

Senate Bill No. 312--Senator Washington

CHAPTER.....

AN ACT relating to the City of Sparks; prospectively changing the time for the election of the officers of the City of Sparks; 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 1.040 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 724, is hereby amended to read as follows:

Sec. 1.040 Wards: Creation; boundaries.

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

Sec. 2. Section 1.060 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 129, Statutes of Nevada 1993, at page 228, is hereby amended to read as follows:

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

1. The elective officers of the city consist of:

- (a) A mayor.
- (b) Five members of the council.
- (c) A city attorney.
- (d) Municipal judges, the number to be determined pursuant to

section 4.010.

2. All elective officers of the city must be:

(a) Bona fide residents of the city for at least 30 days immediately preceding the last day for filing a declaration of candidacy for such an office.

(b) Residents of the city during their term of office, and, in the case of a member of the council, a resident of the ward the member represents.

(c) Registered voters within the city.

3. No person may be elected or appointed as a member of the council who was not an actual bona fide resident of the ward to be represented by him for a period of at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, or, in the case of appointment, 30 days immediately preceding the day the office became vacant.

4. The city attorney must be a licensed member of the State Bar of Nevada.

5. Each elective officer is entitled to receive a salary in an amount fixed by the city council. At any time before January 1 of the year in which a general ~~municipal~~ election is held, the city council shall

enact an ordinance fixing the initial salary for each elective office for the term beginning on the first Monday following that election. This ordinance may not be amended to increase or decrease the salary for the office of mayor, city councilman or city attorney during the term. If the city council fails to enact such an ordinance before January 1 of the election year, the succeeding elective officers are entitled to receive the same salaries as their respective predecessors.

Sec. 3. Section 1.070 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 515, Statutes of Nevada 1997, at page 2452, is hereby amended to read as follows:

Sec. 1.070 Elective offices; vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the city council, or in the office of city attorney or municipal judge must be filled by appointment of the mayor, subject to confirmation by the city council, within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the city council before the vacancy occurs. In such a case, each member of the council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the council pursuant to this section. If the majority of the council is unable or refuses for any reason to confirm any appointment made by the mayor within 30 days after the vacancy occurs, the city council shall present to the mayor the names of two qualified persons to fill the vacancy. The mayor shall, within 15 days after the presentation, select one of the two qualified persons to fill the vacancy. The appointee must have the same qualifications required of the elected official.

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

3. The appointee or mayor pro tempore, in case of a vacancy in the office of mayor, shall serve until his successor is elected and qualified at the next ~~municipal~~ election to serve the remainder of the unexpired term.

Sec. 4. Section 3.010 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 125, Statutes of Nevada 1989, at page 281, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; mayor pro tempore.

1. The mayor shall:

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

(b) Act as the head of the government of the city for all purposes.

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

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

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

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

(a) Hold the office and title until the next ~~{municipal}~~ election without additional compensation, except as otherwise provided in paragraph (c).

(b) Perform the duties of mayor during the temporary absence or disability of the mayor without loss of his rights and powers as a member of the council.

(c) Act as mayor until the next ~~{municipal}~~ election if the office of mayor becomes vacant and draw the salary of mayor. His salary and position as a member of the council cease.

Sec. 5. Section 4.010 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 169, Statutes of Nevada 1997, at page 448, is hereby amended to read as follows:

Sec. 4.010 Municipal court.

1. There is a municipal court of the city which consists of not less than two departments. The city council may, by resolution, expand the court to include additional departments. Such a resolution must be enacted on or before January 1 of the year in which the additional municipal judge is to be elected and must prohibit the commencement of the operations of the additional department until the additional judge has been elected and takes office.

2. Each department must be presided over by a municipal judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this charter, governed by chapter 5 of NRS, which relates to municipal courts.

3. If the city council creates an additional department pursuant to subsection 1, the municipal judge who will preside over that department must be elected at the next ~~{municipal}~~ election that meets the requirements of subsection 1.

Sec. 6. Section 5.010 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 450, Statutes of Nevada 1985, at page 1318, is hereby amended to read as follows:

Sec. 5.010 General ~~{municipal}~~ elections.

1. ~~{A general municipal election must be held in the city on the 1st Tuesday after the 1st Monday in June of each odd numbered year after 1986.}~~

~~2. Except as provided in subsection 3, the elective officers of the city shall serve terms of 4 years and until their successors have been elected and qualified.~~

~~3. The persons who, on June 2, 1987, are elected to serve as:~~
~~(a) The members of the city council from the first, third and fifth wards;~~
~~(b) The city attorney; and~~
~~(c) The municipal judge for the first department of the court which was established;~~
~~shall serve terms of 2 years and until their successors have been elected and qualified.~~

~~4. On the Tuesday after the first Monday in June 2001, there must be elected by the registered voters of the city, at a general municipal election, council members to represent the first, third and fifth wards, a municipal judge for department 1 and a city attorney, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 3.~~

~~2. On the Tuesday after the first Monday in June 2003, there must be elected by the registered voters of the city, at a general municipal election, council members to represent the second and fourth wards, a mayor and a municipal judge for department 2, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 4.~~

~~3. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the city, at the general election, council members to represent the first, third and fifth wards, a municipal judge for department 1 and a city attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

~~4. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years, there must be elected by the registered voters of the city, at the general election, council members to represent the second and fourth wards, a mayor and a municipal judge for department 2, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

~~5. All candidates at [the general municipal] an election that is held pursuant to this section must be voted upon by the [electors] registered voters of the city at large.~~

Sec. 7. Section 5.020 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 637, Statutes of Nevada 1999, at page 3567, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections . ~~[Declaration of candidacy]~~

~~1. If for any general municipal election there are three or more candidates for the offices of mayor, city attorney or municipal judge or three or more candidates from each ward to represent the ward as a member of the city council, a primary election for that office must be held on the first Tuesday after the first Monday in April preceding the general election.~~

~~2. 1.~~ Candidates for the offices of mayor, city attorney and municipal judge must be voted upon by the registered voters of the

city at large. Candidates to represent a ward as a member of the city council must be voted upon by the registered voters of the ward to be represented by them.

~~3.~~ 2. The names of the two candidates for mayor, city attorney and municipal judge and the names of the two candidates to represent the ward as a member of the city council from each ward who receive the highest number of votes at the primary *municipal* election must be placed on the ballot for the general *municipal* election.

Sec. 8. Section 7 of this act is hereby amended to read as follows:

Sec. 7. Section 5.020 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 637, Statutes of Nevada 1999, at page 3567, is hereby amended to read as follows:

Sec. 5.020 Primary ~~hunicipal~~ elections.

1. Candidates for the offices of mayor, city attorney and municipal judge must be voted upon by the registered voters of the city at large. Candidates to represent a ward as a member of the city council must be voted upon by the registered voters of the ward to be represented by them.

2. The names of the two candidates for mayor, city attorney and municipal judge and the names of the two candidates to represent the ward as a member of the city council from each ward who receive the highest number of votes at the primary ~~hunicipal~~ election must be placed on the ballot for the general ~~hunicipal~~ election.

Sec. 9. Section 5.030 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 736, is hereby amended to read as follows:

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

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

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

Sec. 10. Section 5.040 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 736, is hereby amended to read as follows:

Sec. 5.040 Qualifications, registration of voters.

1. Every person who resides within the city at the time of any ~~hunicipal~~ election, and whose name appears upon the official register of voters in and for the city, is entitled to vote at each ~~hunicipal~~ election, whether special, primary or general, and for all officers to be voted for and on all questions that may be submitted to

the people at any such primary, general or special ~~city~~ elections, except as otherwise provided in this article.

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

Sec. 11. Section 5.070 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

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

1. Permit the organization, group or person to copy the names and addresses of voters from the official register of voters; or

2. Furnish such a list upon payment of the cost established by state election law.

Sec. 12. Section 5.100 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 450, Statutes of Nevada 1985, at page 1319, is hereby amended to read as follows:

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

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

2. The city council shall meet within ~~5~~ *10* days after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the city clerk for ~~6~~ *22* months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the city council.

3. The city clerk, under his hand and official seal, shall issue a certificate of election to each person elected. The officers elected shall qualify and enter upon the discharge of their respective duties ~~on the 1st Monday~~ *at the first regular city council meeting* following their election.

4. If any election results in a tie, the city council shall summon the candidates who received the tie vote and determine the tie by lot.

The city clerk shall then issue to the winner a certificate of election.

Sec. 13. 1. This section and sections 5, 6, 7 and 9 to 12, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, and 8 of this act become effective on July 1, 2003.