

ASSEMBLY BILL NO. 309—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CITY OF RENO)

FEBRUARY 23, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to charter of City of Reno. (BDR S-476)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

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

AN ACT relating to the charter of the City of Reno; providing that the boundaries of wards must be determined on the basis of population; revising provisions prohibiting certain officers from holding certain other offices or employment; revising the qualifications for certain offices; revising certain provisions governing the adoption of ordinances; providing that a misdemeanor offense under state law is deemed also to be a misdemeanor offense against the city if the offense is committed within the city; repealing certain provisions; and providing other matters properly relating thereto.

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

Section 1. Section 1.050 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at page 20, is hereby amended to read as follows:

Sec. 1.050 Wards: Creation; boundaries.

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

1 2. The boundaries of *the* wards must be established and
2 changed by ordinance, passed by a vote of at least five-sevenths of
3 the city council. The boundaries of *the* wards ~~{must}~~ :

4 (a) *Must* be changed ~~{on the second Monday in January~~
5 ~~preceding any regular election if, at the close of registration before~~
6 ~~each general state election held in even-numbered years, the~~
7 ~~number of registered voters}~~ *whenever the population, as*
8 *determined by the last preceding national census of the Bureau of*
9 *the Census of the United States Department of Commerce,* in any
10 ward exceeds the ~~{number of registered voters}~~ *population* in any
11 other ward by more than 5 percent.

12 ~~{3.—Ordinances establishing or changing the boundaries of~~
13 ~~wards must not be passed or amended until the registrar of voters of~~
14 ~~Washoe County, if his office is created, or the county clerk of~~
15 ~~Washoe County, if the registrar's office is not created, certifies that~~
16 ~~the number of registered voters in each proposed ward will not~~
17 ~~exceed the number of registered voters in any other ward by more~~
18 ~~than 5 percent.}~~

19 (b) *May be changed to include territory that has been annexed,*
20 *or whenever the population in any ward exceeds the population in*
21 *another ward by more than 5 percent by any measure that is*
22 *found to be reliable by the city council.*

23 **Sec. 2.** Section 1.080 of the charter of the City of Reno, being chapter
24 662, Statutes of Nevada 1971, as last amended by chapter 561, Statutes of
25 Nevada 1977, at page 1390, is hereby amended to read as follows:

26 Sec. 1.080 Mayor and councilmen not to hold other office ~~{}~~
27 *or employment.*

28 1. The mayor and councilmen shall not:

29 (a) Hold any other elective office or employment with Washoe
30 County or the city, except as provided by law or as a member of a
31 board or commission for which no compensation is received.

32 (b) Be ~~{elected or}~~ appointed to any office *or position* created
33 by or the compensation for which was increased or fixed by the city
34 council until 1 year after the expiration of the term for which such
35 person was elected.

36 2. Any person ~~{holding any office proscribed by}~~ *who violates*
37 *the provisions of* subsection 1 shall automatically forfeit his office.

1 **Sec. 3.** Section 2.010 of the charter of the City of Reno, being chapter
2 662, Statutes of Nevada 1971, as last amended by chapter 462, Statutes of
3 Nevada 1993, at page 1467, is hereby amended to read as follows:

4 Sec. 2.010 Mayor and city council: Qualifications; election;
5 term of office; salary.

6 1. The legislative power of the city is vested in a city council
7 consisting of six councilmen and a mayor.

8 2. The mayor and councilmen must be ~~1:~~
9 ~~—(a) Bona fide residents of the wards they represent, or if~~
10 ~~representing the city at large, of the city, for at least 6 months~~
11 ~~immediately preceding their election, and each~~ **qualified electors**
12 **within the city. Each** councilman elected from a ward must
13 continue to live in that ward for as long as he represents the ward.

14 ~~[(b) Qualified electors within the city.]~~

15 3. The mayor and one councilman represent the city at large
16 and one councilman represents each ward. The mayor and
17 councilmen serve for terms of 4 years.

18 4. The mayor and councilmen are entitled to receive a salary in
19 an amount fixed by the city council.

20 **Sec. 4.** Section 2.100 of the charter of the City of Reno, being chapter
21 662, Statutes of Nevada 1971, as last amended by chapter 599, Statutes of
22 Nevada 1993, at page 2500, is hereby amended to read as follows:

23 Sec. 2.100 Ordinances: Enactment procedure; emergency
24 ordinances.

25 1. All proposed ordinances when first proposed must be
26 referred to a committee for consideration, after which an adequate
27 number of copies of the proposed ordinance must be filed with the
28 city clerk for public distribution. Except as otherwise provided in
29 subsection 3, notice of the filing must be published once in a
30 newspaper qualified pursuant to the provisions of chapter 238 of
31 NRS, ~~[as amended from time to time,]~~ and published in the city at
32 least 10 days before the adoption of the ordinance. The city council
33 shall adopt or reject the ordinance , or an amendment thereto,
34 within ~~[30]~~ **45** days after the date of publication.

35 2. At the next regular meeting or adjourned meeting of the city
36 council ~~[following the proposal of an ordinance and its reference to~~
37 ~~committee,]~~ **held at least 10 days after the date of publication,** the
38 committee shall report the ordinance back to the city council.
39 Thereafter, it must be read as first proposed or as amended, and
40 thereupon the proposed ordinance must be finally voted upon or
41 action thereon postponed.

42 3. In cases of emergency or where the ordinance is of a kind
43 specified in section 7.030, by unanimous consent of the city

1 council, final action may be taken immediately or at ~~{a special}~~ **an**
2 **emergency** meeting called for that purpose, and no notice of the
3 filing of the copies of the proposed ordinance with the city clerk
4 need be published.

5 4. All ordinances must be signed by the mayor, attested by the
6 city clerk and published by title, together with the names of the
7 councilmen voting for or against passage, in a newspaper qualified
8 pursuant to the provisions of chapter 238 of NRS, ~~{as amended~~
9 ~~from time to time,}~~ and published in the city for at least one
10 publication, before the ordinance becomes effective. The city
11 council may, by majority vote, order the publication of the
12 ordinance in full in lieu of publication by title only.

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

16 **Sec. 5.** Section 2.110 of the charter of the City of Reno, being chapter
17 662, Statutes of Nevada 1971, at page 1967, is hereby amended to read as
18 follows:

19 Sec. 2.110 Uniform codes: Procedure for adoption. ~~{An~~
20 ~~ordinance adopting a}~~ **A** uniform building, plumbing, electrical,
21 health, traffic or fire code, or any other uniform code, ~~{or codes,}~~
22 printed in book or pamphlet form, ~~{may adopt such code or codes,}~~
23 or any portion thereof, with such changes as may be necessary to
24 make ~~{such code or codes}~~ **the code** applicable to conditions in the
25 city, and with such other changes as may be desirable, **may be**
26 **adopted in an ordinance** by reference thereto. Copies of ~~{such~~
27 ~~code or codes, either typewritten or printed,}~~ **the code**, with such
28 changes, if any, ~~{shall}~~ **must** be filed for use and examination by
29 the public in the office of the clerk at least 1 week ~~{prior to}~~ **before**
30 the passage of the ordinance adopting ~~{such code or codes.}~~ **the**
31 **code.**

32 **Sec. 6.** Section 2.140 of the charter of the City of Reno, being chapter
33 662, Statutes of Nevada 1971, as last amended by chapter 565, Statutes of
34 Nevada 1997, at page 2761, is hereby amended to read as follows:

35 Sec. 2.140 General powers of city council.

36 1. Except as otherwise provided in subsection 2 and section
37 2.150, the city council may:

38 (a) Acquire, control, improve and dispose of any real or
39 personal property for the use of the city, its residents and visitors.

40 (b) Regulate and impose a license tax for revenue upon all
41 businesses, trades and professions.

42 (c) Provide or grant franchises for public transportation and
43 utilities.

1 (d) Appropriate money for advertising and publicity and for the
2 support of a municipal band.

3 (e) Enact and enforce any police, fire, traffic, health, sanitary or
4 other measure which does not conflict with the general laws of the
5 State of Nevada. *An offense that is made a misdemeanor by the*
6 *laws of the State of Nevada shall also be deemed to be a*
7 *misdemeanor against the city whenever the offense is committed*
8 *within the city.*

9 (f) Fix the rate to be paid for any utility service provided by the
10 city as a public enterprise. Any charges due for services, facilities
11 or commodities furnished by any utility owned by the city is a lien
12 upon the property to which the service is rendered and is perfected
13 by filing with the county recorder a statement by the city clerk of
14 the amount due and unpaid and describing the property subject to
15 the lien. Any such lien is:

16 (1) Coequal with the latest lien upon the property to secure
17 the payment of general taxes.

18 (2) Not subject to extinguishment by the sale of any property
19 on account of the nonpayment of general taxes.

20 (3) Prior and superior to all liens, claims, encumbrances and
21 titles other than the liens of assessments and general taxes.

22 2. The city council:

23 (a) Shall not sell telecommunications service to the general
24 public.

25 (b) May purchase or construct facilities for providing
26 telecommunications that intersect with public rights of way if the
27 governing body:

28 (1) Conducts a study to evaluate the costs and benefits
29 associated with purchasing or constructing the facilities; and

30 (2) Determines from the results of the study that the purchase
31 or construction is in the interest of the general public.

32 3. Any information relating to the study conducted pursuant to
33 subsection 2 must be maintained by the city clerk and made
34 available for public inspection during the business hours of the
35 office of the city clerk.

36 4. Notwithstanding the provisions of paragraph (a) of
37 subsection 2, an airport may sell telecommunications service to the
38 general public.

39 5. As used in this section:

40 (a) "Telecommunications" has the meaning ascribed to it in 47
41 U.S.C. § 153(43), as that section existed on July 16, 1997.

42 (b) "Telecommunications service" has the meaning ascribed to it
43 in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

1 **Sec. 7.** Section 3.060 of the charter of the City of Reno, being
2 chapter 662, Statutes of Nevada 1971, as last amended by chapter
3 599, Statutes of Nevada 1993, at page 2501, is hereby amended to
4 read as follows:

5 Sec. 3.060 City attorney: Qualifications; duties; salary.

6 1. The city attorney must be a duly licensed member of the
7 State Bar of Nevada and a ~~resident of the city for at least 6 months~~
8 ~~before his election.~~ **qualified elector within the city.** Once elected,
9 he shall hold office for a term of 4 years and until his successor is
10 duly elected and qualified.

11 2. The city attorney is the legal officer of the city and shall:

- 12 (a) Perform such duties as may be designated by ordinance;
13 (b) Be present at all meetings of the city council;
14 (c) Be counsel for the civil service commission;
15 (d) Devote his full time to the duties of the office; and
16 (e) Not engage in the private practice of law.

17 3. The city attorney is entitled to receive a salary as fixed by
18 resolution of the city council.

19 4. The city attorney may appoint and remove such assistants as
20 he may require in the discharge of the duties of his office. Such
21 assistants must not be civil service employees. The council may
22 appropriate such an amount of money as it may deem proper to
23 compensate ~~any~~ such assistants. Such assistants who are attorneys
24 and are employed for more than 20 hours per week by the city
25 attorney shall not engage in the private practice of law.

26 **Sec. 8.** Section 4.020 of the charter of the City of Reno, being chapter
27 662, Statutes of Nevada 1971, as last amended by chapter 599, Statutes of
28 Nevada 1993, at page 2501, is hereby amended to read as follows:

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

31 1. A municipal judge must be:

- 32 (a) An attorney licensed to practice law in the State of Nevada.
33 (b) A ~~resident of~~ **qualified elector within** the city . ~~for at least~~
34 ~~6 months.~~

35 ~~2. The~~

36 **2. A** municipal judge ~~for judges~~ shall not engage in the private
37 practice of law.

38 3. The salary of a municipal judge must be:

- 39 (a) Fixed by resolution of the city council.
40 (b) Uniform for all judges in the municipal court.

41 **Sec. 9.** Section 2.050 of the charter of the City of Reno, being chapter
42 662, Statutes of Nevada 1971, at page 1966, and section 4.050 of the
43 charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at
44 page 1977, are hereby repealed.

- 1 **Sec. 10.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

Sec. 2.050 Meetings: Special.

1. Special meetings may be held on call of the mayor, city manager or by a majority of the city council, by giving a minimum of 6 hours' notice of such special meeting to each member of the city council prior to the meeting.

2. At a special meeting:

(a) No business may be transacted except such as has been stated in the call of the meeting.

(b) No ordinance may be passed except an emergency ordinance, or one specified in section 7.030.

Sec. 4.050 Registration plates as evidence of traffic violations. In any proceeding for the violation of the provisions of any ordinance of the city involving a motor vehicle, the registration plate displayed on such vehicle shall be received as prima facie evidence that the registered owner of such vehicle was then operating it. If, at any hearing or proceeding, the registered owner testifies, under oath, that he was not operating the vehicle at the time of the alleged violation of such ordinance and submits himself to an examination as to who, at that time, was operating such motor vehicle and reveals the name of the person, or shows that the vehicle was stolen, then the prima facie evidence arising from the registration plate shall be overcome and renewed and the burden of proof shifted. In any case of violation of a city ordinance in which a motor vehicle is involved it shall be lawful for a police officer to remove the registration plate from such vehicle.