

Amendment No. 178

Assembly Amendment to Assembly Bill No. 9

(BDR S-266)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No 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 underlining* is newly added transitory language.

SJA/JWP



Date: 4/17/2013

A.B. No. 9—Makes various changes to the Charter of the City of Reno.

(BDR S-266)



ASSEMBLY BILL NO. 9—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF RENO)

PREFILED DECEMBER 19, 2012

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to the Charter of the City of Reno.
(BDR S-266)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

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

AN ACT relating to the City of Reno; making various changes to the provisions of the Charter of the City of Reno relating to the Mayor, Assistant Mayor, City Council, City Manager and Civil Service Commission; ***providing for the creation and duties of a Charter Committee***; authorizing the City Council to establish additional appointive positions for officers and employees of the City; repealing certain provisions relating to employment in the Civil Service System and authorizing the Civil Service Commission to provide for such matters by rule; making various other changes to the Charter; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill amends various provisions of the Charter of the City of Reno. **Sections 1 and 2** of this bill adopt certain definitions and rules of construction applicable to the Charter as a whole. ***Section 1.5 of this bill provides for the creation, membership and duties of a Charter Committee to make recommendations to the City Council regarding amendments to the Charter.*** **Section 6** of this bill expands the prohibition against holding other employment or another office, which is applicable to the Mayor or a Council Member. ~~**Section 7 of this bill revises the procedure by which the City Council may establish additional appointive positions, outside the City's Civil Service System, for officers and employees of the City.**~~ **Section 9** of this bill provides that certain provisions applicable to appointive officers also apply to appointive employees of the City. **Section 15** of this bill authorizes the Mayor and any Council Member to waive the payment of any part of the salary or benefits otherwise payable to him or her and establishes the requirements for such a waiver. **Section 27** of this bill prohibits the Mayor and Council Members from giving orders to any subordinate of the City Manager, or otherwise dealing directly with such a person.

The existing provisions of the Charter permit the City Council to establish additional departments in the Municipal Court and thereby increase the number of Municipal Judges. (Reno City Charter § 4.010) **Section 28** of this bill ~~authorizes~~ ***prohibits*** the Council ~~to reduce the number of departments and from reducing the term of office of any~~ Municipal ~~Judges.~~ ***Judge.***

Sections 31 and 32 of this bill revise provisions relating to the general city election to clarify that the election is to occur concurrently with the statewide general election. **Section 34** of this bill establishes a procedure for determining a tie vote in any city election.

Under existing law, various provisions governing the examination, appointment and transfer of employees in the Civil Service System are codified in the Charter. (Reno City Charter §§ 9.090, 9.190-9.250) **Section 47** of this bill repeals those provisions, and **section 43** of this bill provides that such matters are to be governed by the rules of the City's Civil Service Commission. **Section 44** of this bill expands the list of characteristics that may not affect appointment to or removal from a position in the Civil Service.

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

Section 1. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.011, 1.012, 1.013, 1.014, 1.015, ~~1.016,~~ 1.017, 1.018 and 1.019, respectively, immediately following section 1.010, to read as follows:

Sec. 1.011 Definitions. As used in this Charter, unless the context otherwise requires, the words and terms defined in sections 1.012 to 1.018, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.012 "City" defined. "City" means the City of Reno in Washoe County, Nevada.

Sec. 1.013 "City Council" or "Council" defined. "City Council" or "Council" means the governing body of the City.

Sec. 1.014 "Civil Service" or "Civil Service System" defined. "Civil Service" or "Civil Service System" means the system created by section 9.020.

Sec. 1.015 "Commission" defined. "Commission" means the Civil Service Commission created by section 9.030.

~~*Sec. 1.016 "Council Member" defined. "Council Member" means a member of the City Council, other than the Mayor.*~~

Sec. 1.017 "County" defined. "County" means Washoe County, Nevada.

Sec. 1.018 "State" defined. "State" means the State of Nevada.

Sec. 1.019 Construction of Charter.

1. Except where the context by clear implication otherwise requires, this Charter must be construed as follows:

(a) The titles or leadlines which are applied to the articles and sections of this Charter are inserted only as a matter of convenience and ease in reference and are not intended to limit the scope or intent of any provision of this Charter.

(b) Words in the singular number include the plural, and words in the plural include the singular number.

(c) Words in the masculine gender include the feminine, and words in the neuter gender refer to any gender.

2. This Charter being necessary to secure and preserve the public health, safety, prosperity, security, comfort, convenience, general welfare and property of the residents of the City, ~~the rule of strict construction has no application to this Charter, and~~ it is expressly declared that it is the intent of the Legislature that each of the provisions of this Charter be liberally construed to effect the purposes and objects for which this Charter is intended, and the specific mention of particular powers must

not be construed as limiting in any way the general powers which are necessary to carry out the purposes and objects of this Charter.

Sec. 1.5. The Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended by adding thereto new sections to be designated as sections 1.140, 1.150 and 1.160, respectively, immediately following section 1.130, to read as follows:

Sec. 1.140 Charter Committee: Appointment; terms; qualifications; vacancies; compensation.

1. The Charter Committee must be appointed as follows:

(a) Each Council Member shall appoint one member;

(b) The Mayor shall appoint one member;

(c) The members of the Senate delegation representing the residents of the City and belonging to the majority party of the Senate shall appoint two members;

(d) The members of the Senate delegation representing the residents of the City and belonging to the minority party of the Senate shall appoint one member;

(e) The members of the Assembly delegation representing the residents of the City and belonging to the majority party of the Assembly shall appoint two members; and

(f) The members of the Assembly delegation representing the residents of the City and belonging to the minority party of the Assembly shall appoint one member.

2. Each member of the Charter Committee:

(a) If appointed by a Council Member or the Mayor, serves during the term of the person by whom he or she was appointed;

(b) If appointed by members of the Senate delegation, serves a term of 4 years;

(c) If appointed by members of the Assembly delegation, serves a term of 2 years;

(d) Must be a registered voter in the City; and

(e) Must reside in the City during his or her term of office.

3. If a vacancy occurs on the Charter Committee, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Members of the Charter Committee are entitled to receive compensation, in an amount set by ordinance of the City Council, for each full meeting of the Charter Committee they attend.

Sec. 1.150 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect a Chair and Vice Chair from among its members, who each serve for a term of 2 years;

2. Meet at least once every 2 years before the beginning of each regular session of the Legislature and when requested by the City Council or the Chair of the Charter Committee;

3. Meet jointly with the City Council on a date to be set after the final biennial meeting of the Charter Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the City Council with regard to the recommendations of the Charter Committee concerning necessary amendments to this Charter;

4. If the City Council elects to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill

draft requests, assist the City Council in the timely preparation of such amendments for presentation to the Legislature on behalf of the City;

5. If the City Council elects not to submit the Charter Committee's recommended amendments to the Legislature as one of the City's bill draft requests, seek sponsorship of a legislative measure by a member of the Senate or Assembly delegation representing the residents of the City and assist such member in the timely preparation of such amendments for presentation to the Legislature; and

6. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, but not limited to, holding meetings and public hearings, and obtaining assistance from City officers.

Sec. 1.160 Charter Committee: Removal of member; grounds. Any member of the Charter Committee may be removed by a majority of the remaining members of the Charter Committee for cause, including failure or refusal to perform the duties of the office, absence from three successive regular meetings or ceasing to meet any qualification for appointment to the Charter Committee.

Sec. 2. Section 1.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Section 1.010 ~~{Preamble: Legislative intent.}~~ **Purpose; other laws.**

1. In order to provide for the orderly government of the City of Reno and the general welfare of its citizens the Legislature hereby establishes this Charter for the government of the City of Reno. ~~{It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers shall not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.}~~

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this state. All provisions of Nevada Revised Statutes which are applicable generally to cities (not including, unless otherwise expressly mentioned in this Charter, chapter 265, 266 or 267 of NRS) which are not in conflict with the provisions of this Charter apply to the City of Reno.

Sec. 3. Section 1.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1962, is hereby amended to read as follows:

Sec. 1.020 Incorporation of City.

~~{1.}~~ All persons who are inhabitants of that portion of the State ~~{of Nevada}~~ embraced within the limits set forth in section 1.030 shall constitute a political and corporate body by the name of "City of Reno" and by that name they and their successors shall be known in law, have perpetual succession and may sue and be sued in all courts.

~~{2. Whenever used throughout this charter, "City" means the City of Reno.}~~

Sec. 4. Section 1.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 482, Statutes of Nevada 1973, at page 714, is hereby amended to read as follows:

Sec. 1.030 Description of territory.

1. The territory embraced in the City is that certain land described in the official plat required by NRS 234.250 to be filed with the County Recorder and County Assessor, ~~{of Washoe County.}~~ as such plat is amended from time to time.

2. The territory described in paragraph (a) of subsection 2 of section 1 of article I of chapter 180, Statutes of Nevada 1949, lying within the City ~~of Reno~~ is hereby detached from the City ~~of Reno~~ and is included within the boundaries of the City of Sparks.

Sec. 5. Section 1.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 515, Statutes of Nevada 1997, at page 2452, is hereby amended to read as follows:

Sec. 1.070 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. Except as otherwise provided in this section, a vacancy in the City Council or in the office of City Attorney or Municipal Judge must be filled by a majority vote of the members of 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,~~ filling a prospective vacancy, 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. The appointee must have the same qualifications as are required of the elective official.

2. The appointee shall serve until the next general municipal election and until his or her successor is elected and qualified. Notwithstanding the provisions of section 5.010 of this Charter to the contrary, the office must be filled by election at the next general municipal election. If that election is other than the election specified in section 5.010 of this Charter for the filing of the office, the election is only for the balance of the unexpired term for that office.

3. If a vacancy occurs in an office of City Council, in lieu of appointment, the City Council may, by resolution, declare a special election to fill the vacancy. The special election must be conducted in accordance with the provisions of the resolution declaring the special election and section 5.030 of this Charter.

Sec. 6. Section 1.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 1.080 Mayor and Council Members not to hold other office or employment.

1. The Mayor and Council Members shall not:

(a) Hold any other elective or appointive office, ~~for employment with Washoe County or the City,~~ except as provided by law or as a member of a board or commission which is ancillary to the office of Mayor or Council Member and for which no compensation is received.

(b) Hold any other employment with the County, the City or any other political subdivision of the State which is governed or advised by a board or commission to which the Mayor or Council Member may be appointed in the course of his or her duties as Mayor or Council Member.

(c) Be appointed to any office or position created by or the compensation for which was increased or fixed by the City Council until 1 year after the expiration of the term for which ~~such person~~ the Mayor or Council Member was elected.

2. Any person who violates the provisions of subsection 1 shall automatically forfeit his or her office.

1 **Sec. 7.** ~~[Section 1.000 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 724, is hereby amended to read as follows:~~

4 ~~Sec. 1.000 Appointive [officers.] **offices and positions.**~~

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 shall appoint a City Clerk.**~~

13 ~~4. The City Council may establish such other appointive offices as it~~
14 ~~[may deem] deems necessary for the operation of the City by designating~~
15 ~~the [position] office and the qualifications therefor by [ordinance.]~~
16 ~~resolution. Appointive offices established pursuant to this subsection are~~
17 ~~limited to [the head of each department or division except:~~

18 ~~(a) One immediate assistant for the Director of Public Works.~~

19 ~~(b)] .~~

20 ~~(a) **Department heads;**~~

21 ~~(b) **Division heads; and**~~

22 ~~(c) Special technical staff members who report directly to the City~~
23 ~~Manager.~~

24 ~~[(c) In the Fire Department and Police Department, no positions below~~
25 ~~the office of Chief.~~

26 ~~Appointment of such officers must be made by the City Manager, and~~
27 ~~the appointment of the Chief of Police and the Fire Chief must be~~
28 ~~confirmed by the City Council.~~

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

30 ~~5. In addition to clerical and administrative assistants appointed by~~
31 ~~the City Manager pursuant to subsection 2 of section 3.020, the City~~
32 ~~Council may establish such other appointive positions as it deems~~
33 ~~necessary for the operation of the City by designating the position and the~~
34 ~~qualifications therefor by resolution, except that no such proposed~~
35 ~~resolution may be adopted until after the Commission has been provided~~
36 ~~a reasonable opportunity to comment on the proposed resolution.~~

37 ~~6. The City Manager shall appoint persons to, and remove persons~~
38 ~~from, appointive offices established pursuant to subsection 4 or~~
39 ~~appointive positions established pursuant to subsection 5, except that the~~
40 ~~appointment of the Chief of Police and the Fire Chief must be confirmed~~
41 ~~by a majority vote of the members of the City Council to become effective.~~
42 ~~If an appointment of the Chief of Police or the Fire Chief is not~~
43 ~~confirmed by the City Council, the City Manager shall continue to name~~
44 ~~appointees until an appointment is confirmed by the City Council.~~

45 ~~7. The City Manager may authorize any person holding an~~
46 ~~appointive office established pursuant to subsection 4 to appoint any~~
47 ~~subordinate to, or remove any subordinate from, an appointive position.~~

48 ~~8. As used in this section:~~

49 ~~(a) "Department head" means a person whose primary duty is the~~
50 ~~management of a city department.~~

51 ~~(b) "Division head" means a person whose primary duty is the~~
52 ~~management of a division within a city department.~~

~~(c) "Special technical staff member" means an Assistant City Manager or any other staff member whose duties are intellectual, varied in character and require the application of independent judgment, and whose successful performance directly supports the accomplishment of the goals of the City." (Deleted by amendment.)~~

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

Sec. 1.100 Appointive officers ~~and~~ *and appointive employees:* Miscellaneous provisions.

1. All appointive officers ~~and~~ *and appointive employees*, except the City Clerk and his or her deputy, shall perform such duties as ~~may be~~ *are* designated by the City Manager.

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

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

~~4.~~ The City Council may require from all other officers and employees of the City constituted or appointed under this Charter, except the Mayor and Council Members, sufficient security for the faithful and honest performance of their respective duties.

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

Sec. 1.110 Appointive officers ~~and~~ *and appointive employees:* Duties; salary ~~and~~ *benefits.*

1. All appointive officers *and appointive employees* of the City, *including those appointed by the City Council*, except ~~the~~ :

(a) The City Manager ;

(b) The City Clerk and the chief deputy and the Manager of Record Systems appointed by the City Clerk pursuant to section 3.040;

(c) Assistants appointed by the City Attorney pursuant to section 3.060; and ~~the~~

(d) The members of the City Board of Health *and the City Health Officer, if the City administers the operations of the Board of Health,*

shall perform ~~such~~ their duties under the direction of the City Manager ~~as may be~~ or as designated by the City Council ~~through the City Manager.~~

2. All appointive officers *and appointive employees* of the City ~~shall receive such salary as may be~~ *are entitled to the salary* designated by the City Council ~~through the adoption of a resolution establishing the salary ranges applicable to each office and position.~~

3. *All appointive officers and appointive employees are entitled to the employment benefits established by the applicable law of the State and to such other benefits as the City Council provides by resolution.*

Sec. 10. ~~Section 2.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1965, is hereby amended to read as follows:~~

~~Sec. 2.020 City Council: Contracts. Council Members : [of the City Council:]~~

~~1. May vote on any lease, contract or other agreement which extends beyond their terms of office.~~

~~2. Shall not have any interest, directly or indirectly, in any lease, contract or other agreement entered into with the City. (Deleted by amendment.)~~

Sec. 11. Section 2.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1965, is hereby amended to read as follows:

Sec. 2.030 City Council: Discipline of members, ~~{Council Members}~~ other persons; subpoena power.

1. The City Council may:

(a) Provide for the punishment of *the City Clerk or* any member ~~{Council Member}~~ for disorderly conduct committed in its presence.

(b) Order the attendance of witnesses and the production of all papers relating to any business before the City Council.

2. If any person ordered to appear before the City Council fails to obey such an order:

(a) The City Council or any member thereof ~~{Council Member}~~ may apply to the clerk of the district court for a subpoena commanding the attendance of the person before the City Council.

(b) ~~{Such Clerk}~~ *The clerk of the district court* may issue the subpoena, and any peace officer may serve it.

(c) If the person upon whom the subpoena is served fails to obey it, the court may issue an order to show cause why ~~{such}~~ *the* person should not be held in contempt of court and upon *the* hearing of the matter may adjudge ~~{such}~~ *the* person guilty of contempt and punish him or her accordingly.

Sec. 12. Section 2.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 255, Statutes of Nevada 2001, at page 1131, is hereby amended to read as follows:

Sec. 2.040 Meetings: Quorum.

1. The City Council shall hold not less than two regular meetings each month. The times and dates of ~~{the}~~ *regular* meetings must be established by ~~{ordinance}~~ *resolution*.

2. *Special meetings of the City Council may be held at the call of the Mayor* ~~{for City Manager}~~.

3. Except as otherwise provided in NRS 241.0355, a majority of all the members of the City Council ~~{Members}~~ constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.

~~{3. Except as otherwise provided by law, all sessions and all proceedings of the City Council must be public.} {Council Members}~~

4. *The meetings of the City Council must be conducted in accordance with chapter 241 of NRS.*

Sec. 13. ~~{Section 2.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1966, is hereby amended to read as follows:~~

~~Sec. 2.060 Meetings: Time and place; rules. The City Council may:~~

~~1. Fix the time and place of its meetings and judge the qualifications and election of [its own members.] Council Members.~~

~~2. Adopt rules for the government of its [members and] proceedings [.] and Council Members.} (Deleted by amendment.)~~

Sec. 14. Section 2.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.070 Oaths and affirmations. The Mayor, ~~{Assistant}~~ *the Vice* Mayor while acting in the place of the Mayor, each Council Member and

the City Clerk may administer oaths and affirmations relating to any business pertaining to the City, before the City Council or to be considered by the City Council.

Sec. 15. Section 2.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 599, Statutes of Nevada 1993, at page 2499, is hereby amended to read as follows:

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders ~~H~~; *waiver of salary and benefits.*

1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the *Constitution of the* State of Nevada, or to the provisions of Nevada Revised Statutes or of this Charter, necessary for the municipal government and the management of the affairs of the City, and for the execution of all the powers vested in the City.

2. When power is conferred upon the City Council to do and perform anything ~~H~~ and the manner of exercising such power is not specifically provided for, the City Council may provide by ordinance the manner and details necessary for the full exercise of such power.

3. The City Council may enforce ordinances by providing penalties not to exceed those established by the Legislature for misdemeanors.

4. The City Council shall have such powers, not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.

5. Except as otherwise provided in this subsection ~~H~~ *and subsection 6*, the City Council shall not pass any ordinance *or resolution* increasing or diminishing the salary of any elective officer during the term for which he or she is elected or appointed. The City Council may pass an ordinance increasing the salary of a Municipal Judge during the term for which he or she is elected or appointed.

6. Except as otherwise prohibited or limited by statute or regulation or as otherwise provided in this subsection, the Mayor and any Council Member may waive the payment of any part of the salary and benefits otherwise payable to him or her during any budget year. Any such waiver must be in writing, does not extend beyond the current term of the Mayor or Council Member and may not be rescinded. ~~for any time.~~

Sec. 16. Section 2.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 878, is hereby amended to read as follows:

Sec. 2.090 Ordinances: Passage by bill; amendments; subject matter; title requirements.

1. No ordinance may be passed except by bill and by a majority vote of the City Council. The style of all ordinances ~~shall~~ *must* be as follows: "The City Council of the City of Reno ~~do~~ *does* ordain:".

2. No ordinance ~~shall~~ *may* contain more than one *general* subject ~~which shall matter and matters which pertain to or are necessarily connected with the general subject matter, and the general subject must be briefly indicated in the title. Where the general subject of the ordinance is not so expressed in the title, the ordinance is void.~~ *as to the matter not expressed in the title.*

3. Any ordinance which amends an existing ordinance ~~shall~~ *must* set out in full the ordinance or sections thereof to be amended, and ~~shall~~

~~must~~ indicate matter to be omitted by enclosing it in brackets and ~~shall indicate~~ *any* new matter by underscoring or by italics.

Sec. 17. Section 2.100 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be ~~referred to a committee for consideration,~~ *read to the City Council by title*, after which an adequate number of copies of the proposed ordinance must be filed with the City Clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City at least 10 days before the adoption of the ordinance. The City Council shall adopt or reject the ordinance, or an amendment thereto, within 45 days after the date of publication.

2. At the next regular meeting or adjourned *regular* meeting of the City Council held at least 10 days after the date of publication, the ~~committee shall report the ordinance back to the City Council. Thereafter,~~ *proposed ordinance must be returned to the City Council for consideration and possible adoption. At that meeting, the title of the proposed ordinance* must be read as first proposed or as amended, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency or where the ordinance is of a kind specified in section 7.030, by unanimous consent of the City Council, final action may be taken immediately or at an emergency meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the City Clerk need be published.

4. All ordinances must be signed by the Mayor, attested by the City Clerk and published by title, together with the names of the *members of the City Council* ~~[Members]~~ voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, and published in the City for at least one publication, before the ordinance becomes effective. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances in a book kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 18. Section 2.120 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 561, Statutes of Nevada 1977, at page 1393, is hereby amended to read as follows:

Sec. 2.120 Codification of ordinances; publication of Code.

1. The City Council may codify and publish a Code of its municipal ordinances in the form of a Municipal Code, which Code may, at the election of the City Council, have incorporated therein a copy of this Charter and such additional data as the City Council ~~[may prescribe. When such Code is published, two copies shall be filed with]~~ *prescribes. Whenever the Code is published or revised, a copy must be provided to* the Librarian at the County Public Library in Reno, the County Law Library and the Supreme Court Law Library. *The requirements of this subsection are satisfied by the provision of a paper copy, an electronic copy or a copy of the Code in such other format as is requested by a library.*

2. The ordinances in the Code ~~shall~~ **must** be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, signature of the Mayor, attestations and other formal parts.

3. The codification ~~shall~~ **must** be adopted by an ordinance and ~~shall~~ **must** not contain any substantive changes, modifications or alterations of existing ordinances, and the only title necessary for the ordinance ~~shall be~~ **is**, "An ordinance for codifying and compiling the general ordinances of the City of Reno."

4. The codification may be amended or extended by ordinance.

Sec. 19. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 216, Statutes of Nevada 2007, at page 726, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State. ~~to~~ **of Nevada**. An offense that is made a misdemeanor by the laws of the State ~~to~~ **of Nevada** shall ~~also~~ be deemed **also** to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell telecommunication service to the general public.

(b) May purchase or construct facilities for providing telecommunication that intersect with public rights-of-way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunication service to the general public.

5. As used in this section:

(a) "Telecommunication" has the meaning ascribed to it in NRS 704.025.

(b) "Telecommunication service" has the meaning ascribed to it in NRS 704.028.

Sec. 20. Section 3.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.010 Mayor: Duties; ~~Assistant~~ Vice Mayor.

1. The Mayor:

(a) Shall serve as a member of the City Council ~~Member~~ and preside over its meetings. ~~of the City Council~~

(b) Shall not have any administrative duties.

(c) Must be recognized as the head of the City Government for all ceremonial purposes.

(d) Shall determine the order of business at meetings pursuant to the rules of the City Council.

(e) Is entitled to vote and shall vote last on all roll call votes.

(f) Shall take all proper measures for the preservation of the public peace and order and for the suppression of riots and all forms of public disturbance, for which he or she is authorized to appoint extra police officers temporarily and without regard to Civil Service rules and regulations, and to call upon the County Sheriff ~~of Washoe County~~ or, if that force is inadequate, to call upon the Governor for assistance.

(g) Shall perform such other duties, except administrative duties, as ~~may be~~ are prescribed by ordinance or by the provisions of Nevada Revised Statutes which apply to a mayor of a city organized pursuant to the provisions of a special charter.

2. At the first regular City Council meeting in November of each year ~~or whenever a vacancy occurs in the office of Vice Mayor~~, the City Council shall elect one of the Council Members to be ~~Assistant~~ Vice Mayor. That person:

(a) Holds that office and title, without additional compensation, for a term of 1 year or until removed after a hearing for cause by a vote of six-sevenths of the City Council ~~or the office otherwise becomes vacant~~.

(b) Shall perform the duties of Mayor during the absence or disability of the Mayor.

(c) Shall act as Mayor if the office of Mayor becomes vacant until the vacancy is filled pursuant to section 1.070 of this Charter.

Sec. 21. Section 3.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 735, is hereby amended to read as follows:

Sec. 3.020 City Manager: Duties; compensation.

1. The City Manager is the Chief Executive and Administrative Officer of the City Government. He or she is responsible to the City Council for the proper administration of all affairs of the City. The duties and salary of the City Manager must be fixed by the City Council and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

2. The City Manager may appoint such clerical and administrative assistants as he or she ~~may deem~~ deems necessary.

3. ~~He or she~~ **The City Manager** may designate an acting City Manager to serve in his or her absence or, if he or she fails to do so, the City Council may appoint an acting City Manager.

4. No member of the City Council ~~Member~~ may be appointed as City Manager during the term for which he or she was elected, or for 1 year thereafter.

5. The City Manager shall appoint all officers and employees of the City and may remove any officer or employee of the City except as otherwise provided in this Charter. The City Manager may authorize the head of a department or office to appoint or remove his or her subordinates. The appointment of a Chief of Police or a Fire Chief by the City Manager does not take effect until it has been confirmed by a majority vote of the members of the City Council. If a person so nominated is not confirmed, the City Manager shall continue to submit nominations until a nominee is confirmed.

Sec. 22. ~~Section 3.030 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 210, Statutes of Nevada 1997, at page 736, is hereby amended to read as follows:~~

~~Sec. 3.030 City Manager: Removal:~~

~~1. The City Council may remove the City Manager from office in accordance with the procedure contained in this section:~~

~~2. The City Council shall adopt by affirmative vote of a majority of all [its members] **Council Members** a preliminary resolution which must state the reasons for removal and may suspend the City Manager from duty for a period not to exceed 15 days. A copy of the resolution must be delivered promptly to the City Manager.~~

~~3. Within 5 days after a copy of the resolution is delivered to the City Manager, he or she may file with the City Council a written request for a public hearing. The public hearing must be held at a City Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The City Manager may file with the City Council a written reply not later than 5 days before the hearing.~~

~~4. The City Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all [its members.] **Council Members**, at any time after 5 days from the date when a copy of the preliminary resolution was delivered to the City Manager if he or she has not requested a public hearing or at any time after the public hearing if he or she has requested one.~~

~~5. The City Manager is entitled to receive his or her salary until the effective date of the final resolution of removal.] (Deleted by amendment.)~~

Sec. 23. Section 3.040 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 210, Statutes of Nevada 1997, at page 737, is hereby amended to read as follows:

Sec. 3.040 City Clerk: Duties.

1. The City Clerk shall:

(a) Keep the corporate seal and all books and papers belonging to the City.

(b) Attend all meetings of the City Council and keep an accurate journal of its proceedings, including a record of all ordinances, bylaws and resolutions passed or adopted by it. After approval at each meeting of the City Council, the City Clerk shall attest the journal after it has been signed by the Mayor.

(c) Sign all warrants *for payment* issued.

(d) Number and sign all *business* licenses issued by the City. All *business* licenses must be in a form devised by the City Clerk and approved by the City Council.

(e) Enter upon the journal the result of the vote of the City Council upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rates of licenses.

(f) Be the official collector of all business license fees and penalties of the City, and all money making up the City revenues, except general taxes and special assessments, must be paid over to him or her.

2. The City Clerk has custody of all the official records of the City. He or she is responsible to the City Council for the proper discharge of his or her duties. The duties and salary of the City Clerk are fixed by the City Council, and he or she is entitled to be reimbursed for all expenses incurred in the performance of his or her duties.

3. The City Clerk may, with approval of the City Council, appoint one chief deputy and one Manager of Record Systems, who are not subject to the provisions of article IX of this Charter. The City Clerk may designate a member of his or her staff as acting City Clerk to:

(a) Administer oaths; and

(b) Perform all the duties of the City Clerk in his or her absence.

Sec. 24. Section 3.060 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1369, is hereby amended to read as follows:

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

1. The City Attorney must be a duly licensed member of the State Bar of Nevada and a qualified elector within the City. Once elected, he or she shall hold office for a term of 4 years and until his or her successor is duly elected and qualified.

2. The City Attorney is the Legal Officer of the City and shall:

(a) Perform such duties as ~~may be~~ *are* designated by ordinance;

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

(c) Be counsel for the ~~Civil Service~~ Commission;

(d) Devote his or her full time to the duties of the office; and

(e) Not engage in the private practice of law.

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

4. The City Attorney may appoint and remove such assistants as he or she ~~may require~~ *requires* in the discharge of the duties of his or her office. Such assistants must not be Civil Service employees. The Council may appropriate such an amount of money as it ~~may deem~~ *deems* proper to compensate such assistants. Such assistants who are attorneys and are employed for more than 20 hours per week by the City Attorney shall not engage in the private practice of law.

Sec. 25. Section 3.080 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1975, is hereby amended to read as follows:

Sec. 3.080 County Assessor to be ex officio City Assessor; duties.

1. The County Assessor of ~~Washoe~~ *the* County shall be ex officio City Assessor of the City. The County Assessor shall perform such duties for the City without additional compensation.

2. Upon request of the ex officio City Assessor, the City Council may appoint and set the salary of a Deputy City Assessor to perform such duties relative to city assessments as may be deemed necessary.

1 **Sec. 26.** Section 3.090 of the Charter of the City of Reno, being chapter 662,
2 Statutes of Nevada 1971, as amended by chapter 414, Statutes of Nevada 1975, at
3 page 607, is hereby amended to read as follows:

4 Sec. 3.090 County Treasurer to be ex officio City Treasurer; duties.

5 1. The Treasurer of ~~Washoe~~ *the* County shall be ex officio City
6 Treasurer and Tax Receiver of the City. The County Treasurer shall
7 perform such duties for the City without additional compensation.

8 2. The City Treasurer shall, with the consent of the City Council,
9 appoint the City Clerk or other city officer as Deputy City Treasurer to
10 perform such duties as may be designated by the City Council.

11 3. The City shall compensate ~~Washoe~~ *the* County annually in an
12 amount agreed upon by the City Council and the Board of County
13 Commissioners of ~~Washoe~~ *the* County for the services rendered by the
14 Treasurer of ~~Washoe~~ *the* County under this section.

15 **Sec. 27.** Section 3.140 of the Charter of the City of Reno, being chapter 662,
16 Statutes of Nevada 1971, as amended by chapter 210, Statutes of Nevada 1997, at
17 page 737, is hereby amended to read as follows:

18 Sec. 3.140 Interference *and direction* by City Council.

19 1. The Mayor or Council Members shall not dictate the appointment,
20 suspension or removal of any City administrative officer or employee
21 appointed by the City Manager or his or her subordinates. No person
22 covered by the rules and regulations of the ~~Civil Service~~ Commission may
23 be appointed, suspended or removed except as provided in those rules and
24 regulations.

25 2. *Any action directed by the City Council in a public meeting shall*
26 *be deemed to be direction to the City Manager and not to any subordinate*
27 *of the City Manager.* The City Council or *its members* ~~in Council~~
28 ~~Member~~ shall not ~~deal~~ *:*

29 (a) *Deal* directly with a City official or employee on a matter
30 pertaining to City business , *except for the purpose of inquiry*, but shall
31 deal through the City Manager ~~it~~ ; or

32 (b) *Give any order, publicly or privately, to any subordinate of the*
33 *City Manager.*

34 ~~3. If the Mayor or any Council Member intentionally violates any~~
35 ~~provision of this section or votes in favor of the adoption of a resolution~~
36 ~~that violates this section, he or she is subject to removal from office in~~
37 ~~accordance with section 3.150 or chapter 283 of NRS, as applicable.~~

38 **Sec. 28.** Section 4.010 of the Charter of the City of Reno, being chapter 662,
39 Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at
40 page 21, is hereby amended to read as follows:

41 Sec. 4.010 Municipal Court.

42 1. The Municipal Court must include one department and may
43 include additional departments in the discretion of the City Council. If the
44 City Council determines to create additional departments, ~~it~~ *it*

45 ~~(a) It~~ shall do so by resolution and may appoint additional Municipal
46 Judges to serve until the next election.

47 ~~(b) Subject to the limitations of subsection 2, it may thereafter reduce~~
48 ~~the number of departments.~~

49 2. *The City Council may not reduce the term of office of any*
50 *appointed or elected Municipal Judge.*

1 **Sec. 29.** Section 4.020 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. 4.020 Municipal Court: Qualifications of Municipal Judge;
5 salary.

6 1. A Municipal Judge must be:

7 (a) An attorney licensed to practice law in the State . ~~of Nevada.~~

8 (b) A qualified elector within the City.

9 2. A Municipal Judge shall not engage in the private practice of law.

10 3. The salary of a Municipal Judge must be:

11 (a) Fixed by resolution of the City Council.

12 (b) Uniform for all judges in the Municipal Court.

13 **Sec. 30.** Section 4.040 of the Charter of the City of Reno, being chapter 662,
14 Statutes of Nevada 1971, as last amended by chapter 208, Statutes of Nevada 1985,
15 at page 676, is hereby amended to read as follows:

16 Sec. 4.040 Procedure, additional judges. The practice and
17 proceedings in the Court must conform as nearly as practicable to that of
18 justices' courts in similar cases. Upon the written request of the City
19 Manager an additional temporary Municipal Judge may be provided for so
20 long as the City Council authorizes additional compensation for such a
21 Judge. ~~Whenever a person is sentenced to pay a fine, the Court may~~
22 ~~adjudge and enter upon the docket a supplemental order that the offender~~
23 ~~may, if he or she desires, work on the streets or public works of the City at~~
24 ~~the rate of \$25 for each day. The money so earned must be applied against~~
25 ~~the fine until it is satisfied.~~

26 **Sec. 31.** Section 5.010 of the Charter of the City of Reno, being chapter 662,
27 Statutes of Nevada 1971, as last amended by chapter 87, Statutes of Nevada 2001,
28 at page 557, is hereby amended to read as follows:

29 Sec. 5.010 General elections.

30 1. ~~On the Tuesday after the first Monday in November 1998, and at~~
31 ~~each successive interval of 4 years, there must be elected by the qualified~~
32 ~~voters of the City, at the general election, a Mayor, Council Members from~~
33 ~~the second and fourth wards, a Municipal Judge and a City Attorney, all of~~
34 ~~whom hold office for a term of 4 years and until their successors have been~~
35 ~~elected and qualified pursuant to subsection 3 or 4.~~

36 ~~2. On the Tuesday after the first Monday in November 2000, and at~~
37 ~~each successive interval of 4 years, there must be elected by the qualified~~
38 ~~voters of the City, at the general election, Council Members from the first,~~
39 ~~third and fifth wards, one Council Member at large and two Municipal~~
40 ~~Judges, all of whom hold office for a term of 4 years and until their~~
41 ~~successors have been elected and qualified pursuant to subsection 5 or 6.~~

42 ~~3. On the Tuesday after the first Monday, date fixed by the election~~
43 ~~laws of the State for the statewide general election in November 2002, and~~
44 ~~at each successive interval of 6 years, there must be elected by the qualified~~
45 ~~voters of the City, at the general election, a Municipal Judge, who holds~~
46 ~~office for a term of 6 years and until his or her successor has been elected~~
47 ~~and qualified.~~

48 ~~4. 2. On the Tuesday after the first Monday, date fixed by the~~
49 ~~election laws of the State for the statewide general election in November~~
50 ~~2002, and at each successive interval of 4 years, there must be elected by~~
51 ~~the qualified voters of the City, at the general election, a Mayor, Council~~
52 ~~Members from the second and fourth 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.

~~15-1~~ 3. On the ~~Tuesday after the first Monday~~ *date fixed by the election laws of the State for the statewide general election* in November 2004, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at the general election, ~~three~~ *one or more* Municipal Judges, *other than the Municipal Judge referred to in subsection 1*, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.

~~16-1~~ 4. On the ~~Tuesday after the first Monday~~ *date fixed by the election laws of the State for the statewide general election* in November 2004, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Council Members from the first, third and fifth wards and one Council Member at large, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

Sec. 32. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 376, Statutes of Nevada 2005, at page 1438, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of ~~this~~ *the* State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election. *The general election must be held on the date fixed by the election laws of the State for the statewide general election.*

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) Candidates for Council Member who represent a specific ward must be voted upon only by the registered voters of that ward.

(c) Candidates for Mayor and Council Member at large must be voted upon by all registered voters of the City.

4. The Mayor and all Council Members must be voted upon by all registered voters of the City at the general election.

Sec. 33. Section 5.070 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 470, Statutes of Nevada 2005, at page 2304, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in that election, any organization, group or person requests a list of registered voters of the City, the department, office or agency which has custody of the official register of voters shall, except as otherwise provided in NRS 293.5002 and 293.558, permit the organization, group or person to copy the

1 voters' names and addresses from the official register of voters or furnish
2 such a list upon payment of the cost established by ~~the~~ *the* election
3 ~~law~~ *laws of the State*.

4 **Sec. 34.** Section 5.100 of the Charter of the City of Reno, being chapter 662,
5 Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 1993, at
6 page 24, is hereby amended to read as follows:

7 Sec. 5.100 Election returns; canvass; certificates of election; entry of
8 officers upon duties; tie vote procedure.

9 1. The election returns from any special, primary or general election
10 must be filed with the City Clerk, who shall immediately place those
11 returns in a safe or vault, and no person may handle, inspect or in any
12 manner interfere with those returns until canvassed by the City Council.

13 2. The City Council and City Manager shall meet within 10 days after
14 any election and canvass the returns and declare the result. The election
15 returns must then be sealed and kept by the City Clerk for 6 months, and no
16 person may have access thereto except on order of a court of competent
17 jurisdiction or by order of the City Council.

18 3. The City Clerk, under his or her hand and official seal, shall issue
19 to each person declared to be elected a certificate of election. The officers
20 elected shall qualify and enter upon the discharge of their respective duties
21 at the first regular City Council meeting following their election.

22 4. If any election results in a tie, the City Council shall summon the
23 candidates who received the tie vote and determine the tie ~~by lot~~ *as*
24 *provided in this subsection. The City Clerk shall provide and open in the*
25 *presence of the candidates who received the tie vote an unused 52-card*
26 *deck of playing cards, removing any jokers and blank cards. The City*
27 *Clerk shall shuffle the cards thoroughly and present the shuffled deck to*
28 *the City Manager, or to the person designated by the City Manager for*
29 *this purpose. ~~Each~~ One of the candidates who*
30 *received the tie vote shall then draw one card from the deck, and the City*
31 *Clerk shall record the suit and number of the card. The card then must be*
32 *returned to the deck, and the City Clerk shall shuffle the cards thoroughly*
33 *and present the shuffled deck to the City Manager, or to the person*
34 *designated by the City Manager for this purpose, and another of the*
35 *candidates who received the tie vote shall draw one card from the deck.*
36 *This process must be repeated until each of the candidates who received*
37 *the tie vote has drawn one card from the deck and the result of each draw*
38 *has been recorded. The candidate who draws the high card shall be*
39 *deemed the winner of the election. For the purposes of this subsection,*
40 *aces are high and twos are low. If the candidates draw cards of otherwise*
41 *equal value, the card of the higher suit is the high card. Spades are*
42 *highest, followed in descending order by hearts, clubs and diamonds.* The
43 City Clerk shall issue to the winner a certificate of election.

44 **Sec. 35.** Section 6.010 of the Charter of the City of Reno, being chapter 662,
45 Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001,
46 at page 2106, is hereby amended to read as follows:

47 Sec. 6.010 Local improvement law. Except as otherwise provided
48 in subsection 2 of section 2.140 and section 2.150, the City Council, on
49 behalf of the City and in its name, without any election, may from time to
50 time acquire, improve, equip, operate and maintain, convert to or authorize:

- 51 1. Curb and gutter projects;
- 52 2. Drainage projects;
- 53 3. Off-street parking projects;

4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; ~~and~~
13. Water projects ~~and~~ ; and

14. *Any other projects authorized by the laws of the State, including, without limitation, chapter 271 of NRS.*

Sec. 36. Section 7.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1980, is hereby amended to read as follows:

Sec. 7.010 Debt limit.

1. The City shall not incur an indebtedness in excess of 15 percent of the total assessed valuation of the taxable property within the boundaries of the City ~~and~~ , *as shown on the tax list or assessment roll in effect as of the date of issuance of the municipal securities constituting the debt.*

2. In determining any debt limitation under this section, there shall not be counted as indebtedness:

(a) Warrants or other securities which are payable upon presentation or demand or within 1 year from the date thereof.

(b) Securities payable from special assessments against benefited property, whether issued pursuant to any general or special law and irrespective of whether such special assessment securities are payable from general ad valorem taxes.

(c) Securities issued pursuant to any general or special law the principal and interest of which are payable solely from revenues of the City derived from other than general ad valorem taxes.

Sec. 37. Section 7A.040 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, is hereby amended to read as follows:

Sec. 7A.040 "Engineer" defined. "Engineer" means the *Director of Public Works, the* City Engineer or *a* firm of engineers employed by the City in connection with any undertaking, any project or the exercise of any power authorized in this article.

Sec. 38. Section 8.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 561, Statutes of Nevada 1977, at page 1397, is hereby amended to read as follows:

Sec. 8.010 Municipal taxes.

1. The City Council shall annually, at the time prescribed by law for levying taxes for State and County purposes, levy a tax not exceeding 2 percent upon the assessed value of all real and personal property within the City except as otherwise provided in the Local Government Securities Law and the Consolidated Local Improvements Law, as amended from time to time. The taxes so levied ~~shall~~ *must* be collected at the same time and in the same manner and by the same officers, exercising the same functions, as prescribed in the laws of the State ~~of Nevada~~ for collection of State and County taxes. The revenue laws of the State ~~shall~~ *are*, in every respect not inconsistent with the provisions of this Charter, ~~be~~ applicable to the levying, assessing and collecting of the municipal taxes.

2. In the matter of the equalization of assessments, the rights of the City and the inhabitants thereof ~~shall~~ *must* be protected in the same

manner and to the same extent by the action of the County Board of Equalization as are the State and County.

3. All forms and blanks used in levying, assessing and collecting the revenues of the State and counties ~~shall~~ **must**, with such alterations or additions as ~~may be~~ **are** necessary, be used in levying, assessing and collecting the revenues of the City. The City Council shall enact all such ordinances as it ~~may deem~~ **deems** necessary and not inconsistent with this Charter and the laws of the State for the prompt, convenient and economical collecting of the revenue.

Sec. 39. Section 9.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 553, Statutes of Nevada 1973, at page 882, is hereby amended to read as follows:

Sec. 9.010 Civil Service: Objectives. The purpose of this article is to provide the City ~~of Reno~~ with an efficient workforce, with equity to all persons concerned. To attain this objective:

1. All appointments and promotions to positions in the Civil Service ~~shall~~ **must** be made on the sole basis of merit and fitness, without regard to non-job-related considerations.

2. Career and promotional opportunities ~~shall~~ **must** be readily available to employees.

3. A high level **of** performance ~~shall be~~ **is** required of employees to meet their obligations to the City administration, to the users of City services and to the taxpayers.

Sec. 40. Section 9.020 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 561, Statutes of Nevada 1977, at page 1398, is hereby amended to read as follows:

Sec. 9.020 Civil Service and exempt positions.

1. A Civil Service System is created for the selection, appointment and promotion of all employees **of the City** except:

(a) A person **elected or** appointed to a position pursuant to this Charter.

(b) A person **who serves as a member of any board, commission, committee or other body created pursuant to the authority of the City.**

(c) **A person** employed by the City for less than 18 hours per week.

~~(e)~~ (d) A person for whose position half or more of the money is provided by a source other than the City.

~~(d)~~ (e) A person employed as a trainee for a period of time which is not more than that period prescribed for a probationary employee.

(f) **An employee of the Municipal Court who is hired directly by the Court.**

2. **The provisions of this article are not applicable to the selection, appointment, promotion, demotion, transfer, suspension, discipline or dismissal of any person described in subsection 1.**

3. Any employee whose position was within the provisions of the Civil Service System before ~~May 15, 1977,~~ **the effective date of this act** shall retain all rights and benefits to which he or she would otherwise be entitled under the **Civil Service** System.

Sec. 41. Section 9.040 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.040 Commission meetings. The Commission shall provide by rule for the holding of not less than one regular meeting per month, for special meetings as needed, for the election of one member as Chair, for the election of one member or appointment of a nonmember as Secretary, for public announcement of the time and place of meetings, and for meetings to

be open to the public except as provided for by Commission rule. *A special meeting of the Commission may be called by the Chair for the Chief Examiner of the Commission.*

Sec. 42. Section 9.050 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2501, is hereby amended to read as follows:

Sec. 9.050 Authority of Commission. Except as otherwise provided in ~~subsection 3 of section 9.250 of this article,~~ *this Charter*, the Commission has authority over and is responsible for:

1. All phases of the selection, appointment and promotion of employees in the Civil Service;

2. The appeal rights of such employees in regard to dismissal, demotion, suspension and disciplinary actions; and

3. The transfer of employees,
➔ together with all responsibilities assigned to the Commission by this article.

Sec. 43. Section 9.060 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, is hereby amended to read as follows:

Sec. 9.060 Rules.

1. ~~The~~ *Except as otherwise provided in this section, the* Commission shall adopt or amend rules for the Civil Service System, consistent with the provisions of this article. ~~At~~ *The Commission shall give or cause to be given at least 10 days' notice of time and place of a* ~~hearing~~ *public meeting of the Commission* on proposed rules ~~shall be given~~ by posting ~~such~~ *the* notice and a copy of each proposed rule on the bulletin board of each department and by giving ~~three copies thereof~~ *a copy of the notice and each proposed rule* to the *City Council, the* City Manager, each department head, and the president or secretary of each employee organization formally recognized by the City. *At the meeting, the Commission shall permit a representative of the City Council or the City Manager, or both, to comment on any proposed rule. Any amendment of the rule governing the number of qualified persons certified to the appointing authority on the Civil Service eligibility list is not effective until the amendment is approved by the City Council.*

2. *The rules adopted by the Commission must provide for the following matters relating to the Civil Service System:*

(a) *The review and approval by the Commission of minimum qualifications set out in class specifications for positions.*

(b) *Open and promotional recruitment of employees.*

(c) *The development and scoring of examinations of candidates for positions.*

(d) *The development, maintenance and certification of Civil Service eligibility lists, which must include criteria for the use of selective certification as applicable to a position.*

(e) *Procedures for emergency, temporary, provisional and such other types of appointments as the Commission deems desirable to facilitate the business of the City.*

(f) *The establishment of probationary periods, procedures for the confirmation of employees into the Civil Service System after completion of any applicable probationary period, and procedures for the dismissal of probationary employees, including, without limitation, the identification of circumstances in which a probationary employee, including, without*

limitation, a promoted employee, may not be dismissed by the ~~heads~~ head of ~~departments~~ a department without right of appeal.

(g) Procedures for the promotion of employees and any right of promoted employees to return to their previous positions.

(h) Procedures for the transfer and layoff of employees.

(i) Procedures for investigating and hearing appeals relating to the discipline or discharge of employees or alleged violations of the rules of the Commission.

~~*(j) Such other matters as the Commission determines are necessary or appropriate to carry into effect the provisions of this article.*~~

3. A copy of all rules adopted and all changes in them ~~shall~~ must be filed in the Office of the City Clerk. The Commission shall cause the rules and all changes in them to be ~~printed and~~ distributed as it ~~shall deem necessary. Copies shall be~~ deems necessary, except that the Commission shall cause a copy to be made available to all officers and employees of the City ~~to~~ ~~2~~ on the City's website or in such other format as the Commission determines is appropriate.

4. The head of each department may adopt ~~rules~~ procedures for the governance of his or her department not inconsistent with this article or the rules of the Commission adopted thereunder.

5. As used in this section, "selective certification" means the certification of a person for inclusion on a Civil Service eligibility list for a position based upon specialized knowledge, skills or abilities of the person, in addition to those required to meet the minimum qualifications for the position, that are required to perform the duties of the position successfully.

Sec. 44. Section 9.160 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, is hereby amended to read as follows:

Sec. 9.160 Prohibited acts.

1. No ~~appointments~~ appointment to or removal from a position in the Civil Service ~~shall~~ may be affected in any manner by any ~~individual's~~ person's:

(a) Race, color, national origin, age, sex, marital status, sexual orientation, gender identity or expression, disability, membership or nonmembership in an employee organization, ~~or~~ religion, religious beliefs or affiliations ~~to~~

~~*(b) Sex, marital status, age, or physical or visual handicap except when the Commission has certified that such fact constitutes a reasonable occupational qualification or disqualification for employment.*~~

~~*(c) , or any other characteristic for which such action is prohibited by the law of the State or of the United States, except when based upon a bona fide occupational qualification or otherwise authorized by law.*~~

(b) Political beliefs or affiliations except if that ~~individual~~ person advocates or is a member of any organization that advocates the overthrow of the government of the United States by other than lawful means.

2. ~~No~~ A person shall not practice any deception, fraud or unfair practice with respect to application, examination, employment or any other procedure authorized under this article or Commission rule, or in any information given to the Commission.

1 **Sec. 45.** Section 9.270 of the Charter of the City of Reno, being chapter 553,
2 Statutes of Nevada 1973, as last amended by chapter 65, Statutes of Nevada 1981,
3 at page 162, is hereby amended to read as follows:

4 Sec. 9.270 Appeals to the Commission.

5 1. An employee in the Civil Service who has been suspended for a
6 period of more than 3 days or who is the subject of an action by the City
7 Manager to demote or terminate him or her may appeal such action to the
8 Commission by serving the Secretary of the Commission with a written
9 notice of appeal within 10 days after such action. The Commission shall set
10 the time for hearing the appeal not less than 5 nor more than 15 days after
11 the date of service of the notice of appeal.

12 2. The Commission shall adopt a rule for hearing such appeals and
13 making any investigations it deems appropriate. In all appeals to the
14 Commission, the City Attorney shall represent the interest of the City.

15 3. In connection with any hearing or investigation contemplated by
16 this article each member of the Commission may administer oaths, secure
17 by subpoena the attendance of witnesses residing within 50 miles of the
18 City ~~of Reno~~ and the production of books and papers relevant to the
19 hearing or investigation, compel witnesses to answer and punish for
20 contempt in the same manner as provided by law for the governing of trials
21 before justices of the peace for failure to answer or produce books and other
22 evidence necessary for the hearing. All witnesses must be under oath. The
23 accused has the right to be heard in person and by attorney in his or her
24 own defense and is entitled to secure the attendance of witnesses at the
25 expense of the City if within the reach of the Commission's subpoena and
26 necessary for his or her defense. Upon a showing of necessity an accused
27 may secure from the Commission an order requiring the taking of
28 depositions of witnesses who are necessary to his or her defense and not
29 within the reach of a subpoena. The Commission shall determine to what
30 extent the expense of such depositions will be paid for by the City.
31 Hearings on appeal must be reported and may be transcribed if a transcript
32 is necessary for a deliberation of the Commission or for an appeal to the
33 district court. The Commission shall render its decision within 7 days after
34 the date of the hearing.

35 4. The action taken by the City Manager may be affirmed, modified
36 or revoked by the Commission. If the Commission finds that the reason for
37 which the action was taken is insufficient it must modify or revoke the
38 action.

39 5. The Commission shall adopt a rule for the hearing and disposition
40 of appeals concerning procedures or the content of examinations.

41 **Sec. 46.** Section 9.280 of the Charter of the City of Reno, being chapter 553,
42 Statutes of Nevada 1973, as amended by chapter 97, Statutes of Nevada 1995, at
43 page 115, is hereby amended to read as follows:

44 Sec. 9.280 Disciplinary authority of Commission; judicial review.

45 1. Verified charges may be filed with the Commission setting forth
46 cause for disciplinary action against any Civil Service employee by any
47 resident of the City. The Commission may conduct investigations and hold
48 such hearings as it deems appropriate to determine the facts. If the
49 Commission finds the charges true it may order the suspension, dismissal or
50 discipline of the employee.

51 2. The Commission on its own initiative may conduct investigations
52 and hearings with respect to violations of this article or rules of the
53 Commission and impose such sanctions as it deems appropriate.

3. ~~Any~~ *Within 180 days after service of the decision, any person who is aggrieved by a final decision of the Commission may petition for judicial review in the manner provided by chapter 233B of NRS.* *the district court in the County for relief in the form of a writ of certiorari, mandamus or prohibition where such relief is otherwise authorized by chapter 34 of NRS or other applicable law.*

Sec. 47. Section 7A.030 of the Charter of the City of Reno, being chapter 460, Statutes of Nevada 1979, at page 860, section 9.090 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 885, section 9.190 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 886, section 9.200 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.210 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.220 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, section 9.240 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, at page 887, and section 9.250 of the Charter of the City of Reno, being chapter 553, Statutes of Nevada 1973, as amended by chapter 599, Statutes of Nevada 1993, at page 2502, are hereby repealed.

Sec. 48. ~~++~~ The amendatory provisions of this act apply prospectively.
~~2. The limitation on appointive offices set forth in subsection 4 of section 1.090 of the Charter of the City of Reno, as amended by section 7 of this act, does not apply to any person holding such an appointive office before the effective date of this act.~~

Sec. 49. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

Sec. 7A.030 “County” defined.
Sec. 9.090 Transfer of employees.
Sec. 9.190 Examinations, general.
Sec. 9.200 Open and promotional examinations.
Sec. 9.210 Assembled and continuous examinations.
Sec. 9.220 Examination scores.
Sec. 9.240 Eligible lists.
Sec. 9.250 Appointments.