

ASSEMBLY BILL NO. 394—ASSEMBLYMAN HETTRICK
(BY REQUEST)

MARCH 24, 2005

Referred to Committee on Government Affairs

SUMMARY—Incorporates City of Sierra Hills in Douglas County,
Nevada. (BDR S-316)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 incorporating the City of Sierra Hills in Douglas County,
Nevada, under a new charter; defining the boundaries
thereof; 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. The Charter of the City of Sierra Hills is as follows.
Each section of the charter shall be deemed to be a section of this
act for the purpose of any subsequent amendment.

ARTICLE I

Incorporation; Form of Government; Powers

- Section** ***1. Incorporation.***
 2. Form of Government.
 3. Powers of the City.

Section 1. Incorporation.

***1. For the uses and purposes hereinafter mentioned, the
inhabitants of that portion of Douglas County, Nevada, embraced
within the limits set forth in subsection 2, together with the
inhabitants of any and all areas hereafter lawfully annexed
thereto, shall remain, be and constitute a body politic and
corporate by the name and style of "Sierra Hills," and by that
name and style they and their successors shall be known in law,
have perpetual succession, and sue and be sued in all courts.***



1 2. Sierra Hills shall include all of the inhabitants, lands,
2 tenements and property included within a tract of land more
3 particularly described as follows:

4 The South half of the Northwest quarter of Section 12; the
5 Southwest quarter of the Northeast quarter of Section 12; the
6 South half of Section 12; Section 13; the North half of Section 24;
7 and the North half of the South half of Section 24; in Township
8 14 North, Range 19 East, of the Mount Diablo Base and
9 Meridian; and

10 The West half of Section 5; the Northwest quarter of the
11 Northeast quarter of Section 6; the South half of the Northeast
12 quarter of Section 6; the Southeast quarter of Section 6; the
13 Northeast quarter of the Northeast quarter of Section 6 excluding
14 that portion located within Carson City; that part of the Southeast
15 quarter of the Southwest quarter of Section 6 lying south of the
16 right-of-way of Nevada State Highway 206; those parts of the West
17 half of Government Lots 1 and 2 lying South of the right-of-way of
18 Nevada State Highway 206 and East of a line the starting point of
19 which is 539.69 feet West of the Southeast corner of Section 7 and
20 running North 0 10'45" East for a tangent distance of 2,153.02
21 feet and ending at the intersection with the right-of-way of Nevada
22 State Highway 206; Government Lots 3 and 4 of Section 7; the
23 East half of the Southwest quarter of Section 7; that part of
24 the Northeast quarter of the Northwest quarter lying South of the
25 right-of-way of Nevada State Highway 206 of Section 7; the
26 Southeast quarter of the Northwest quarter of Section 7; the East
27 half of Section 7; the North half of Section 8; the North half of the
28 South half of Section 8; the South half of the Southwest quarter of
29 Section 8; the Southwest quarter of the Southeast quarter of
30 Section 8; the Northwest quarter of Section 17; the Northwest
31 quarter of the Northeast quarter of Section 17; the Northwest
32 quarter of the Southwest quarter of Section 17; Government Lots
33 1, 2, 3 and 4 of Section 18; the East half of the Northwest quarter
34 of Section 18; the Northeast quarter of the Southwest quarter of
35 Section 18; that part of the Southeast quarter of the Southwest
36 quarter lying West of the right-of-way of United States Highway
37 395 of Section 18; the Northeast quarter of the Northeast quarter
38 of Section 18; the East half of the Southeast quarter of Section 18;
39 that part of the Southwest quarter of the Southeast quarter lying
40 East of the right-of-way of United States Highway 395 of Section
41 18; the Northeast quarter of the Northeast quarter of Section 19;
42 and that part of the Northwest quarter of the Northeast quarter
43 lying East of the right-of-way of United States Highway 395 of
44 Section 19; in Township 14 North, Range 20 East, of the Mount
45 Diablo Base and Meridian.



Section 2. Form of government.

1. The municipal government provided by this Charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the City are vested in an elective council, hereinafter referred to as "the Council," which shall:

- (a) Enact local legislation;*
- (b) Adopt budgets;*
- (c) Determine policies; and*
- (d) Appoint the City Manager, who shall execute the laws and administer the government of the City.*

2. All powers of the City must be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance.

Section 3. Powers of the City.

1. The City shall have all the powers granted to municipal corporations and to cities by the Constitution and laws of this State, together with all the implied powers necessary to carry into execution all the powers granted.

2. The City may acquire property within or without its corporate limits for any City purpose, in fee simple or any lesser interest, or estate, by purchase, exchange, gifts, devise, lease, or condemnation, and may sell, exchange, lease, mortgage, hold, manage, and control such property as its interest may require or that will result in the maximum benefit accruing to the City from such action.

3. Except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

4. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Charter specifically to enumerate.

ARTICLE II

The Council

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| <i>Section</i> | <i>4. Number; selection and term; recall.</i> |
| | <i>5. Qualifications.</i> |
| | <i>6. Salaries.</i> |
| | <i>7. Mayor; Mayor pro tem.</i> |
| | <i>8. Powers.</i> |



9. *Appointment of City Manager.*
10. *Council not to interfere in appointments or removals.*
11. *Vacancies in Council.*
12. *Creation of new departments or offices; change of duties.*
13. *City Clerk.*
14. *City Attorney.*
15. *Induction of Council into office; meetings of Council.*
16. *Council to be judge of qualifications of its members.*
17. *Rules of procedure; journal.*
18. *Council's power to make and pass ordinances, resolutions.*
19. *Voting on ordinances and resolutions.*
20. *Enactment of ordinances; subject matter, titles.*
21. *Introduction of ordinances; notice; final action; publication.*
22. *Adoption of specialized, uniform codes.*
23. *Codification of ordinances; publication of Code.*
24. *Independent annual audit.*

Section 4. Number; selection and term; recall.

The City Council shall have four Councilmen and a Mayor elected from the City at large in the manner provided in Article IX, for terms of 4 years and until their successors have been elected and have taken office as provided in section 15, subject to recall as provided in section 111. No Councilman shall represent any particular constituency or district of the City, and each Councilman shall represent the entire City.

Section 5. Qualifications.

1. No person shall be eligible for the office of Councilman or Mayor unless he is a qualified elector of Sierra Hills and has been a resident of the City for at least 2 years immediately preceding the election in which he is a candidate. He shall hold no other elective public office, but he may hold a commission as a notary public or be a member of the Armed Forces reserve. No officer or employee of the City or County, excluding City Councilmen, receiving compensation under the provisions of this Charter or any City ordinance, may be a candidate for or eligible for the office of Councilman or Mayor without first resigning from City or County employment or office.



1 2. *If a Councilman or the Mayor ceases to possess any of the*
2 *qualifications enumerated in subsection 1 or is convicted of a*
3 *felony, or ceases to be a resident of the City, his office immediately*
4 *becomes vacant.*

5 Section 6. *Salaries.*

6 *The Council may determine the annual salaries of the Mayor*
7 *and Councilmen by ordinance, but no Mayor or Councilman*
8 *considering or voting for a salary increase may receive the same*
9 *during the term for which that Mayor or Councilman was elected.*

10 Section 7. *Mayor; Mayor pro tem.*

11 1. *The Mayor shall:*

12 (a) *Serve as a member of the City Council and preside over its*
13 *meetings;*

14 (b) *Have no administrative duties; and*

15 (c) *Be recognized as the head of the City Government for all*
16 *ceremonial purposes and for purposes of dealing with emergencies*
17 *if martial law has been imposed on the City by the State or Federal*
18 *Government.*

19 2. *The City Council shall elect one of its members to be*
20 *Mayor pro tem, who shall:*

21 (a) *Hold such office and title, without additional*
22 *compensation, for the period of 1 year;*

23 (b) *Perform the duties of the Mayor during the absence or*
24 *disability of the Mayor; and*

25 (c) *Assume the position of Mayor, if that office becomes*
26 *vacant, until the next regular election.*

27 Section 8. *Powers.*

28 1. *All powers of the City and the determination of all matters*
29 *of policy are vested in the City Council. The City Council may,*
30 *without limitation:*

31 (a) *By a concurring vote of not less than three of its members,*
32 *appoint to office the following city officers:*

33 (1) *The City Manager;*

34 (2) *The City Attorney;*

35 (3) *The City Clerk; and*

36 (4) *The Municipal Judge.*

37 (b) *Establish other administrative departments and distribute*
38 *the work of divisions.*

39 (c) *Adopt the budget of the City.*

40 (d) *Inquire into the conduct of any office, department or*
41 *agency of the City and make investigations as to municipal affairs.*

42 (e) *Appoint the members of all boards, commissions and*
43 *committees for specific or indefinite terms as provided elsewhere*
44 *in this Charter or in various resolutions or ordinances, with all*
45 *such persons being removable from office only for cause,*



1 *provided, however, that all persons so appointed must be and*
2 *remain bona fide residents of the City during the tenure of each*
3 *appointment.*

4 *(f) Adopt plats.*

5 *(g) Adopt and modify, from time to time, an official general*
6 *map of the entire City, and one or more official maps of various*
7 *portions of the City.*

8 *(h) Regulate and restrict the height and number of stories of*
9 *buildings and other structures, the size of yards and courts, the*
10 *density of populations and the location and use of buildings for*
11 *trade, industry, business, residence or other purposes.*

12 *(i) Provide for an annual auditing of the City's financial*
13 *accounts and records by independent auditors.*

14 *(j) Levy such taxes as are authorized by applicable laws,*
15 *provided, however, that no ad valorem tax rate set by the City may*
16 *be increased except following an affirmative vote of the majority*
17 *of votes cast by qualified voters residing within the city limits.*

18 *2. The Council may not appoint to a position described in*
19 *subparagraphs (1) to (4), inclusive, of paragraph (a) of subsection*
20 *1, any person who is a spouse, grandparent, parent, uncle, aunt,*
21 *brother, sister, nephew, niece, child or grandchild, by birth,*
22 *marriage, or adoption, of a city officer, employee, or Councilman*
23 *at the time of appointment.*

24 *3. City officers appointed by the Council pursuant to*
25 *paragraph (a) of subsection 1 serve at the pleasure of the Council.*
26 *Each such officer must receive such compensation and other*
27 *benefits as may be determined by resolution of the Council from*
28 *time to time.*

29 *4. Except as required by federal law or state statute, no*
30 *officer or employee of the City may be appointed to any city board*
31 *or commission, other than as an ex officio member.*

32 *Section 9. Appointment of City Manager.*

33 *The Council shall appoint an officer of the City who shall have*
34 *the title of City Manager and shall have the powers and perform*
35 *the duties provided in this Charter. No Councilman may receive*
36 *such appointment during the term for which he has been elected,*
37 *nor within 1 year after the expiration of his term.*

38 *Section 10. Council not to interfere in appointments or*
39 *removals.*

40 *1. Neither the Council nor any of its members may direct or*
41 *request the appointment of any person to, or his removal from,*
42 *office by the City Manager or by any of his subordinates, or in any*
43 *manner take part in the appointment or removal of officers and*
44 *employees in the administrative service of the City. Except for the*
45 *purpose of inquiry, the Council and its members shall deal with*



1 *the administrative service solely through the City Manager, and*
2 *neither the Council nor any member thereof may give orders to*
3 *any subordinates of the City Manager, either publicly or privately.*

4 2. *Any Councilman violating the provisions of this section, or*
5 *voting for a resolution or ordinance in violation of this section, is*
6 *guilty of a misdemeanor and upon conviction thereof shall cease*
7 *to be a Councilman.*

8 *Section 11. Vacancies in Council.*

9 *Except as otherwise provided in NRS 268.325, a vacancy on the*
10 *Council must be filled by appointment by a majority of the*
11 *remaining members of the Council within 30 days or after three*
12 *regular or special meetings, whichever is the shorter period of*
13 *time. In the event of a tie vote among the remaining members of*
14 *the Council, selection must be made by lot. No such appointment*
15 *extends beyond the next municipal election.*

16 *Section 12. Creation of new departments or offices; change*
17 *of duties.*

18 *The Council by ordinance may:*

19 1. *Create, change and abolish offices, departments or*
20 *agencies, other than offices, departments and agencies established*
21 *by this Charter.*

22 2. *Assign additional functions or duties to offices,*
23 *departments or agencies established by this Charter, but may not*
24 *discontinue or assign to any other office, department or agency*
25 *any function or duty assigned by this Charter to a particular*
26 *office, department or agency.*

27 *Section 13. City Clerk.*

28 *The City Clerk shall:*

29 1. *Give notice of meetings of the Council.*

30 2. *Keep the journal of the Council's proceedings and attend*
31 *all meetings unless excused by the Council.*

32 3. *Authenticate by his signature and record in full in a book*
33 *kept for the purpose all ordinances and resolutions.*

34 4. *Perform such other duties as are required by this Charter*
35 *or by ordinance.*

36 *Section 14. City Attorney.*

37 1. *The City Attorney must be an attorney at law, admitted to*
38 *practice before the Supreme Court of the State of Nevada, who has*
39 *been in actual practice of law in the State of Nevada for at least*
40 *the 3 years immediately preceding his appointment. If practicable,*
41 *the Council shall appoint an attorney who has had special training*
42 *or experience in municipal corporation law.*

43 2. *The City Attorney shall:*

44 (a) *Be legal adviser of the Council and all other city officers.*

45 (b) *Prosecute all violations of city ordinances.*



1 (c) Draft or review all contracts and other legal documents or
2 instruments required or requested by the Council or the City
3 Manager.

4 (d) Perform such other legal services as the Council may
5 direct.

6 (e) Attend all meetings of the Council unless previously
7 excused therefrom by three members thereof or by the Mayor. In
8 the event he is excused, he is to provide at his own expense
9 substitute counsel for such meeting.

10 (f) Possess such other powers, and perform such additional
11 duties, not in conflict with this Charter, as may be prescribed by
12 ordinance.

13 3. When from any cause the City Attorney is unable to
14 perform the duties of his office, he may, with the consent of the
15 Council, appoint some other qualified attorney to act temporarily
16 in his place, and whenever, in the judgment of the Council, the
17 interests of the City require it, the Council may employ Assistant
18 or Special Counsel.

19 4. The City Attorney shall deliver all books, records, papers,
20 documents and personal property of every description, owned by
21 the City, to his successor in office, and the City shall provide a
22 means of safeguarding the same.

23 Section 15. Induction of Council into office; meetings of
24 Council.

25 1. The City Council shall meet within 10 days after each city
26 primary election and each city general election specified in Article
27 IX, to canvass the returns and to declare the results. All newly
28 elected or re-elected Mayor or Councilmen must be inducted into
29 office at the next regular Council meeting following certification
30 of the applicable city general election results. Immediately
31 following such induction, both the Mayor and the Mayor pro tem
32 must be designated as provided in section 7. Thereafter, the
33 Council shall meet regularly at such times as it sets by resolution
34 from time to time, but not less frequently than once each month.

35 2. It is the intent of this Charter that deliberations and
36 actions of the Council be conducted openly. All meetings of the
37 City Council must be in accordance with chapter 241 of NRS.

38 3. Any emergency meeting of the City Council, as defined by
39 chapter 241 of NRS, must be as provided therein, and in addition:

40 (a) An emergency meeting may be called by the Mayor or upon
41 written notice issued by a majority of the Council.

42 (b) Prior notice of such an emergency meeting must be given
43 to all members of the City Council.

44 Section 16. Council to be judge of qualifications of its
45 members.



1 *The Council is the judge of the election and qualifications of its*
2 *members and for such purpose has power to subpoena witnesses*
3 *and require the production of records, but the decision of the*
4 *Council in any such case is subject to review by the courts.*

5 Section 17. Rules of procedure; journal.

6 The Council shall:

7 1. Determine its own rules and order of business.

8 2. Keep a journal of its proceedings and the journal must be
9 open to public inspection.

10 Section 18. Council's power to make and pass ordinances,
11 resolutions.

12 1. The Council has the power to make and pass all
13 ordinances, resolutions and orders, not repugnant to the
14 Constitution of the United States or of the State of Nevada or to
15 the provisions of this Charter, necessary for the municipal
16 government and the management of the affairs of the City, for the
17 execution of all powers vested in the City and for making effective
18 the provisions of this Charter.

19 2. The Council has the power to enforce obedience to its
20 ordinances by such fines, imprisonments or other penalties as the
21 Council may deem proper, but the punishment for any offense
22 must not be greater than the penalties specified for misdemeanors
23 under applicable provisions of Nevada Revised Statutes in effect at
24 the time such offense occurred.

25 3. The City Council may enact and enforce such local police
26 ordinances as are not in conflict with the general laws of the State
27 of Nevada.

28 4. Any offense made a misdemeanor by the laws of the State
29 of Nevada shall also be deemed to be a misdemeanor in the City
30 whenever such offense is committed within the city limits.

31 Section 19. Voting on ordinances and resolutions.

32 1. No ordinance or resolution may be passed without
33 receiving the affirmative votes of at least three members of the
34 Council.

35 2. The ayes and noes must be taken upon the passage of all
36 ordinances and resolutions and entered upon the journal of the
37 proceedings of the Council. Upon the request of any member of
38 the Council the ayes and noes must be taken and recorded upon
39 any vote. All members of the Council present at any meeting shall
40 vote, except upon matters in which they have financial interest or
41 when they are reviewing an appeal from a decision of a city
42 commission before which they have appeared as an advocate for
43 or an adversary against the decision being appealed.



Section 20. Enactment of ordinances; subject matter, titles.

1. No ordinance may be passed except by bill, and when any ordinance is amended, the section or sections thereof must be reenacted as amended, and no ordinance may be revised or amended by reference only to its title.

2. Every ordinance, except those revising the city ordinances, must embrace but one subject and matters necessarily connected therewith and pertaining thereto. The subject of the ordinance must be clearly indicated in the title, and in all cases where the subject of the ordinance is not so expressed in the title, the ordinance is void as to the matter not expressed in the title.

Section 21. Introduction of ordinances; notice; final action; publication.

1. The style of ordinances must be as follows: "The City Council of the City of Sierra Hills do ordain." All proposed ordinances, when first proposed, must be read by title to the City Council and may be referred to a committee of any number of the members of the Council for consideration, after which an adequate number of copies of the ordinance must be deposited with the City Clerk for public examination and distribution upon request. Notice of the deposit of the copies, together with an adequate summary of the ordinance, must be published once in a newspaper published in the City, if any, or otherwise in a newspaper published in the county which has a general circulation in the City, at least 10 days before the adoption of the ordinance. At any meeting at which final action on the ordinance is considered, at least one copy of the ordinance must be available for public examination. The City Council shall adopt or reject the ordinance, or the ordinance as amended, within 30 days after the date of publication, except that in cases of emergency, by unanimous consent of the whole Council, final action may be taken immediately or at a special meeting called for that purpose.

2. At the next regular or adjourned meeting of the Council after the proposal of an ordinance and its reference to committee, the committee shall report the ordinance back to the Council, and thereafter the ordinance must be read by title and summary or in full as first introduced, or if amended, as amended, and thereupon the proposed ordinance must be finally voted upon or action on it postponed.

3. After final adoption, the ordinance must be signed by the Mayor, and, together with the votes cast on it, must be:

(a) Published by title, together with an adequate summary including, without limitation, any amendments, once in a newspaper published in the City, if any, or otherwise in a



1 newspaper published in the county and having a general
2 circulation in the City; and

3 (b) Posted in full in the City Hall.

4 4. Except as otherwise provided in subsection 5, all
5 ordinances become effective 20 days after publication.

6 5. Emergency ordinances having for their purpose the
7 immediate preservation of the public peace, health or safety,
8 containing a declaration of and the facts constituting its urgency
9 and passed by a four-fifths vote of the Council, and ordinances
10 calling or otherwise relating to a municipal election, become
11 effective on the date specified therein.

12 Section 22. Adoption of specialized, uniform codes.

13 An ordinance adopting any specialized or uniform building,
14 plumbing or electrical code or codes, printed in book or pamphlet
15 form or any other specialized or uniform code or codes of any
16 nature whatsoever so printed, may adopt such code, or any portion
17 thereof, with such changes as may be necessary to make the same
18 applicable to conditions in the City, and with such other changes
19 as may be desirable, by reference thereto, without the necessity of
20 reading the same at length as provided in section 21. Such code,
21 upon adoption, need not be published as required by section 21 if
22 an adequate number of copies of such code, either typewritten or
23 printed, with such changes, if any, have been filed for use and
24 examination by the public in the Office of the City Clerk at least 1
25 week before the passage of the ordinance adopting the code or any
26 amendment thereto. Notice of such filing must be given in
27 accordance with the provisions of subsection 3 of section 21.

28 Section 23. Codification of ordinances; publication of Code.

29 1. The Council has the power to codify and publish a Code of
30 its municipal ordinances in the form of Municipal Code. At the
31 election of the Council, a copy of this Charter and such additional
32 data as the Council may prescribe may be incorporated into the
33 Code.

34 2. The ordinances in the Code must be arranged in
35 appropriate chapters, articles and sections, excluding the titles,
36 enacting clauses, attestations and other formal parts.

37 3. The codification must be adopted by an ordinance which
38 must not contain any substantive changes, modifications or
39 alterations of existing ordinances and the only title necessary for
40 the ordinance must be "An ordinance for codifying and compiling
41 the general ordinances of Sierra Hills."

42 4. The codification may, by ordinance regularly passed,
43 adopted and published, be amended or extended.



Section 24. Independent annual audit.

Before the end of each fiscal year, the Council shall designate qualified accountants who, as of the end of the fiscal year, shall make a complete and independent audit of accounts and other evidences of financial transactions of the City Government and shall submit their report to the Council and to the City Manager. Such accountants must not have any personal interest, direct or indirect, in the fiscal affairs of the City Government or of any of its officers. The accountants shall not maintain any accounts or records of the city business, but, within specifications approved by the Council, shall post-audit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department or agency of the City Government.

ARTICLE III

The City Manager

- Section 25. City Manager; qualifications.*
26. City Manager; powers and duties.
27. Absence of City Manager.
28. Administrative departments; directors and departmental divisions.

Section 25. City Manager; qualifications.

1. The City Manager must be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth.

2. At the time of his appointment, the City Manager need not be a resident of the City or State, but during his tenure of office he may be required to reside within the City.

Section 26. City Manager; powers and duties.

The City Manager is the Chief Executive Officer and the Head of the Administrative Branch of the City Government. He is responsible to the Council for the proper administration of all affairs of the City and to that end, subject to the civil service provisions of this Charter, he shall:

1. Appoint and remove when necessary for the good of the City all officers and employees of the City except those who are to be appointed and removed by the Council under the provisions of section 8. The City Manager may authorize the head of any department or office to appoint and remove subordinate employees of such department or office. All appointments and removals must be made pursuant to the provisions of this Charter and applicable ordinances.



2. Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption.

3. Prepare and submit to the Council as of the end of each fiscal year a complete report of the finances and administrative activities of the City for the fiscal year.

4. Keep the Council advised of the financial condition and future needs of the City and make such recommendations as he deems desirable.

5. Perform such other duties as may be prescribed by this Charter or required of him by the Council, not inconsistent with this Charter.

6. Be bonded in an amount to be determined by the Council.

Section 27. Absence of City Manager.

To perform his duties during his temporary absence or disability, the City Manager may designate by letter filed with the City Clerk a qualified administrative officer of the City. In the event of failure of the City Manager to make such designation, the Council may by resolution appoint an officer of the City to perform the duties of the City Manager until he returns or his disability ceases.

Section 28. Administrative departments; directors and departmental divisions.

1. The City Council may by ordinance establish such administrative departments as it deems necessary.

2. At the head of each department there must be a director, who must be an officer of the City and has supervision and control of the department subject to the City Manager. Two or more departments may be headed by the same person. The City Manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

3. The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the City Manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the City Manager among specific divisions thereof, the City Manager may establish temporary divisions.

ARTICLE IV

City Budgets

Section 29. Budgets.

Section 29. Budgets.

Budgets for the City must be prepared in accordance with, and must be governed by, the provisions of the general laws of the State pertaining to budgets of cities.



ARTICLE V

Public Improvements and Repairs

Section 30. *Expenses of improvements; payment by funds or by special assessments.*

31.—55. *(Reserved for expansion.)*

Section 30. *Expenses of improvements; payment by funds or by special assessments.*

The expenses of public improvements and repairs, including, without limitation, the improvement of streets and alleys by grading, paving, graveling, curbing, the construction, repair, maintenance and preservation of sidewalks, drains, curbs, gutters, storm sewers, drainage systems, water distribution and treatment systems, sewerage systems and sewerage disposal plants, may be paid from the General Fund or Enterprise Fund or the cost or portion thereof as the Council determines, may be defrayed by special assessments upon lots and premises abutting upon that part of the street or alley so improved or proposed so to be, or the land abutting upon such improvement and such other lands as in the opinion of the Council may benefit by the improvement all in the manner contained in the provisions of the Nevada Revised Statutes.

Section 31.—55. *(Reserved for expansion.)*

ARTICLE VI

City Assessor; Tax Receiver; Finances and Purchasing

Section 56. *Douglas County Assessor to be ex-officio City Assessor.*

57. *Douglas County Treasurer to be ex-officio City Tax Receiver.*

58. *Director of Finance; appointment.*

59. *Director of Finance; qualifications.*

60. *Director of Finance; salary.*

61. *Director of Finance; bond.*

62. *Director of Finance; powers and duties.*

63. *Procedures for city purchasing.*

64. *(Reserved for expansion.)*

65. *(Reserved for expansion.)*

66. *Transfer of appropriations.*

67. *Accounting supervision and control.*

68. *When contracts and expenditures prohibited.*

Section 56. *Douglas County Assessor to be ex-officio City Assessor.*

The County Assessor of Douglas County shall, in addition to the duties now imposed upon him by law, act as the Assessor of the City and shall be ex-officio City Assessor, without further



1 *compensation. He shall perform such duties as the Council may*
2 *by ordinance prescribe.*

3 *Section 57. Douglas County Treasurer to be ex-officio City*
4 *Tax Receiver.*

5 *The County Treasurer of Douglas County shall, in addition to*
6 *the duties now imposed upon him by law, act as ex-officio City*
7 *Tax Receiver. He shall receive and safely keep all money that*
8 *comes to the City by taxation, and shall pay the same to the*
9 *Director of Finance. The City Tax Receiver may, with the consent*
10 *of the Council, collect special assessments which may be levied by*
11 *authority of this Charter, or city ordinance, when they become due*
12 *and payable, and whenever and wherever the general laws of the*
13 *State of Nevada regarding the authorized acts of tax receivers may*
14 *be, the same hereby are, made applicable to the City Tax Receiver*
15 *of Sierra Hills, in the collection of city special assessments.*

16 *Section 58. Director of Finance; appointment.*

17 *There may be a Department of Finance, the head of which is*
18 *the Director of Finance, who must be, or must be appointed by,*
19 *the City Manager, with the concurrence of a majority of the*
20 *Council, and whose duties hereinafter set forth must be subject to*
21 *the supervision and control of the City Manager.*

22 *Section 59. Director of Finance; qualifications.*

23 *The Director of Finance must have knowledge of municipal*
24 *accounting and taxation and must have had experience in*
25 *budgeting and financial control.*

26 *Section 60. Director of Finance; salary.*

27 *The Director of Finance, if other than the City Manager, must*
28 *receive a salary as prescribed by resolution of the City Council.*

29 *Section 61. Director of Finance; bond.*

30 *The Director of Finance, if other than the City Manager, shall*
31 *provide a bond with such surety and in such amount as the*
32 *Council may require by ordinance.*

33 *Section 62. Director of Finance; powers and duties.*

34 *The Director of Finance has charge of the administration of*
35 *the financial affairs of the City. In carrying out his duties, he*
36 *shall:*

37 *1. Compile the current expense estimates for the budget for*
38 *the City Manager.*

39 *2. Compile the capital estimates for the budget for the City*
40 *Manager.*

41 *3. Supervise and be responsible for the disbursement of all*
42 *money and have control over all expenditures to ensure that*
43 *budget appropriations are not exceeded.*

44 *4. Maintain a general accounting system for the City*
45 *Government and each of its offices, departments and agencies,*



1 *keep books for and exercise financial budgetary control over each*
2 *office, department and agency, keep separate accounts for the*
3 *items of appropriation contained in the city budget, each of which*
4 *accounts must show the amount of the appropriation, the amounts*
5 *paid therefrom, the unpaid obligations against it and the*
6 *unencumbered balance, and require reports of receipts and*
7 *disbursements from each receiving and spending agency of the*
8 *City Government to be made daily.*

9 5. *Submit to the Council through the City Manager a*
10 *monthly statement of all receipts and disbursements in sufficient*
11 *detail to show the exact financial condition of the City.*

12 6. *Prepare for the City Manager, as of the end of each fiscal*
13 *year, a complete financial statement and report.*

14 7. *Collect all license fees and other revenues of the City,*
15 *except taxes and authorized assessments, for whose collection the*
16 *City is responsible and receive all money receivable by the City*
17 *from the State or Federal Government, or from any court, or from*
18 *any office, department or agency of the City.*

19 8. *Have custody of all public money belonging to or under the*
20 *control of the City, or any office, department or agency of the City*
21 *Government, and deposit all money coming into his hands in such*
22 *depositories as may be designated by resolution of the Council, or,*
23 *if no such resolution is adopted, by the City Manager, subject to*
24 *the requirements of law as to surety and the payment of interest on*
25 *deposits, but all such interest is the property of the City and must*
26 *be accounted for and credited to the proper account.*

27 9. *Have custody of all investments and invested funds of the*
28 *City Government, or in possession of such government in a*
29 *fiduciary capacity and have the safekeeping of all bonds and notes*
30 *of the City and the receipt and delivery of city bonds and notes for*
31 *transfer, registration or exchange.*

32 10. *Consistent with the provisions of section 63, supervise*
33 *and be responsible for the purchase of all supplies, materials,*
34 *equipment and other articles used by any office, department or*
35 *agency of the City Government.*

36 11. *Approve all proposed expenditures, and unless he certifies*
37 *that there is an unencumbered balance of appropriation and*
38 *available funds, no appropriation may be encumbered and no*
39 *expenditure may be made.*

40 *Section 63. Procedures for city purchasing.*

41 *All purchases of goods or services of every kind or description*
42 *for the City by any office, commission, board, department or any*
43 *division thereof must be made in conformance with the Nevada*
44 *Revised Statutes, as amended from time to time.*



1 Section 64. *(Reserved for expansion.)*

2 Section 65. *(Reserved for expansion.)*

3 Section 66. *Transfer of appropriations.*

4 *The City Manager may at any time transfer any unencumbered*
5 *appropriation balance or portion thereof between general*
6 *classifications of expenditures within an office, department or*
7 *agency.*

8 Section 67. *Accounting supervision and control.*

9 *The Director of Finance shall:*

10 1. *Prescribe the forms of receipts, vouchers, bills or claims to*
11 *be used by all the offices, departments and agencies of the City*
12 *Government.*

13 2. *Except as otherwise provided in this Charter, examine and*
14 *approve all contracts, orders and other documents by which the*
15 *City Government incurs financial obligations, having previously*
16 *ascertained that moneys have been appropriated and allotted and*
17 *will be available when the obligations become due and payable.*

18 3. *Audit and approve before payment all bills, invoices,*
19 *payrolls and other evidences of claims, demands or charges*
20 *against the City Government and with the advice of the City*
21 *Attorney determine the regularity, legality and correctness of such*
22 *claims, demands or charges.*

23 4. *Inspect and audit any accounts or records of financial*
24 *transactions which may be maintained in any office, department*
25 *or agency of the City Government apart from or subsidiary to the*
26 *accounts kept in his office.*

27 Section 68. *When contracts and expenditures prohibited.*

28 1. *No officer, department or agency may, during any budget*
29 *year, expend or contract to expend any money or incur any*
30 *liability, or enter into any contract which by its terms involves the*
31 *expenditure of money, for any purpose, in excess of the amounts*
32 *appropriated for that general classification of expenditure*
33 *pursuant to this Charter. Any contract, verbal or written, made in*
34 *violation of this Charter is null and void. Any officer or employee*
35 *of the City who violates this section is guilty of a misdemeanor*
36 *and, upon conviction thereof, ceases to hold his office or*
37 *employment.*

38 2. *Nothing in this section prevents the making of contracts or*
39 *the spending of money for capital improvements to be financed in*
40 *whole or in part by the issuance of bonds, nor the making of*
41 *contracts of lease or for services for a period exceeding the budget*
42 *year in which such contract is made, when such contract is*
43 *allowed by law.*



ARTICLE VII

Civil Service and Personnel

Section 69. Civil Service Commission; creation; members; terms; qualifications and compensation.

70. Commission rules and regulations.

71. Procedure for amendment, modification of rules and regulations.

72.—89. (Reserved for expansion.)

Section 69. Civil Service Commission; creation; members; terms; qualifications and compensation.

1. A Civil Service Commission of Sierra Hills is hereby created.

2. The Civil Service Commission must consist of three citizens, not more than two of whom may at any time belong to the same political party.

3. The Council must appoint the members of a Civil Service Commission for a term of 3 years, which must be staggered.

4. Every person appointed a member of the Commission shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by this Charter, and file same, certified by the officer administering it, with the City Clerk.

5. No person is eligible for appointment as a member of the Commission, and no person may continue as a member of the Commission, unless he is a resident of Sierra Hills, who otherwise does not have any connection with the City Government and who does not hold elective office.

6. Vacancies on the Civil Service Commission from whatever cause must be filled by appointment by the Council.

7. The City Manager may provide for such employees as are necessary to enable the Civil Service Commission to carry out properly the duties prescribed herein.

8. The members of the Civil Service Commission receive no compensation for their services.

9. A member of the Civil Service Commission may be removed from office for cause by a majority vote of the Council.

Section 70. Commission rules and regulations.

1. The Commission shall prepare and adopt rules and regulations to govern the selection and appointment of all employees of the City within the provisions of this Article and such rules and regulations must be designed to secure the best service for the public.

2. Such rules and regulations may provide for competitive examination of some or all in such subjects as shall be deemed proper for the purpose of best determining their qualifications and



1 *fitness for the position sought. The civil service rules and*
2 *regulations must apply to all employees of the City but may not*
3 *apply to any person in any of the following categories:*

4 *(a) Appointed city officers, including the City Manager, City*
5 *Attorney, City Clerk and Municipal Judge.*

6 *(b) Heads of departments and their immediate subordinates as*
7 *established by this Charter or by ordinance.*

8 *3. Such rules and regulations may:*

9 *(a) Provide for the classification of positions in the service and*
10 *for a special course of inquiry and examination for candidates of*
11 *each class.*

12 *(b) Provide for disciplinary, suspension, demotion and*
13 *dismissal proceedings and must further govern promotions and*
14 *advancements.*

15 *(c) Further classify, in accordance with duties and salaries, all*
16 *offices and positions within the provisions of this Article.*

17 *4. The Commission shall, by rule, provide for a probationary*
18 *period.*

19 *5. The Commission shall establish the procedures by which*
20 *an employee may appeal a disciplinary action to the Commission.*

21 *6. All rules and regulations adopted by the Commission and*
22 *all changes therein are subject to review and approval by the City*
23 *Council. A copy of all rules and regulations made by the*
24 *Commission and all changes therein must be filed in the Office of*
25 *the City Clerk.*

26 *7. The Commission shall cause the rules and regulations so*
27 *prepared and adopted, and all changes therein, to be printed or*
28 *otherwise reproduced and distributed as the Commission shall*
29 *deem necessary, and the expense thereof must be certified by the*
30 *Commission, and must be paid by the City.*

31 *8. All selections of persons for employment or appointment or*
32 *promotion, in any department of the City within the provisions of*
33 *this Article, must be made in accordance with such rules and*
34 *regulations.*

35 *Section 71. Procedure for amendment, modification of rules*
36 *and regulations.*

37 *After the Commission has adopted rules and regulations, the*
38 *rules may be amended or modified by the Commission only after*
39 *the Commission has caused a notice containing the proposed*
40 *amendment or modification and specifying a time certain when*
41 *the Commission will meet and hear objections to the adoption of*
42 *such proposed amendment or modification. Such notice must be*
43 *given to the Council, the City Manager and to the head of each*
44 *department affected by such amendment or modification and be*
45 *posted on the bulletin board or in a conspicuous place accessible*



1 *to the employees in each department affected by such proposed*
2 *amendment or modification not less than 10 days before the date*
3 *of such meeting.*

4 *Sections 72.—89. (Reserved for expansion.)*

5 **ARTICLE VIII**

6 **Planning and Zoning**

7 **Section 90. Planning Commission; creation by**
8 **ordinance.**

9 **91. Tentative zoning map, ordinance; land use**
10 **plan.**

11 **92. Public parks, recreation areas, parking.**

12 **93. Areas for schools, playgrounds, public**
13 **uses.**

14 **94. Areas for parks.**

15 **95. Plans for future projects.**

16 **Section 90. Planning Commission; creation by ordinance.**

17 *The Council shall create by ordinance a Planning Commission*
18 *in accordance with the provisions of general law. The Planning*
19 *Commission has all of the powers and duties enumerated in such*
20 *law.*

21 **Section 91. Tentative zoning map, ordinance; land use plan.**

22 *1. Immediately upon the effective date of this Charter, the*
23 *Council shall enact a tentative zoning map and ordinance and a*
24 *subdivision ordinance.*

25 *2. Within 6 months after the effective date of this Charter, the*
26 *Council shall adopt a land use plan for the City.*

27 **Section 92. Public parks, recreation areas, parking.**

28 *All public parks, public recreation areas and publicly owned*
29 *off-street parking areas in existence at the time of incorporation,*
30 *must not be sold, leased or zoned for any other use without*
31 *approval of the majority of the voters voting at a special election or*
32 *primary or general municipal election or primary or general state*
33 *election.*

34 **Section 93. Areas for schools, playgrounds, public uses.**

35 *1. The Planning Commission shall set aside areas for public*
36 *school buildings and playgrounds.*

37 *2. Additional lands must be withheld and reserved for other*
38 *public use such as fire stations, power stations and off-street*
39 *parking.*

40 **Section 94. Areas for parks.**

41 *The Planning Commission shall set aside land for parks and*
42 *for open space.*

43 **Section 95. Plans for future projects.**

44 *The City Manager shall submit annually to the City Council,*
45 *not less than 6 months before the beginning of the fiscal year, a*



1 *list of recommended capital improvements which are necessary or*
2 *desirable for the forthcoming 4-year period.*

3 **ARTICLE IX**

4 **City Elections**

5 **Section 96. Conduct of city elections.**

6 **97. Conduct of elections.**

7 **98.—99. (Reserved for expansion.)**

8 **Section 96. Conduct of city elections.**

9 **1. All city elections must be nonpartisan in character and**
10 **must be conducted in accordance with the provisions of the**
11 **general election laws of the State of Nevada and any ordinance**
12 **regulations as adopted by the City Council which are consistent**
13 **with law and this Charter.**

14 **2. As of 2008, except as otherwise provided in subsection 5,**
15 **city primary elections must be held on the first Tuesday after the**
16 **first Monday in September of each even-numbered year.**

17 **3. On the Tuesday after the first Monday in November 2008,**
18 **and at each successive interval of 4 years, there must be elected by**
19 **the qualified voters of the city, at the general election, two**
20 **Councilmen, for terms of 4 years and until their successors have**
21 **been elected and qualified.**

22 **4. On the Tuesday after the first Monday in November 2010,**
23 **and at each successive interval of 4 years, there must be elected by**
24 **the qualified voters of the city, at the general election, a Mayor**
25 **and two Councilmen, for terms of 4 years and until their**
26 **successors have been elected and qualified.**

27 **5. A primary election must not be held if no more than double**
28 **the number of Councilmen to be elected file as candidates. A**
29 **primary election must not be held for the office of Mayor if no**
30 **more than two candidates file for that position. The primary**
31 **election must be held for the purpose of eliminating candidates in**
32 **excess of a figure double the number of Councilmen to be elected.**

33 **6. In each primary and general election, voters are entitled to**
34 **cast ballots for candidates in a number equal to the number of**
35 **seats to be filled in the city elections. Candidates receiving the**
36 **greatest respective number of votes must be declared elected to the**
37 **respective positions.**

38 **Section 97. Conduct of elections.**

39 **1. Except as otherwise provided by this Charter and by**
40 **ordinance, the provisions of the general election laws of the State**
41 **of Nevada apply to elections held under this Charter.**

42 **2. The conduct of all municipal elections is under the control**
43 **of the City Council, which shall adopt by ordinance all regulations**
44 **which it considers desirable and consistent with law and this**
45 **Charter. Nothing in this Charter may be construed as to deny or**



1 *abridge the power of the City Council to provide for supplemental*
2 *regulations for the prevention of fraud in such elections and for*
3 *the recount of ballots in cases of doubt or fraud.*

4 *Sections 98.—99. (Reserved for expansion.)*

5 **ARTICLE X**

6 **Initiative, Referendum and Recall**

7 **Section 100. Registered voters' power of initiative and**
8 **referendum concerning city**
9 **ordinances.**

10 **101. Initiative and referendum proceedings.**

11 **102. Results of election.**

12 **103. Repealing ordinances; publication.**

13 **104.—110. (Reserved for expansion.)**

14 **111. Recall of Councilmen.**

15 **Section 100. Registered voters' power of initiative and**
16 **referendum concerning city ordinances.**

17 **The registered voters of the City may:**

18 **1. Propose ordinances to the Council and, if the Council fails**
19 **to adopt an ordinance so proposed without change in substance, to**
20 **adopt or reject it at a primary or general municipal election or**
21 **primary or general state election.**

22 **2. Require reconsideration by the Council of any adopted**
23 **ordinance, and if the Council fails to repeal an ordinance so**
24 **considered, to approve or reject it as a primary or general**
25 **municipal election or primary or general state election.**

26 **Section 101. Initiative and referendum proceedings.**

27 **All initiative and referendum proceedings must be conducted in**
28 **conformance with the provisions of the Nevada Revised Statutes,**
29 **as amended from time to time.**

30 **Section 102. Results of election.**

31 **1. If a majority of the registered voters voting on a proposed**
32 **initiative ordinance vote in its favor, the ordinance must be**
33 **considered adopted upon certification of the results of the election**
34 **and must be treated in all respects in the same manner as**
35 **ordinances of the same kind adopted by the Council. If conflicting**
36 **ordinances are approved at the same election, the ordinance**
37 **receiving the greatest number of affirmative votes prevails to the**
38 **extent of the conflict.**

39 **2. If a majority of the registered voters voting on a referred**
40 **ordinance vote against it, the ordinance must be considered**
41 **repealed upon certification of the results of the election.**

42 **3. No initiative ordinance voted upon by the registered voters**
43 **or an initiative ordinance in substantially the same form as one**
44 **voted upon by the people, may again be placed on the ballot until**



1 *the next primary or general municipal election or primary or*
2 *general state election.*

3 *Section 103. Repealing ordinances; publication.*

4 *Initiative and referendum ordinances adopted or approved by*
5 *the voters may be published, and must not be amended or repealed*
6 *by the Council, as in the case of other ordinances.*

7 *Sections 104.—110. (Reserved for expansion.)*

8 *Section 111. Recall of Councilmen.*

9 *As provided by the general laws of this State, every Councilman*
10 *is subject to recall from office.*

11 *ARTICLE XI*

12 *General Provisions*

13 *Section 112.—114. (Reserved for expansion.)*

14 *115. Personal interest.*

15 *116. Official bonds.*

16 *117. Oath of office.*

17 *118. Amending the Charter.*

18 *119. Construction of Charter; separability of*
19 *provisions.*

20 *120.—121. (Reserved for expansion.)*

21 *Sections 112.—114. (Reserved for expansion.)*

22 *Section 115. Personal interest.*

23 *1. No elective or appointive officer shall take any official*
24 *action on any contract or other matter in which he has any*
25 *financial interest.*

26 *2. A violation of the provisions of this section constitutes a*
27 *misdemeanor, subject to a penalty not to exceed the penalties*
28 *specified for misdemeanors under applicable provisions of Nevada*
29 *Revised Statutes in effect at the time of such violation.*

30 *Section 116. Official bonds.*

31 *1. The City Manager and such other officers or employees as*
32 *the Council may by general ordinance require so to do shall give*
33 *bond in such amount and with such surety as may be approved by*
34 *the Council.*

35 *2. The premiums on such bonds must be paid by the City.*

36 *Section 117. Oath of Office.*

37 *Every officer of the City shall, before entering upon the duties*
38 *of his office, take and subscribe to the official oath of office of the*
39 *State of Nevada:*

40
41 *“I, _____, do solemnly swear (or affirm) that I will*
42 *support, protect and defend the Constitution and Government of*
43 *the United States and the Constitution and Government of the*
44 *State of Nevada, against all enemies, whether domestic or foreign,*
45 *and that I will bear true faith, allegiance and loyalty to the same,*



1 *any Ordinance, Resolution or Law of any State notwithstanding,*
2 *and I will well and faithfully perform all the duties of the office of*
3 *_____ on which I am about to enter; (if any oath) so help*
4 *me God; (if any affirmation) under the pains and penalties of*
5 *perjury.”*

6
7 *Section 118. Amending the Charter.*

8 *1. An amendment to this Charter:*

9 *(a) May be made by the Legislature:*

10 *(1) Directly by the use of mandatory specific wording; or*
11 *(2) Indirectly by the use of wording allowing flexibility in*
12 *expressing the required change.*

13 *(b) May be proposed by the City Council and submitted to the*
14 *registered voters of the City at a special election or the next*
15 *primary or general city election or primary or general state*
16 *election.*

17 *(c) May be proposed by a petition signed by registered voters of*
18 *the City equal in number to 15 percent or more of the voters who*
19 *voted at the latest preceding general city election and submitted to*
20 *registered voters of the City at a special election or at the next*
21 *primary or general city election or primary or general state*
22 *election.*

23 *2. If a statute is enacted by the Legislature pursuant to:*

24 *(a) Subparagraph (1) of paragraph (a) of subsection 1, such*
25 *an amendment is not subject to public approval and must be*
26 *included in the Charter and identified as having been amended by*
27 *the particular statute involved.*

28 *(b) Subparagraph (2) of paragraph (a) of subsection 1, the*
29 *City Council shall propose a suitable amendment to be submitted*
30 *to the registered voters of the City. If such a proposed amendment*
31 *is not adopted by the voters, it must be redrafted and resubmitted*
32 *to the voters at one or more special, primary or general city*
33 *elections or primary or general state elections until an amendment*
34 *is adopted.*

35 *3. A special election may be held only if the City Council*
36 *determines, by a unanimous vote, that an emergency exists. The*
37 *determination made by the City Council is conclusive unless it is*
38 *shown that the City Council acted with fraud or a gross abuse of*
39 *discretion. An action to challenge the determination made by the*
40 *City Council must be commenced within 15 days after the*
41 *determination made by the City Council is final.*

42 *4. The City Attorney shall draft any amendment proposed*
43 *pursuant to paragraph (b) of subsection 1 or paragraph (b) of*
44 *subsection 2 or, if such a proposed amendment has been*
45 *previously drafted, the City Attorney shall review the previous*



1 *draft and recommend to the Council any suggested changes or*
2 *corrections.*

3 5. *The City Attorney shall, upon request, review any*
4 *amendment intended to be proposed by petition pursuant to*
5 *paragraph (c) of subsection 1, make only such corrections as are*
6 *agreed to by the proposers and report to the City Council his*
7 *analysis of the significance and potential effects of the proposed*
8 *amendment.*

9 6. *A petition for amendment must be in the form specified by*
10 *state law for city initiative petitions, and must be filed with the City*
11 *Clerk not later than 6 months before the date of the primary or*
12 *general city election or primary or general state election at which*
13 *the proposed amendment is to be submitted to the voters of the*
14 *City.*

15 7. *If an amendment is adopted by the registered voters of the*
16 *City, the City Clerk shall, within 30 days thereafter, transmit a*
17 *certified copy of the amendment to the Legislative Counsel.*

18 8. *As used in subsection 3, “emergency” means any*
19 *unexpected occurrence or combination of occurrences which*
20 *requires immediate action by the City Council to prevent or*
21 *mitigate a substantial financial loss to the City or to enable the*
22 *City Council to provide an essential service to the residents of the*
23 *City.*

24 *Section 119. Construction of Charter; separability of*
25 *provisions.*

26 1. *The descriptive headings or catch lines immediately*
27 *preceding or within the texts of individual sections, except the*
28 *section numbers included in the headings or catch lines*
29 *immediately preceding the text of such sections, do not constitute*
30 *part of the Charter.*

31 2. *Whenever any reference is made to any portion of the*
32 *Nevada Revised Statutes or of any other law of the State or of the*
33 *United States, such reference applies to all amendments and*
34 *additions thereto now or hereafter made.*

35 3. *If any section or part of a section of this Charter is held*
36 *invalid by a court of competent jurisdiction, such holding does not*
37 *affect the remainder of this Charter nor the context in which such*
38 *section or part of section so held invalid may appear, except to the*
39 *extent that an entire section or part of section may be inseparably*
40 *connected in meaning and effect with the section or part of section*
41 *to which such holding directly applies.*

42 *Sections 120.—121. (Reserved for expansion.)*



ARTICLE XII

Municipal Court

Section 122. Municipal Court created; power.

123. Municipal Judge: Bond.

124.—126. (Reserved for expansion.)

Section 122. Municipal Court created; power.

There is hereby created and established in and for Sierra Hills, a Municipal Court, which is vested with the judicial power of the City for municipal purposes.

Section 123. Municipal Judge: Bond.

The Municipal Judge shall, before entering upon the discharge of his duties, make and execute to the City a good and sufficient bond in such sum and condition as the Council may prescribe.

Sections 124.—126. (Reserved for expansion.)

ARTICLE XIII

Intoxicating Liquors

Section 127. Sale of intoxicating liquors.

128. (Reserved for expansion.)

129. (Reserved for expansion.)

Section 127. Sale of intoxicating liquors.

The City Council may authorize the sale of intoxicating liquors in accordance with and within the limitations of the laws of the State of Nevada.

Section 128. (Reserved for expansion.)

Section 129. (Reserved for expansion.)

ARTICLE XIV

Public Utilities

Section 130. Granting of franchises.

131. Conditions and transfer of franchises.

132. Rates; annual cost of service and sliding scale basis.

133. Records and proceedings.

134. Condemnation.

135. Establishment of municipally owned and operated utilities.

136. Municipal utility organizations.

137. Financial provisions.

138. Sale of public utilities; proviso.

139.—143. (Reserved for expansion.)

Section 130. Granting of franchises.

The City has power to grant a franchise to any private corporation or public entity for the use of streets and other public places in the furnishing of any public utility service to the City and to its inhabitants. All franchises and any renewals, extensions and amendments thereto may be granted only by ordinance. The City



1 *has the power as one of the conditions of granting any franchise,*
2 *to impose a franchise tax, either for the purpose of license or for*
3 *revenue.*

4 *Section 131. Conditions and transfer of franchises.*

5 *1. Every franchise or renewal, extension or amendment of a*
6 *franchise hereafter granted must:*

7 *(a) Impose upon the utility the duty to furnish proper service at*
8 *minimum attainable cost under proper organization and efficient*
9 *management. The City may issue such orders with respect to*
10 *safety and other matters as may be necessary or desirable for the*
11 *community.*

12 *(b) Reserve to the City the right to make all future regulations*
13 *or ordinances deemed necessary for the preservation of the health,*
14 *safety and public welfare of the City, including, without limitation,*
15 *regulations concerning the imposition of uniform codes upon the*
16 *utilities, standards and rules concerning the excavations and use*
17 *to which the streets, alleys and public thoroughfares may be put,*
18 *and regulations concerning placement of easement improvements*
19 *such as poles, valves and hydrants.*

20 *2. No franchise may be transferred hereafter by any utility to*
21 *another without the approval of the Council, and as a condition to*
22 *such approval, the successor in interest to the franchise must*
23 *execute a written agreement containing a covenant that it will*
24 *comply with all the terms and conditions of the franchise then in*
25 *existence, together with any other terms, conditions and*
26 *regulations and ordinances which the City, or its agencies, may*
27 *wish to impose.*

28 *Section 132. Rates; annual cost of service and sliding scale*
29 *basis.*

30 *The Council shall enact proper ordinances and shall prosecute*
31 *or cause to be prosecuted all appropriate proceedings before the*
32 *Public Utilities Commission of Nevada to secure fair rates for*
33 *consumers at large and for the City.*

34 *Section 133. Records and proceedings.*

35 *1. The Council shall establish or designate an agency of the*
36 *City Government which shall assemble the facts which are*
37 *essential to proper determination of cost of service and the fixing*
38 *of reasonable rates. Such agency shall create and maintain an*
39 *inventory of the property used in public service, the cost of such*
40 *properties as actually and reasonably incurred or as fixed by*
41 *appraisal additions and retirements made each year, the*
42 *depreciation, and all matters that enter into the periodical*
43 *readjustment of the rate base. The agency shall conduct all*
44 *inspections and examinations of public utility properties accounts*
45 *and records necessary or appropriate to carry out the provisions of*



1 *this Charter. At the close of each calendar or fiscal year, the*
2 *agency shall make a comprehensive report and recommendations*
3 *to the City Manager and the Council. Every public utility*
4 *operating within the City shall furnish to such agency regular*
5 *reports as to capital outlay, property retirements, operating*
6 *revenues, operating expenses, taxes and other accounting matters*
7 *according to the standard accounting classification issued for*
8 *such utilities by the Public Utilities Commission of Nevada. In*
9 *addition, the City may require reports regarding salaries, wages,*
10 *employees, contracts, service performance and all other records of*
11 *operation that pertain to proper rate adjustments on the basis of*
12 *facts and regular administration.*

13 *2. The agency established or designated by the Council shall*
14 *also make appropriate efforts to obtain proper annual revision of*
15 *rates of private utilities which do not operate under the franchise*
16 *terms of this Charter and which are not subject to municipal*
17 *regulation by general law. It may initially obtain proper surveys of*
18 *operating expenses, taxes and other charges, and of the net capital*
19 *investment in the properties used in public service within the City,*
20 *and thereupon may endeavor, through negotiation with the utility,*
21 *to obtain proper rate adjustments. If it cannot obtain due*
22 *agreement, the agency shall file a complaint and petition with the*
23 *Public Utilities Commission of Nevada for a formal rate inquiry.*
24 *In such proceeding, the agency shall represent the consumers at*
25 *large and shall prepare and present in legal form all the evidence*
26 *with respect to cost of service and other elements as required in*
27 *the public interest. The agency shall obtain all requisite data for*
28 *successive rate revisions, and at the end of each calendar or fiscal*
29 *year, it shall endeavor to secure any revision of rates indicated by*
30 *the showing of facts, and if necessary shall proceed again with a*
31 *request for formal inquiry by the Public Utilities Commission of*
32 *Nevada.*

33 *Section 134. Condemnation.*

34 *The City, by ordinance, may condemn the property of any*
35 *public utility. The public utility must receive just compensation for*
36 *the taking of its property.*

37 *Section 135. Establishment of municipally owned and*
38 *operated utilities.*

39 *1. The City may own and operate any public utility, to*
40 *construct and install all facilities that are reasonably needed, and*
41 *to lease or purchase any existing utility properties used and useful*
42 *in public service.*

43 *2. The City may also furnish service in adjacent and nearby*
44 *communities which may be conveniently and economically served*
45 *by the municipally owned and operated utility, subject to:*



- (a) *Agreements with such communities; and*
- (b) *Provisions of state law.*

3. *The Council may provide by ordinance for the establishment of such utility, or for any extension, enlargement, or improvement of an existing utility may be enacted as a matter of general municipal administration. The City shall have the power to execute long-term contracts for the purpose of augmenting the services of existing municipally owned utilities. Such contracts may be passed only in the form of ordinances and may exceed in length the terms of office of the members of the Council.*

Section 136. Municipal utility organizations.

1. *The Council may provide for the establishment of a separate department to administer the utility function, including, without limitation, the regulation of privately owned and operated utilities and the operation of municipally owned utilities. Such a department shall keep separate financial and accounting records for each municipally owned and operated utility and before February 1 of each fiscal year, shall prepare for the City Manager in accordance with his specifications a comprehensive report of each utility. The responsible departments or officer shall endeavor to make each utility financially self-sustaining, unless the Council shall by ordinance adopt a different policy. All net profits derived from municipally owned and operated utilities may be expended in the discretion of the Council for general municipal purposes.*

2. *The rates for the products and services of any municipally owned and operated utility may only be established, reduced, altered or increased by resolution of the City Council following a public hearing.*

Section 137. Financial provisions.

The City may finance the acquisition of utility properties, the purchase of land, and the cost of all construction and property installation for utility purposes by borrowing in accordance with the provisions of general law. Appropriate provisions must be made, however, for the amortization and retirement of all bonds within a maximum period of 40 years. Such amortization and retirement may be effected through the use of depreciation funds or other financial resources provided through the earnings of the utility.

Section 138. Sale of public utilities; proviso.

1. *No public utility of any kind, after having been acquired by the City, may thereafter be sold or leased by the City, unless the proposition for the sale or lease has been submitted to the electors of the City at a special election or primary or general municipal election or primary or general state election. After a majority vote of those electors in favor of the sale, the sale may not be made*



1 *except after 30 days' published notice thereof, except that the*
2 *provisions of this section do not apply to a sale by the Council of*
3 *parts, equipment, trucks, engines and tools, which have become*
4 *obsolete or worn out, any of which equipment may be sold by the*
5 *Council in the regular course of business.*

6 2. *A special election may be held only if the City Council*
7 *determines, by a unanimous vote, that an emergency exists. The*
8 *determination made by the City Council is conclusive unless it is*
9 *shown that the City Council acted with fraud or a gross abuse of*
10 *discretion. An action to challenge the determination made by the*
11 *City Council must be commenced within 15 days after the City*
12 *Council's determination is final.*

13 3. *As used in subsection 2, "emergency" means any*
14 *unexpected occurrence or combination of occurrences which*
15 *requires immediate action by the City Council to prevent or*
16 *mitigate a substantial financial loss to the City or to enable the*
17 *City Council to provide an essential service to the residents of the*
18 *City.*

19 *Sections 139.—143. (Reserved for expansion.)*

20 **Sec. 2.** 1. The County Clerk of Douglas County shall cause
21 an election to be held within the city limits described in Section 1 of
22 the City Charter of Sierra Hills among the qualified voters on the
23 question of ratification of this Charter. The election to ratify this
24 Charter must be scheduled for the first Tuesday after the first
25 Monday of November in the year 2005. The ballot question for that
26 ratification election must read: "Shall the Charter for the City of
27 Sierra Hills, Nevada, be ratified?"

28 2. The results of the election required pursuant to subsection 1
29 must be certified by the County Clerk of Douglas County.

30 **Sec. 3.** 1. Upon certification of the results of the election
31 held pursuant to section 2 of this act, and if the results are
32 affirmative, the County Clerk of Douglas County shall schedule an
33 election for the purposes of selecting the Mayor and four
34 Councilmen of the City of Sierra Hills. Such election must be
35 scheduled for the first Tuesday after the first Monday of February in
36 the year 2006.

37 2. Two Councilmen elected pursuant to subsection 1 shall
38 serve until their successors have been elected and qualified pursuant
39 to subsection 3 of section 96 of this Charter. Two Councilmen
40 elected pursuant to subsection 1 shall serve until their successors
41 have been elected and qualified pursuant to subsection 4 of section
42 96 of this Charter.

43 3. A person who files a declaration of candidacy for the office
44 of Councilman in the election held pursuant to subsection 1 must
45 specify:



1 (a) That he is seeking the Councilman position whose term of
2 office runs until a successor has been elected and qualified pursuant
3 to subsection 3 of section 96 of this Charter; or

4 (b) That he is seeking the Councilman position whose term of
5 office runs until a successor has been elected and qualified pursuant
6 to subsection 4 of section 96 of this Charter.

7 4. The Mayor elected pursuant to subsection 1 shall hold office
8 until a successor has been elected and qualified pursuant to
9 subsection 4 of section 96 of this Charter.

10 5. The results of the election required pursuant to subsection 1
11 must be certified by the County Clerk of Douglas County.

12 6. The Mayor and the Councilmen elected pursuant to
13 subsection 1 must be seated, an oath of office administered, the
14 respective terms of office commenced, and the regular meetings
15 of the City Government held as of the first meeting of the Sierra
16 Hills, Nevada, City Council, scheduled for the first Wednesday of
17 March, 2006, with the powers of this elected body limited only as
18 by the Nevada Revised Statutes during the period before the
19 effectiveness date of incorporation.

20 **Sec. 4.** 1. Upon certification of the election of Mayor and
21 Council pursuant to section 3 of this act and continuing until July 1,
22 2006, the Council may:

23 (a) Prepare and adopt a budget;

24 (b) Adopt ordinances, including an ordinance fixing the salaries
25 of the officers;

26 (c) Levy a tax ad valorem on property within the area of the
27 City, at the time and in the amount prescribed by law for cities, for
28 the fiscal year beginning on the date the incorporation of the City
29 becomes effective, provided, however, that no ad valorem tax rate
30 set by the City will be higher than the ad valorem tax rate effective
31 within the city limits on the date of the election for Mayor and
32 Council;

33 (d) Negotiate an equitable apportionment of the fixed assets of
34 Douglas County pursuant to NRS 266.044;

35 (e) Negotiate with the Indian Hills General Improvement
36 District for the programmed merger of that District, in its entirety,
37 into the City, provided that the execution of that merger commences
38 at the date of the effectiveness of incorporation and be completely
39 concluded within one calendar year thereafter;

40 (f) Negotiate contracts for the employment of personnel;

41 (g) Negotiate contracts to provide services for the City,
42 including those services provided for by chapter 277 of NRS; and

43 (h) Negotiate contracts for the purchase of equipment, materials
44 and supplies.



1 **Sec. 5.** 1. The costs of conducting the election required
2 pursuant to section 2 of this act, including, without limitation, the
3 copying and mailing of sample ballots must be paid by:

4 (a) If the incorporation is disapproved by the voters, Douglas
5 County; and

6 (b) If the incorporation is approved by the voters, the City of
7 Sierra Hills.

8 2. The costs related to incorporating the City of Sierra Hills,
9 including, without limitation, the costs incurred in conducting the
10 election required pursuant to section 3 of this act, must be paid by
11 the City of Sierra Hills.

12 **Sec. 6.** 1. This section and sections 2 to 5, inclusive, of this
13 act become effective upon passage and approval.

14 2. Section 1 of this act becomes effective on July 1, 2006, if the
15 qualified voters of the area described in subsection 2 of section 1 of
16 the City Charter of Sierra Hills vote to ratify this Charter in the
17 election held pursuant to section 2 of this act.

