

SENATE BILL NO. 122—SENATOR RHODS

FEBRUARY 20, 2007

Referred to Committee on Government Affairs

SUMMARY—Amends the Charter of the City of Wells to change the time for election of certain officers. (BDR S-292)

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 Wells; 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 Wells provides that the general municipal
2 election occurs on the Tuesday after the first Monday in June of odd-numbered
3 years. (Wells 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 Wells,
2 being chapter 275, Statutes of Nevada 1971, as last amended by
3 chapter 515, Statutes of Nevada 1997, at page 2453, 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
10 of the vacancy. A person may be selected to fill a prospective



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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 :

(a) July after the next municipal election, *for appointments to offices that were on the ballot in June 2005 or 2007; and*

(b) *January after the next municipal election, for appointments to offices that were on the ballot in June 2009, November 2010 or any subsequent even-numbered year,*

↳ at which election the office must be filled for the remaining unexpired term ~~{ }~~ *or the successor to the previously vacated seat will be selected, as appropriate.*

Sec. 2. Section 2.010 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 212, 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 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 Wells, being chapter 275, Statutes of Nevada 1971, at page 469, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. 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 one Councilman, ~~{who shall}~~ *both of whom* hold



office ~~for a period of 4 years and~~ until their successors have been elected and qualified ~~for~~ *pursuant to subsection 3.*

2. On the Tuesday after the ~~1st~~ *first* Monday in June ~~1977, and at each successive interval of 4 years thereafter,~~ *2009*, there ~~shall~~ *must* be elected by the qualified voters of the City, at a general election to be held for that purpose, three Councilmen, ~~who shall~~ *all of whom* hold office ~~for a period of 4 years and~~ until their successors have been elected and qualified ~~for~~ *pursuant to subsection 4.*

3. *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 one Councilman, 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 2012, 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, three 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 Wells, being chapter 275, Statutes of Nevada 1971, at page 470, 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~~ *must* 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 ~~1st~~ *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 :



1 (a) July next following their election ~~H~~ *for those officers*
2 *elected in June 2007 or 2009.*

3 (b) *January next following their election for those*
4 *officers elected in November 2010 and every even-numbered*
5 *year thereafter.*

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

10 **Sec. 5.** Section 10.010 of the Charter of the City of Wells,
11 being chapter 431, Statutes of Nevada 1973, at page 626, is hereby
12 repealed.

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

TEXT OF REPEALED SECTION

Sec. 10.010 Continuation of certain officers.

1. The Councilman elected at large to a 4-year term at the general municipal election held June 3, 1969, shall continue in office as a Councilman until the election, and qualification thereafter, of his successor at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successor shall serve a 4-year term until the election, and qualification thereafter, in turn, of his successor pursuant to subsection 2 of section 5.010.

2. The two Councilmen elected at large for 2-year terms each at the general municipal election held June 8, 1971, shall continue in office as Councilmen until the election, and qualification thereafter, of their successors at the general municipal election to be held on the first Tuesday after the first Monday of June, 1973. The successors shall each serve a 4-year term until the election, and qualification thereafter, in turn, of their successors pursuant to subsection 2 of section 5.010.

3. The Councilman elected at large to a 4-year term at the general municipal election held June 8, 1971, shall continue in office as a Councilman until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.



4. The Mayor, elected to a 4-year term at the general municipal election held June 8, 1971, shall continue in the office of Mayor until the election, and qualification thereafter, of his successor pursuant to subsection 1 of section 5.010.

