

Carson City Agenda Report

Date Submitted: January 21, 2014

Agenda Date Requested: February 5, 2014

To: Charter Review Committee

From: Rob Joiner, Chairman

Subject Title: Discussion regarding background of communities created by charter in Nevada, recent legislation, including AB312 (Nevada Legislature, 2013), and other legislative issues.

Summary: Brief discussion on charter communities, their governance, and how their charters can be amended. The latest amendments made by State legislation will be discussed.

Type of Action Requested: (check one)

Formal Action/Motion Other (Specify) Discussion only

Recommended Committee Action: N/A

Supporting Materials: Memo, list of links to 2013 Bills related to City Charters, City Charter Analysis, testimony from Legislative Committee to Study Powers Delegated to Local Government (dated April 22, 2010), and Charter City-Charter Committee overview.

Prepared By: Janet Busse, Office Supervisor

Committee Action Taken:

Motion: _____ 1) _____ Aye/Nay

2) _____

(Vote Recorded By)

January 24, 2014

MEMO

TO: Members, Carson City Charter Review Committee

FROM: Rob Joiner, Chairman

SUBJECT: Background Information for February 5, 2014, 3 p.m., Sierra Room, Carson City Community Center

Dear Committee Members:

Enclosed, please find several attachments with data intended to provide us with background on Nevada charter cities in general, as well as recent actions affecting some of them, including Carson City, directly.

The first, titled **City Charter Analysis**, is a brief snapshot spreadsheet comparison of the twelve charter cities in Nevada. Last updated for the 2009 legislative session, it does not include amendments to the respective charters in the 2011 and 2013 sessions. These will be discussed in the third attachment.

The second attachment is a presentation to a legislative interim committee in 2010. It compares Charter to General Law cities in Nevada in relation to city governance and the "Home Rule" issue.

Third, **City Charter-Charter Committee**, compares the charter cities' methods for amending their charters as of 2009. At that time only the cities of Sparks and Carson City had standing charter committees. Most others require a vote of their electorate to effect amendments.

The final attachments are the five bills from the 2013 legislative session affecting city charters. Please note that the cities of Henderson and Reno added standing charter committees to their governance model to review and recommend amendments to their respective charters.

AB 9-City of Reno charter bill. This bill effected a fairly major technical cleanup of the charter to comply with Nevada Revised Statute codification standards. As with Carson City's bill, AB 312, it added direct appointment of charter members from local and state elected officials without approval from the city council. As noted above, it also added a standing charter committee.

AB 312-Carson City charter bill. This bill added direct appointment of charter committee members without oversight and approval by the board of supervisors. It also provided an additional path to the legislative process from the charter committee subsequent to any action by the board of supervisors.

SB 304-City of Sparks charter bill. Amends duties of city manager, adds appointment of city attorneys by city council, and amends civil service commission provisions and related matters.

SB 440-City of Henderson charter bill. Technical cleanups and, as noted above, provides for standing charter committee and adds ward voting provisions for city council elections.

SB 457-Senator Spearman. This bill had bi-partisan sponsorship and requires certain ward voting provisions for the cities of Carson City, Reno, Sparks and Henderson.

If there is interest, at the meeting we can discuss the actions taken on these bills and the current status in the respective cities.

I look forward to our meeting on February 5. Mr. Matuska will be attending via telephone.

2013 Bills Affecting City Charters

AB 9

<http://www.leg.state.nv.us/Session/77th2013/Reports/history.cfm?ID=17>

AB 312

<http://www.leg.state.nv.us/Session/77th2013/Reports/history.cfm?ID=709>

SB 304

<http://www.leg.state.nv.us/Session/77th2013/Reports/history.cfm?ID=733>

SB 440

<http://www.leg.state.nv.us/Session/77th2013/Reports/history.cfm?ID=1006>

SB 457

<http://www.leg.state.nv.us/Session/77th2013/Reports/history.cfm?ID=1023>

CITY OF BOULDER CITY (1956 Charter)	CITY OF CALIENTE Approved March 9, 1971	CITY OF CARLIN Approved April 17, 1971	CITY OF CARSON CITY Approved April 1, 1969	CITY OF ELKO Approved April 15, 1971	CITY OF HENDERSON Approved April 13, 1971	CITY OF LAS VEGAS Approved May 26, 1983	CITY OF NORTH LAS VEGAS Approved April 26, 1971	CITY OF RENO Approved May 6, 1971	CITY OF SPARKS Approved May 16, 1975	CITY OF WELLS Approved April 15, 1971	CITY OF YERTINGTON Approved April 23, 1971		
ARTICLE I. Incorporation: Form of Government; Powers • Define the general corporate boundaries of the City • Establishes a Council-Manager form of government • Establishes an elected Mayor • Establishes four elected Councilmen • City Council appoints the positions of a) City Clerk, b) City Marshal, c) Police Judge, d) City Treasurer, e) City Attorney, f) Physician, and g) City Manager. • Provides for elected officials vacancies and restrictions from holding office	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Establishes an elected Mayor • Establishes four elected Councilmen • City Council appoints the positions of a) City Clerk, b) City Treasurer, c) Chief of Police, d) City Engineer, e) City Attorney, f) City Auditor, and g) Municipal Judge, if the Carlin Township Justice of the Peace • Provides for elected officials vacancies and restrictions from holding office	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Establishes an elected Mayor • Establishes four elected Councilmen • Mandating the city be divided into four wards with nearly equal population and boundaries approved by at least three-fifths of the Board of Supervisors • Establishes the Charter Committee and defines membership, meetings, duties, and the process for the removal of members. The Charter Committee must advise Board of any proposed changes to the Charter • Provides for elected officials vacancies and restrictions from holding office	Incorporation of City; General Powers; Boundaries; Districts, Wards and • Legislative intent in consolidating Ormsby County and the City of Carson City • Define the general corporate boundaries of the City • Establishes an elected Mayor • Establishes four elected Councilmen • City Council appoints the positions of a) City Clerk, b) City Attorney, c) Chief of Police, d) Municipal Judge, e) Fire Chief, f) City Manager, and g) City Engineer, who may be the City Manager • All appointed officers of the city perform duties under the direction of the City Manager • Provides for elected officials vacancies and restrictions from holding office	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Establishes an elected Mayor • Establishes four elected Councilmen • Establishes elected Municipal Judges • All appointed officers of the city perform duties under the direction of the City Manager • Provides for elected officials vacancies and restrictions from holding office	Introductory and Organizational Provisions • Provides the purpose, general definitions of terms used, the construction of the Charter, and the general corporate • Creates six wards established by ordinance and approved by the Council with an attempt to keep the boundaries • Establishes an elected Mayor to serve terms of four years	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Mandating the city be divided into four wards with nearly equal population and boundaries established and changed by • Establishes an elected Mayor	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Mandating the city be divided into five wards with nearly equal population and boundaries established and changed by • Establishes an elected Mayor	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Mandating the city be divided into five wards with nearly equal population and boundaries established and changed by • Establishes an elected Mayor	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Establishes an elected Mayor	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Establishes an elected Mayor	Incorporation of City; General Powers; Boundaries; Annexations; City Offices • Define the general corporate boundaries of the City • Establishes an elected Mayor		
					• Establishes elected Municipal Judges from each ward to serve terms of four years	• Establishes four elected Councilmen	• Establishes six elected Councilmen	• Establishes elected Municipal Judges	• Establishes an elected City Attorney	• Establishes five elected Councilmen who must be a resident of the city 30 preceding the last of filing a declaration for candidacy, maintain residency during the term of office, and must be a registered voter	• Establishes any other elected officer as provided by the Charter		
					• Establishes for elected Municipal Judges to serve terms of six years	• Establishes elected Municipal Judges	• Establishes elected Municipal Judges	• Establishes other elected officers as provided by the Charter	• Provides for elected officials vacancies and restrictions from holding office	• Provides for elected officials vacancies and restrictions from holding office	• Establishes that the Council appoints the positions of a) City Clerk, b) Municipal Judge, c) Chief of Police, d) City Engineer, e) City Attorney, f) City Auditor, g) City Manager, and any other offices as deemed necessary		
					• Vacancies for Mayor, Councilman, or Municipal Judge are to be filled within 30 days by a majority vote of the entire City Council [Mayor and Councilmen]	• Provides for elected officials vacancies and restrictions from holding office	• Provides for elected officials vacancies and restrictions from holding office	• Provides for elected officials vacancies and restrictions from holding office	• Council confirms City Manager appointments of Fire Chief, Police Chief, and other appointed executives, administrative, or professional positions	• Defines prohibited acts by employees and officers of the City	• Establishes that the Council appoints the positions of a) City Clerk, b) City Marshal, c) Police Judge, d) City Engineer, e) City Attorney, f) City Auditor, g) City Manager, and any other offices as deemed necessary		
					• City Council appoints the positions of a) City Manager, b) City Attorney, and c) City Clerk	• City Manager may establish other appointed positions with the approval of the Council, such officers include: a) Chief of Police, b) Director of Public Works, c) Fire Chief, d) Director of Finance, and e)	• Provides for elected officials vacancies and restrictions from holding office	• City Council appoints the positions of City Manager and City Clerk	• Council confirms City Manager appointments of Fire Chief and Police	• Establishes and defines the role of the Sparks Charter Committee			
ARTICLE II. The Council • Defines the City Council as being four Councilmen and the Mayor • Mayor elected at large for a term of four years. • Four Councilmen elected from the city at large and serve terms of four years. • Two year residency within the City prior to election, a qualified elector, hold no other elective public office, and no compensated employee or officer of the city. • Office become immediately vacant if Councilman or Mayor fails to meet qualifications, is convicted of a felony, or fails to maintain residency. • City Council appoints the positions of a) City Manager, b) City Attorney, c) City Clerk, and d) Municipal Judge.	Legislative Department • Defines the City Council as being five Councilmen including the Mayor • Mayor elected at large for a term of four years and shall appoint members of the Council to act as Superintendents to control and supervise various departments • Four Councilmen elected from the city at large and serve terms of four years. • Four Councilmen elected from the city at large and serve terms of four years. • Two year residency within the City prior to election and a qualified elector • Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	Legislative Department • Mayor elected at large for a term of four years and shall appoint members of the Council to act as Superintendents to control and supervise various departments • Four Councilmen elected from the city at large and serve terms of four years. • Two year residency within the City prior to election and a qualified elector • Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	Legislative Department • Defines the Board of Supervisors as being five Supervisors including the Mayor are elected at large and serve four year terms • Mayor must be a resident within the City six months prior to election and be a qualified elector • Supervisor must be a resident within the City six months prior to election, must be a qualified elector, and a resident of the ward being represented • Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	Legislative Department • Defines the City Council as being four Councilmen and the Mayor are elected at large and serve four year terms • Council members must be a resident at least two years before the election and be a qualified elector • Supervisor must be a resident within the City six months prior to election, must be a qualified elector, and a resident of the ward being represented • The Mayor designates Council liaisons for the different department who shall control and supervise the department of the City [this assumes a Strong Mayor form of government!]	Legislative Department • Defines the City Council as being four members and the Mayor are elected at large and serve four year terms • Mayor must be a resident within the City at least 30 days prior to the last day of filing a declaration of candidacy, is elected at large, and serve terms of four years • The Council shall establish a Finance Department and any other department as determined necessary • The Mayor designates Council liaisons for the different department who shall control and supervise the department of the City [this assumes a Strong Mayor form of government!]	Legislative Department • Defines the City Council as being four Councilmen and the Mayor are elected at large and serve four year terms • Mayor must be a resident within the City at least 30 days prior to the last day of filing a declaration of candidacy, is elected at large, and serve terms of four years • Council members must be a resident within the City at least twelve months before the election, be a qualified elector, a resident of the ward at least 30 days prior to the last day of filing a declaration of candidacy and must be a qualified elector • Council members must be a resident of the ward being represented at least 30 days before the election, be a qualified elector, a resident of the ward at least 30 days prior to the last day of filing a declaration of candidacy and must be a qualified elector	Legislative Department • Defines the City Council as being four Councilmen and the Mayor are elected at large and serve four year terms • Mayor must be a resident within the City at least 30 days prior to the last day of filing a declaration of candidacy, is elected at large, and serve terms of four years • Council members must be a resident of the ward being represented at least 30 days before the election, be a qualified elector, a resident of the ward at least 30 days prior to the last day of filing a declaration of candidacy and must be a qualified elector • Defines the duties of the Mayor	Legislative Department • Defines the City Council as being six Councilmen and the Mayor • Mayor must be a qualified elector, is elected at large, and serve terms of four years • Council members must be a resident of the ward being represented at least 30 days before the election, be a qualified elector, a resident of the ward at least 30 days prior to the last day of filing a declaration of candidacy and must be a qualified elector • Defines the selection and duties of the Mayor Pro Tempore	Legislative Department • Defines the City Council as being six Councilmen and the Mayor • Mayor must be a qualified elector, is elected at large, and serve terms of four years • Council members must be a resident of the ward being represented at least 30 days before the election, be a qualified elector, a resident of the ward at least 30 days prior to the last day of filing a declaration of candidacy and must be a qualified elector • Defines the selection process and duties of the Mayor pro tempore	Legislative Department • Defines the City Council as being six Councilmen and the Mayor • Mayor must be a qualified elector, is elected at large, and serve terms of four years • Council members must be a resident of the ward being represented at least 30 days before the election, be a qualified elector, a resident of the ward at least 30 days prior to the last day of filing a declaration of candidacy and must be a qualified elector • Defines the selection process and duties of the Mayor pro tempore	Legislative Department • Defines the City Council as being five Councilmen [the Mayor is not part of the City Council for legislative purposes] • Mayor must be a resident of the city for at least six months prior to the election, a qualified elector, is elected at large, and serve terms of four years • Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	Legislative Department • Defines the City Council as being four Councilmen and the Mayor • Mayor must be a resident of the city for at least two years prior to the election, a qualified elector, is elected at large, and serve terms of four years • Four Councilmen must be a resident of the city for at least two years prior to the election, a qualified elector, are elected at large, and serve terms of four years • Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	Legislative Department • Defines the City Council as being four Councilmen and the Mayor • Mayor must be a resident of the city for at least two years prior to the election, a qualified elector, is elected at large, and serve terms of four years • Four Councilmen must be a resident of the city for at least two years prior to the election, a qualified elector, are elected at large, and serve terms of four years • Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules
					• Defines processes and procedures for making, passing, and modifying ordinances and resolutions.	• Defines processes and procedures for making, passing, and modifying ordinances and resolutions.	• Defines processes and procedures for making, passing, and modifying ordinances and resolutions.	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules		
					• Defines the powers of the Council over the city code, control of property, licensing, police powers, fire protection, public health, building construction and safety codes, rights of way, golf course, traffic control, railroads, nuisances, animal control and abatement, sanitary sewer facilities, utilities, cemeteries, and television franchises.	• Defines the powers of the Council over the city code, control of property, licensing, police powers, fire protection, public health, building construction and safety codes, rights of way, golf course, traffic control, railroads, nuisances, animal control and abatement, sanitary sewer facilities, utilities, cemeteries, and television franchises.	• Defines the powers of the Council over the city code, control of property, licensing, police powers, fire protection, and hazardous materials, public health, building construction and safety codes, zoning and planning, rights of way and other public buildings and grounds, traffic control, airports, railroads, nuisances, animal control and abatement, sanitary sewer facilities, utilities, cemeteries.	• Provides for rules related to members not holding other elective office, meetings times and place of meetings, and quorums	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	
					• Defines processes and procedures for making, passing, and modifying ordinances and resolutions.	• Defines processes and procedures for making, passing, and modifying ordinances and resolutions.	• Defines processes and procedures for making, passing, and modifying ordinances and resolutions.	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	
					• Defines the powers of the Council over the city code, control of property, licensing, police powers, fire protection, public health, building construction and safety codes, rights of way, golf course, traffic control, railroads, nuisances, animal control and abatement, sanitary sewer facilities, utilities, cemeteries, and television franchises.	• Defines the powers of the Council over the city code, control of property, licensing, police powers, fire protection, and hazardous materials, public health, building construction and safety codes, zoning and planning, rights of way and other public buildings and grounds, traffic control, airports, railroads, nuisances, animal control and abatement, sanitary sewer facilities, utilities, cemeteries.	• Defines the powers of the Council over the city code, control of property, licensing, police powers, fire protection, and hazardous materials, public health, building construction and safety codes, zoning and planning, rights of way and other public buildings and grounds, traffic control, airports, railroads, nuisances, animal control and abatement, sanitary sewer facilities, utilities, cemeteries.	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	• Provides for rules related to discipline of members, meetings, quorums, times and place of meetings, rules	

INTERIM TECHNICAL ADVISORY COMMITTEE FOR INTERGOVERNMENTAL REALTIONS (ACIR)

Comparing General Law and Charter Forms of Government

April 7, 2010

CITY OF BOULDER CITY (1956 Charter)	CITY OF CALIENTE Approved March 9, 1971	CITY OF CARLIN Approved April 17, 1971	CITY OF CARSON CITY Approved April 1, 1969	CITY OF ELKO Approved April 15, 1971	CITY OF HENDERSON Approved April 13, 1971	CITY OF LAS VEGAS Approved May 26, 1983	CITY OF NORTH LAS VEGAS Approved April 26, 1971	CITY OF RENO Approved May 6, 1971	CITY OF SPARKS Approved May 16, 1975	CITY OF WELLS Approved April 15, 1971	CITY OF YERINGTON Approved April 23, 1971
Incorporation; Form of Government; Powers (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Districts, Wards and Annexations (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)	Introductory and Organizational Provisions (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)	Incorporation of City; General Powers; Boundaries; Annexations; City Offices (ARTICLE I.)
• Define the general corporate boundaries of the City	• Define the general corporate boundaries of the City	• Define the general corporate boundaries of the City	• Legislative intent in consolidating Ormsby County and the City of Carson City	• Define the general corporate boundaries of the City	• Define the general corporate boundaries of the City	• Provides the purpose, general definitions of terms used, the construction of the Charter, and the general corporate boundaries of the City.	• Define the general corporate boundaries of the City	• Define the general corporate boundaries of the City	• Define the general corporate boundaries of the City	• Define the general corporate boundaries of the City	• Define the general corporate boundaries of the City
Council = 4 Councilmen and Mayor	Council = 5 Councilmen and Mayor	Council = 4 Councilmen and Mayor	Board = 4 Supervisors and Mayor	Council = 4 Councilmen and Mayor	Council = 4 Councilmen and Mayor	Council = 6 Councilmen and Mayor	Council = 4 Councilmen and Mayor	Council = 6 Councilmen and Mayor	Council = 5 Councilmen	Council = 4 Councilmen and Mayor	Council = 4 Councilmen
Elected Officers = Mayor and Councilmen	Elected Officers = Mayor and Councilmen	Elected Officers = Mayor and Councilmen	Elected Officials = Mayor, Supervisors, County Clerk, County Treasurer, County Assessor, County Sheriff, County District Attorney, Justice of Peace	Elected Officers = Mayor and Councilmen	Elected Officers = Mayor, Councilmen, and Municipal Court Judge	Elected Officers = Mayor, Councilmen, and Municipal Court Judge	Elected Officers = Mayor, Councilmen, Municipal Court Judge	Elected Officers = Mayor, Councilmen, Municipal Court Judge, and City Attorney	Elected Officers = Mayor and Councilmen	Elected Officers = Mayor and Councilmen	Elected Officers = Mayor and Councilmen
Council Appoint Officers = City Manager, City Attorney, City Clerk, and Municipal Court Judge	Council Appointed Officers = City Clerk, City Marshal, Police Judge, City Treasurer, City Attorney, City Physician, and City Manager	Council Appointed Officers = City Clerk, City Treasurer, Police Chief, City Engineer, City Attorney, City Auditor, and Municipal Court Judge	Supervisor Appointed Officers = City Manager	Council Appointed Officers = City Clerk, City Attorney, Police Chief, Municipal Court Judge, Fire Chief, City Manager, and City Engineer	Council Appointed Officers = City Manager and City Clerk	Council Appointed Officers = City Manager and City Attorney	Council Appointed Officers = City Manager and City Clerk	Council Appointed Officers = City Manager	Council Appointed Officers = City Manager, City Clerk, Municipal Court Judge, Police Chief, City Engineer, City Attorney, and City Auditor	Council Appointed Officers = City Manager, City Clerk, City Attorney, Police chief, City Clerk, and Municipal Court Judge	Council Appointed Officers = City Manager, City Clerk, City Attorney, Police chief, City Clerk, and Municipal Court Judge
						Council Ratification = Finance Director, Public Services Director, Fire Chief, City Clerk, City Treasurer, and All Department Heads		Council Ratification = All Department Heads	Council Ratification = All Department Heads and some division managers		
The Council (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)	Legislative Department (ARTICLE II.)
Planning and Zoning (ARTICLE VIII.)											
Initiative, Referendum and Recall (ARTICLE X.)											
Intoxicating Liquors, Gambling and Prostitution (ARTICLE XIII.)											
Public Utilities (ARTICLE XIV.)											
Real Estate (ARTICLE XV.)											
The City Manager (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)	Executive Department (ARTICLE III.)
City Budgets (ARTICLE IV.)											
Council-Manager	Council-Manager	Strong Mayor	Supervisory Board-Manager	Strong Mayor	Council-Manager	Strong Mayor	Council-Manager	Council-Manager	Council-Manager	Strong Mayor	Strong Mayor
Municipal Court (ARTICLE XII.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)	Judicial Department (ARTICLE IV.)
Municipal Court with appointed Judges	Municipal Court with appointed Judges	Uses County Justice Court	Uses County Justice Court	Municipal Court with appointed Judges	Municipal Court with elected Judges	Municipal Court with elected Judges	Municipal Court with elected Judges	Municipal Court with elected Judges	Municipal Court with elected Judges	Municipal Court with appointed Judges	Municipal Court with appointed Judges
City Elections (ARTICLE IX.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)	Elections (ARTICLE V.)
Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve term of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years	Mayor elected at large to serve terms of 4 years
Councilmen elected at large to serve terms of 4 years	Councilmen elected at large to serve terms of 4 years	Councilmen elected at large to serve terms of 4 years	Councilmen elected at large to serve terms of 4 years	Councilmen elected at large to serve terms of 4 years	Councilmen elected at large to serve terms of 4 years	Councilmen elected of the ward in the primary and general elections to serve terms of 4 years	Councilmen elected of the ward in the primary and general elections to serve terms of 4 years	Councilmen elected of the ward in the primary and at large in the general elections to serve terms of 4 years	Councilmen elected at large to serve terms of 4 years	Councilmen elected at large to serve terms of 4 years	Councilmen elected at large to serve terms of 4 years

• Amending the Charter may be proposed by Council or through initiative petition and must be approved by a vote of registered voters. Final approval requires two consecutive general election votes.											
Civil Service and Personnel (ARTICLE VII.)					Civil Service (ARTICLE IX.)	Civil Service (ARTICLE X.)	Civil Service (ARTICLE IX.)	Civil Service (ARTICLE IX.)	Civil Service (ARTICLE IX.)		
• Establishes Commission membership, rules, and regulations.					• Creates a System of Civil Service governing the employment practices, policies, procedures, and regulations of the City.	• Creates a System of Civil Service governing the employment practices, policies, procedures, and regulations of the City.	• Creates a System of Civil Service governing the employment practices, policies, procedures, and regulations of the City.	• Creates a System of Civil Service governing the employment practices, policies, procedures, and regulations of the City.	• Creates a System of Civil Service governing the employment practices, policies, procedures, and regulations of the City.		

LEGISLATIVE COMMITTEE TO STUDY POWERS DELEGATED TO LOCAL
GOVERNMENTS

(SB264 Section 8 and Chapter 462 of the *Statutes of Nevada 2009*)

April 22, 2010

Good Morning Mr. Chairman, Madame Vice Chair, and members of the Committee, for the record I am Steve Driscoll, Assistant City Manager for the City of Sparks. Thank you for the opportunity to provide you information on General Law and Chartered cities. My position today is to provide information for your future discussion and deliberation as it relates to Senate Bill 264 (SB264) Section 8, addressing a study concerning the powers delegated to local governments, including the feasibility of increasing powers of local government related to taxation.

At your last meeting, I testified on the structure of the City of Sparks' Charter Committee. I was invited here to provide information on the similarities and differences between General Law cities as provided by Nevada Revised Statutes Chapter 266 (NRS266) and Charter cities under Nevada Revised Statutes Title 21 incorporating Chapters 265 through 274. As staff, my presence here today is to provide information and to not advocate one position or another.

At the most base level, all cities whether incorporated or not, general law or chartered exist for the purpose of providing services to the residents and visitors of a community.

The discussion for the local jurisdictions of the state begins with establishing the desired structure of the entity and then determining the power by which the entity conducts its daily business. In the State of Nevada, the power to govern has been deemed to be under the strict control of the Legislature based on Dillon's Rule.

In 1868, Judge John F. Dillon of the Iowa Supreme Court established in *Merriam v. Moody's Executors*, 25 Iowa 163 (1868), a common law rule of statutory interpretation known as Dillon's Rule, which limits the powers of local governments. Under Dillon's Rule, a local government possesses and can exercise only those powers which are: (1) granted in express words; (2) necessarily or fairly implied in or incident to the powers expressly granted; or (3) essential to the accomplishment of the declared objects and purposes of the local government and which are not simply convenient, but indispensable. The Nevada Supreme Court has cited Dillon's Rule in several opinions.

It is important to remember when Judge Dillon wrote his opinion on city's rights, the country was emerging from a Civil War; citizens were moving freely about the territories and states looking for a better life; reconstruction and industrialization were running rampant; and corruption in local government was commonplace. Judge Dillon's opinion was influenced by these events and his judicial writing reflects his thoughts on strict oversight of cities by the state.

The opposite of Dillon's Rule in governance is the concept of Home Rule which refers to the idea of local self-government and the necessary powers granted to citizens of a local area to structure, organize, and empower their local government. Judge Thomas Cooley of the Michigan Supreme Court first defined Home Rule as "a doctrine that localities have the inherent right for self-governance." Strict supporters of Home Rule have suggested that a locality has an important role in managing its own affairs and avoiding interference by the state.

Most commonly, there are four primary areas in which Home Rule powers are exercised by local governments:

1. Structural --- power to choose the form of government, charter and enact charter revisions;
2. Functional – power to exercise powers of local self-government (sometimes qualified as "broad functional" or "limited functional" Home Rule with varying degrees of autonomy);
3. Fiscal – authority to determine revenue sources, set tax rates, borrow funds, and other related activities; and
4. Personnel – authority to set employment rules and conditions ranging from remuneration to collective bargaining.

In the State of Nevada there are 19 incorporated cities, seven operate under NRS266 as general law cities and 12 are chartered cities. What is the difference? The general law cities operate under a single set of operating rules, regulations, processes, and a prescribed structure. The Legislature is specifically granted the authority to create or alter the form of a city's organization and the Legislature may pass legislation that affects all general law cities equally and simultaneously.

GENERAL LAW CITIES

As NRS 266 begins to establish the provisions for general law cities, NRS266.010 appears to specifically grant Home Rule to general law cities, "*Subject to the right of the Legislature to create or alter the form of municipal organization by special act or charter, the right of home rule and self-governance is hereby granted to the people of any city incorporated under the provisions of this chapter.*" The Nevada Supreme Court has interpreted cases such that Home Rule for general law cities is in name only and Dillon's Rule applies here as well. So we must look farther into NRS266 to see what the Legislature has in mind.

NRS266 starts out, as most large sections of the state law does, by defining general provisions of the Chapter and a general guideline to be followed determining if an entity can utilize the section of law for its particular use. NRS 266 sets guidelines to determine whether a city can incorporate or not (NRS266.016 through NRS 266.050, inclusive). If the local governmental entity passes the various analyses; survives financial reviews; is willing to

establish certain rules and regulations; goes through the petition process for incorporation; and if validated by both a judicial and a legislative review, the city is allowed to incorporate.

Based on population at the time of incorporation, the new general law city is categorized and that categorization determines the number of wards the city will be divided for local representation (NRS 266.095). An election process ensues empowering a new body of elected officers who have the power to enact ordinances and resolutions (NRS266.105-266.118).

The government structure is considered to be a “Strong Mayor” form of government as the Mayor’s duties require him to be the chief executive of the city including finding a substitute in time of absence via a Mayor pro tem. The mandated duties dictate that the Mayor be the presiding officer of the City Council, vote, veto, and approve contracts, ordinances, and resolutions (NRS266.165-266.200).

City Councils are expected to meet regularly in a public forum and with a proper quorum conduct their business on ordinances or propositions (NRS266.215-266.255). The powers of the council are defined for the purpose of overseeing public works; being a steward of public property; overseeing operations and facilities of public interest; providing protections to the citizens; and operating or regulating certain public utilities (NRS266.260-266.348). Additionally, Councils have the power to regulate and license certain businesses, trades, and professions and to collect revenues, taxes, and fees (NRS266.355-266.3867).

City Councils can also define and modify the organizational structure of its city. The council may decide the duties, qualifications, and method of filling vacancies within the structure of the city. NRS266 does require certain minimum qualifications such as being a City Attorney requires one to be “an attorney in good standing admitted to practice law in all the courts of this State” (NRS266.465). NRS266 does provide specific job duties and jurisdictional powers for various organizational options each city may individually undertake (NRS266.390-266.595).

The Council is tasked with providing the proper oversight of the city’s finances, revenue, and taxation with specifics on levying and collecting taxes; apportionment of road funds; requiring ordinances to carry out revenue laws; to require all fines, forfeitures, and other monies collected be paid into the city’s treasury; and to pay for expenditures from the proper accounts and funds (NRS266.600-266.660).

Finally, for general law cities, NRS266 dictates the process for disincorporation, if ever needed (NRS266.775-266.795).

CHARTERED CITIES

Chartered cities are not significantly different from General Law cities. Their primary reason for being is to provide services to the citizens and visitors of the city. To provide those services, a city needs structure, rules, regulations, and processes for overseeing the public safety and welfare of the resources entrusted to local government.

The 12 incorporated city charters in Nevada law have strong similarities to the seven cities incorporated under general law. All 12 chartered cities had to go through the process of asking the Legislature for permission to become first incorporated and then chartered. The language in the 12 charters is not remarkably different from NRS266. The main difference is the changes that do exist are a direct result of citizen, council, or Charter Committee requests for change to the operating rules of the city that have been subsequently approved by the Legislature.

A quick review of the 12 charters reveals they consist of on average 10 Articles and cover the primary topics of city boundaries and general powers; defining the Legislative department; defining the Executive department; providing for a judicial function; providing the rules, qualifications, and operating particulars for city elections; providing for local improvements; defining the rules for incurring debt; defining the right to levy, collect, and spend taxes and fees; provide for a fair and equitable employment and personnel system; and provide severability for constitutional and operational purposes.

The individual changes made by each charter city is their way of modifying the general law provisions under NRS266 and customizing them to make the operations of their city specifically workable while meeting the restrictions of Dillon's Rule. A city's charter becomes a permissions list above and beyond the singular rules established under NRS266.

Let me provide a few examples of the differences provided by charters:

- 10 cities include the Mayor as a voting member of the Council; 1 city allows the Mayor to vote for breaking ties; and 1 city does not permit the Mayor to vote for any reason
- 10 cities appoint their City Attorney; 2 have an elected Attorney
- 5 cities elect Municipal Court Judges; 5 appoint Municipal Court Judges; and 2 use their County's Justice Court
- 7 cities use the City Manager as the Chief Executive and Administrative Officer; 5 cities utilize the Mayor as the Executive and/or Administrative Officer
- 8 cities elect Councilmen at large for the primary and general election process; 2 cities elect Councilmen of the ward for the primary and at large for the general election; and 2 cities elect Councilmen of the ward for both primary and general elections
- 6 cities have a Civil Service System
- 12 cities appoint a City Manager; with 9 City Councils appointing other city officers; and 3 City Councils ratifying the City Manager's choice of other city officers.

Before I conclude, I would like to acknowledge some of the information and details in this testimony were derived from other sources beyond the Nevada Revised Statutes. I would like to particularly thank Nick Anthony, of the Legislative Counsel Bureau, from which I have included parts of his presentation titled "A Discussion of Home Rule in Nevada," dated March 23, 2010.

Mr. Chairman, I conclude my testimony and I welcome any questions. Thank you.

City Charters/Charter Committees

Boulder City: Council submits questions to voters

Section 119. Amending the Charter.

1. An amendment to this Charter:
 - A. May be made by the Legislature directly by the use of mandatory specific wording or indirectly by the use of wording allowing flexibility in expressing the required change.
 - (1) If a statute is enacted which directly amends this Charter, such an amendment is not subject to public approval as provided in subsection B and must be included in the Charter and identified as having been amended by the particular statute involved.
 - (2) If a statute is enacted which requires that this Charter be amended but does not require the specific wording to be used, the City Council shall propose a suitable amendment to be submitted to the registered voters of the City as provided in subsection B. If such a proposed amendment is not adopted by the voters, it must be redrafted and resubmitted to the voters at one or more general city elections or general state elections until an amendment is adopted.
 - B. **May be proposed by the City Council and submitted to the registered voters of the City** at a general city election or general state election.
 - C. May be proposed by a petition signed by registered voters of the City equal in number to 15 percent or more of the voters who voted at the latest preceding general city election and submitted to registered voters of the City at the next general city election or general state election.
 2. The City Attorney shall draft any amendment proposed pursuant to subsections A(2) or B, or if such a proposed amendment has been previously drafted, the City Attorney shall review the previous draft and recommend to the Council any suggested changes or corrections.
 3. The City Attorney shall, upon request, review any amendment intended to be proposed by petition pursuant to subsection C, make only such corrections as are agreed to by the proposers and report to the City Council his analysis of the significance and potential effects of the proposed amendment.
 4. A petition for amendment must be in the form specified by state law for city initiative petitions, and must be filed with the City Clerk not later than 6 months before the date of the general city election or general state election at which the proposed amendment is to be submitted to the voters of the City.
 5. When an amendment is adopted by the registered voters of the City, the City Clerk shall, within 30 days thereafter, transmit a certified copy of the amendment to the Legislative Counsel.
 6. Any amendment to the Charter proposed under the provisions of this section shall be adopted by a simple majority of the voters casting ballots on that question at two consecutive general elections before any such amendment shall become effective. (Add. 25; Amd. 1; 6-3-2003)

(A—Ch. 345, Stats. 1993 p. 1098)

Caliente: Council submits questions to voters

Sec. 2.080 Powers of City Council: Ordinances, resolutions and orders.

1. The City Council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or 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.

Sec. 5.060 Ballots for ordinances and Charter amendments.

An ordinance or Charter **amendment to be voted on in the City shall be presented for voting by ballot title**. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his or her vote, either for or against the ordinance or amendment.

(Ch. 31, Stats. 1971 p. 67; A—Ch. 699, Stats. 1971 p. 2050)

Sec. 9.020 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the City prior to the enactment of this Charter shall be vested in the same municipal corporation on the effective date of this Charter. No right or liability, either in favor of or against such corporation existing at the time of becoming incorporated under this Charter, and no action or prosecution shall be affected by such change, but it shall stand and progress as if no change had been made.
2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of such City so becoming incorporated under this Charter, such remedy shall be cumulative to the remedy before provided, and used accordingly.
3. All ordinances and resolutions in effect in the City prior to the effective date of this Charter shall, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.
4. The enactment of this Charter shall not effect any change in the legal identity of the City.

5. The enactment of this Charter shall not be construed to repeal or in any way affect or modify:
 - (a) Any special, local or temporary law.
 - (b) Any law or ordinance making an appropriation.
 - (c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
 - (d) The running of the statute of limitations in force at the time this Charter becomes effective.
 - (e) Any bond of any public officer.

(Ch. 31, Stats. 1971 p. 70)

Carlin: Council submits questions to voters

Sec. 5.050 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

(Ch. 344, Stats. 1971 p. 616; A—Ch. 669, Stats. 1971 p. 2051)

Sec. 9.020 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the incorporated town of Carlin prior to the enactment of this Charter shall be vested in the City of Carlin on the effective date of this Charter. No right or liability, either in favor of or against such corporation existing at the time of becoming incorporated under this Charter, and no action or prosecution shall be affected by such change, but it shall stand and progress as if no change had been made.

2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of such incorporated town so becoming incorporated under this Charter, such remedy shall be cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the incorporated town prior to the effective date of this Charter shall, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.

4. The enactment of this Charter shall not be construed to repeal or in any way affect or modify:

- (a) Any special, local or temporary law.
- (b) Any law or ordinance making an appropriation.
- (c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.
- (d) The running of the statute of limitations in force at the time this Charter becomes effective.
- (e) Any bond of any public officer.

5. The provisions of that certain act of the 56th Session of the Legislature entitled "An Act relating to the Town of Carlin; providing for the improvement and equipment of its sanitary sewer system; providing for the issuance of bonds and other securities, constituting general obligations, to defray wholly or in part the cost of the improvement and equipment of such facilities and appurtenances; providing for the payment of such securities, the security therefor, and other details in connection therewith; otherwise providing powers, rights, privileges, immunities, liabilities, duties, disabilities and other details in connection with the district, such facilities, such securities, the taxes and other revenues for their payment, their proceeds, other moneys, and pledges and liens pertaining thereto, including, without limitation, by reference to the Local Government Securities Law; and providing other matters properly relating thereto," shall apply to the City of Carlin in all respects as if the Legislature had therein specifically authorized the City of Carlin to improve and equip its sanitary sewer system and to issue general obligation securities therefor as provided in such act for the incorporated town of Carlin.

(Ch. 344, Stats. 1971 p. 619)

Carson City: Standing committee.

Sec. 1.080 Charter Committee: Nomination; appointment; terms; qualifications; compensation.

1. The candidates for membership on the Charter Committee must be nominated as follows:

- (a) Each Supervisor shall nominate at least one candidate; and
- (b) Each member of the Senate and Assembly delegation representing the residents of the City shall nominate at least one candidate.

2. The Board shall:

- (a) Determine the appropriate number of members of the Charter Committee from the candidates nominated; and
- (b) Appoint the members of the Charter Committee.

3. Each member of the Charter Committee must:

- (a) Be a registered voter in Carson City;
- (b) Serve a term concurrent to the term of the public officer by whom he was nominated;

(c) Reside in Carson City during his term of office; and

(d) Serve without compensation.

(Added—Ch. 341, [Stats. 1999 p. 1406](#))

Sec. 1.090 Charter Committee: Officers; meetings; duties. The Charter Committee shall:

1. Elect a Chairman and Vice Chairman 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 Board or the Chairman of the Committee;
3. Meet jointly with the Board on a date to be set after the final biennial meeting of the Committee is conducted pursuant to subsection 2 and before the beginning of the next regular session of the Legislature to advise the Board with regard to the recommendations of the Committee concerning necessary amendments to this Charter; and
4. Assist the Board in the timely preparation of such amendments for presentation to the Legislature on behalf of the City.

(Added—Ch. 341, [Stats. 1999 p. 1406](#); A—Ch. 68, [Stats. 2003 p. 451](#))

Sec. 1.100 Charter Committee: Removal; vacancies.

1. A member of the Charter Committee may be removed by the Board for:

(a) Missing three consecutive regular meetings; or

(b) Other good cause.

2. The Board shall fill any vacancy that occurs on the Charter Committee for the unexpired term.

(Added—Ch. 341, [Stats. 1999 p. 1406](#))

Elko: Council submits questions to voters

Sec. 5.050 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

(Ch. 276, Stats. 1971 p. 489; A—Ch. 669, Stats. 1971 p. 2052)

Henderson: Council submits questions to voters

Sec. 5.060 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

(Ch. 266, Stats. 1971 p. 417; A—Ch. 669, Stats. 1971 p. 2053)

Las Vegas: Council submits questions to voters

Sec. 1.100 Construction of Charter.

1. This Charter, except where the context by clear implication otherwise requires, 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 in no way define, limit or describe 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 the neuter, and words of 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 citizens 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 in order 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.

(Ch. 517, Stats. 1983 p. 1392)

Sec. 5.060 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment which is to be voted on in the City must be presented for voting by ballot title. The ballot title of a measure may differ from its legal title, but must be a clear and concise statement which describes the substance of the measure without argument or prejudice. Below the ballot title must appear the following question: "Shall the above described (ordinance) (Charter amendment) be adopted?" The ballot, voting machine or voting device must be marked in such a way as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or Charter amendment.

(Ch. 517, Stats. 1983 p. 1415)

N Las Vegas: Council submits questions to voters

Sec. 5.060 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

(Ch. 573, Stats. 1971 p. 1224; A—Ch. 669, Stats. 1971 p. 2054)

Sec. 10.020 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the City prior to the enactment of this Charter shall be vested in the same municipal corporation on the effective date of this Charter. No right or liability, either in favor of or against such corporation existing at the time of becoming incorporated under this Charter, and no action or prosecution shall be affected by such change, but it shall stand and progress as if no change had been made.

2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of such City so becoming incorporated under this Charter, such remedy shall be cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the City prior to the effective date of this Charter shall, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.

4. The enactment of this Charter shall not effect any change in the legal identity of the City.

5. The enactment of this Charter shall not be construed to repeal or in any way affect or modify:

(a) Any special, local or temporary law.

(b) Any law or ordinance making an appropriation.

(c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

(d) The running of the statute of limitations in force at the time this Charter becomes effective.

(e) Any bond of any public officer.

(Ch. 573, Stats. 1971 p. 1228)

Reno: Council submits questions to voters

Sec. 5.060 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

(Ch. 662, Stats. 1971 p. 1978; A—Ch. 669, Stats. 1971 p. 2055)

Sec. 10.020 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the City prior to the enactment of this Charter shall be vested in the same municipal corporation on the effective date of this Charter. No right or liability, either in favor of or against such corporation existing at the time of becoming incorporated under this Charter, and no action or prosecution shall be affected by such change, but it shall stand and progress as if no change had been made.

2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of such City so becoming incorporated under this Charter, such remedy shall be cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the City prior to the effective date of this Charter shall, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.

4. The enactment of this Charter shall not effect any change in the legal identity of the City.

5. The enactment of this Charter shall not be construed to repeal or in any way affect or modify:

(a) Any special, local or temporary law.

(b) Any law or ordinance making an appropriation.

(c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

(d) The running of the statute of limitations in force at the time this Charter becomes effective.

(e) Any bond of any public officer.

(Ch. 662, Stats. 1971 p. 1983)

Sparks: Standing committee

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

1. The Charter Committee must be appointed as follows:

(a) One by each member of the Council.

(b) One by the Mayor.

(c) One by each member of the Senate and Assembly delegation representing the residents of the City.

2. Each member shall:

- (a) Serve during the term of the person by whom he was appointed;
- (b) Be a registered voter of the City; and
- (c) Reside in the City during his term of office.

3. Members of the 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.

(Ch. 470, Stats. 1975 p. 728; A—Ch. 450, Stats. 1985 p. 1311)

Sec. 1.150 Charter Committee: Meetings; duties. The Charter Committee shall:

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

2. Prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to the City Charter.

3. Recommend to the City Council the salary to be paid all elective officers for the ensuing term.

4. 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.

(Ch. 470, Stats. 1975 p. 728; A—Ch. 450, Stats. 1985 p. 1311)

Sec. 1.160 Charter Committee members: Removal; grounds.

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

2. In case of removal, a replacement must be appointed by the officer who appointed the removed member.

(Ch. 470, Stats. 1975 p. 728; A—Ch. 450, Stats. 1985 p. 1312; Ch. 350, Stats. 1987 p. 790)

Sec. 10.030 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the City prior to the enactment of this Charter shall be vested in the same municipal corporation on the effective date of this Charter. No right or liability, either in favor of or against such corporation existing at the time of becoming incorporated under this Charter, and no action or prosecution shall be affected by such change, but it shall stand and progress as if no change had been made.

2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of such City so becoming incorporated under this Charter, such remedy shall be cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the City prior to the effective date of this Charter shall, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.

4. The enactment of this Charter shall not effect any change in the legal identity of the City.

5. The enactment of this Charter shall not be construed to repeal or in any way affect or modify:

(a) Any special, local or temporary law.

(b) Any law or ordinance making an appropriation.

(c) Any ordinance affecting any bond issue or by which any bond issue may have been authorized.

(d) The running of the statute of limitations in force at the time this Charter becomes effective.

(e) Any bond of any public officers.

(Ch. 470, Stats. 1975 p. 745)

Wells: Council submits questions to voters

Sec. 5.050 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

(Ch. 275, Stats. 1971 p. 470; A—Ch. 669, Stats. 1971 p. 2056)

Sec. 9.020 Effect of enactment of Charter.

1. All rights and property of every kind and description which were vested in the City prior to the enactment of this Charter shall be vested in the same municipal corporation on the effective date of this Charter. No right or liability, either in favor of or against such corporation existing at the time of becoming incorporated under this Charter, and no action or prosecution shall be affected by such change, but it shall stand and progress as if no change had been made.

2. Whenever a different remedy is given by this Charter, which may properly be made applicable to any right existing at the time of such City so becoming incorporated under this Charter, such remedy shall be cumulative to the remedy before provided, and used accordingly.

3. All ordinances and resolutions in effect in the City prior to the effective date of this Charter shall, unless in conflict with the provisions of this Charter, continue in full force and effect until amended or repealed.

4. The enactment of this Charter shall not effect any change in the legal identity of the City.
5. The enactment of this Charter shall not be construed to repeal or in any way affect or modify:
 - (a) Any special, local or temporary law.
 - (b) Any law or ordinance making an appropriation.
 - (c) Any ordinance affecting any bond issue or by which any bond issued may have been authorized.
 - (d) The running of the statute of limitations in force at the time this Charter becomes effective.
 - (e) Any bond of any public officer.

(Ch. 275, Stats. 1971 p. 473)

Yerington: Council submits questions to voters

Sec. 5.050 Ballots for ordinances and Charter amendments. An ordinance or Charter amendment to be voted on in the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) be adopted?" The ballot or voting machine or device shall be so marked as to indicate clearly in what manner the voter may cast his vote, either for or against the ordinance or amendment.

(Ch. 465, Stats. 1971 p. 913; A—Ch. 669, Stats. 1971 p. 2057)