

## Amendment No. 462

Assembly Amendment to Assembly Bill No. 570

(BDR 24-429)

**Proposed by:** Assembly Committee on Elections, Procedures, Ethics, and  
Constitutional Amendments

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

CAF/KMG



Date: 4/20/2007

A.B. No. 570—Revises certain provisions relating to city government.  
(BDR 24-429)



ASSEMBLY BILL NO. 570—COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND  
CONSTITUTIONAL AMENDMENTS

(ON BEHALF OF THE CITY OF RENO)

MARCH 26, 2007

Referred to Committee on Elections, Procedures, Ethics,  
and Constitutional Amendments

SUMMARY—Revises certain provisions relating to ~~city government~~ **elections**.  
(BDR 24-429)

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

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

AN ACT relating to ~~cities~~ **elections**; revising the date upon which the governing  
body of a **county or** city is required to conduct a canvass of election  
returns; ~~providing that the City Attorneys for Reno and Sparks must  
be appointed rather than elected~~; and providing other matters properly  
relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the governing body of a **county or** city to complete a canvass of  
election returns on or before the fifth working day following an election. (NRS 267.050,  
**293.387, 293.393, 293C.387** ~~to~~ **, 309.060, 309.335, 318.118, 539.055, 539.155, 541.360**)  
**Sections 1 and 2** 1-2.7 of this bill amend that requirement to provide that the canvass of the  
election returns must be completed on or before the sixth working day following an election.  
**Sections 3-5 and 17** of this bill amend the Charters of the Cities of Caliente, Carlin, Elko and  
Wells in the same manner. **Sections 18-20 of this bill amend the Airport Authority Acts for  
Battle Mountain, Carson City and Reno-Tahoe in the same manner.**

~~Existing law requires the City Attorneys of Reno and Sparks to be elected. Sections 6-16  
of this bill revise this requirement to require that the City Attorneys be appointed by the City  
Council of their respective cities instead.~~

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

**Section 1. NRS 293.387 is hereby amended to read as follows:**

293.387 1. As soon as the returns from all the precincts and districts in any  
county have been received by the board of county commissioners, the board shall  
meet and canvass the returns. The canvass must be completed on or before the  
~~fifth~~ **sixth** working day following the election.

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the Secretary of State, and transmit them to the Secretary of State not more than 6 working days after the election.

4. The Secretary of State shall, immediately after any primary election, compile the returns for all candidates voted for in more than one county. He shall make out and file in his office an abstract thereof, and shall certify to the county clerk of each county the name of each person nominated, and the name of the office for which he is nominated.

**Sec. 1.3. NRS 293.393 is hereby amended to read as follows:**

293.393 1. On or before the  ~~fifth~~ sixth working day after any general election or any other election at which votes are cast for any United States Senator, Representative in Congress, member of the Legislature or any state officer who is elected statewide, the board of county commissioners shall open the returns of votes cast and make abstracts of the votes.

2. Abstracts of votes must be prepared in the manner prescribed by the Secretary of State by regulation.

3. The county clerk shall make out a certificate of election to each of the persons having the highest number of votes for the district, county and township offices.

4. Each certificate must be delivered to the person elected upon application at the office of the county clerk.

~~Section 1.7~~ **Sec. 1.7. NRS 293C.387 is hereby amended to read as follows:**

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the  ~~fifth~~ sixth working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within ~~6~~ 7 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which he is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

**Sec. 2.** NRS 267.050 is hereby amended to read as follows:

267.050 Within ~~5~~ 6 working days after the date of the election the legislative authority of the incorporated city shall:

1. Meet and canvass the returns of the election.

2. Declare the result thereof.

3. Issue certificates of election to the 15 qualified electors having the highest vote therefor.

**Sec. 2.2.** NRS 309.060 is hereby amended to read as follows:

309.060 The board of county commissioners shall meet on ~~the second Monday~~ or before the sixth working day succeeding the election provided for in NRS 309.050 and proceed to canvass the votes and, if upon the canvass it appears that a majority of votes cast were for "Local Improvement District—Yes," the board, by an order entered upon its minutes, shall declare the territory organized as an improvement district under the name and style theretofore designated, and declare the persons receiving respectively the highest number of votes for directors to be elected, and cause a copy of the order and a plat of the district, each certified by the clerk of the board of county commissioners, to be recorded immediately in the office of the county recorder of each county in which any portion of the district is situated, and certified copies thereof must also be recorded with the county clerks of those counties. Thereafter the organization of the district is complete.

**Sec. 2.3.** NRS 309.335 is hereby amended to read as follows:

309.335 At any regular or special meeting of the board held within ~~5~~ 6 working days following the date of such election, the returns thereof shall be canvassed and the results thereof declared.

**Sec. 2.4. NRS 318.118 is hereby amended to read as follows:**

318.118 1. In the case of a district created wholly or in part for exterminating and abating mosquitoes, flies, other insects, rats, and liver fluke or Fasciola hepatica, the board may:

(a) Take all necessary or proper steps for the extermination of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica from that territory migrate or are caused to be carried into the district;

(b) Subject to the paramount control of any county or city in which the district has jurisdiction, abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica in the district or in territory not in the district but so situated with respect to the district that mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica from that territory migrate or are caused to be carried into the district;

(c) If necessary or proper, in the furtherance of the objects of this chapter, build, construct, repair and maintain necessary dikes, levees, cuts, canals or ditches upon any land, and acquire by purchase, condemnation or by other lawful means, in the name of the district, any lands, rights-of-way, easements, property or material necessary for any of those purposes;

(d) Make contracts to indemnify or compensate any owner of land or other property for any injury or damage necessarily caused by the use or taking of property for dikes, levees, cuts, canals or ditches;

(e) Enter upon without hindrance any lands, within or without the district, for the purpose of inspection to ascertain whether breeding places of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica exist upon those lands;

(f) Abate public nuisances in accordance with this chapter;

(g) Ascertain if there has been a compliance with notices to abate the breeding of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica upon those lands;

(h) Treat with oil, other larvicidal material, or other chemicals or other material any breeding places of mosquitoes, flies, other insects, rats, or liver fluke or Fasciola hepatica upon those lands;

(i) Sell or lease any land, rights-of-way, easements, property or material acquired by the district; and

(j) Sell real property pursuant to this subsection to the highest bidder at public auction after 5 days' notice given by publication.

2. In connection with the basic power stated in this section, the district may:

(a) Levy annually a general ad valorem property tax of not exceeding:

(1) Fifteen cents on each \$100 of assessed valuation of taxable property; or

(2) Twenty cents on each \$100 of assessed valuation of taxable property if the board of county commissioners of each county in which the district is located approves such a tax in excess of 15 cents on each \$100 of assessed valuation of taxable property.

(b) Levy a tax in addition to a tax authorized in paragraph (a), if the additional tax is authorized by the qualified electors of the district, as provided in subsections 4 to 7, inclusive.

3. The proceeds of any tax levied pursuant to the provisions of this section must be used for purposes pertaining to the basic purpose stated in this section, including, without limitation, the establishment and maintenance of:

(a) A cash-basis fund of not exceeding in any fiscal year 60 percent of the estimated expenditures for the fiscal year to defray expenses between the beginning

1 of the fiscal year and the respective times tax proceeds are received in the fiscal  
2 year; and

3 (b) An emergency fund of not exceeding in any fiscal year 25 percent of the  
4 estimated expenditures for the fiscal year to defray unusual and unanticipated  
5 expenses incurred during epidemics or threatened epidemics from diseases from  
6 sources which the district may exterminate or abate.

7 4. Whenever it appears to the board of a district authorized to exercise the  
8 basic power stated in subsection 1 that the amount of money required during an  
9 ensuing fiscal year will exceed the amount that can be raised by a levy permitted by  
10 paragraph (a) of subsection 2, the board may:

11 (a) At a special election or the next primary or general election submit to the  
12 qualified electors of the district a question of whether a tax shall be voted for  
13 raising the additional money;

14 (b) Provide the form of the ballot for the election, which must contain the  
15 words "Shall the district vote a tax to raise the additional sum of .....?" or words  
16 equivalent thereto;

17 (c) Provide the form of the notice of the election and provide for the notice to  
18 be given by publication; and

19 (d) Arrange other details in connection with the election.

20 5. A special election may be held only if the board determines, by a  
21 unanimous vote, that an emergency exists. The determination made by the board is  
22 conclusive unless it is shown that the board acted with fraud or a gross abuse of  
23 discretion. An action to challenge the determination made by the board must be  
24 commenced within 15 days after the board's determination is final. As used in this  
25 subsection, "emergency" means any unexpected occurrence or combination of  
26 occurrences which requires immediate action by the board to prevent or mitigate a  
27 substantial financial loss to the district or to enable the board to provide an essential  
28 service to the residents of the district.

29 6. Except as otherwise provided in this chapter:

30 (a) The secretary of the district shall give notice of the election by publication  
31 and shall arrange such other details in connection with the election as the board  
32 may direct;

33 (b) The election board officers shall conduct the election in the manner  
34 prescribed by law for the holding of general elections and shall make their returns  
35 to the secretary of the district; and

36 (c) The board shall canvass the returns of the election at any regular or special  
37 meeting held within ~~15~~ **6 working** days following the date of the election, or at  
38 such later time as the returns are available for canvass, and shall declare the results  
39 of the election.

40 7. If a majority of the qualified electors of the district who voted on any  
41 proposition authorizing the additional tax voted in favor of the proposition, and the  
42 board so declares the result of the election:

43 (a) The district board shall report the result to the board of county  
44 commissioners of the county in which the district is situated, stating the additional  
45 amount of money required to be raised. If the district is in more than one county the  
46 additional amount must be prorated for each county by the district board in the  
47 same way that the district's original total estimate of money is prorated, and the  
48 district board shall furnish the board of county commissioners and auditor of each  
49 county a written statement of the apportionment for that county; and

50 (b) The board of county commissioners of each county receiving the written  
51 statement shall, at the time of levying county taxes, levy an additional tax upon all  
52 the taxable property of the district in the county sufficient to raise the amount  
53 apportioned to that county for the district.

8. The district shall not:

(a) Borrow money except for medium-term obligations pursuant to chapter 350 of NRS;

(b) Levy special assessments; or

(c) Fix any rates, fees or other charges except as otherwise provided in this section.

9. The district may determine to cause an owner of any real property to abate any nuisance pertaining to the basic power stated in this section, after a hearing on a proposal for such an abatement and notice thereof by mail addressed to the last known owner or owners of record at his or their last known address or addresses, as ascertained from any source the board deems reliable, or in the absence of the abatement within a reasonable period fixed by the board, to cause the district to abate the nuisance, as follows:

(a) At the hearing the district board shall redetermine whether the owner must abate the nuisance and prevent its recurrence, and shall specify a time within which the work must be completed;

(b) If the nuisance is not abated within the time specified in the notice or at the hearing, the district board shall abate the nuisance by destroying the larvae or pupae, or otherwise, by taking appropriate measures to prevent the recurrence of further breeding;

(c) The cost of abatement must be repaid to the district by the owner;

(d) The money expended by the district in abating a nuisance or preventing its recurrence is a lien upon the property on which the nuisance is abated or its recurrence prevented;

(e) Notice of the lien must be filed and recorded by the district board in the office of the county recorder of the county in which the property is situated within 6 months after the first item of expenditure by the board;

(f) An action to foreclose the lien must be commenced within 6 months after the filing and recording of the notice of lien;

(g) The action must be brought by the district board in the name of the district;

(h) When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure must be paid to the district and the surplus, if any, must be paid to the owner of the property if known, and if not known, must be paid into the court in which the lien was foreclosed for the use of the owner if ascertained; and

(i) The lien provisions of this section do not apply to the property of any county, city, district or other public corporation, except that the governing body of the county, city, district or other public corporation shall repay to any district exercising the basic power stated in subsection 1 the amount expended by the district upon any of its property pursuant to this chapter upon presentation by the district board of a verified claim or bill.

**Sec. 2.5. NRS 539.055 is hereby amended to read as follows:**

539.055 1. The board of county commissioners shall meet on ~~the second Monday~~ or before the sixth working day succeeding such election and proceed to canvass the votes cast thereat.

2. If upon such canvass it appears that a majority of the electors voted "Irrigation District—Yes," the board, by an order entered upon its minutes, shall:

(a) Declare such territory duly organized as an irrigation district under the name and style theretofore designated.

(b) Declare the persons receiving respectively the highest number of votes for directors to be duly elected.

(c) Cause a copy of such order and a plat of the district, each duly certified by the clerk of the board of county commissioners, to be immediately filed for record in the office of the county recorder of each county in which any portion of such

lands is situated. Certified copies thereof shall also be filed with the county clerks of such counties.

3. Thereafter, the organization of the district shall be complete.

**Sec. 2.6. NRS 539.155 is hereby amended to read as follows:**

539.155 1. The returns shall be delivered to the secretary of the district. No list, tally paper or returns from any election shall be set aside or rejected for want of form if they can be satisfactorily understood.

2. The board of directors shall meet at its usual place of meeting on ~~the second Monday~~ or before the sixth working day after an election to canvass the returns, and it shall proceed in the same manner and with like effect, as near as may be, as the board of county commissioners in canvassing the returns of general elections.

3. When the board of directors shall have declared the result, the secretary shall make full entries in his record in like manner as is required of the county clerk in general elections.

**Sec. 2.7. NRS 541.360 is hereby amended to read as follows:**

541.360 The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board held not earlier than ~~15~~ 6 working days following the date of the election, the returns thereof must be canvassed and the results thereof declared. If any election held pursuant to NRS 541.340 is consolidated with any primary or general election, the returns thereof must be made and canvassed at the time and in the manner provided by law for the canvass of the returns of such a primary or general election. The canvassing body shall promptly certify and transmit to the board a statement of the result of the vote upon the proposition submitted pursuant to NRS 541.340. Upon receipt of the statement, the board shall tabulate and declare the results of the proposition voted on at the election.

**Sec. 3.** Section 5.100 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.100 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 permitted to handle, inspect or in any manner interfere with such returns until canvassed by the City Council.

2. The City Council shall meet within ~~15~~ 6 working days after any election and canvass the returns and declare the result. The election returns shall 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 City Council.

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 Monday in July next following their election.

4. If any election should result in a tie, the City Council 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. 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           1. The election returns from any municipal election shall be filed with  
2 the City Clerk, who shall immediately place such returns in a safe or vault,  
3 and no person shall be permitted to handle, inspect or in any manner  
4 interfere with such returns until canvassed by the Board of Councilmen.

5           2. The Board of Councilmen shall meet on ~~or before the first~~  
6 ~~[Tuesday]~~ ~~[Wednesday]~~ sixth working day after any election and canvass  
7 the returns and declare the result. The election returns shall then be sealed  
8 and kept by the City Clerk for 6 months, and no person shall have access  
9 thereto except on order of a court of competent jurisdiction or by order of  
10 the Board of Councilmen.

11           3. The City Clerk, under his hand and official seal, shall issue to each  
12 person declared to be elected a certificate of election. The officers so  
13 elected shall qualify and enter upon the discharge of their respective duties  
14 on the 1st Monday in July next following their election.

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

18       **Sec. 5.** Section 5.090 of the Charter of the City of Elko, being chapter 276,  
19 Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at  
20 page 464, is hereby amended to read as follows:

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

23           1. The election returns from a municipal election must be filed with  
24 the City Clerk, who shall immediately place the returns in a safe or vault.  
25 No person may handle, inspect or in any manner interfere with the returns  
26 until the returns are canvassed by the City Council.

27           2. The City Council shall meet within ~~5~~ 6 working days after an  
28 election and canvass the returns and declare the result. The election returns  
29 must be sealed and kept by the City Clerk for 2 years, and no person may  
30 have access thereto except on order of a court of competent jurisdiction or  
31 by order of the City Council.

32           3. The City Clerk, under his hand and official seal, shall issue to each  
33 person declared to be elected a certificate of election. The officers so  
34 elected shall qualify and enter upon the discharge of their respective duties  
35 on the first Monday in July next following their election.

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

39       **Sec. 6.** ~~[Section 1.060 of the Charter of the City of Reno, being chapter 662,~~  
40 ~~Statutes of Nevada 1971, as last amended by chapter 373, Statutes of Nevada 1979,~~  
41 ~~at page 644, is hereby amended to read as follows:~~

42           ~~Sec. 1.060 Elective officers.~~

43           ~~1. The elective officers of the City consist of:~~

44           ~~(a) A Mayor.~~

45           ~~(b) Six Councilmen.~~

46           ~~(c) One Municipal Judge and as many additional judges as the City~~  
47 ~~Council deems necessary.~~

48           ~~[(d) A City Attorney.]~~

49           ~~2. Such officers shall be elected as provided by this Charter.]~~

50           (Deleted by amendment.)

1       **Sec. 7.** ~~[Section 1.090 of the Charter of the City of Reno, being chapter 662,~~  
2 ~~Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997,~~  
3 ~~at page 734, is hereby amended to read as follows:~~

4       ~~Sec. 1.090 Appointive officers:~~

5       ~~1. The City Council shall provide for the appointment of a City~~  
6 ~~Manager to perform the duties outlined in section 3.020. A vacancy in the~~  
7 ~~office of City Manager must be filled within 6 months.~~

8       ~~2. Applicants for the position of City Manager need not be residents~~  
9 ~~of the City or State at the time of their appointment, except that applicants~~  
10 ~~who are residents of the City and who have qualifications equal to those of~~  
11 ~~nonresidents must be given preference in filling the position.~~

12       ~~3. The City Council may establish such other appointive offices as it~~  
13 ~~may deem necessary for the operation of the City by designating the~~  
14 ~~position and the qualifications therefor by ordinance. Appointive offices are~~  
15 ~~limited to the head of each department or division except:~~

16       ~~(a) One immediate assistant for the Director of Public Works;~~

17       ~~(b) Special technical staff members who report directly to the City~~  
18 ~~Manager;~~

19       ~~(c) In the Fire Department and Police Department, no positions below~~  
20 ~~the office of Chief.~~

21       ~~Appointment of such officers must be made by the City Manager, and~~  
22 ~~the appointment of the Chief of Police and the Fire Chief must be~~  
23 ~~confirmed by the City Council.~~

24       ~~4. A City Clerk must be appointed by the City Council.~~

25       ~~5. A City Attorney must be appointed by the City Council.] (Deleted~~  
26 ~~by amendment.)~~

27       **Sec. 8.** ~~[Section 1.100 of the Charter of the City of Reno, being chapter 662,~~  
28 ~~Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997,~~  
29 ~~at page 734, is hereby amended to read as follows:~~

30       ~~Sec. 1.100 Appointive officers: Miscellaneous provisions:~~

31       ~~1. All appointive officers, except the City Clerk and his deputy [,]~~  
32 ~~and the City Attorney and his assistant attorneys, shall perform such~~  
33 ~~duties as may be designated by the City Manager.~~

34       ~~2. Any employee of the City holding a Civil Service rating under the~~  
35 ~~City and who is appointed to any position provided for in section 1.090~~  
36 ~~does not lose his Civil Service rating while serving in that position.~~

37       ~~3. All appointive officers are entitled to all employment benefits to~~  
38 ~~which Civil Service employees are entitled.~~

39       ~~4. The City Council may require from all other officers and~~  
40 ~~employees of the City constituted or appointed under this Charter, except~~  
41 ~~the Mayor and Councilmen, sufficient security for the faithful and honest~~  
42 ~~performance of their respective duties.] (Deleted by amendment.)~~

43       **Sec. 9.** ~~[Section 1.110 of the Charter of the City of Reno, being chapter 662,~~  
44 ~~Statutes of Nevada 1971, at page 1964, is hereby amended to read as follows:~~

45       ~~Sec. 1.110 Appointive officers: Duties; salary:~~

46       ~~1. All appointive officers of the City, except the City Manager, the~~  
47 ~~City Attorney and his assistant attorneys and the Board of Health, shall~~  
48 ~~perform such duties under the direction of the City Manager [,] as may be~~  
49 ~~designated by the City Council.~~

50       ~~2. All appointive officers of the City shall receive such salary as may~~  
51 ~~be designated by the City Council.] (Deleted by amendment.)~~

1       **Sec. 10.** ~~{Section 3.060 of the Charter of the City of Reno, being chapter 662,~~  
2 ~~Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999,~~  
3 ~~at page 1369, is hereby amended to read as follows:~~

4       ~~Sec. 3.060 City Attorney: Qualifications; duties; salary.~~

5       ~~1. Except as otherwise provided in section 3.070, the City Council~~  
6 ~~shall appoint a City Attorney and fix his salary by resolution.~~

7       ~~2. The City Attorney is the Chief Legal Officer of the City and shall~~  
8 ~~perform such duties as may be designated by the City Council or~~  
9 ~~prescribed by ordinance.~~

10       ~~3. The City Attorney is under the general direction and supervision~~  
11 ~~of the City Council.~~

12       ~~4. The City Attorney must be a duly licensed member of the State Bar~~  
13 ~~of Nevada and a qualified elector within the City. [Once elected, he shall~~  
14 ~~hold office for a term of 4 years and until his successor is duly elected and~~  
15 ~~qualified.~~

16       ~~2.] 5. The City Attorney [is the Legal Officer of the City and] shall:~~

17       ~~(a) [Perform such duties as may be designated by ordinance;~~

18       ~~(b)] Be present at all meetings of the City Council;~~

19       ~~[(c)] (b) Be counsel for the Civil Service Commission;~~

20       ~~[(d)] (c) Devote his full time to the duties of the office; and~~

21       ~~[(e)] (d) Not engage in the private practice of law.~~

22       ~~[3. The City Attorney is entitled to receive a salary as fixed by~~  
23 ~~resolution of the City Council.~~

24       ~~4.] 6. The City Attorney serves at the pleasure of the City Council~~  
25 ~~and may be removed by an affirmative vote of a majority of the entire~~  
26 ~~membership of the City Council at any time.~~

27       ~~7. The City Attorney may appoint and remove such assistants as he~~  
28 ~~may require in the discharge of the duties of his office. Such assistants must~~  
29 ~~not be Civil Service employees. The Council may appropriate such an~~  
30 ~~amount of money as it may deem proper to compensate such assistants.~~  
31 ~~Such assistants who are attorneys and are employed for more than 20 hours~~  
32 ~~per week by the City Attorney shall not engage in the private practice of~~  
33 ~~law.~~

34       ~~8. Any elected City Attorney who holds office on October 1, 2007, is~~  
35 ~~entitled to serve the remainder of the elected term or through the~~  
36 ~~conclusion of the elected term expiring in November 2014, whichever~~  
37 ~~occurs later.] (Deleted by amendment.)~~

38       **Sec. 11.** ~~{Section 1.060 of the Charter of the City of Sparks, being chapter~~  
39 ~~470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada~~  
40 ~~2001, at page 394, is hereby amended to read as follows:~~

41       ~~Sec. 1.060 Elective officers: Qualifications; salaries.~~

42       ~~1. The elective officers of the City consist of:~~

43       ~~(a) A Mayor;~~

44       ~~(b) Five members of the Council;~~

45       ~~(c) [A City Attorney;~~

46       ~~(d)] Municipal Judges, the number to be determined pursuant to~~  
47 ~~section 4.010.~~

48       ~~2. All elective officers of the City must be:~~

49       ~~(a) Bona fide residents of the City for at least 30 days immediately~~  
50 ~~preceding the last day for filing a declaration of candidacy for such an~~  
51 ~~office.~~

52       ~~(b) Residents of the City during their term of office, and, in the case of~~  
53 ~~a member of the Council, a resident of the ward the member represents.~~

~~—(c) Registered voters within the City—~~

~~—3. No person may be elected or appointed as a member of the Council who was not an actual bona fide resident of the ward to be represented by him for a period of at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, or, in the case of appointment, 30 days immediately preceding the day the office became vacant.~~

~~—4. [The City Attorney must be a licensed member of the State Bar of Nevada.~~

~~—5.] Each elective officer is entitled to receive a salary in an amount fixed by the City Council. At any time before January 1 of the year in which a general election is held, the City Council shall enact an ordinance fixing the initial salary for each elective office for the term beginning on the first Monday following that election. This ordinance may not be amended to increase or decrease the salary for the office of Mayor, City Councilman or City Attorney during the term. If the City Council fails to enact such an ordinance before January 1 of the election year, the succeeding elective officers are entitled to receive the same salaries as their respective predecessors.] (Deleted by amendment.)~~

**Sec. 12.** ~~{Section 1.070 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 395, is hereby amended to read as follows:~~

~~—Sec. 1.070 Elective offices; vacancies. Except as otherwise provided in NRS 268.225:~~

~~—1. A vacancy in the City Council, or in the office of [City Attorney or] Municipal Judge must be filled by appointment of the Mayor, subject to confirmation by the City Council, within 30 days after the occurrence of the vacancy. A person may be selected to fill a prospective vacancy in the City Council before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. If the majority of the Council is unable or refuses for any reason to confirm any appointment made by the Mayor within 30 days after the vacancy occurs, the City Council shall present to the Mayor the names of two qualified persons to fill the vacancy. The Mayor shall, within 15 days after the presentation, select one of the two qualified persons to fill the vacancy. The appointee must have the same qualifications required of the elected official.~~

~~—2. A vacancy in the office of the Mayor must be filled by the Mayor pro tempore. The resulting vacancy in the City Council must be filled as provided in subsection 1.~~

~~—3. The appointee or Mayor pro tempore, in case of a vacancy in the office of Mayor, shall serve until his successor is elected and qualified at the next election to serve the remainder of the unexpired term.] (Deleted by amendment.)~~

**Sec. 13.** ~~{Section 1.080 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 129, Statutes of Nevada 1993, at page 229, is hereby amended to read as follows:~~

~~—Sec. 1.080 Appointive positions:~~

~~—1. The Mayor of the City shall appoint a City Manager, subject to confirmation by the City Council.~~

~~—2. Subject to confirmation by the City Council, the City Manager shall appoint:~~

~~(a) The heads of the Fire and Police departments and one technical assistant in each of those departments. A technical assistant may not supervise any other employees.~~

~~(b) Any employee employed in a bona fide executive, administrative or professional capacity. As used in this paragraph:~~

~~(1) "Employee employed in a bona fide executive capacity" has the meaning ascribed to it in 29 C.F.R. § 541.1, as that section existed on October 1, 1993.~~

~~(2) "Employee employed in a bona fide administrative capacity" has the meaning ascribed to it in 29 C.F.R. § 541.2, as that section existed on October 1, 1993.~~

~~(3) "Employee employed in a bona fide professional capacity" has the meaning ascribed to it in 29 C.F.R. § 541.3, as that section existed on October 1, 1993.~~

~~(c) The City Attorney.~~

~~3. The City Council shall create and revise as necessary a document which:~~

~~(a) Describes the organization of all departments, divisions and offices of the City; and~~

~~(b) Sets forth all appointive positions of the City.] (Deleted by amendment.)~~

**Sec. 14.** ~~[Section 3.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 129, Statutes of Nevada 1993, at page 231, is hereby amended to read as follows:~~

~~Sec. 3.050 City Attorney; Duties. [; Assistant City Attorneys.~~

~~1.] The City Attorney shall:~~

~~[(a)] 1. Be the Legal Officer of the City.~~

~~[(b)] 2. Represent the City and any officer or employee or former officer or employee of the City, for any act arising out of his employment or duties, in any action or proceeding in which the City or such officer or employee is concerned or is a party.~~

~~[(c)] 3. Perform such duties as may be designated by [ordinance.~~

~~[(d)] the City Manager and such other duties as may be directed by the City Council.~~

~~4. Attend all regular, special and emergency meetings of the City Council, and may attend executive sessions concerning public officers.~~

~~[(e)] 5. Approve any contract made by and any bond or security given to the City endorsing his approval in writing on the document.~~

~~[(f)] 6. Prepare all proposed ordinances and review all resolutions and amendments to the ordinances or resolutions.~~

~~[(g)] 7. Not engage in any other business or occupation nor in the private practice of law without the approval of the City Council.~~

~~[2. The City Attorney may appoint and remove or discharge assistant city attorneys pursuant to ordinances adopted relating thereto. The City Council may appropriate the money it considers proper to compensate such assistants.~~

~~3. An Assistant City Attorney who is removed from his position by the City Attorney has the right of appeal to the Mayor and City Council and may demand a hearing before the City Council. The demand must be made within 10 days after the removal. The decision of the City Council upon the hearing is final.]~~

~~8. Any elected City Attorney who holds office on October 1, 2007, is entitled to serve the remainder of the elected term.~~ (Deleted by amendment.)

Sec. 15. ~~[Section 5.010 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 52, Statutes of Nevada 2005, at page 104, is hereby amended to read as follows:~~

~~Sec. 5.010 General elections:~~

~~1. On the Tuesday after the first Monday in June 2001, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the first, third and fifth wards, and a Municipal Judge for Department 1, [and a City Attorney,] all of whom hold office until their successors have been elected and qualified, pursuant to subsection 3 or 4.~~

~~2. On the Tuesday after the first Monday in June 2003, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the second and fourth wards, a Mayor and a Municipal Judge for Department 2, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 5 or 6.~~

~~3. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, Council members to represent the first, third and fifth wards, [and a City Attorney,] all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

~~4. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 1, who holds office for a term of 4 years and until his successor has been elected and qualified, pursuant to subsection 7.~~

~~5. On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, Council members to represent the second and fourth wards and a Mayor, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.~~

~~6. On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 2, who holds office for a term of 6 years and until his successor has been elected and qualified.~~

~~7. On the Tuesday after the first Monday in November 2008, and at each successive interval of 6 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 1, who holds office for a term of 6 years and until his successor has been elected and qualified.~~

~~8. All candidates at an election that is held pursuant to this section must be voted upon by the registered voters of the City at large.~~ (Deleted by amendment.)

Sec. 16. ~~[Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:~~

~~Sec. 5.020 Primary municipal elections:~~

~~1. Candidates for the offices of Mayor [, City Attorney] and Municipal Judge must be voted upon by the registered voters of the City at~~

~~large. Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.~~

~~2. The names of the two candidates for Mayor [City Attorney] and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.] (Deleted by amendment.)~~

**Sec. 17.** 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 be filed with the City Clerk, who shall immediately place such returns in a safe or vault, and no person shall be 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 ~~or before the first Tuesday~~ ~~first Wednesday~~ sixth working day after any election and canvass the returns and declare the result. The election returns shall 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 Monday in July next following their election.

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. 18.** **Section 22 of the Airport Authority Act for Battle Mountain, being chapter 458, Statutes of Nevada 1983, at page 1214, is hereby amended to read as follows:**

Sec. 22. Election: Conduct; canvass of returns; declaration of results.

1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the Secretary of the Authority.

2. At any regular or special meeting of the Board of County Commissioners of Lander County held within ~~5~~ 6 working days following the date of the election, the returns thereof must be canvassed and the results thereof declared.

**Sec. 19.** **Section 16 of the Airport Authority Act for Carson City, being chapter 844, Statutes of Nevada 1989, at page 2028, is hereby amended to read as follows:**

Sec. 16. Election: Conduct; canvas of returns; declaration of results.

1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make its returns to the Secretary of the Board.

2. The Board of Supervisors shall, within ~~5~~ 6 working days after the election, canvass the returns and declare the results of the election.

**Sec. 20.** **Section 22 of the Reno-Tahoe Airport Authority Act, being chapter 474, Statutes of Nevada 1977, at page 974, is hereby amended to read as follows:**

Sec. 22. Election: Conduct; canvass of returns; declaration of results.

1           1. The Election Board or boards shall conduct the election in the  
2 manner prescribed by law for the holding of general elections, and shall  
3 make their returns to the Secretary of the Authority.

4           2. At any regular or special meeting of the Board held within ~~15~~ 6  
5 working days following the date of the election, the returns thereof shall be  
6 canvassed and the results thereof declared.