

SENATE BILL NO. 121—SENATOR RHODS

FEBRUARY 20, 2007

Referred to Committee on Government Affairs

SUMMARY—Amends the Charter of the City of Carlin to change the time for election of certain officers. (BDR S-312)

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 relating to the City of Carlin; providing for the general municipal election to be held on the date for the state general election; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 The existing Charter of the City of Carlin provides that the general municipal  
2 election occurs on the Tuesday after the first Monday in June of odd-numbered  
3 years. (Carlin City Charter § 5.010) This bill amends the Charter to change the date  
4 for the general municipal election to coincide with the date for the state general  
5 election which is held in November of even-numbered years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Section 1.060 of the Charter of the City of Carlin,  
2 being chapter 344, Statutes of Nevada 1971, as last amended by  
3 chapter 515, Statutes of Nevada 1997, at page 2449, is hereby  
4 amended to read as follows:

5 Sec. 1.060 Elective offices: Vacancies. Except as  
6 otherwise provided in NRS 268.325:

7 1. A vacancy in the Board of Councilmen or in the office  
8 of Mayor must be filled by a majority vote of the members of  
9 the Board of Councilmen within 30 days after the occurrence



of the vacancy. A person may be selected to fill a prospective vacancy in the Board before the vacancy occurs. In such a case, each member of the Board, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Board pursuant to this section. The appointee must have the same qualifications as are required of the elective official.

2. No such appointment extends beyond the first Monday in ~~July~~ **January** after the next municipal election, at which election the ~~office~~ :

(a) **Office** must be filled for the remaining unexpired term ~~H~~; or

(b) **Successor to the previously vacated seat will be selected,**

**as appropriate.**

**Sec. 2.** Section 2.010 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as amended by chapter 98, Statutes of Nevada 1977, at page 203, is hereby amended to read as follows:

Sec. 2.010 Board of Councilmen: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a Board of Councilmen consisting of four Councilmen and a Mayor.

2. The Mayor and Councilmen ~~shall~~ **must** be:

(a) Bona fide residents of the City for at least 2 years prior to their election.

(b) Qualified electors within the City.

3. All Councilmen, including the Mayor, ~~shall~~ **must** be voted upon by the registered voters of the City at large and , **except as otherwise provided in section 5.010**, shall serve for terms of 4 years.

4. The Mayor and Councilmen first holding office under this Charter shall each receive a monthly salary of \$35 during the terms for which they were elected, selected or appointed. Thereafter, subject to the provisions of subsection 5 of section 2.090, the Mayor and Councilmen shall receive a salary in an amount fixed by the Board of Councilmen.

**Sec. 3.** Section 5.010 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 615, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. On the Tuesday after the ~~1st~~ **first** Monday in June ~~1973, and at each successive interval of 4 years thereafter,~~ **2007**, there ~~shall~~ **must** be elected by the qualified voters of the City, at a general election to be held for that purpose, two



Councilmen ~~{who shall}~~ , *both of whom* hold office ~~{for a period of 4 years and}~~ until their successors have been elected and qualified ~~{}~~ *pursuant to subsection 3.*

2. On the Tuesday after the ~~{1st}~~ *first* Monday in June ~~{1975, and at each successive interval of 4 years thereafter,}~~ *2007*, there ~~{shall}~~ *must* be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen, ~~{who shall}~~ *all of whom* hold office ~~{for a period of 4 years and}~~ until their successors have been elected and qualified ~~{}~~ *pursuant to subsection 4.*

3. *On the Tuesday after the first Monday in November 2008, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, two Councilmen, both of whom hold office for a period of 4 years and until their successors have been elected and qualified.*

4. *On the Tuesday after the first Monday in November 2010, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and two Councilmen, all of whom hold office for a period of 4 years and until their successors have been elected and qualified.*

**Sec. 4.** Section 5.090 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

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

1. The election returns from any municipal election shall be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person ~~{shall be}~~ *is* permitted to handle, inspect or in any manner interfere with such returns until canvassed by the Board of Councilmen.

2. The Board of Councilmen shall meet on the first Tuesday after any election and canvass the returns and declare the result. The election returns ~~{shall}~~ *must* then be sealed and kept by the City Clerk for 6 months, and no person shall have access thereto except on order of a court of competent jurisdiction or by order of the Board of Councilmen.

3. The City Clerk, under his hand and official seal, shall issue to each person declared to be elected a certificate of election. The officers so elected shall qualify and enter upon



the discharge of their respective duties on the ~~1st~~ first Monday in :

(a) July next following their election ~~H~~ for those officers elected in June 2007.

(b) January next following their election for those officers elected in November 2008 and November of every even-numbered year thereafter.

4. If any election should result in a tie, the Board of Councilmen shall summon the candidates who received the tie vote and determine the tie by lot. The Clerk shall then issue to the winner a certificate of election.

**Sec. 5.** Section 9.030 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 620, is hereby repealed.

**Sec. 6.** This act becomes effective upon passage and approval and applies to the general election to be held on June 5, 2007.

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#### TEXT OF REPEALED SECTION

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**Sec. 9.030 Designation of first Board of Councilmen, Mayor under Charter; Office of Treasurer of unincorporated town abolished.**

1. Notwithstanding the provisions of any other law:

(a) The three Town Commissioners elected at the election held in the incorporated Town of Carlin on May 4, 1971, pursuant to the provisions of article VIII of the Charter of the unincorporated town of Carlin adopted in 1925 shall hold office as Councilmen of the City (or Mayor as hereinafter provided for) until the 1st Monday in July 1975.

(b) The two Town Commissioners elected at the election held in the incorporated Town of Carlin on the 1st Tuesday after the 1st Monday in May 1969 (or their successors appointed pursuant to the Charter of the unincorporated town) shall hold office as Councilmen of the City until the 1st Monday in July 1973.

(c) A vacancy in the Board of Councilmen or in the office of Mayor shall be filled as provided in section 1.060 of this Charter.

2. At the regular meeting of the Board of Councilmen held in July 1971, the three Town Commissioners elected at the town election held May 4, 1971, shall select one of their number, by lot or otherwise, as Mayor of the City of Carlin. Thereafter such Commissioner shall bear the title of Mayor and shall possess all the powers and perform all the duties of Mayor provided for in this



Charter. His term of office as Mayor shall expire on the 1st Monday in July 1975.

3. The Office of Town Treasurer is abolished effective July 1, 1971.

