

SENATE BILL NO. 555—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF NEVADA LEAGUE OF CITIES AND MUNICIPALITIES)

MARCH 26, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes in general laws governing cities. (BDR 21-352)

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 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:

- 1 **Section 1.** NRS 266.033 is hereby amended to read as follows:
2 266.033 1. The board of county commissioners shall canvass the
3 votes in the same manner as votes are canvassed in a general election.
4 Upon the completion of the canvass, the board shall immediately notify the
5 county clerk of the result.
6 2. The county clerk shall immediately, upon receiving notice of the
7 canvass from the board of county commissioners, cause to be published a
8 notice of the results of the election in a newspaper of general circulation in
9 the county. If the incorporation is approved by the voters, the notice must
10 include the ~~class~~ *population category* of the incorporated city ,
11 ~~according to population,~~ as described in NRS 266.055. The county clerk
12 shall file a copy of the notice with the secretary of state.
13 **Sec. 2.** NRS 266.039 is hereby amended to read as follows:
14 266.039 1. The mayor of the city shall file three copies of the articles
15 of incorporation of the city with the secretary of state.
16 2. The articles of incorporation must be signed and verified by the
17 mayor and include the name of the city, a description of its location and
18 ~~the designation of its class according to population,~~ *its population*
19 *category*, as described in NRS 266.055.



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

7 **Sec. 3.** NRS 266.055 is hereby amended to read as follows:
8 266.055 Municipal corporations organized ~~under~~ *pursuant to* the
9 provisions of this chapter ~~shall be, and the same are,~~ *must be* divided into
10 three ~~classes~~ *population categories*:

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

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

16 3. All other cities shall be known as cities of ~~the third class~~
17 *population category three*.

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

19 266.060 1. Whenever any city of ~~the second class~~ *population*
20 *category two* attains the population of ~~20,000~~ *50,000* or more, or any city
21 of ~~the third class~~ *population category three* attains the population of
22 5,000 or more, and that fact is ascertained:

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

25 (b) At the option of the city council, by the governor, pursuant to NRS
26 360.285, for 2 consecutive years,
27 the governor shall declare, by public proclamation, that city to be of ~~the~~
28 ~~first or second class~~ *population category one or two*, as the case may be,
29 and the city thus changed is governed by the provisions of this chapter ~~;~~
30 applicable to cities of the higher ~~class~~ *population category*.

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

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

34 266.066 1. All courts of this state shall take judicial notice in all civil
35 or criminal actions of:

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

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

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

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

45 266.070 1. All rights and property of every kind ~~and description~~
46 which were vested in any municipal corporation under its former
47 organization shall be deemed ~~and held~~ to be vested in the same municipal
48 corporation upon its becoming incorporated or changing ~~class under~~
49 *population category pursuant to* the provisions of this chapter. No rights



1 or liabilities, either in favor of or against such corporation, existing at the
2 time of becoming incorporated or changing ~~class under~~ *population*
3 *category pursuant to* this chapter, and no action or prosecution shall be
4 affected by ~~such change;~~ *the change*, but the ~~same shall~~ *rights and*
5 *liabilities, and any action or prosecution, must* stand and progress as if no
6 change had been made.

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

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

13 266.075 1. All ordinances and resolutions in force in any city when
14 ~~it shall become~~ *the city becomes* organized or ~~change its class under~~
15 *changes its population category pursuant to* the provisions of this chapter
16 ~~shall, providing they~~ *must, if the ordinances and resolutions* do not
17 conflict with the provisions of this chapter, ~~continue in full force and~~
18 *remain in* effect until repealed or amended, notwithstanding such
19 organization or change of ~~class~~ *population category*.

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

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

24 266.080 1. When any city now existing under a special charter is
25 organized under the provisions of this chapter, or by proclamation of the
26 governor ~~becomes a city of the second class, or when any city of the~~
27 ~~second class becomes a city of the first class,~~ *changes population*
28 *category*, the officers then in office continue to be officers of the city:

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

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

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

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

37 266.085 1. Cities incorporated ~~under~~ *pursuant to* this chapter
38 ~~shall:~~

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

40 ~~(b) Be :~~

41 *(a) Are municipal corporations.*

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

43 2. Under such name, cities may:

44 (a) Sue and be sued.

45 (b) Contract and be contracted with.

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

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

48 (e) Have perpetual succession.

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



1 **Sec. 10.** NRS 266.095 is hereby amended to read as follows:
2 266.095 1. ~~Each incorporated city of the first class must be divided~~
3 ~~into eight municipal wards. If an incorporated city of the second or third~~
4 ~~class is divided into municipal wards, the city must be divided into three or~~
5 ~~five municipal wards as provided by ordinance.] In a city incorporated~~
6 ~~pursuant to this chapter, the city may be divided into wards by ordinance~~
7 ~~as follows:~~

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

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

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

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

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

19 266.105 1. The city council ~~shall have the power to~~ **may** make and
20 pass all ordinances, resolutions and orders, not repugnant to the
21 Constitutions of the United States or of the State of Nevada or to the
22 provisions of this chapter, necessary for the municipal government and the
23 management of the city affairs, for the execution of all powers vested in the
24 city, and for making effective the provisions of this chapter.

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

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

31 266.185 1. During the ~~temporary~~ absence or disability of the mayor
32 ~~the city council in cities of the second or third class shall elect one of its~~
33 ~~number to act as mayor pro tem. In cities of the first class the councilman~~
34 ~~at large shall act as mayor pro tem.] :~~

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

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

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

42 ~~(a) Possess~~ the powers and duties of mayor ~~H~~ ; and

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

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

46 266.190 1. The mayor ~~must~~ **shall** exercise a careful supervision
47 over the general affairs of the city.

48 2. ~~He~~ **In exercising his duty of supervision pursuant to subsection**
49 **1, the mayor** shall:



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

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

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

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

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

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

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

23 266.200 1. The mayor ~~shall~~:

24 ~~—(a) Preside~~ :

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

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

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

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

41 3. No resolution or contract requiring the payment of money nor any
42 ordinance may go into force or have any effect until approved in writing by
43 the mayor, unless passed over the mayor's veto. If the mayor does not
44 approve the resolution, contract or ordinance so submitted, he shall, within
45 5 days after the receipt thereof, return it to the city clerk with his reasons in
46 writing for not approving it. If the mayor does not so return it, the
47 resolution or contract thereupon goes into effect and the ordinance
48 becomes a law, in like manner and with the same effect as if it had been
49 approved by the mayor.



1 **Sec. 15.** NRS 266.220 is hereby amended to read as follows:
2 266.220 1. ~~{Except as otherwise provided in subsection 3,~~
3 ~~councilmen must be chosen by the qualified electors of their respective~~
4 ~~wards.~~
5 ~~— 2. In cities of the first class, the city council must be composed of nine~~
6 ~~councilmen, one from each ward and one elected by the electors of the city~~
7 ~~at large.~~
8 ~~— 3. If pursuant to an ordinance, a city of the second or third class} *If a*~~
9 ~~*city of population category one is:*~~
10 ~~*(a) Divided into wards, the city council must be composed of five or*~~
11 ~~*seven councilmen with one councilman from each ward who is elected*~~
12 ~~*only by the electors who reside in that ward and one councilman who is*~~
13 ~~*elected by the city at large.*~~
14 ~~*(b) Not divided into wards, five or seven councilmen must be elected*~~
15 ~~*by the voters of the city at large.*~~
16 2. ~~*If a city of population category two or three is:*~~
17 (a) Divided into wards, the city council must be composed of three or
18 five councilmen with one councilman from each ward who is elected only
19 by the electors who reside in that ward.
20 (b) Not divided into wards, the *three or five* councilmen ~~{of the city}~~
21 must be elected by the voters of the city at large.
22 **Sec. 16.** NRS 266.235 is hereby amended to read as follows:
23 266.235 A majority of all members of the *city* council ~~{shall constitute}~~
24 ~~*constitutes*~~ a quorum to do business, but ~~{a less number}~~ *fewer members*
25 may meet and adjourn from time to time and may compel the attendance of
26 absentees under such penalties as may be prescribed by ordinance.
27 **Sec. 17.** NRS 266.240 is hereby amended to read as follows:
28 266.240 The *city* council shall determine its own rules of procedure,
29 may punish its members for disorderly conduct, and, with the concurrence
30 of two-thirds of the members of the *city* council, may expel a member for
31 cause.
32 **Sec. 18.** NRS 266.245 is hereby amended to read as follows:
33 266.245 1. The city council shall prescribe by ordinance the time and
34 place of holding its meetings, but at least one meeting ~~{shall}~~ *must* be held
35 each month.
36 2. ~~{Special meetings may also be held on a call of the mayor or a~~
37 ~~majority of the council, by giving 6 hours' written notice of such special~~
38 ~~meetings to each member of the council, served personally or left at his~~
39 ~~usual place of abode.~~
40 ~~— 3. No ordinance shall be passed nor any claim allowed at a special~~
41 ~~meeting, and no business shall be transacted at any special meeting except~~
42 ~~such as shall be stated in the call therefor.~~
43 ~~— 4. No vote of the city council shall be reconsidered at a special~~
44 ~~meeting unless there be present at such special meeting as large a number~~
45 ~~of councilmen as were present when the vote was taken.} *All meetings of a*~~
46 ~~*city council must be conducted in accordance with the provisions of*~~
47 ~~*chapter 241 of NRS.*~~



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1 **Sec. 19.** NRS 266.250 is hereby amended to read as follows:
2 266.250 1. The ~~the council's~~ deliberations, sessions and proceedings *of*
3 *the city council* must be public.
4 2. The *city* council shall keep ~~the journal~~ *written minutes* of its own
5 proceedings ~~as required pursuant to NRS 241.035.~~ The yeas and nays
6 ~~shall~~ *must* be taken upon the passage of all ordinances, and all
7 propositions to create any liability against the city, or to grant, deny,
8 increase, decrease, abolish, or revoke licenses, and in all other cases at the
9 request of any member *of the city council* or of the mayor, which yeas and
10 nays ~~shall~~ *must* be entered ~~upon the journal~~ *in the minutes* of its
11 proceedings.
12 3. The concurrence of a majority of the members elected to the city
13 council ~~shall be~~ *is* necessary to pass any such ordinance or proposition.
14 **Sec. 20.** NRS 266.255 is hereby amended to read as follows:
15 266.255 ~~On~~ *At the* request of any two members of the *city* council in
16 cities with councils composed of five or ~~nine~~ *seven* members, or ~~by~~ *at*
17 *the request of* one member in cities with councils composed of three
18 members, final action on any report of a committee of the *city* council must
19 be deferred to the next regular meeting of the *city* council after the report is
20 made.
21 **Sec. 21.** NRS 266.265 is hereby amended to read as follows:
22 266.265 1. The city council may:
23 (a) Control the property of the ~~corporation~~ *city*.
24 (b) Erect and maintain all ~~needful~~ buildings , *structures and other*
25 *improvements* for the use of the city.
26 (c) Purchase, receive, hold, sell, lease, convey and dispose of property,
27 real and personal, for the benefit of the city, both within and without the
28 city boundaries , ~~it~~ improve and protect such property, and do all other
29 things in relation thereto which natural persons might do.
30 2. ~~The~~ *Except as otherwise provided by law, the* city council may
31 not ~~except as specifically provided by another law,~~ mortgage,
32 hypothecate or pledge any property of the city for any purpose.
33 **Sec. 22.** NRS 266.390 is hereby amended to read as follows:
34 266.390 The city council may:
35 1. Create any office that may be deemed necessary for ~~the good~~
36 ~~government of~~ the city.
37 2. Provide for filling all vacancies in elective and appointive offices.
38 3. Regulate and prescribe the powers, duties and compensation of all
39 officers of the city, except as otherwise provided by law.
40 4. Require all officers or employees of the city responsible for the
41 handling of city ~~funds~~ *money* to give bond and security , *to be paid by the*
42 *city from its money*, for the faithful performance of their duties.
43 5. Require from every officer of the city at any time a report in detail
44 of all transactions in his office, or any matters connected therewith.
45 **Sec. 23.** NRS 266.395 is hereby amended to read as follows:
46 266.395 The mayor, ~~by and~~ with the advice and consent of the *city*
47 council, ~~may~~ *shall* appoint all such officers as may be provided for by
48 law or ordinance.



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

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

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

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

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

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

27 266.410 Except as otherwise provided in subsection 4 of NRS 266.405
28 for the clerk and treasurer, in cities of ~~{the first and second class}~~ *population categories one and two*, a mayor, councilman, clerk, auditor,
29 attorney or treasurer shall not hold any other office under the city
30 government during his term of office.

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

32 266.415 Except as otherwise provided by *specific* law ~~{, the term of~~
33 ~~office of all appointive officers continues until the city election next~~
34 ~~following their appointment and until their successors are appointed and~~
35 ~~qualified, unless sooner removed by the mayor, with the concurrence of a~~
36 ~~majority of the members of the city council, except that any such person so~~
37 ~~appointed may be removed by the votes of all the members of the city~~
38 ~~council, if the council so provides by resolution.}~~ *or ordinance, all*
39 *appointed officers serve at the pleasure of the mayor and city council and*
40 *may be removed by a majority vote of the city council. The mayor may*
41 *exercise the right of veto as provided in NRS 266.200.*

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

43 266.450 All *elected* officers of any city ~~{shall}~~ *are entitled to* receive
44 such compensation as may be fixed by ordinance, but the compensation of
45 any ~~{such officers shall}~~ *elected officers must* not be increased or
46 diminished to take effect during the ~~{time}~~ *term* for which the officer was
47 elected. ~~{or appointed.}~~ *All appointed officers are entitled to receive such*
48 *compensation as may be fixed by ordinance.*



1 **Sec. 28.** NRS 266.470 is hereby amended to read as follows:
2 266.470 The city attorney shall be the legal adviser of the *city* council
3 and all officers of the city in all matters respecting the affairs of the city
4 and shall perform such duties as may be required of him by the *city* council
5 or prescribed by ordinance.

6 **Sec. 29.** NRS 266.475 is hereby amended to read as follows:
7 266.475 The *city* council may, in the exercise of its sound discretion,
8 employ counsel to aid the city attorney whenever in its judgment the public
9 interests ~~shall~~ require such employment, and the expense thereof ~~shall~~
10 *must* be allowed and paid in the same manner as other claims against the
11 city.

12 **Sec. 30.** NRS 266.530 is hereby amended to read as follows:
13 266.530 1. ~~There shall be a chief of police in each~~ *Each* city which
14 is not participating in a metropolitan police department ~~He shall be~~
15 ~~appointed by the mayor,~~ *must have a chief of police. The mayor shall*
16 *appoint the chief of police,* subject to confirmation by the *city* council.

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

19 **Sec. 31.** NRS 266.585 is hereby amended to read as follows:
20 266.585 The municipal judge shall render monthly, or ~~oftener~~ *as*
21 *often* as the *city* council may require, an exact and detailed statement in
22 writing, under oath, of the business done and of all fines collected, as well
23 as fines imposed but uncollected, since his last report, and shall at the same
24 time render and pay into the city treasury all fines collected and money
25 received on behalf of the city since his last report.

26 **Sec. 32.** NRS 266.605 is hereby amended to read as follows:
27 266.605 1. The *city* council shall annually, at the time prescribed by
28 law for levying taxes for state and county purposes, levy a tax not
29 exceeding 3 percent upon the assessed value of all real estate and personal
30 property within the city made taxable by law, ~~and~~ and the tax so levied
31 ~~shall~~ *must* be collected at the same time and in the same manner and by
32 the same officers, exercising the same functions, as prescribed and
33 provided in the revenue laws of ~~the~~ *this* state for collection of state and
34 county taxes. The revenue laws of ~~the~~ *this* state shall, in every respect not
35 inconsistent with the provisions of this chapter, be deemed applicable ~~and~~
36 ~~so held~~ to the levying, assessing and collecting of the city taxes. In the
37 matter of the equalization of assessments, the rights of the city and the
38 *rights of the* inhabitants ~~thereof shall~~ *of the city must* be protected in the
39 same manner and to the same extent by the action of the county board of
40 equalization as are the state and county.

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

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



1 **Sec. 33.** NRS 266.615 is hereby amended to read as follows:
2 266.615 The *city* council ~~shall have~~ *has* full power to pass and enact
3 all ordinances necessary or required to carry into effect the revenue laws in
4 the city and to enlarge, fix and determine the powers and duties of all
5 officers in relation thereto.

6 **Sec. 34.** NRS 47.140 is hereby amended to read as follows:
7 47.140 The laws subject to judicial notice are:
8 1. The Constitution and statutes of the United States, and the contents
9 of the Federal Register.
10 2. The constitution of this state and Nevada Revised Statutes.
11 3. Any other statute of this state if brought to the attention of the court
12 by its title and the day of its passage.

13 4. A county, city or town code which has been filed as required by
14 NRS 244.118, 268.014, 269.168 or the city charter and any city ordinance
15 which has been filed or recorded as required by the applicable law.

16 5. The Nevada Administrative Code.
17 6. A regulation not included in the Nevada Administrative Code if
18 adopted in accordance with law and brought to the attention of the court.

19 7. The ~~class~~ *population category* and organization of a city
20 incorporated ~~under~~ *pursuant to* general law.

21 8. The constitution, statutes or other written law of any other state or
22 territory of the United States, or of any foreign jurisdiction, as contained in
23 a book or pamphlet published by its authority or proved to be commonly
24 recognized in its courts.

25 **Sec. 35.** NRS 293.038 is hereby amended to read as follows:
26 293.038 "City of ~~the first class~~" *population category one*" means a
27 city:

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

31 **Sec. 36.** NRS 293.0382 is hereby amended to read as follows:
32 293.0382 "City of ~~the second class~~" *population category two*" means
33 a city:

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

37 **Sec. 37.** NRS 293.0384 is hereby amended to read as follows:
38 293.0384 "City of ~~the third class~~" *population category three*" means
39 a city:

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

43 **Sec. 38.** NRS 293.208 is hereby amended to read as follows:
44 293.208 1. Except as otherwise provided in subsections 2, 3 and 5
45 and in NRS 293.206, no election precinct may be created, divided,
46 abolished or consolidated, or the boundaries thereof changed, during the
47 period between the third Wednesday in May of any year whose last digit is
48 6 and the time when the legislature has been redistricted in a year whose



1 last digit is 1, unless the creation, division, abolishment or consolidation of
2 the precinct, or the change in boundaries thereof, is:

- 3 (a) Ordered by a court of competent jurisdiction;
4 (b) Required to meet objections to a precinct by the Attorney General of
5 the United States pursuant to the Voting Rights Act of 1965, ~~§~~ 42 U.S.C.
6 §§ 1971 and 1973 et seq., ~~§~~ and any amendments thereto;
7 (c) Required to comply with subsection 2 of NRS 293.205;
8 (d) Required by the incorporation of a new city; or
9 (e) Required by the creation of or change in the boundaries of a special
10 district.

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

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

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

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

24 (a) Within 15 days after the change to the boundary of a precinct is
25 established by the county clerk or ordered by a court, send to the director
26 of the legislative counsel bureau and the secretary of state a copy of a map
27 showing the new boundaries of the precinct together with a word
28 description of the new boundaries; and

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

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

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

36 293C.140 1. A general city election must be held in each city of ~~the~~
37 ~~first and second classes}~~ *population categories one and two* on the first
38 Tuesday after the first Monday in June of the first odd-numbered year after
39 incorporation, and on the same day every 2 years thereafter as determined
40 by law, ordinance or resolution, at which time there must be elected the
41 elective city officers, the offices of which are required next to be filled by
42 election. All candidates, except as otherwise provided in NRS 266.220, at
43 the general city election must be voted upon by the electors of the city at
44 large.

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



* S B 5 5 5 R 1 *

1 **Sec. 40.** NRS 293C.145 is hereby amended to read as follows:
2 293C.145 1. A general city election must be held in each city of ~~the~~
3 ~~third-class~~ *population category three* on the first Tuesday after the first
4 Monday in June of the first odd-numbered year after incorporation, and on
5 the same day every 2 years thereafter, as determined by ordinance.

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

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

22 4. Candidates for mayor must be voted upon by the electors of the city
23 at large. Candidates for councilmen must be voted upon by the electors of
24 their respective wards to represent the wards in which they reside or by the
25 electors of the city at large in accordance with the provisions of chapter
26 266 of NRS.

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

28 293C.175 1. A primary city election must be held in each city of ~~the~~
29 ~~first-class~~ *population category one*, and in each city of ~~the second-class~~
30 ~~population category two~~ that has so provided by ordinance, on the first
31 Tuesday after the first Monday in April of every year in which a general
32 city election is to be held, at which time there must be nominated
33 candidates for offices to be voted for at the next general city election.

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

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

44 4. If, in a primary city election held in a city of ~~the first or second~~
45 ~~class~~ *population category one or two*, one candidate receives more than a
46 majority of votes cast in that election for the office for which he is a
47 candidate, his name alone must be placed on the ballot for the general city
48 election. If, in the primary city election, no candidate receives a majority of
49 votes cast in that election for the office for which he is a candidate, the



1 names of the two candidates receiving the highest number of votes must be
2 placed on the ballot for the general city election.

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

4 439.420 *1. Every city of ~~the first and second class shall, and every~~*
5 *~~city of the third class may,~~ population categories one and two shall*
6 *provide by ordinance for the establishment of a board of health.*

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

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

10 439.480 The county health officer ~~shall have~~ *has* supervision over all
11 matters pertaining to the preservation of the lives and health of the people
12 of his county, except incorporated cities of ~~the first and second class~~
13 *population categories one and two* having a health officer appointed ~~in~~
14 ~~accordance with~~ *pursuant to* the provisions of this chapter, which ~~shall~~
15 ~~be~~ *are* under the jurisdiction of the city health officer, subject to the
16 supervision and control of the health division.

