

SENATE BILL NO. 447—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CARSON CITY)

MARCH 26, 2007

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to the Charter of Carson City. (BDR S-324)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Charter of Carson City; revising the authority of Carson City to provide water service; increasing the number of persons employed in the Office of the Sheriff of Carson City who are exempt from the Merit Personnel System; providing that in a vacancy in the Office of Mayor that the Mayor Pro Tempore shall serve as Mayor until the next general election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Supervisors of Carson City to acquire, improve, equip, operate and maintain a water project. (Carson City Charter § 2.275) **Section 1** of this bill amends this provision to set forth the specific powers of the Board to provide adequate and efficient water service to the residents of Carson City.

Existing law requires the Board of Supervisors to establish a Merit Personnel System. Currently, five employees in the Office of the Sheriff are exempt from the System. (Carson City Charter § 2.330) **Section 2** of this bill increases that number to six.

Existing law provides that the Board of Supervisors shall elect one of its members to serve as Mayor Pro Tempore. (Carson City Charter § 3.015) **Section 3** of this bill provides that if the Office of Mayor becomes vacant, the Mayor Pro Tempore shall serve as Mayor until the next general election.



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

Section 1. Section 2.275 of the Charter of Carson City, being chapter 92, Statutes of Nevada 1979, at page 147, is hereby amended to read as follows:

Sec. 2.275 Power of Board: ~~[Water project.]~~ *Provision of adequate and efficient water service.*

~~[1.]~~ The Board may ~~[at any time or from time to time acquire, improve, equip, operate and maintain a water project within or without or both within and without Carson City.~~

~~— 2. As used in subsection 1, “water project” means facilities pertaining to a municipal water system for the collection, transportation, treatment, purification and distribution of water, including without limitation springs, wells, ponds, lakes, other raw water sources, basin cribs, dams, spillways, retarding basins, detention basins, reservoirs, towers, other storage facilities, pumping plants, infiltration galleries, filtration plants, purification systems, other water treatment facilities, power plants, waterwork plants, pumping stations, gauging stations, ventilating facilities, stream gauges, rain gauges, valves, stand pipes, connections, hydrants, conduits, flumes, sluices, canals, channels, ditches, pipes, lines, laterals, service pipes, force mains, submains, syphons, other water transmission and distribution mains, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings and other facilities for the acquisition, transportation, treatment, purification and distribution of untreated water or potable water for domestic, commercial and industrial use and irrigation (or any combination thereof).]~~ , *for the purpose of providing adequate and efficient water service to the residents of Carson City for all legitimate uses, including, without limitation, industrial, irrigation, municipal and domestic:*

1. Acquire, by purchase, grant, gift, devise, lease, construction, contract or otherwise, land, rights-of-way, easements, privileges, water and water rights, and property of every kind, whether real or personal, for the purpose of constructing, maintaining and operating, within or without Carson City, any and all works and improvements necessary or proper for the provision of adequate and efficient water service.

2. Sell, lease, encumber, hypothecate or otherwise dispose of property, whether real or personal, including,



without limitation, water and water rights, as is necessary or proper for the provision of adequate and efficient water service.

3. Lawfully enter upon any land, to make surveys and locate any necessary improvements, including, without limitation, lines for channels, conduits, canals, pipelines, roadways and other rights-of-way, to acquire property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of such improvements, including, without limitation, works constructed and being constructed by private owners, lands for reservoirs for the storage of necessary water, and all necessary appurtenances, and, where necessary, acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions or other rights.

4. Enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county or district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the joint acquisition, construction, lease, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which may be lawfully acquired or owned by Carson City.

5. Acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by Carson City, and grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of Carson City, or to carry such water through any tunnel, canal, ditch or conduit of Carson City.

6. Enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or natural person, or any number of them, for the transfer or delivery to any district, corporation, association, firm or natural person of any water right or water pumped, stored, appropriated or otherwise acquired or secured for the use of Carson City, or for the purpose of exchanging the water or water right for any other water, water right or water supply to be delivered to Carson City by the other party to the agreement.

7. Cooperate and act in conjunction with the State of Nevada or any of its engineers, officers, boards,



commissions, departments or agencies, with the government of the United States or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, to construct any work for the development, importation or distribution of water of Carson City, for the protection of life or property therein, or for the conservation of its water for beneficial use within Carson City, or to carry out any other works, acts or purposes provided for in this section, and to adopt and carry out any definite plan or system of work for any of the purposes described in this section.

8. Store water in surface or underground reservoirs within or without Carson City for the common benefit of Carson City, conserve and reclaim water for present and future use within Carson City, appropriate and acquire water and water rights and import water into Carson City for any useful purpose to Carson City, and commence, maintain, intervene and compromise in the name of Carson City, or otherwise, and assume the costs and expenses of any action or proceeding involving or affecting:

(a) The ownership or use of water or water rights within or without Carson City used or useful for any purpose of Carson City or of common benefit to any land situated therein;

(b) The wasteful use of water within Carson City;

(c) The interference with or diminution of water or water rights within Carson City;

(d) The contamination or pollution of the surface or subsurface water used in Carson City or any other act that otherwise renders such water unfit for beneficial use; and

(e) The interference with this water that may endanger or damage the residents, lands or use of water in Carson City.

9. Sell and distribute water under the control of Carson City, without preference, to any natural person, firm, corporation, association, district, agency or inhabitant, public or private, for use within the service area, to fix, establish and adjust rates, classes of rates, terms and conditions for the sale and use of such water, and sell water for use outside the service area upon a finding by the Board that there is a surplus of water above that amount required to serve customers within the service area.

10. Supplement the surface water and groundwater resources of Carson City by the importation and use of water from other sources.



11. *Restrict the use of water of Carson City during any emergency caused by drought or other threatened or existing water shortage, and prohibit the waste of water of Carson City at any time through the adoption of ordinances, rules or regulations and the imposition of fines for violations of those ordinances, rules and regulations.*

12. *Supply water under contract or agreement, or in any other manner, to the United States or any department or agency thereof, the State of Nevada, or any corporation, association, partnership or natural person situated in Carson City, for an appropriate charge, consideration or exchange made therefore, when such supply is available or can be developed as an incident of or in connection with the primary functions and operations of Carson City.*

Sec. 2. Section 2.330 of the Charter of Carson City, being chapter 690, Statutes of Nevada 1979, at page 1857, is hereby amended to read as follows:

Sec. 2.330 Employees: Merit Personnel System.

1. The Board of Supervisors shall establish a Merit Personnel System for all employees of Carson City except those exempted under the provisions of subsection 4.

2. The Board of Supervisors shall administer this section through the adoption of appropriate regulations which shall provide for:

(a) The classification of all positions, not exempt from the Merit Personnel System, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whatsoever whenever warranted by changed circumstances.

(b) A pay plan for all employees, including exempt employees other than elected officers that are covered in NRS 245.043.

(c) Policies and procedures for regulating reduction in force and the removal of employees.

(d) Hours of work, attendance regulations and provisions for sick and vacation leave.

(e) Policies and procedures governing persons holding temporary or provisional appointments.

(f) Policies and procedures governing relationships with employees and employee organizations.

(g) Policies concerning employee training and development.

(h) Grievance procedures.

(i) Other policies and procedures necessary for the administration of a Merit Personnel System.



3. In the event of a conflict between the policies and procedures adopted pursuant to this section and the provisions of a collective bargaining agreement entered into pursuant to chapter 288 of NRS, the provisions of the agreement prevail.

4. There are exempted from the provisions of this section:

(a) The Manager and all department heads, elected or appointed;

(b) All deputy district attorneys;

(c) Not more than ~~five supervisory deputy sheriffs;~~ *six employees in the Office of the Sheriff, as designated by the Sheriff;* and

(d) ~~No~~ *Not* more than two deputies each in the offices of the Clerk, the Treasurer, the Recorder, the Assessor, and any other department created by this Charter or by ordinance.

Sec. 3. Section 3.015 of the Charter of Carson City, being chapter 690, Statutes of Nevada 1979, as amended by chapter 58, Statutes of Nevada 1981, at page 150, is hereby amended to read as follows:

Sec. 3.015 Mayor Pro Tempore: Selection; duties. The Board shall elect one of its members, for such term as the Board determines, to be Mayor Pro Tempore. He shall:

1. Hold the office and title at all times during the term for which he was elected without additional compensation.

2. Perform the duties of Mayor during the absence or disability of the Mayor.

3. Act as Mayor until the next general election if the Office of Mayor becomes vacant.

Sec. 4. Section 3.060 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 341, Statutes of Nevada 1999, at page 1410, is hereby amended to read as follows:

Sec. 3.060 Sheriff: Duties; salary.

1. The provisions of chapter 248 of NRS apply to the Office of Sheriff, except that all deputy sheriffs except ~~the five~~ *any deputy sheriff who is one of the six employees designated by the Sheriff as* described in section 2.330 must be appointed pursuant to and are governed by the regulations for the Merit Personnel System.

2. The Sheriff shall:

(a) Diligently enforce all ordinances of Carson City.

(b) Perform such other duties as may be required by:

(1) The Board; or

(2) The provisions of Nevada Revised Statutes,

↳ which apply to county sheriffs.



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1 3. The Sheriff is not answerable upon his official bond
2 for the conduct of deputies appointed pursuant to the
3 provisions of this Charter, but the Board may require of such
4 deputies such bonds as it may deem proper.

5 4. The Sheriff is entitled to an annual salary in the
6 amount specified in NRS 245.043. The Sheriff shall not
7 engage in any other business or occupation that creates a
8 conflict of interest between his personal interest in the
9 business or occupation and his official duties.

10 **Sec. 5.** This act becomes effective on July 1, 2007.

