec. 3.090 City officers: Collection and disposition of moneys.

11 1. All taxes, fines, forfeitures or other moneys collected or recovered
12 by any officer or person pursuant to the provisions of this charter or of
13 any valid ordinance of the city shall be paid by the officer or person
14 collecting or receiving them to the person designated to collect and
15 receive them, who shall dispose of them in accordance with the ordi-
16 nances, regulations and procedures established by the city council.

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

21 Sec. 3.100 Interference by city council.

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

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

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

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

40
41
42 **ARTICLE IV**

43 **Judicial Department**

44
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46 Sec. 4.010 Municipal court. There shall be a municipal court of
47 the city to which the provisions of chapters 5 and 266 of NRS, relating
48 to municipal courts, as amended from time to time, shall apply.

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

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

7 Sec. 4.040 Disposition of fines. All fines and forfeitures for the vio-
8 lation of ordinances shall be paid into the treasury of the city in the man-
9 ner to be prescribed by ordinance.

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

ARTICLE V

Elections

23 Sec. 5.010 General municipal elections. A general municipal elec-
24 tion shall be held in the city on the 1st Tuesday after the 1st Monday in
25 June 1975, and on the same day every 4 years thereafter, at which time
26 there shall be elected one mayor, one city clerk, councilmen as herein-
27 before provided, one city attorney and one municipal judge. All candi-
28 dates at the general municipal election shall be voted upon by the electors
29 of the city at large.

30 Sec. 5.020 Primary municipal elections: Declaration of candidacy.

31 1. A candidate for any office to be voted for at any general municipal
32 election shall file an affidavit of candidacy with the city clerk not less
33 than 30 nor more than 40 days before the 1st Tuesday after the 1st
34 Monday in May next preceding such general election.

35 2. If for any general municipal election there are three or more
36 candidates for the offices of mayor, city clerk, city attorney or municipal
37 judge, or three or more candidates from each ward for the office of coun-
38 cilman, a primary election for any such office shall be held on the 1st
39 Tuesday after the 1st Monday in May preceding such general election.

40 3. Candidates for the offices of mayor, city clerk, city attorney and
41 municipal judge shall be voted upon by the registered voters of the city
42 at large. Candidates for the office of councilman shall be voted upon by
43 the registered voters of the ward to be represented by them.

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

48 Sec. 5.030 Applicability of state election laws: Elections under city
49 council control.

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

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

9 Sec. 5.040 Qualifications, registration of voters.

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

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

18 Sec. 5.050 Names on ballots. The full names of all candidates,
19 except those who have withdrawn, died or become ineligible, shall be
20 printed on the official ballots without party designation or symbol. The use
21 of nicknames in conjunction with the candidates' legal names is allowed
22 and the nicknames may be printed on the official ballots. If two or more
23 candidates have the same surname, or surnames so similar as to be likely
24 to cause confusion, their residence addresses shall be printed with their
25 names on the ballot.

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

35 Sec. 5.070 Availability of lists of registered voters. If, for any pur-
36 pose relating to a municipal election or to candidates or issues involved in
37 such an election, any organization, group or person requests a list of regis-
38 tered voters of the city, the department, office or agency which has cus-
39 tody of the official register of voters shall provide the same upon payment
40 therefor in an amount determined pursuant to the provisions of subsection
41 2 of NRS 293.440.

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

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

4 Sec. 5.100 Election returns: Canvass; certificates of election; entry
5 of officers upon duties; tie vote procedure.

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

11 2. The city council shall meet within 5 days after any election and
12 canvass the returns and declare the result. The election returns shall then
13 be sealed and kept by the city clerk for 6 months, and no person shall
14 have access thereto except on order of a court of competent jurisdiction
15 or by order of the city council.

16 3. The city clerk, under his hand and official seal, shall issue a cer-
17 tificate of election to each person elected. The officers elected shall qual-
18 ify and enter upon the discharge of their respective duties on the 1st
19 Monday in July next following their election.

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

23 Sec. 5.110 Contest of election. A contested election for any munic-
24 ipal office shall be determined according to the law of the state regulat-
25 ing proceedings in contested elections in political subdivisions.

26
27

ARTICLE VI

Local Improvements

31
32 Sec. 6.010 Local improvement law. The city council, on behalf of
33 the city and in its name, without any election, may from time to time
34 acquire, improve, equip, operate and maintain:

- 35 1. Curb and gutter projects;
- 36 2. Drainage projects;
- 37 3. Offstreet parking projects;
- 38 4. Overpass projects;
- 39 5. Park projects;
- 40 6. Sanitary sewer projects;
- 41 7. Sidewalk projects;
- 42 8. Storm sewer projects;
- 43 9. Street projects;
- 44 10. Underpass projects;
- 45 11. Water projects; and
- 46 12. Underground utility and communication lines.

47 Sec. 6.020 Local improvement law: Collateral powers. The city
48 council on behalf of the city for the purpose of defraying all the costs of
49 acquiring or improving any project authorized by section 6.010, or any

1 portion of the cost thereof not to be defrayed with moneys otherwise avail-
 2 able therefor, is vested with the powers granted to municipalities by chap-
 3 ter 271 of NRS, as amended from time to time.

4 Sec. 6.030 Delinquent assessments: Collection.

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

11 12 13 ARTICLE VII

14 15 Local Bonds and Franchises

16
17 Sec. 7.010 Debt limit.

18 1. The city shall not incur an indebtedness in excess of 20 percent
 19 of the total assessed valuation of the taxable property within the bound-
 20 aries of the city.

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

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

25 (b) Any special assessment bonds, although a deficiency in the pro-
 26 ceeds of the assessments is required to be paid from the general fund to
 27 the city.

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

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

36 Sec. 7.030 Borrowing money.

37 1. Subject to the limitations imposed by this article, the city may
 38 borrow money for any corporate purpose, including without limitation
 39 any purpose expressly authorized by this charter or by Nevada Revised
 40 Statutes for a city, and for such purpose may issue bonds or other secu-
 41 rities. The Local Government Securities Law, as amended from time to
 42 time, applies to all securities so issued, except securities issued under
 43 section 6.020.

44 2. The city council shall issue a proclamation setting forth the
 45 amount, terms, maximum rate of interest and duration of any proposed
 46 indebtedness, including securities payable from pledged revenues, and the
 47 fund from which it is to be paid, except securities proposed to be issued
 48 pursuant to section 6.020. Such proclamation shall be published in full
 49 at least once a week for 4 successive weeks in a newspaper of general
 50 circulation in the city, and shall state the date of the meeting at which

1 the city council will pass an ordinance providing for such bond issue.
 2 At the first regular meeting of the city council or any adjournment
 3 thereof after the completion of publication, the city council shall enact
 4 an ordinance for such purposes, which shall conform in all respects to
 5 the terms and conditions of the previously published proclamation, and
 6 without submitting the question to a vote of the electors of the city,
 7 unless a petition is presented to the city council signed by not less than 3
 8 percent of the qualified electors of the city as shown by the last preceding
 9 registration list, asking for a special election upon the question of whether
 10 or not the proposed ordinance shall be passed. Thereupon, no such ordi-
 11 nance shall be enacted except pursuant to a special election called and
 12 held for such purpose and carried by a majority of the votes cast. Any
 13 ordinance passed providing for the issuance of bonds shall be valid if
 14 passed by the city council in the absence of the filing of a petition and
 15 election, or if such petition is filed and election had, then if passed by the
 16 city council pursuant to a majority vote in favor of the ordinance. The
 17 petition for an election referred to in this section may be filed with the city
 18 council at any time prior to the date of meeting set in the published
 19 notice.

20 Sec. 7.040 Franchises.

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

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

33
 34
 35 ARTICLE VIII

36
 37 Revenue

38
 39 Sec. 8.010 Municipal taxes.

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

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

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

8 4. The city may, however, upon the approval of the county commis-
9 sioners of Washoe County, collect taxes levied for the redemption of
10 bonds provided for in sections 6.010 to 6.030, inclusive.

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

15 16 17 ARTICLE IX

18 19 Civil Service

20
21 Sec. 9.010 Civil service commission: Appointment; compensation.

22 1. There shall be a civil service commission of the City of Sparks,
23 Nevada, consisting of three residents of the City of Sparks who shall be
24 appointed by the mayor, subject to confirmation by the city council. The
25 persons so appointed shall serve for 4-year terms.

26 2. Every person appointed as a member of the commission shall,
27 before entering upon the duties of his office, take and subscribe the oath
28 of office prescribed by the constitution of this state, and file the same, duly
29 certified by the officer administering it, with the clerk of the city.

30 3. Vacancies on the civil service commission from whatever cause
31 shall be filled by appointment by the mayor, subject to confirmation by
32 the city council.

33 4. The council shall provide for such employees as shall be necessary
34 to enable the civil service commission to carry out properly the duties pre-
35 scribed herein.

36 5. Each member of the civil service commission shall receive as com-
37 pensation for his services the sum of \$10 for each full meeting attended by
38 him.

39 Sec. 9.020 Civil service commission: Rules and regulations.

40 1. The commission shall prepare and adopt rules and regulations to
41 govern the selection and appointment of all employees of the city within
42 the provisions of this article and such rules and regulations shall be
43 designed to secure the best service for the public.

44 2. Such rules and regulations shall provide for:

45 (a) Ascertaining, as far as possible, physical qualifications; habits, rep-
46 utation, standing and experience of all applicants for positions;

47 (b) Competitive examination of some or all applicants in such subjects
48 as shall be deemed proper for the purpose of best determining their quali-
49 fications for a position;

50 (c) Disciplinary, suspension, demotion and dismissal proceedings;

1 (d) Promotions and advancements; and

2 (e) Such other matters as the commission may deem necessary.

3 3. A copy of all rules and regulations made by the commission and
4 all changes therein shall be filed in the office of the city clerk.

5 4. The commission shall by rule provide for a probationary period of
6 6 months during which any employee within the provisions of this article
7 may be suspended, removed or otherwise disciplined by the head of the
8 appropriate department or by the city manager without hearing or other
9 action by the commission.

10 5. The commission shall cause the rules and regulations so prepared
11 and adopted, and all changes therein, to be printed or otherwise repro-
12 duced and distributed as they shall deem necessary, and the expense
13 thereof shall be certified by the commission and paid by the city.

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

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

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

39 Sec. 9.050 Reports of employee performance. The head of any
40 city department to which the provisions of this article are applicable shall
41 maintain at all times in full force and effect and in operation within his
42 respective department the rules and regulations adopted by the commis-
43 sion and applicable to such department. Such rules and regulations, in
44 the discretion of the commission, may provide for regular efficiency
45 reports of the members of any department, for courses, tests or exami-
46 nations to be required within the department, and for any other act or
47 thing necessary or desirable to bring about advancement or promotion
48 within the department of the members thereof, according to merit, to
49 bring about efficiency within the department so that it may be better

1 qualified to serve the public, and to bring about a full and complete
2 operation within the department of the civil service system.

3 Sec. 9.060 Eligibility lists. Whenever new positions are created by
4 city ordinance within any department subject to the provisions of this
5 article, or whenever vacancies occur within any such department, a list of
6 not less than three qualified applicants, when that number is available,
7 shall be submitted by the civil service commission to the head of the
8 department. The head or chief of such department shall appoint the appli-
9 cant deemed by him to be most suitable. All such appointments shall be
10 subject to confirmation of the city council after successful completion of
11 the probationary period.

12 Sec. 9.070 Probational employees. All employees of the City of
13 Sparks who have been so employed for 6 or more months prior to the
14 effective date of this charter are confirmed in their present positions. All
15 employees of the City of Sparks who have been so employed for less than
16 6 months prior to the effective date of this charter shall be considered to
17 be in a probationary period, and may, after the completion of 6 months'
18 employment, be considered for confirmation as provided in this article.
19 All employees of the City of Sparks hereafter employed pursuant to the
20 provisions of this article and confirmed by the city council after success-
21 fully serving the probationary period shall hold their respective positions
22 and employment at the pleasure of the city manager, subject to hearing, as
23 provided in this article. All vacancies in existing or newly created positions
24 subject to the provisions of this article shall be filled by the promotion of
25 employees in the service, and who have proved their fitness for such pro-
26 motion. The provisions of this article shall not apply to persons employed
27 on a temporary basis or for a period not to exceed 6 months during any
28 calendar year.

29 Sec. 9.080 Prohibited acts. No employee of the city within the pro-
30 visions of this article shall be suspended, demoted or discharged except
31 as provided in this article.

32 Sec. 9.090 Written complaint, hearing. Whenever a written com-
33 plaint against any member of any of the departments within the provisions
34 of this article is made to the city manager, he shall immediately commu-
35 nicate the same to the commission and a hearing may be ordered by the
36 commission, if in the opinion of the commission such a hearing is nec-
37 essary.

38 Sec. 9.100 Disciplinary authority of city manager; appeal to the com-
39 mission. The city manager may suspend for a period of not exceeding
40 30 days or discharge or demote any employee of the city within the
41 provisions of this article for the betterment of the service or for other
42 justifiable cause and shall immediately report to the secretary of the com-
43 mission and deliver to the commission a copy of the complaint setting
44 forth the reason for discharge, suspension or demotion and the name of
45 the complainant, if other than the city manager. Within 10 days after
46 such discharge, suspension or demotion, the employee so discharged,
47 suspended or demoted may appeal to the commission by filing with the
48 secretary thereof a notice of appeal in the following or similar form:
49 "To the Civil Service Commission of Sparks, Nevada: Please take notice
50 that I appeal the order of the city manager of the City of Sparks,

1 dated..... 19....., (demoting, discharging or suspending) mo." The
 2 notice of appeal shall be signed by the employee demoted, discharged or
 3 suspended and shall clearly state the name and the address of such
 4 employee.

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

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

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

28 Sec. 9.140 Commission hearings.

29 1. The employee shall be entitled to a postponement or adjournment
 30 of the hearing for not to exceed a period of 20 days. The complainant is
 31 not entitled to adjournment or postponement.

32 2. In the course of any hearing or investigation each member of the
 33 commission has the power:

34 (a) To administer oaths;

35 (b) To secure by subpoena the attendance of witnesses and the pro-
 36 duction of books and papers relevant to such hearing or investigation;

37 (c) To compel witnesses to answer; and

38 (d) To punish for contempt in the same manner provided by law for
 39 the governing of trials before justices of the peace for failure to answer
 40 or produce books and other evidence necessary for the hearing.

41 3. Any hearing, in the discretion of the commission, may be closed
 42 to the public and all witnesses shall be under oath.

43 4. The employee shall have full opportunity to be heard in his own
 44 defense, and is entitled to secure the attendance of all witnesses necessary
 45 for his defense and may appear in person and by attorney.

46 5. All evidence at any hearing shall be taken by stenographic
 47 reporter who shall be first sworn to perform the duties of a stenographic
 48 reporter in taking evidence in such matter fully and fairly to the best of

1 his ability. The transcript shall be typewritten and filed with the commis-
2 sion, and the cost of such stenographic reporting shall be paid by the
3 city.

4 Sec. 9.150 Findings of the commission.

5 1. Within 15 days after a transcript of the proceedings is filed with
6 the commission, the commission shall, by a majority vote of its members,
7 determine whether by a preponderance of the evidence the charges were
8 true and made in good faith for the purpose of improving the public
9 service or whether they were made solely for religious, political or per-
10 sonal reasons.

11 2. If the charges are found to be untrue or were made solely for reli-
12 gious, political or personal reasons the employee shall be immediately
13 reinstated to his former position without prejudice.

14 3. If the charges are found to be true and were made in good faith for
15 the purpose of improving the public service, the commission may sustain
16 the disciplinary action theretofore taken, or may impose such other disci-
17 plinary action as to the commission shall seem just and proper.

18 4. The decision and findings of the commission shall be in writing and
19 shall be filed with the transcript of the evidence with the secretary of the
20 commission.

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

25 Sec. 9.170 Meetings of the commission.

26 1. Upon the request of the city manager, advising the commission of
27 matters requiring consideration, the commission shall call a meeting within
28 15 days after receipt of the request.

29 2. The commission shall hold not less than one regular meeting per
30 month to be held on the same day of each calendar month.

31 3. The meeting shall be open to the public.

32 Sec. 9.180 Disciplinary authority of commission.

33 1. Except as herein otherwise provided, the commission shall have
34 exclusive disciplinary power and authority over all employees within the
35 provisions of this article and may remove, suspend or demote any
36 employee in the civil service who:

37 (a) Is unable to or fails for any reason to perform his duties properly
38 and efficiently.

39 (b) Is guilty of any actions which reduce his effectiveness as an
40 employee or brings discredit to the city service.

41 (c) Has violated any provision of this article or of the commission's
42 rules.

43 2. Any employee so removed, suspended or demoted may demand
44 a formal hearing before the commission and the demand shall be in form
45 similar to that provided for notices of appeals in section 9.100 of this
46 article. The demand for a formal hearing shall be filed with the secre-
47 tary of the commission.

48 Sec. 9.190 Applicability.

49 1. This article shall apply to all employees of the City of Sparks,
50 except:

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

10
 11
 12 **ARTICLE X**

13
 14 **Miscellaneous Provisions**

15
 16 Sec. 10.010 Severability of provisions. If any portion of this charter
 17 is held to be unconstitutional or invalid for any reason by the decision
 18 of any court of competent jurisdiction, such decision shall not affect the
 19 validity of the remaining portion of this charter. The legislature hereby
 20 declares that it would have passed the charter and each portion thereof,
 21 irrespective of the portion which may be deemed unconstitutional or
 22 otherwise invalid.

23 Sec. 10.020 Effect of enactment of charter.

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

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

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

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

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

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

1 SEC. 2. Chapter 180, Statutes of Nevada 1949, at page 372, entitled
2 "An Act to incorporate the city of Sparks, in Washoe County, and defin-
3 ing the boundaries thereof, and to authorize the establishing of a city gov-
4 ernment therefor, and other matters relating thereto, and repealing all acts
5 and parts of acts in conflict herewith," approved March 28, 1949, and all
6 other acts amendatory thereof, and Chapter 545, Statutes of Nevada
7 1971, at page 1142, entitled "An Act incorporating the City of Sparks in
8 Washoe County, Nevada, and defining the boundaries thereof, under a
9 new charter; and providing other matters properly relating thereto,"
10 approved April 25, 1971, and section 4 of Chapter 735, Statutes of
11 Nevada 1973, at page 1507, entitled "An Act relating to the City of
12 Sparks; providing formation of a committee to prepare a proposed city
13 charter; providing for an opinion vote on the form of government for the
14 city; extending effective date for new charter to July 1, 1975; and provid-
15 ing other matters properly relating thereto," approved May 1, 1973, are
16 hereby repealed.

17 SEC. 3. This act shall become effective July 7, 1975.