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FIRST REPRINT

A.B. 11

ASSEMBLY BILL NO. 11—ASSEMBLYMAN CARPENTER

PREFILED JANUARY 11, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises charter of City of Elko. (BDR S-805)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to the charter of the City of Elko; renaming the board of supervisors as the city council; revising the duties of the city council; clarifying the regulatory authority of the city council; revising the requirements relating to notice for special and emergency meetings; renaming the vice president chosen by the city council as the mayor pro tempore; 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:

- 1 **Section 1.** Section 1.050 of the charter of the City of Elko, being
2 chapter 276, Statutes of Nevada 1971, at page 475, is hereby amended to
3 read as follows:
4 Sec. 1.050 Elective offices.
5 1. The elective officers of the city consist of:
6 (a) A mayor.
7 (b) Four ~~supervisors~~ *members of the city council*.
8 2. Such officers ~~shall~~ *must* be elected as provided by this
9 charter.
10 **Sec. 2.** Section 1.060 of the charter of the City of Elko, being chapter
11 276, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of
12 Nevada 1997, at page 2450, is hereby amended to read as follows:
13 Sec. 1.060 Elective offices: Vacancies. Except as otherwise
14 provided in NRS 268.325:
15 1. A vacancy in the ~~board of supervisors~~ *city council* must be
16 filled by a majority vote of the members *of the city council* within 30
17 days after the occurrence of the vacancy. A person may be selected to
18 fill a prospective vacancy in the ~~board~~ *city council* before the



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vacancy occurs. In such a case, each member of the ~~board~~ *city council*, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the ~~board~~ *city council* pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first Monday in July after the next municipal election, at which election the office must be filled.

Sec. 3. Section 1.070 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 52, Statutes of Nevada 1973, at page 71, is hereby amended to read as follows:

Sec. 1.070 Appointive offices.

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

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

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

Sec. 4. Section 1.080 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 476, is hereby amended to read as follows:

Sec. 1.080 Appointive officers: Duties; salary.

1. All appointive officers of the city shall perform such duties under the direction of the city manager as may be designated by the ~~board of supervisors~~ *city council*.

2. All appointive officers of the city shall receive such salary as may be designated by the ~~board of supervisors~~ *city council*.

Sec. 5. Section 1.090 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 476, is hereby amended to read as follows:

Sec. 1.090 Officers' performance bonds. The ~~board of supervisors~~ *city council* may require from all officers and employees of the city constituted or appointed under this charter, ~~except supervisors~~ *other than members of the city council*, sufficient security for the faithful and honest performance of their respective duties.

Sec. 6. Section 1.100 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 476, is hereby amended to read as follows:

Sec. 1.100 Mayor and members of ~~board of supervisors~~ *city council* not to hold other office.

1. The mayor and *the* members of the ~~board of supervisors shall not~~



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1 ~~-(a) Hold~~ *city council:*

2 (a) *Shall not hold* any other elective office with Elko County or
3 the city, except as *otherwise* provided by law or as a member of a
4 board or commission for which no compensation is received.

5 (b) ~~{Be}~~ *Must not be* elected or appointed to any office created by
6 or the compensation for which was increased or fixed by the ~~{board of~~
7 ~~supervisors}~~ *city council* until 1 year after the expiration of the term
8 for which such person was elected.

9 2. Any person holding any office proscribed by subsection 1
10 ~~{shall automatically forfeit}~~ *automatically forfeits* his office as mayor
11 or ~~{supervisor.}~~ *as a member of the city council.*

12 **Sec. 7.** Section 1.110 of the charter of the City of Elko, being chapter
13 276, Statutes of Nevada 1971, at page 476, is hereby amended to read as
14 follows:

15 Sec. 1.110 Oath of office. Every person elected or appointed to
16 fill any office shall subscribe to the official oath as provided by the
17 ~~{board of supervisors.}~~ *city council.* Every such person shall swear or
18 affirm that he is not under any direct or indirect obligation to vote for,
19 appoint or elect any person to any office, position or employment in
20 the city government.

21 **Sec. 8.** Section 2.010 of the charter of the City of Elko, being chapter
22 276, Statutes of Nevada 1971, as amended by chapter 98, Statutes of
23 Nevada 1977, at page 204, is hereby amended to read as follows:

24 Sec. 2.010 ~~{Board of supervisors.}~~ *City council:* Qualifications;
25 election; term of office; salary.

26 1. The legislative power of the city is vested in a ~~{board of~~
27 ~~supervisors}~~ *city council* consisting of four ~~{supervisors}~~ *members*
28 and the mayor.

29 2. The ~~{supervisors shall}~~ *members of the city council must* be:

30 (a) Bona fide residents of the city for at least 2 years ~~{prior to}~~
31 *before* their election.

32 (b) Qualified electors within the city.

33 3. All members of the ~~{board of supervisors shall}~~ *city council*
34 *must* be voted upon by the registered voters of the city at large and
35 shall serve for terms of 4 years.

36 4. The ~~{board of supervisors shall}~~ *members of the city council*
37 *must* receive a salary in an amount fixed by the ~~{board of~~
38 ~~supervisors.}~~ *city council.*

39 **Sec. 9.** Section 2.020 of the charter of the City of Elko, being chapter
40 276, Statutes of Nevada 1971, at page 476, is hereby amended to read as
41 follows:

42 Sec. 2.020 ~~{Board of supervisors.}~~ *City council:* Contracts.
43 Members of the ~~{board of supervisors}~~ *city council* may vote on any
44 lease, contract or other agreement which extends beyond their terms
45 of office.



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1 **Sec. 10.** Section 2.030 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, as amended by chapter 52, Statutes of
3 Nevada 1973, at page 71, is hereby amended to read as follows:

4 Sec. 2.030 ~~{Board of supervisors;}~~ **City council:** Duties
5 concerning departments.

6 1. The ~~{board of supervisors}~~ **city council shall establish a**
7 **finance department of the city, and may establish such other**
8 **departments as it determines are necessary. The city council** shall
9 control and supervise the departments of the city and may establish
10 such rules and regulations as may be necessary for the administration
11 of ~~{such}~~ **the** departments.

12 2. The mayor shall designate , from among the ~~{board of~~
13 ~~supervisors.}~~ members **of the city council, members** to act as ~~+~~

14 ~~— (a) Police supervisor.~~

15 ~~— (b) Supervisor of streets.~~

16 ~~— (c) Supervisor of waterworks and sewer.~~

17 ~~— (d) Supervisor of fire.~~

18 ~~— (e) Supervisor of airport and public property.~~

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

21 ~~— 4. liaisons for the different departments and functions of the city.~~

22 3. The duties of each department ~~{shall}~~ **must** be designated by
23 the ~~{board of supervisors.}~~ **city council.**

24 **Sec. 11.** Section 2.040 of the charter of the City of Elko, being chapter
25 276, Statutes of Nevada 1971, at page 477, is hereby amended to read as
26 follows:

27 Sec. 2.040 ~~{Board of supervisors;}~~ **City council:** Discipline of
28 members, other persons; subpoena power.

29 1. The ~~{board of supervisors}~~ **city council** may:

30 (a) Provide for the punishment of any member **of the city council**
31 for disorderly conduct committed in its presence.

32 (b) Order the attendance of witnesses and the production of all
33 papers relating to any business before the ~~{board of supervisors.}~~ **city**
34 **council.**

35 2. If any person ordered to appear before the ~~{board of~~
36 ~~supervisors}~~ **city council** fails to obey ~~{such}~~ **the** order:

37 (a) The ~~{board of supervisors}~~ **city council** or any member thereof
38 may apply to the clerk of the district court for a subpoena
39 commanding the attendance of the person before the ~~{board of~~
40 ~~supervisors.~~

41 ~~— (b) Such}~~ **city council.**

42 **(b) The** clerk may issue the subpoena, and any peace officer may
43 serve it.

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



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1 **Sec. 12.** Section 2.050 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, at page 477, is hereby amended to read as
3 follows:

4 Sec. 2.050 Meetings: Quorum.

5 1. The ~~{board of supervisors}~~ *city council* shall hold at least one
6 regular meeting each month, and , by ordinance , may provide for
7 additional regular meetings.

8 2. A majority of all members of the ~~{board of supervisors}~~ *city*
9 *council* constitutes a quorum to do business, but a lesser number *of*
10 *the members of the city council* may meet and recess from time to
11 time, and compel the attendance of the absent members.

12 3. Except as otherwise provided by law, all sessions and all
13 proceedings of the ~~{board of supervisors shall}~~ *city council must* be
14 public.

15 **Sec. 13.** Section 2.060 of the charter of the City of Elko, being chapter
16 276, Statutes of Nevada 1971, at page 477, is hereby amended to read as
17 follows:

18 Sec. 2.060 Meetings: Special ~~{}~~ *and emergency.*

19 1. *In addition to its regularly scheduled meetings, the city*
20 *council may hold special and emergency meetings.* Special *and*
21 *emergency* meetings may be held on call of the mayor or by a
22 majority of the ~~{board of supervisors, by giving a minimum of 6~~
23 ~~hours' written notice of such special meeting to each member of the~~
24 ~~board of supervisors prior to the meeting. A special meeting may be~~
25 ~~held without notice with the unanimous written consent of the board~~
26 ~~of supervisors.}~~ *city council in a manner that complies with the*
27 *provisions of chapter 241 of NRS.*

28 2. At a special meeting:

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

33 ~~—(b)}~~ No business may be transacted except such as has been stated
34 in the call of the meeting . ~~{or in the written consent to the holding of~~
35 ~~such meeting without notice.~~

36 ~~—(c)}~~ (b) No ordinance may be passed except an emergency
37 ordinance . ~~{, or one specified in section 7.020.}~~

38 **Sec. 14.** Section 2.070 of the charter of the City of Elko, being chapter
39 276, Statutes of Nevada 1971, at page 478, is hereby amended to read as
40 follows:

41 Sec. 2.070 Meetings: Time and place; rules. The ~~{board of~~
42 ~~supervisors}~~ *city council* may:

43 1. Fix the time and place of its meetings and judge the
44 qualifications and election of its own members.

45 2. Adopt rules for the government of its members and
46 proceedings.



1 **Sec. 15.** Section 2.080 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, at page 478, is hereby amended to read as
3 follows:

4 Sec. 2.080 Oaths and affirmations. The mayor, each
5 ~~{supervisor}~~ *member of the city council* and the city clerk may
6 administer oaths and affirmations relating to any business pertaining
7 to the city before the ~~{board of supervisors}~~ *city council* or to be
8 considered by the ~~{board of supervisors}~~ *city council*.

9 **Sec. 16.** Section 2.090 of the charter of the City of Elko, being chapter
10 276, Statutes of Nevada 1971, at page 478, is hereby amended to read as
11 follows:

12 Sec. 2.090 Powers of ~~{board of supervisors}~~ *city council*:
13 Ordinances, resolutions and orders.

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

20 2. When power is conferred upon the ~~{board of supervisors}~~ *city*
21 *council* to do and perform anything, and the manner of exercising
22 ~~{such}~~ *the* power is not specifically provided for, the ~~{board of~~
23 ~~supervisors}~~ *city council* may provide by ordinance the manner and
24 details necessary for the full exercise of ~~{such}~~ *the* power.

25 3. The ~~{board of supervisors}~~ *city council* may enforce ordinances
26 by providing penalties not to exceed those established by the
27 legislature for misdemeanors.

28 4. The ~~{board of supervisors shall have}~~ *city council has* such
29 powers, not in conflict with the express or implied provisions of this
30 charter, as are conferred generally by statute upon the governing
31 bodies of cities organized under a special charter.

32 5. The city council shall not pass any ordinance increasing or
33 diminishing the salary of any elective officer during the term for
34 which he is elected or appointed.

35 **Sec. 17.** Section 2.100 of the charter of the City of Elko, being chapter
36 276, Statutes of Nevada 1971, at page 478, is hereby amended to read as
37 follows:

38 Sec. 2.100 Ordinances: Passage by bill; amendments; subject
39 matter; title requirements.

40 1. No ordinance may be passed except by bill and by a majority
41 vote of the whole ~~{board of supervisors}~~ *city council*. The style of all
42 ordinances ~~{shall}~~ *must* be as follows: "The ~~{Board of Supervisors}~~
43 *City Council* of the City of Elko does ordain:".

44 2. ~~{No ordinance shall}~~ *An ordinance must not* contain more than
45 one subject, which ~~{shall}~~ *must* be briefly indicated in the title. Where
46 the subject of the ordinance is not so expressed in the title, the
47 ordinance is void as to the matter not expressed in the title.

48 3. Any ordinance which amends an existing ordinance ~~{shall}~~
49 *must* set out in full the ordinance or sections thereof to be amended,



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1 and ~~{shall}~~ *must* indicate matter to be omitted . ~~{by enclosing it in~~
2 ~~brackets and shall indicate new matter by underseoring or by italics.}~~

3 **Sec. 18.** Section 2.110 of the charter of the City of Elko, being chapter
4 276, Statutes of Nevada 1971, as amended by chapter 160, Statutes of
5 Nevada 1983, at page 368, is hereby amended to read as follows:

6 Sec. 2.110 Ordinances: Enactment procedure; emergency
7 ordinances.

8 1. All proposed ordinances when first proposed must be read to
9 the ~~{board of supervisors}~~ *city council* by title and may be referred to
10 a committee for consideration, after which an adequate number of
11 copies of the proposed ordinance must be filed with the city clerk for
12 public distribution. Except as otherwise provided in subsection 3,
13 notice of the filing must be published once in a newspaper qualified
14 pursuant to the provisions of chapter 238 of NRS, as amended from
15 time to time, and published in the city at least 10 days before the
16 adoption of the ordinance. The ~~{board of supervisors}~~ *city council*
17 shall adopt or reject the ordinance or an amendment thereto, within 30
18 days after the date of publication.

19 2. At the next regular meeting or adjourned meeting of the ~~{board~~
20 ~~of supervisors}~~ *city council* following the proposal of an ordinance,
21 the ordinance must be considered again with the report of the
22 committee, if any. Thereafter, it must be read as first introduced, or as
23 amended, and thereupon the proposed ordinance must be finally voted
24 upon or action thereon postponed.

25 3. In cases of emergency or where the ordinance is of a kind
26 specified in section 7.020, by unanimous consent of the ~~{board of~~
27 ~~supervisors}~~ *city council*, final action may be taken immediately or at
28 a special meeting called for that purpose, and no notice of the filing of
29 the copies of the proposed ordinance with the city clerk need be
30 published.

31 4. All ordinances must be signed by the mayor, attested by the
32 city clerk and published by title, together with the names of the
33 ~~{supervisors}~~ *members of the city council* voting for or against
34 passage, in a newspaper qualified pursuant to the provisions of
35 chapter 238 of NRS, as amended from time to time, and published in
36 the city for at least one publication, before the ordinance becomes
37 effective. The ~~{board of supervisors}~~ *city council* may, by majority
38 vote, order the publication of the ordinance in full in lieu of
39 publication by title only.

40 5. The city clerk shall ~~{record}~~ *keep on file* all ordinances ~~{in a~~
41 ~~book kept for that purpose, together with}~~ , *including* the affidavits of
42 publication by the publisher.

43 **Sec. 19.** Section 2.120 of the charter of the City of Elko, being chapter
44 276, Statutes of Nevada 1971, as last amended by chapter 344, Statutes of
45 Nevada 1973, at page 428, is hereby amended to read as follows:

46 Sec. 2.120 Codification of ordinances; publication of code.

47 1. The ~~{board of supervisors}~~ *city council* may codify and publish
48 a code of its municipal ordinances in the form of a municipal code . ~~{~~
49 ~~which code may, at the election of the board of supervisors, have~~



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1 ~~incorporated therein~~ *The city council may incorporate into the*
2 *municipal code* a copy of this charter and such additional data as the
3 ~~board of supervisors~~ *city council* may prescribe. When ~~such~~ *the*
4 *municipal* code is published, two copies ~~shall~~ *of the code must* be
5 filed with the librarian at the supreme court law library.

6 2. The ordinances in the code ~~shall~~ *must* be arranged in
7 appropriate chapters, articles, and sections, excluding the titles,
8 enacting clauses, signature of the mayor, attestations and other formal
9 parts.

10 3. The codification ~~shall~~ *must* be adopted by an ordinance and
11 ~~shall~~ *must* not contain any substantive changes, modifications or
12 alterations of existing ordinances. ~~and the~~ *The* only title necessary
13 for the ordinance ~~shall be~~ *is* "An ordinance for codifying and
14 compiling the general ordinances of the City of Elko."

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

16 **Sec. 20.** Section 2.130 of the charter of the City of Elko, being chapter
17 276, Statutes of Nevada 1971, at page 480, is hereby amended to read as
18 follows:

19 Sec. 2.130 Powers of ~~board of supervisors~~ *city council*: Public
20 property, buildings.

21 1. The ~~board of supervisors~~ *city council* may:

22 (a) Control the property of the corporation.

23 (b) Erect and maintain all buildings necessary for the use of the
24 city.

25 (c) Purchase, receive, hold, sell, lease, convey and dispose of
26 property, wherever situated, for the benefit of the city, improve and
27 protect such property, and do all other things in relation thereto which
28 natural persons might do.

29 2. The ~~board of supervisors~~ *city council* may not, except as
30 otherwise specifically provided by this charter or any other law,
31 mortgage, hypothecate or pledge any property of the city for any
32 purpose.

33 **Sec. 21.** Section 2.140 of the charter of the City of Elko, being chapter
34 276, Statutes of Nevada 1971, at page 480, is hereby amended to read as
35 follows:

36 Sec. 2.140 Powers of ~~board of supervisors~~ *city council*:
37 Eminent domain. The ~~board of supervisors~~ *city council* may
38 condemn property for the public use in the manner prescribed by
39 chapter 37 of NRS, as amended from time to time.

40 **Sec. 22.** Section 2.150 of the charter of the City of Elko, being chapter
41 276, Statutes of Nevada 1971, at page 480, is hereby amended to read as
42 follows:

43 Sec. 2.150 Powers of ~~board of supervisors~~ *city council*:
44 Licensing, regulation and prohibition of businesses, trades and
45 professions.

46 1. The ~~board of supervisors~~ *city council* may:

47 (a) Regulate all businesses, trades and professions.

48 (b) Fix, impose and collect a license tax for revenue upon all
49 businesses, trades and professions.



1 2. The ~~board of supervisors~~ *city council* may establish any
2 equitable standard to be used in fixing license taxes collected pursuant
3 to this section.

4 **Sec. 23.** Section 2.160 of the charter of the City of Elko, being chapter
5 276, Statutes of Nevada 1971, as amended by chapter 105, Statutes of
6 Nevada 1977, at page 219, is hereby amended to read as follows:

7 Sec. 2.160 Powers of ~~board of supervisors~~ *city council*:
8 Recreational facilities; definition.

9 1. The legislature finds and declares that recreation facilities for
10 the use and enjoyment of all the inhabitants of the city are public uses
11 and municipal purposes, and that the acquisition, construction and
12 operation thereof by the ~~board of supervisors~~ *city council* will
13 promote the morals, amusement, entertainment, health, welfare and
14 safety of the inhabitants of the city.

15 2. As used in sections 2.160 ~~to 2.180, inclusive,~~ *2.170 and*
16 *2.180*, "recreation facility" or "recreation facilities" means a place,
17 structure, area or other facility used for community recreation, such as
18 playgrounds, playing fields or courts, beaches, lakes, rivers,
19 swimming pools, dams constructed across streams or rivers for the
20 creation of swimming pools and recreational reservoirs, gymnasiums,
21 auditoriums, camps, parks, ski facilities, golf courses, natural
22 reservations, recreation grounds, fairgrounds, exposition buildings,
23 convention halls, fieldhouses, amusement halls and recreation centers.

24 **Sec. 24.** Section 2.170 of the charter of the City of Elko, being chapter
25 276, Statutes of Nevada 1971, as amended by chapter 105, Statutes of
26 Nevada 1977, at page 219, is hereby amended to read as follows:

27 Sec. 2.170 Powers of ~~board of supervisors~~ *city council*:
28 Recreational facilities; financing. The ~~board of supervisors~~ *city*
29 *council* may:

30 1. Establish, construct, purchase, lease, rent, acquire by gift,
31 grant, bequest, devise, or otherwise acquire, reconstruct, improve,
32 extend, better, alter, repair, equip, furnish, regulate, maintain, operate
33 and manage recreation facilities within or without the city, including
34 personal or real property, improvements and fixtures thereon, property
35 of any nature appurtenant thereto or used in connection therewith, and
36 every estate, interest and right, legal or equitable, therein, including
37 terms for years.

38 2. Deposit the proceeds of any of the license taxes collected
39 pursuant to section 2.150 in a special fund in the city treasury for the
40 purpose of:

41 (a) Operating and maintaining recreation facilities under the
42 jurisdiction of the ~~board of supervisors~~ *city council*.

43 (b) Improving, extending and bettering such recreation facilities.

44 (c) Constructing, purchasing or otherwise acquiring such recreation
45 facilities.

46 3. Accept contributions, grants or other financial assistance from
47 the Federal Government or any agency or instrumentality thereof,
48 corporate or otherwise, the State of Nevada or any of its political
49 subdivisions or from any other source, for or in aid of any recreation



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1 facility within the ~~{board of supervisors}~~ area of operation ~~{}~~ of the
2 *city council*, and comply with such conditions, trust indentures, leases
3 or agreements as may be necessary, convenient or desirable.

4 **Sec. 25.** Section 2.180 of the charter of the City of Elko, being chapter
5 276, Statutes of Nevada 1971, at page 481, is hereby amended to read as
6 follows:

7 Sec. 2.180 Powers of ~~{board of supervisors}~~ *city council*:
8 Recreational facilities; flood control projects. Whenever any
9 recreation facility is affected by or will be affected by any flood
10 control project being constructed or to be constructed under the
11 provisions of any federal law, if the ~~{board of supervisors}~~ *city*
12 *council* finds that ~~{such}~~ the flood control project will improve, better
13 and protect ~~{such}~~ the recreation facility, the ~~{board of supervisors}~~
14 ~~shall have the power to~~ *city council may* give assurances to and
15 perform any other acts required by and satisfactory to the Secretary of
16 the Army that the local cooperation required for ~~{such}~~ the flood
17 control project by ~~{such}~~ federal law will be furnished by the city.

18 **Sec. 26.** Section 2.190 of the charter of the City of Elko, being chapter
19 276, Statutes of Nevada 1971, at page 481, is hereby amended to read as
20 follows:

21 Sec. 2.190 Powers of ~~{board of supervisors}~~ *city council*: Police
22 ordinances. The ~~{board of supervisors}~~ *city council* may enact and
23 enforce such local police ordinances as are not in conflict with the
24 general laws of the State of Nevada.

25 **Sec. 27.** Section 2.200 of the charter of the City of Elko, being chapter
26 276, Statutes of Nevada 1971, as amended by chapter 391, Statutes of
27 Nevada 1999, at page 1861, is hereby amended to read as follows:

28 Sec. 2.200 Powers of ~~{board of supervisors}~~ *city council*: Fire
29 protection; regulation of explosives, inflammable materials; fire codes
30 and regulations. The ~~{board of supervisors}~~ *city council* may:

- 31 1. Organize, regulate and maintain a fire department.
- 32 2. Provide for the appointment of a fire chief and prescribe his
33 duties.
- 34 3. Regulate or prohibit the storage of any explosive, combustible
35 or inflammable material in or transported through the city, and
36 prescribe the distance from any residential or commercial area where
37 it may be kept. Any ordinance adopted pursuant to this subsection that
38 regulates places of employment where explosives are stored must be
39 at least as stringent as the standards and procedures adopted by the
40 division of industrial relations of the department of business and
41 industry pursuant to NRS 618.890.
- 42 4. Establish, by ordinance, a fire code and other regulations
43 necessary to carry out the purposes of this section, and to provide for
44 the prevention, suppression and extinguishment of fires and
45 conditions hazardous to life and property from fire, explosion or
46 combustion, and to provide for the enforcement of all such codes and
47 regulations by imposing adequate penalties for violations thereof.



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1 **Sec. 28.** Section 2.210 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, at page 481, is hereby amended to read as
3 follows:

4 Sec. 2.210 Powers of ~~{board of supervisors:}~~ **city council:** Public
5 health; board of health; regulations. The ~~{board of supervisors}~~ **city**
6 **council** may:

- 7 1. Provide for safeguarding public health in the city.
8 2. Create a board of health and prescribe the powers and duties of
9 ~~{such}~~ **the** board.
10 3. Provide for the enforcement of all regulations and quarantines
11 established by the board of health by imposing adequate penalties for
12 violations thereof.

13 **Sec. 29.** Section 2.220 of the charter of the City of Elko, being chapter
14 276, Statutes of Nevada 1971, at page 482, is hereby amended to read as
15 follows:

16 Sec. 2.220 Powers of ~~{board of supervisors:}~~ **city council:**
17 Buildings; construction and maintenance regulations; building and
18 safety codes. The ~~{board of supervisors}~~ **city council** may:

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

23 **Sec. 30.** Section 2.230 of the charter of the City of Elko, being chapter
24 276, Statutes of Nevada 1971, at page 482, is hereby amended to read as
25 follows:

26 Sec. 2.230 Powers of ~~{board of supervisors:}~~ **city council:**
27 Zoning and planning. The ~~{board of supervisors}~~ **city council** may:

- 28 1. Divide the city into districts and regulate and restrict the
29 erection, construction, reconstruction, alteration, repair or use of
30 buildings, structures or land within ~~{such}~~ **the** districts.
31 2. Establish and adopt ordinances and regulations relating to the
32 subdivision of land.

33 **Sec. 31.** Section 2.240 of the charter of the City of Elko, being chapter
34 276, Statutes of Nevada 1971, at page 482, is hereby amended to read as
35 follows:

36 Sec. 2.240 Powers of ~~{board of supervisors:}~~ **city council:**
37 Subdivision; payment for installation of utilities. The ~~{board of~~
38 ~~supervisors}~~ **city council** may require the owners of land who lay out
39 and plat the land into lots, streets and alleys to guarantee the payment
40 for the installation of sewers, water mains and lines, drains, curbs and
41 gutters, and the grading and paving of streets within the division or
42 subdivision defined by the plat.

43 **Sec. 32.** Section 2.250 of the charter of the City of Elko, being chapter
44 276, Statutes of Nevada 1971, at page 482, is hereby amended to read as
45 follows:

46 Sec. 2.250 Powers of ~~{board of supervisors:}~~ **city council:** Rights
47 of way, parks, public buildings and grounds and other public places.
48 The ~~{board of supervisors}~~ **city council** may:



1. Lay out, maintain, alter, improve or vacate all public rights of way in the city.

2. Regulate the use of public parks, buildings, grounds and rights of way and prevent the unlawful use thereof.

3. Require landowners to keep the adjacent streets, sidewalks and public parks, buildings and grounds free from encroachments or obstructions.

4. ~~Regulate~~ *To the extent permissible under the Nevada constitution and the Constitution of the United States, regulate* and prevent in all public places:

(a) The distribution and exhibition of handbills or signs.

(b) Any practice tending to annoy persons passing in such public places.

(c) Public demonstrations and processions.

5. Prevent riots or any act tending to promote riots in any public place.

Sec. 33. Section 2.260 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 482, is hereby amended to read as follows:

Sec. 2.260 Powers of ~~board of supervisors;~~ *city council*: Traffic control. The ~~board of supervisors;~~ *city council* may, by ordinance, regulate:

1. All vehicular, pedestrian and other traffic within the city and provide generally for the public safety on public streets and rights of way.

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

Sec. 34. Section 2.270 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 482, Statutes of Nevada 1981, at page 969, is hereby amended to read as follows:

Sec. 2.270 Powers of ~~board of supervisors;~~ *city council*: Parking meters; offstreet public parking facilities.

1. The ~~board of supervisors;~~ *city council* may acquire, install, maintain, operate and regulate parking meters at the curbs of the streets or upon publicly owned property made available for public parking. The parking fees to be charged for the use of the parking facilities regulated by parking meters must be fixed by the ~~board of supervisors;~~ *city council*.

2. Except as otherwise provided by this charter, the ~~board of supervisors;~~ *city council* may acquire property within the city by any lawful means, including eminent domain, for the purpose of establishing offstreet public parking facilities for vehicles. The ~~board of supervisors;~~ *city council* may, in bonds issued to acquire property for this purpose, pledge the onstreet parking revenues, the general credit of the city, or both, to secure the payment of the principal and interest thereon.



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1 **Sec. 35.** Section 2.280 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, at page 483, is hereby amended to read as
3 follows:

4 Sec. 2.280 Powers of ~~{board of supervisors}~~ **city council**:
5 Railroads. The ~~{board of supervisors}~~ **city council** may:

6 1. License, regulate or prohibit the location, construction or
7 laying of tracks of any railroad or streetcar in any public right of way.

8 2. Grant franchises to any person or corporation to operate a
9 railroad or streetcar upon public rights of way and adjacent property.

10 3. Declare a nuisance and require the removal of the tracks of any
11 railroad or streetcar in any public right of way.

12 4. Condemn rights of way for any public purpose across any
13 railroad right of way.

14 5. Prescribe the length of time any public right of way may be
15 obstructed by trains standing thereon.

16 6. Require railroad companies to fence their tracks and to
17 construct cattle guards and crossings and to keep them in repair.

18 7. Require railroad companies to provide protection against injury
19 to persons or property.

20 8. Compel railroad companies to raise or lower their tracks to
21 conform to any grade established by the city.

22 9. Compel railroad companies to provide that drainage from
23 property adjacent to their tracks not be impaired.

24 **Sec. 36.** Section 2.290 of the charter of the City of Elko, being chapter
25 276, Statutes of Nevada 1971, at page 483, is hereby amended to read as
26 follows:

27 Sec. 2.290 Powers of ~~{board of supervisors}~~ **city council**:
28 Nuisances. The ~~{board of supervisors}~~ **city council** may:

29 1. Determine by ordinance what shall be deemed nuisances.

30 2. Provide for the abatement, prevention and removal of ~~{such}~~
31 **those** nuisances at the expense of the person creating, causing or
32 committing ~~{such nuisances}~~ **the nuisance**.

33 3. Provide that ~~{such}~~ **the** expense of removal ~~{shall be}~~ **is** a lien
34 upon the property upon which the nuisance is located. Such **a** lien
35 ~~{shall}~~ **must**:

36 (a) Be perfected by filing with the county recorder a statement by
37 the city clerk of the amount of expenses due and unpaid and
38 describing the property subject to the lien.

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

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

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

45 4. Provide any other penalty or punishment of persons responsible
46 for such nuisances.



1 **Sec. 37.** Section 2.300 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as
3 follows:

4 Sec. 2.300 Powers of ~~{board of supervisors:}~~ *city council:*
5 Animals and poultry. The ~~{board of supervisors}~~ *city council* may:

6 1. Fix, impose and collect an annual per capita tax on all animals
7 and provide for the capture and disposal of all animals on which the
8 tax is not paid.

9 2. Regulate or prohibit the running at large and disposal of all
10 kinds of animals and poultry.

11 3. Establish a ~~{pound, appoint a poundkeeper and prescribe his~~
12 ~~duties:}~~ *facility for animal control and may appoint or hire such*
13 *personnel as may be necessary to operate the facility.*

14 4. Prohibit cruelty to animals.

15 **Sec. 38.** Section 2.310 of the charter of the City of Elko, being chapter
16 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as
17 follows:

18 Sec. 2.310 Powers of ~~{board of supervisors:}~~ *city council:*
19 Abatement of noxious insects, rats and disease-bearing organisms.
20 The ~~{board of supervisors}~~ *city council* may take all steps necessary
21 and proper for the extermination of noxious insects, rats and other
22 disease-bearing organisms, either in the city or in territory outside the
23 city but so situated that such insects, rats and disease-bearing
24 organisms migrate or are carried into the city.

25 **Sec. 39.** Section 2.320 of the charter of the City of Elko, being chapter
26 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as
27 follows:

28 Sec. 2.320 Powers of ~~{board of supervisors:}~~ *city council:*
29 Sanitary sewer facilities. The ~~{board of supervisors}~~ *city council*
30 may:

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

33 2. Sell any product or byproduct thereof and acquire the
34 appropriate outlets within or without the city and extend the sewer
35 lines thereto.

36 3. Establish sewer fees and provide for the enforcement and
37 collection thereof.

38 **Sec. 40.** Section 2.330 of the charter of the City of Elko, being chapter
39 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as
40 follows:

41 Sec. 2.330 Powers of ~~{board of supervisors:}~~ *city council:*
42 Provision of utilities. The ~~{board of supervisors}~~ *city council* may:

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

45 2. Provide for the construction of any facility necessary for the
46 provision of ~~{such}~~ *the* utilities.

47 3. Fix the rate to be paid for any utility provided by public
48 enterprise. Any charges due for services, facilities or commodities
49 furnished by any utility owned by the city is a lien upon the property



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1 to which the service is rendered and ~~{shall}~~ *may* be perfected by filing
2 with the county recorder of Elko County a statement by the city clerk
3 of the amount due and unpaid and describing the property subject to
4 the lien. Each such lien ~~{shall}~~ *must*:

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

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

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

11 **Sec. 41.** Section 2.340 of the charter of the City of Elko, being chapter
12 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as
13 follows:

14 Sec. 2.340 Powers of ~~{board of supervisors}~~ *city council*:
15 Cemeteries; acquisition and maintenance. The ~~{board of~~
16 ~~supervisors}~~ *city council* may, by any lawful means:

17 1. Acquire and maintain property for public use as a cemetery.

18 2. Survey, plat, map, fence, ornament, and otherwise improve all
19 public cemetery grounds.

20 3. Convey cemetery lots owned by the city, and pass rules and
21 ordinances for the protection and government of ~~{such}~~ *cemetery*
22 grounds.

23 4. Vacate public burial and cemetery grounds.

24 5. Prohibit subsequent burials therein.

25 6. Provide for the removal therefrom of all bodies which may
26 have been interred therein.

27 **Sec. 42.** Section 2.350 of the charter of the City of Elko, being chapter
28 276, Statutes of Nevada 1971, at page 485, is hereby amended to read as
29 follows:

30 Sec. 2.350 Powers of ~~{board of supervisors}~~ *city council*:
31 Television franchises.

32 1. The ~~{board of supervisors}~~ *city council* may contract with,
33 authorize or grant a franchise to, any person, company or association
34 to construct, maintain and operate a television installation system
35 which requires the use of city property or that portion of the city
36 dedicated to public use for the maintenance of cables or wires
37 underground, on the surface or on poles for the transmission of the
38 television picture.

39 2. Any franchise granted ~~{shall}~~ *must* require a time within which
40 actual construction ~~{shall}~~ *must* be commenced, *a* time within which
41 distribution of television ~~{shall}~~ *must* be completed, and *the* posting of
42 a bond in an amount to be set by the ~~{board of supervisors}~~ *city*
43 *council* to assure compliance therewith.

44 **Sec. 43.** Section 2.360 of the charter of the City of Elko, being chapter
45 276, Statutes of Nevada 1971, at page 485, is hereby amended to read as
46 follows:

47 Sec. 2.360 Powers of ~~{board of supervisors}~~ *city council*: Flood
48 control. The ~~{board of supervisors}~~ *city council* may:



1. Construct, within or without the city limits, works designed to protect the city from floods.

2. Acquire by purchase or condemnation any property or water right necessary or appropriate for ~~such~~ *that* purpose.

3. Enact all ordinances and regulations necessary to carry the power conferred in this section into effect.

Sec. 44. Section 3.010 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 204, is hereby amended to read as follows:

Sec. 3.010 Mayor: Qualifications; duties; ~~vice-president~~ *mayor pro tempore*.

1. The mayor ~~shall~~ *must* be:

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

(b) A qualified elector within the city.

2. The mayor shall:

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

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

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

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

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

3. The ~~board of supervisors~~ *city council* shall elect one of its members to be ~~vice president. Such person shall:~~

~~(a) Hold~~ *the mayor pro tempore who:*

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

(b) ~~Perform~~ *Must perform* the duties of mayor during the absence or disability of the mayor.

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

Sec. 45. Section 3.020 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 486, is hereby amended to read as follows:

Sec. 3.020 City manager: Duties.

1. The city manager shall perform such administrative duties as the ~~board of supervisors~~ *city council* may designate. ~~His~~ *The city council shall fix the* duties and salary ~~shall be fixed by the board of supervisors~~ *of the city manager*.

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



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1 **Sec. 46.** Section 3.030 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, at page 486, is hereby amended to read as
3 follows:

4 Sec. 3.030 City clerk: Duties. The city clerk shall:

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

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

13 3. Sign all warrants issued.

14 4. Number and countersign all licenses issued by the city. All
15 licenses ~~shall~~ **must** be in a form devised by the city clerk and
16 approved by the ~~board of supervisors,~~ **city council.**

17 5. Enter upon the journal the result of the vote of the ~~board of~~
18 ~~supervisors,~~ **city council** upon the passage of ordinances, or of any
19 resolution appropriating money, abolishing licenses or increasing or
20 decreasing the rates of licenses.

21 6. Act as ex officio city treasurer, registry agent and license
22 collector.

23 7. Perform such other duties as may be required by the ~~board of~~
24 ~~supervisors,~~ **city council.**

25 **Sec. 47.** Section 3.040 of the charter of the City of Elko, being chapter
26 276, Statutes of Nevada 1971, at page 486, is hereby amended to read as
27 follows:

28 Sec. 3.040 City clerk's bond. The city clerk ~~shall be~~ **is** liable
29 and accountable on his official bond for the performance of his duties
30 under the provisions of this charter, and the ~~board of supervisors,~~ **city**
31 **council** may require from him such additional security as may be
32 necessary from time to time.

33 **Sec. 48.** Section 3.070 of the charter of the City of Elko, being chapter
34 276, Statutes of Nevada 1971, at page 487, is hereby amended to read as
35 follows:

36 Sec. 3.070 Chief of police: Police officers. The chief of police
37 may, subject to approval of the ~~board of supervisors,~~ **city council,**
38 appoint and supervise such police officers as may be deemed
39 necessary.

40 **Sec. 49.** Section 3.080 of the charter of the City of Elko, being chapter
41 276, Statutes of Nevada 1971, at page 487, is hereby amended to read as
42 follows:

43 Sec. 3.080 City officers: Duties restricted and altered. The
44 ~~board of supervisors,~~ **city council** may prescribe by ordinance the
45 powers and duties of all city officers and may add to, alter or restrict
46 such powers and duties.



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1 **Sec. 50.** Section 3.090 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, at page 487, is hereby amended to read as
3 follows:

4 Sec. 3.090 City officers: Absence from office. If any
5 appointive officer removes his office from the city, or absents himself
6 therefrom for more than 30 days without leave of the ~~board of~~
7 ~~supervisors,~~ **city council**, his office ~~shall~~ **must** be declared vacant
8 by the ~~board of supervisors,~~ **city council** and the vacancy filled by
9 appointment as provided in this charter.

10 **Sec. 51.** Section 3.100 of the charter of the City of Elko, being chapter
11 276, Statutes of Nevada 1971, at page 487, is hereby amended to read as
12 follows:

13 Sec. 3.100 City officers: Collection and disposition of ~~moneys,~~
14 **money.**

15 1. All taxes, fines, forfeitures or other ~~moneys,~~ **money** collected
16 or recovered by any officer or person pursuant to the provisions of
17 this charter or ~~of~~ any valid ordinance of the city ~~shall~~ **must** be paid
18 by the officer or person collecting or receiving ~~them~~ **the money** to
19 the **finance department of the** city ~~clerk, who~~ , **which** shall dispose
20 of ~~them~~ **the money** in accordance with the ordinances, regulations
21 and procedures established by the ~~board of supervisors,~~ **city council.**

22 2. The ~~board of supervisors,~~ **city council** may , by proper legal
23 action , collect all ~~moneys which are~~ **money that is** due and unpaid
24 to the city or any office thereof, and the ~~board of supervisors,~~ **city**
25 **council** may pay from the general fund all fees and expenses
26 necessarily incurred by it in connection with the collection of ~~such~~
27 ~~moneys,~~ **that money.**

28 **Sec. 52.** Section 3.110 of the charter of the City of Elko, being chapter
29 276, Statutes of Nevada 1971, at page 487, is hereby amended to read as
30 follows:

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

36 **Sec. 53.** Section 4.020 of the charter of the City of Elko, being chapter
37 276, Statutes of Nevada 1971, as last amended by chapter 208, Statutes of
38 Nevada 1985, at page 673, is hereby amended to read as follows:

39 Sec. 4.020 Municipal court: Municipal judge. The salary of the
40 municipal judge must be fixed by the ~~board of supervisors,~~ **city**
41 **council.**

42 **Sec. 54.** Section 5.010 of the charter of the City of Elko, being chapter
43 276, Statutes of Nevada 1971, at page 488, is hereby amended to read as
44 follows:

45 Sec. 5.010 Municipal elections.

46 1. On the 1st Tuesday after the 1st Monday in June 1975, and at
47 each successive interval of 4 years, there ~~shall~~ **must** be elected by
48 the qualified voters of the city , at a general election to be held for that
49 purpose , a mayor and two ~~supervisors,~~ **members of the city council,**



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who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. On the 1st Tuesday after the 1st Monday in June 1973, and at each successive interval of 4 years thereafter, there ~~shall~~ *must* be elected by the qualified voters of the city, at a general election to be held for that purpose, two ~~supervisors,~~ *members of the city council*, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

Sec. 55. Section 5.020 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 488, is hereby amended to read as follows:

Sec. 5.020 Applicability of state election laws; elections under ~~board of supervisors' control,~~ *control of city council.*

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

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

Sec. 56. Section 5.030 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 488, is hereby amended to read as follows:

Sec. 5.030 Qualifications, registration of voters.

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

2. Nothing in this charter ~~shall be so construed as to deny or abridge~~ *denies or abridges* the power of the ~~board of supervisors,~~ *city council* to provide for supplemental registration.

Sec. 57. Section 5.080 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 489, is hereby amended to read as follows:

Sec. 5.080 Voting machines. The ~~board of supervisors,~~ *city council* may provide for the use of mechanical or other devices for voting or counting ~~the~~ votes *that is* not inconsistent with law or *the* regulations of the secretary of state.

Sec. 58. Section 5.090 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 489, is hereby amended to read as follows:

Sec. 5.090 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from ~~any~~ *a* municipal election ~~shall~~ *must* be filed with the city clerk, who shall immediately place ~~such~~



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1 ~~the~~ returns in a safe or vault . ~~[- and no person shall be permitted to]~~
2 ~~No person may~~ handle, inspect or in any manner interfere with ~~[such]~~
3 ~~the~~ returns until ~~the returns are~~ canvassed by the ~~[board of]~~
4 ~~supervisors.] city council.~~

5 2. The ~~[board of supervisors]~~ *city council* shall meet within 5
6 days after ~~[any]~~ *an* election and canvass the returns and declare the
7 result. The election returns ~~[shall then]~~ *must* be sealed and kept by the
8 city clerk for ~~[6 months.]~~ *2 years*, and no person ~~[shall]~~ *may* have
9 access thereto except on order of a court of competent jurisdiction or
10 by order of the ~~[board of supervisors.]~~ *city council*.

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

16 4. If any election should result in a tie, the ~~[board of supervisors]~~
17 *city council* shall summon the candidates who received the tie vote
18 and determine the tie by lot. The clerk shall then issue to the winner a
19 certificate of election.

20 **Sec. 59.** Section 6.010 of the charter of the City of Elko, being chapter
21 276, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of
22 Nevada 1983, at page 873, is hereby amended to read as follows:

23 Sec. 6.010 Local improvement law. The ~~[board of supervisors,]~~
24 *city council*, on behalf of the city and in its name, without any
25 election, may from time to time acquire, improve, equip, operate and
26 maintain, convert to or authorize:

- 27 1. Curb and gutter projects;
- 28 2. Drainage projects;
- 29 3. Offstreet parking projects;
- 30 4. Overpass projects;
- 31 5. Park projects;
- 32 6. Sanitary sewer projects;
- 33 7. Security walls;
- 34 8. Sidewalk projects;
- 35 9. Storm sewer projects;
- 36 10. Street projects;
- 37 11. Underground electric and communication facilities;
- 38 12. Underpass projects; and
- 39 13. Water projects.

40 **Sec. 60.** Section 6.020 of the charter of the City of Elko, being chapter
41 276, Statutes of Nevada 1971, as amended by chapter 306, Statutes of
42 Nevada 1973, at page 381, is hereby amended to read as follows:

43 Sec. 6.020 Local improvement law: Collateral powers. The
44 ~~[board of supervisors]~~ *city council*, on behalf of the city for the
45 purpose of defraying all the costs of acquiring, improving or
46 converting to any project authorized by section 6.010, or any portion
47 of the cost thereof not to be defrayed with ~~[moneys]~~ *money* otherwise
48 available therefor, is vested with the powers granted to municipalities
49 by chapters 271 and 704A of NRS, as amended from time to time.



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1 **Sec. 61.** Section 7.020 of the charter of the City of Elko, being chapter
2 276, Statutes of Nevada 1971, as amended by chapter 482, Statutes of
3 Nevada 1981, at page 970, is hereby amended to read as follows:

4 Sec. 7.020 Borrowing money.

5 1. Subject to the limitations imposed by this article, the city may ,
6 ~~borrow money~~ for any corporate purpose, including , without
7 limitation , any purpose expressly authorized by this charter or by
8 Nevada Revised Statutes for a city ~~[, and for such purpose may issue]~~
9 :

10 (a) *Borrow money*; and

11 (b) *Issue* bonds or other securities. The Local Government
12 Securities Law, as amended from time to time, applies to all securities
13 so issued, except for securities issued ~~under~~ *pursuant to* section
14 6.020.

15 2. Any property tax levied to pay the principal of or interest on
16 such indebtedness must be levied upon all taxable property within the
17 city as provided in NRS 350.590 to 350.602, inclusive.

18 ~~3. Any ordinance pertaining to the sale or issuance of bonds or~~
19 ~~other securities, including, without limitations, securities issued under~~
20 ~~section 6.020, may be adopted in the same manner as is provided for~~
21 ~~cases of emergency. A declaration by the board of supervisors in any~~
22 ~~ordinance that it is of this kind is conclusive in the absence of fraud or~~
23 ~~gross abuse of discretion.]~~

24 **Sec. 62.** Section 8.010 of the charter of the City of Elko, being chapter
25 276, Statutes of Nevada 1971, at page 492, is hereby amended to read as
26 follows:

27 Sec. 8.010 Municipal taxes.

28 1. The ~~board of supervisors~~ *city council* shall annually, at the
29 time prescribed by law for levying taxes for state and county
30 purposes, levy a tax not exceeding 3 percent upon the assessed value
31 of all real and personal property within the city, except as provided in
32 the Local Government Securities Law and the Consolidated Local
33 Improvements Law, as amended from time to time. The taxes so
34 levied ~~shall~~ *must* be collected at the same time and in the same
35 manner and by the same officers, exercising the same functions, as
36 prescribed in the laws of the State of Nevada for collection of state
37 and county taxes. The revenue laws of the state ~~shall~~ *must*, in every
38 respect not inconsistent with the provisions of this charter, be
39 applicable to the levying, assessing and collecting of the municipal
40 taxes.

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

45 3. All forms and blanks used in levying, assessing and collecting
46 the revenues of the state and counties ~~shall~~ *must*, with such
47 alterations or additions as may be necessary, be used in levying,
48 assessing and collecting the revenues of the city. The ~~board of~~
49 ~~supervisors~~ *city council* shall enact all such ordinances as it may



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1 deem necessary and not inconsistent with this charter and the laws of
2 the state for the prompt, convenient and economical collecting of the
3 revenue.

4 **Sec. 63.** Section 8.020 of the charter of the City of Elko, being chapter
5 276, Statutes of Nevada 1971, at page 492, is hereby amended to read as
6 follows:

7 Sec. 8.020 Revenue ordinances. The ~~board of supervisors shall~~
8 ~~have full power to~~ **city council may** pass and enact all ordinances
9 necessary to carry into effect the revenue laws in the city and to
10 enlarge, fix and determine the powers and duties of all officers in
11 relation thereto.

12 **Sec. 64.** Section 1.040 of the charter of the City of Elko, being chapter
13 276, Statutes of Nevada 1971, as amended by chapter 609, Statutes of
14 Nevada 1973, at page 1075, section 2.065 of the charter of the City of
15 Elko, being chapter 276, Statutes of Nevada 1971, at page 478, and section
16 3.060 of the charter of the City of Elko, being chapter 276, Statutes of
17 Nevada 1971, at page 486, are hereby repealed.

18 **Sec. 65.** This act becomes effective upon passage and approval for the
19 purpose of authorizing any preliminary activities necessary to ensure that
20 the provisions of this act relating to the reorganization of the city
21 government of the City of Elko are carried out in an orderly fashion, and
22 on October 1, 2001, for all other purposes.

23 **Sec. 66.** 1. A person who, on October 1, 2001, is a member of the
24 board of supervisors of the City of Elko shall be deemed to be a member of
25 the city council of the City of Elko for the duration of his term of office,
26 unless he is otherwise removed from the city council in the manner
27 provided by law.

28 2. All ordinances, rules and other regulations adopted by the board of
29 supervisors of the City of Elko remain in force until amended by the city
30 council of the City of Elko and such ordinances, rules and regulations may
31 be enforced by the city council of the City of Elko.

32 3. All contracts and other agreements entered into by the board of
33 supervisors of the City of Elko are binding upon the city council of the City
34 of Elko, to which the responsibility for the administration of the provisions
35 of the contracts and other agreements is transferred. Such contracts and
36 agreements may be enforced by the city council of the City of Elko.

TEXT OF REPEALED SECTIONS

Sec. 1.040 Annexations.

1. There is hereby created the city annexation commission.

2. The number, qualifications, terms and selection of the members of
such commission shall be determined by the board of supervisors.

3. The commission shall have all the powers and duties of a city
annexation commission created pursuant to NRS 268.626 with respect to
annexations to the city.



* A B 1 1 R 1 *

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

Sec. 3.060 County assessor to be ex officio city assessor; duties.

1. The county assessor of Elko County shall be ex officio city assessor of the city. The county assessor shall perform such duties for the city without additional compensation.

2. Upon request of the ex officio city assessor, the board of supervisors may appoint and set the salary of a deputy city assessor to perform such duties relative to city assessments as may be deemed necessary.

