

Senate Bill No. 555—Committee on Government Affairs

CHAPTER.....

AN ACT relating to cities; changing the classification thereof; altering the powers and size of certain city councils; changing the method by which a mayor pro tem is appointed; changing certain references to city councils; modifying the rules regarding city council meetings; revising the terms and compensation of appointed city council members; 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.** NRS 266.033 is hereby amended to read as follows:

266.033 1. The board of county commissioners shall canvass the votes in the same manner as votes are canvassed in a general election. Upon the completion of the canvass, the board shall immediately notify the county clerk of the result.

2. The county clerk shall immediately, upon receiving notice of the canvass from the board of county commissioners, cause to be published a notice of the results of the election in a newspaper of general circulation in the county. If the incorporation is approved by the voters, the notice must include the ~~{class}~~ *population category* of the incorporated city , ~~{according to population,}~~ as described in NRS 266.055. The county clerk shall file a copy of the notice with the secretary of state.

**Sec. 2.** NRS 266.039 is hereby amended to read as follows:

266.039 1. The mayor of the city shall file three copies of the articles of incorporation of the city with the secretary of state.

2. The articles of incorporation must be signed and verified by the mayor and include the name of the city, a description of its location and ~~{the designation of its class according to population,}~~ *its population category*, as described in NRS 266.055.

3. The secretary of state shall certify the articles of incorporation upon receipt and send one copy to the county clerk of the county in which the city is located and one copy to the mayor of the city. The secretary of state shall retain a copy for his records and furnish a certified copy to any person who requests a copy upon payment of a reasonable fee as determined by the secretary of state.

**Sec. 3.** NRS 266.055 is hereby amended to read as follows:

266.055 Municipal corporations organized ~~{under}~~ *pursuant to* the provisions of this chapter ~~{shall be, and the same are,}~~ *must be* divided into three ~~{classes,}~~ *population categories*:

1. Those cities having ~~{20,000}~~ *50,000* or more inhabitants shall be known as cities of ~~{the first class,}~~ *population category one*.

2. Those cities having ~~{more than 5,000 and less than 20,000}~~ *5,000 or more, but fewer than 50,000* inhabitants shall be known as cities of ~~{the second class,}~~ *population category two*.

3. All other cities shall be known as cities of ~~{the third class,}~~ *population category three*.

**Sec. 4.** NRS 266.060 is hereby amended to read as follows:

266.060 1. Whenever any city of ~~{the second class}~~ *population category two* attains the population of ~~{20,000}~~ *50,000* or more, or any city

of ~~{the third class}~~ *population category three* attains the population of 5,000 or more, and that fact is ascertained:

(a) By actual census taken and certified to the governor by the mayor; or

(b) At the option of the city council, by the governor, pursuant to NRS 360.285, for 2 consecutive years, the governor shall declare, by public proclamation, that city to be of ~~{the first or second class}~~ *population category one or two*, as the case may be, and the city thus changed is governed by the provisions of this chapter ~~{}~~ applicable to cities of the higher ~~{class}~~ *population category*.

2. An authenticated copy of the governor's proclamation must be filed in the office of the secretary of state.

**Sec. 5.** NRS 266.066 is hereby amended to read as follows:

266.066 1. All courts of this state shall take judicial notice in all civil or criminal actions of:

(a) The change in ~~{class}~~ *population category* and organization of any city.

(b) All ordinances, rules, resolutions or other regulations of the city council.

2. In all such actions, it ~~{shall not be}~~ *is not* necessary to plead the contents of any order, ordinance, rule, resolution or other regulation, but may be proved prima facie by the introduction of the original entry or a copy thereof certified by the clerk.

**Sec. 6.** NRS 266.070 is hereby amended to read as follows:

266.070 1. All rights and property of every kind ~~{and description}~~ which were vested in any municipal corporation under its former organization shall be deemed ~~{and held}~~ to be vested in the same municipal corporation upon its becoming incorporated or changing ~~{class under}~~ *population category pursuant to* the provisions of this chapter. No rights or liabilities, either in favor of or against such corporation, existing at the time of becoming incorporated or changing ~~{class under}~~ *population category pursuant to* this chapter, and no action or prosecution shall be affected by ~~{such change}~~ *the change*, but the ~~{same shall}~~ *rights and liabilities, and any action or prosecution, must* stand and progress as if no change had been made.

2. Whenever a different remedy is given by this chapter, which may properly be made applicable to any right existing at the time of such city ~~{so}~~ becoming incorporated or changing ~~{class under}~~ *population category pursuant to* this chapter, the ~~{same}~~ *remedy* shall be deemed cumulative to the remedy before provided, and used accordingly.

**Sec. 7.** NRS 266.075 is hereby amended to read as follows:

266.075 1. All ordinances and resolutions in force in any city when ~~{it shall become}~~ *the city becomes* organized or ~~{change its class under}~~ *changes its population category pursuant to* the provisions of this chapter ~~{shall, providing they}~~ *must, if the ordinances and resolutions* do not conflict with the provisions of this chapter, ~~{continue in full force and}~~ *remain in* effect until repealed or amended, notwithstanding such organization or change of ~~{class}~~ *population category*.

2. Such organization or ~~{the making of such}~~ change of ~~{class}~~ *population category* shall not be construed to ~~{effect any change in}~~ *alter* the legal identity of ~~{such}~~ *the* city.

**Sec. 8.** NRS 266.080 is hereby amended to read as follows:

266.080 1. When any city now existing under a special charter is organized under the provisions of this chapter, or by proclamation of the governor ~~{becomes a city of the second class, or when any city of the second class becomes a city of the first class,}~~ *changes population category*, the officers then in office continue to be officers of the city:

(a) If the change in ~~{classification}~~ *category* results in a change in the number of municipal wards in the city, until the next city election; or

(b) In all other cases, until the expiration of their elected terms, and until their successors are elected and qualified.

2. When new territory is organized as a city, by petition and election of officers, the officers first elected serve until the next city election, and until their successors are elected and qualified.

**Sec. 9.** NRS 266.085 is hereby amended to read as follows:

266.085 1. Cities incorporated ~~{under}~~ *pursuant to* this chapter ~~{shall:~~

~~—(a) Be bodies politic and corporate.~~

~~—(b) Be} :~~

*(a) Are municipal corporations.*

*(b) Shall be* known and designated by the name and style adopted.

2. Under such name, cities may:

(a) Sue and be sued.

(b) Contract and be contracted with.

(c) Acquire and hold real and personal property for corporate purposes.

(d) Have a common seal and change the same at pleasure.

(e) Have perpetual succession.

(f) Exercise all the powers conferred in this chapter.

**Sec. 10.** NRS 266.095 is hereby amended to read as follows:

266.095 1. ~~{Each incorporated city of the first class must be divided into eight municipal wards. If an incorporated city of the second or third class is divided into municipal wards, the city must be divided into three or five municipal wards as provided by ordinance.}~~ *In a city incorporated pursuant to this chapter, the city may be divided into wards by ordinance as follows:*

*(a) A city of population category one, into four or six wards.*

*(b) A city of population category two or three, into three or five wards.*

2. The division of cities into wards must, during the incorporation thereof, be made by the board of county commissioners. The wards must as nearly as practicable be of equal population and in compact form.

3. Once established, the boundaries of wards must be changed by ordinance of the city council whenever, as determined at the close of registration before each general election, the number of registered voters in any ward exceeds the number of registered voters in any other ward by more than 5 percent.

**Sec. 11.** NRS 266.105 is hereby amended to read as follows:

266.105 1. The city council ~~{shall have the power to}~~ *may* make and pass all ordinances, resolutions and orders, not repugnant to the

Constitutions of the United States or of the State of Nevada or to the provisions of this chapter, necessary for the municipal government and the management of the city affairs, for the execution of all powers vested in the city, and for making effective the provisions of this chapter.

2. The city council ~~{shall have power to enforce obedience to such ordinances with such}~~ *may provide for* fines or penalties ~~{as the city council may deem proper, but the punishment of any offense shall be as provided by law for a misdemeanor.}~~ *to enforce such ordinances, not to exceed those provided for by law for misdemeanors.*

**Sec. 12.** NRS 266.185 is hereby amended to read as follows:

266.185 1. During the ~~{temporary}~~ absence or disability of the mayor ~~{, the city council in cities of the second or third class shall elect one of its number to act as mayor pro tem. In cities of the first class the councilman at large shall act as mayor pro tem.}~~ :

*(a) In a city of population category one that is divided into wards, the councilman at large shall act as mayor pro tem.*

*(b) In all other cities incorporated pursuant to this chapter, the city council shall, by ordinance or resolution, provide for the appointment of one of its members as mayor pro tem.*

2. During the ~~{temporary}~~ absence or disability of the mayor, the mayor pro tem shall ~~{possess}~~ :

*(a) Possess* the powers and duties of mayor ~~{}~~ ; and

*(b) Except in a city of population category one, hold the office of mayor pro tem at the pleasure of the city council.*

**Sec. 13.** NRS 266.190 is hereby amended to read as follows:

266.190 1. The mayor ~~{must}~~ *shall* exercise a careful supervision over the general affairs of the city.

2. ~~{He}~~ *In exercising his duty of supervision pursuant to subsection 1, the mayor* shall:

(a) From time to time, give the *city* council information in writing relative to the state of the city, and recommend such measures as he may deem beneficial to the city.

(b) See that all the general laws and ordinances of the city are observed and enforced.

(c) Take all proper measures for the preservation of public peace and order, and the suppression of riots, tumults and all forms of public disturbances, for which purpose he may, if his city is not participating in a metropolitan police department, appoint extra policemen temporarily and use and command the police force. If his city is participating in a metropolitan police department, he may request law enforcement assistance from the sheriff. In either case, if local law enforcement forces are inadequate, he shall call upon the governor for military aid in the manner provided by law.

(d) Sign all licenses and warrants and claims against the city.

(e) See that all contracts are fully kept and faithfully performed, and, to that end and in any such case where necessary or proper to protect the interests of the city, shall cause legal proceedings to be instituted or defended at the expense of the city.

(f) Perform such other duties as the *city* council shall prescribe by ordinance.

**Sec. 14.** NRS 266.200 is hereby amended to read as follows:

266.200 1. The mayor ~~{shall}~~:

~~—(a) Preside~~ :

*(a) Shall preside* over the city council when in session, and shall preserve order and decorum among the members and enforce the rules of the *city* council and determine the order of business, subject to those rules and appeal to the *city* council ~~+~~.

~~—(b) Not be~~, or as provided by ordinance.

*(b) Is not* entitled to a vote except in case of a tie, when ~~{he shall have}~~ *the mayor has* a casting vote, except as otherwise ~~{expressly}~~ provided in this chapter.

2. The mayor may exercise the right of veto upon all matters passed by the *city* council . ~~{and it shall require a seven ninths vote of the whole council in cities of the first class.}~~ *To pass any matter receiving the mayor's veto requires a five-sevenths vote of a city council composed of seven members,* a four-fifths vote of ~~{the whole council in cities with}~~ a *city* council composed of five members, and ~~{the}~~ *a* unanimous vote of ~~{the whole council in cities with}~~ a *city* council composed of three members . ~~+~~ *to pass any matter receiving the mayor's veto.*

3. No resolution or contract requiring the payment of money nor any ordinance may go into force or have any effect until approved in writing by the mayor, unless passed over the mayor's veto. If the mayor does not approve the resolution, contract or ordinance so submitted, he shall, within 5 days after the receipt thereof, return it to the city clerk with his reasons in writing for not approving it. If the mayor does not so return it, the resolution or contract thereupon goes into effect and the ordinance becomes a law, in like manner and with the same effect as if it had been approved by the mayor.

**Sec. 15.** NRS 266.220 is hereby amended to read as follows:

266.220 1. ~~{Except as otherwise provided in subsection 3, councilmen must be chosen by the qualified electors of their respective wards.}~~

~~—2. In cities of the first class, the city council must be composed of nine councilmen, one from each ward and one elected by the electors of the city at large.~~

~~—3. If pursuant to an ordinance, a city of the second or third class}~~ *If a city of population category one is:*

*(a) Divided into wards, the city council must be composed of five or seven councilmen with one councilman from each ward who is elected only by the electors who reside in that ward and one councilman who is elected by the city at large.*

*(b) Not divided into wards, five or seven councilmen must be elected by the voters of the city at large.*

2. *If a city of population category two or three is:*

*(a) Divided into wards, the city council must be composed of three or five councilmen with one councilman from each ward who is elected only by the electors who reside in that ward.*

*(b) Not divided into wards, the three or five councilmen {of the city} must be elected by the voters of the city at large.*

**Sec. 16.** NRS 266.235 is hereby amended to read as follows:

266.235 A majority of all members of the *city* council ~~{shall constitute}~~ *constitutes* a quorum to do business, but ~~{a less number}~~ *fewer members* may meet and adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

**Sec. 17.** NRS 266.240 is hereby amended to read as follows:

266.240 The *city* council shall determine its own rules of procedure, may punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members of the *city* council, may expel a member for cause.

**Sec. 18.** NRS 266.245 is hereby amended to read as follows:

266.245 1. The city council shall prescribe by ordinance the time and place of holding its meetings, but at least one meeting ~~{shall}~~ *must* be held each month.

2. ~~{Special meetings may also be held on a call of the mayor or a majority of the council, by giving 6 hours' written notice of such special meetings to each member of the council, served personally or left at his usual place of abode.~~

~~—3. No ordinance shall be passed nor any claim allowed at a special meeting, and no business shall be transacted at any special meeting except such as shall be stated in the call therefor.~~

~~—4. No vote of the city council shall be reconsidered at a special meeting unless there be present at such special meeting as large a number of councilmen as were present when the vote was taken.~~ *All meetings of a city council must be conducted in accordance with the provisions of chapter 241 of NRS.*

**Sec. 19.** NRS 266.250 is hereby amended to read as follows:

266.250 1. The ~~{council's}~~ deliberations, sessions and proceedings *of the city council* must be public.

2. The *city* council shall keep ~~{a journal}~~ *written minutes* of its own proceedings ~~{}~~ *as required pursuant to NRS 241.035*. The yeas and nays ~~{shall}~~ *must* be taken upon the passage of all ordinances, and all propositions to create any liability against the city, or to grant, deny, increase, decrease, abolish, or revoke licenses, and in all other cases at the request of any member *of the city council* or of the mayor, which yeas and nays ~~{shall}~~ *must* be entered ~~{upon the journal}~~ *in the minutes* of its proceedings.

3. The concurrence of a majority of the members elected to the city council ~~{shall be}~~ *is* necessary to pass any such ordinance or proposition.

**Sec. 20.** NRS 266.255 is hereby amended to read as follows:

266.255 ~~{On}~~ *At the* request of any two members of the *city* council in cities with councils composed of five or ~~{nine}~~ *seven* members, or ~~{by}~~ *at the request of* one member in cities with councils composed of three members, final action on any report of a committee of the *city* council must be deferred to the next regular meeting of the *city* council after the report is made.

**Sec. 21.** NRS 266.265 is hereby amended to read as follows:

266.265 1. The city council may:

(a) Control the property of the ~~{corporation}~~ *city*.

(b) Erect and maintain all ~~needful~~ buildings , *structures and other improvements* for the use of the city.

(c) Purchase, receive, hold, sell, lease, convey and dispose of property, real and personal, for the benefit of the city, both within and without the city boundaries , ~~to~~ improve and protect such property, and do all other things in relation thereto which natural persons might do.

2. ~~The~~ *Except as otherwise provided by law, the* city council may not ~~except as specifically provided by another law,~~ mortgage, hypothecate or pledge any property of the city for any purpose.

**Sec. 22.** NRS 266.390 is hereby amended to read as follows:

266.390 The city council may:

1. Create any office that may be deemed necessary for ~~the good government of~~ the city.

2. Provide for filling all vacancies in elective and appointive offices.

3. Regulate and prescribe the powers, duties and compensation of all officers of the city, except as otherwise provided by law.

4. Require all officers or employees of the city responsible for the handling of city ~~funds~~ *money* to give bond and security , *to be paid by the city from its money*, for the faithful performance of their duties.

5. Require from every officer of the city at any time a report in detail of all transactions in his office, or any matters connected therewith.

**Sec. 23.** NRS 266.395 is hereby amended to read as follows:

266.395 The mayor, ~~by and~~ with the advice and consent of the *city* council, ~~may~~ *shall* appoint all such officers as may be provided for by law or ordinance.

**Sec. 24.** NRS 266.405 is hereby amended to read as follows:

266.405 1. In addition to the mayor and city council, there must be in each city of ~~the first or second class~~ *population category one or two* a city clerk, a city treasurer, or if those offices are combined pursuant to subsection 4, a city clerk and treasurer, a municipal judge and a city attorney. The offices of city clerk, city treasurer, municipal judge and city attorney may be either elective or appointive offices, as provided by city ordinance. All ~~elective~~ *elected* officers shall hold their respective offices for 4 years and until their successors are elected and qualified, except that cities of ~~the third class~~ *population category three* may by ordinance provide that the mayor and city councilmen must be elected and hold office for 2 years.

2. In each city of ~~the first or second class~~ *population category one or two*, in which the officers are appointed pursuant to ordinance, the mayor, ~~by and~~ with the advice and consent of the city council, shall appoint all of the officers. ~~The officers shall hold their respective offices at the pleasure of the mayor and city council.~~

3. In cities of ~~the third class~~ *population category three*, the mayor, ~~by and~~ with the advice and consent of the city council, may appoint any ~~for all such~~ officers as may be deemed expedient . ~~and those appointive officers shall hold their respective offices during the pleasure of the mayor and city council.~~

4. The ~~governing body of a city~~ *city council* may provide by ordinance for the office of city clerk and the office of city treasurer to be combined into the office of city clerk and treasurer.



**Sec. 25.** NRS 266.410 is hereby amended to read as follows:

266.410 Except as otherwise provided in subsection 4 of NRS 266.405 for the clerk and treasurer, in cities of ~~{the first and second class,}~~ *population categories one and two*, a mayor, councilman, clerk, auditor, attorney or treasurer shall not hold any other office under the city government during his term of office.

**Sec. 26.** NRS 266.415 is hereby amended to read as follows:

266.415 Except as otherwise provided by *specific* law ~~{, the term of office of all appointive officers continues until the city election next following their appointment and until their successors are appointed and qualified, unless sooner removed by the mayor, with the concurrence of a majority of the members of the city council, except that any such person so appointed may be removed by the votes of all the members of the city council, if the council so provides by resolution.}~~ *or ordinance, all appointed officers serve at the pleasure of the mayor and city council and may be removed by a majority vote of the city council. The mayor may exercise the right of veto as provided in NRS 266.200.*

**Sec. 27.** NRS 266.450 is hereby amended to read as follows:

266.450 All *elected* officers of any city ~~{shall}~~ *are entitled to* receive such compensation as may be fixed by ordinance, but the compensation of any ~~{such officers shall}~~ *elected officers must* not be increased or diminished to take effect during the ~~{time}~~ *term* for which the officer was elected. ~~{or appointed.}~~ *All appointed officers are entitled to receive such compensation as may be fixed by ordinance.*

**Sec. 28.** NRS 266.470 is hereby amended to read as follows:

266.470 The city attorney shall be the legal adviser of the *city* council and all officers of the city in all matters respecting the affairs of the city and shall perform such duties as may be required of him by the *city* council or prescribed by ordinance.

**Sec. 29.** NRS 266.475 is hereby amended to read as follows:

266.475 The *city* council may, in the exercise of its sound discretion, employ counsel to aid the city attorney whenever in its judgment the public interests ~~{shall}~~ require such employment, and the expense thereof ~~{shall}~~ *must* be allowed and paid in the same manner as other claims against the city.

**Sec. 30.** NRS 266.530 is hereby amended to read as follows:

266.530 1. ~~{There shall be a chief of police in each}~~ *Each* city which is not participating in a metropolitan police department ~~{He shall be appointed by the mayor.}~~ *must have a chief of police. The mayor shall appoint the chief of police,* subject to confirmation by the *city* council.

2. The chief of police shall perform such duties as may be designated by ordinance.

**Sec. 31.** NRS 266.585 is hereby amended to read as follows:

266.585 The municipal judge shall render monthly, or ~~{often}~~ *as often* as the *city* council may require, an exact and detailed statement in writing, under oath, of the business done and of all fines collected, as well as fines imposed but uncollected, since his last report, and shall at the same time render and pay into the city treasury all fines collected and money received on behalf of the city since his last report.



**Sec. 32.** NRS 266.605 is hereby amended to read as follows:

266.605 1. The *city* council shall annually, at the time prescribed by law for levying taxes for state and county purposes, levy a tax not exceeding 3 percent upon the assessed value of all real estate and personal property within the city made taxable by law, ~~and~~ and the tax so levied ~~shall~~ *must* be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed and provided in the revenue laws of ~~the~~ *this* state for collection of state and county taxes. The revenue laws of ~~the~~ *this* state shall, in every respect not inconsistent with the provisions of this chapter, be deemed applicable ~~and so held~~ to the levying, assessing and collecting of the city taxes. In the matter of the equalization of assessments, the rights of the city and the *rights of the* inhabitants ~~thereof shall~~ *of the city must* be protected in the same manner and to the same extent by the action of the county board of equalization as are the state and county.

2. Whenever or wherever practicable and expedient, all forms and blanks used in levying, assessing and collecting the state and county revenues ~~shall~~ *must*, with such alterations or additions as may be necessary, be used in levying, assessing and collecting the revenue of the city.

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

**Sec. 33.** NRS 266.615 is hereby amended to read as follows:

266.615 The *city* council ~~shall have~~ *has* full power to pass and enact all ordinances necessary or required to carry into effect the revenue laws in the city and to enlarge, fix and determine the powers and duties of all officers in relation thereto.

**Sec. 34.** NRS 47.140 is hereby amended to read as follows:

47.140 The laws subject to judicial notice are:

1. The Constitution and statutes of the United States, and the contents of the Federal Register.
2. The constitution of this state and Nevada Revised Statutes.
3. Any other statute of this state if brought to the attention of the court by its title and the day of its passage.
4. A county, city or town code which has been filed as required by NRS 244.118, 268.014, 269.168 or the city charter and any city ordinance which has been filed or recorded as required by the applicable law.
5. The Nevada Administrative Code.
6. A regulation not included in the Nevada Administrative Code if adopted in accordance with law and brought to the attention of the court.
7. The ~~class~~ *population category* and organization of a city incorporated ~~under~~ *pursuant to* general law.
8. The constitution, statutes or other written law of any other state or territory of the United States, or of any foreign jurisdiction, as contained in a book or pamphlet published by its authority or proved to be commonly recognized in its courts.

**Sec. 35.** NRS 293.038 is hereby amended to read as follows:

293.038 “City of ~~{the first class}~~ *population category one*” means a city:

1. Organized pursuant to the provisions of chapter 266 of NRS; or
2. Incorporated pursuant to a special charter, whose population is ~~{20,000}~~ *50,000* or more.

**Sec. 36.** NRS 293.0382 is hereby amended to read as follows:

293.0382 “City of ~~{the second class}~~ *population category two*” means a city:

1. Organized pursuant to the provisions of chapter 266 of NRS; or
2. Incorporated pursuant to a special charter, whose population is more than 5,000 and less than ~~{20,000}~~ *50,000*.

**Sec. 37.** NRS 293.0384 is hereby amended to read as follows:

293.0384 “City of ~~{the third class}~~ *population category three*” means a city:

1. Organized pursuant to the provisions of chapter 266 of NRS; or
2. Incorporated pursuant to a special charter, whose population is 5,000 or less.

**Sec. 38.** NRS 293.208 is hereby amended to read as follows:

293.208 1. Except as otherwise provided in subsections 2, 3 and 5 and in NRS 293.206, no election precinct may be created, divided, abolished or consolidated, or the boundaries thereof changed, during the period between the third Wednesday in May of any year whose last digit is 6 and the time when the legislature has been redistricted in a year whose last digit is 1, unless the creation, division, abolishment or consolidation of the precinct, or the change in boundaries thereof, is:

- (a) Ordered by a court of competent jurisdiction;
- (b) Required to meet objections to a precinct by the Attorney General of the United States pursuant to the Voting Rights Act of 1965, ~~{42}~~ 42 U.S.C. §§ 1971 and 1973 et seq., ~~{H}~~ and any amendments thereto;
- (c) Required to comply with subsection 2 of NRS 293.205;
- (d) Required by the incorporation of a new city; or
- (e) Required by the creation of or change in the boundaries of a special district.

As used in this subsection, “special district” means any general improvement district or any other quasi-municipal corporation organized under the local improvement and service district laws of this state as enumerated in Title 25 of NRS which is required by law to hold elections or any fire protection district which is required by law to hold elections.

2. If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

3. A new election precinct may be established at any time if it lies entirely within the boundaries of any existing precinct.

4. If a change in the boundaries of an election precinct is made pursuant to this section during the time specified in subsection 1, the county clerk must:

- (a) Within 15 days after the change to the boundary of a precinct is established by the county clerk or ordered by a court, send to the director of the legislative counsel bureau and the secretary of state a copy of a map

showing the new boundaries of the precinct together with a word description of the new boundaries; and

(b) Maintain in his office ~~+~~ an index providing the name of the precinct and describing all changes which were made, including any change in the name of the precinct and the name of any new precinct created within the boundaries of an existing precinct.

5. Cities of ~~the second and third class~~ *population categories two and three* are exempt from the provisions of subsection 1.

**Sec. 39.** NRS 293C.140 is hereby amended to read as follows:

293C.140 1. A general city election must be held in each city of ~~the first and second classes~~ *population categories one and two* on the first Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter as determined by law, ordinance or resolution, at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.

2. The terms of office of city councilmen are 4 years, which terms must be staggered. The councilmen elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years.

**Sec. 40.** NRS 293C.145 is hereby amended to read as follows:

293C.145 1. A general city election must be held in each city of ~~the third class~~ *population category three* on the first Tuesday after the first Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter, as determined by ordinance.

2. There must be one mayor and three or five councilmen, as the city council shall provide, by ordinance, for each city of ~~the third class~~ *population category three*. The terms of office of the mayor and the councilmen are 4 years, which terms must be staggered. The mayor and councilmen elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. If a city council thereafter increases the number of councilmen, it shall, by lot, stagger the initial terms of the additional members.

3. A candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for councilmen must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.

**Sec. 41.** NRS 293C.175 is hereby amended to read as follows:

293C.175 1. A primary city election must be held in each city of ~~{the first class,}~~ *population category one*, and in each city of ~~{the second class}~~ *population category two* that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days nor more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of ~~{the first or second class,}~~ *population category one or two*, one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate, his name alone must be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

**Sec. 42.** NRS 439.420 is hereby amended to read as follows:

439.420 1. Every city of ~~{the first and second class shall, and every city of the third class may,}~~ *population categories one and two shall provide by ordinance for the establishment of a board of health.*

2. *A city of population category three may* provide by ordinance for the establishment of a board of health. ~~{therefor.}~~

**Sec. 43.** NRS 439.480 is hereby amended to read as follows:

439.480 The county health officer ~~{shall have}~~ *has* supervision over all matters pertaining to the preservation of the lives and health of the people of his county, except incorporated cities of ~~{the first and second class}~~ *population categories one and two* having a health officer appointed ~~{in accordance with}~~ *pursuant to* the provisions of this chapter, which ~~{shall be}~~ *are* under the jurisdiction of the city health officer, subject to the supervision and control of the health division.