

SENATE BILL NO. 304—SENATOR SMITH

MARCH 18, 2013

Referred to Committee on Government Affairs

SUMMARY—Revises certain provisions of the Charter of the City of Sparks. (BDR S-136)

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

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

AN ACT relating to the City of Sparks; revising provisions of the Charter of the City of Sparks relating to the duties of the City Manager, employment of attorneys by the City Council and meetings of the Civil Service Commission; removing certain provisions relating to employment with the City of Sparks; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 1-3** of this bill amend various provisions of the Charter of the City of
2 Sparks. **Section 1** of this bill clarifies that the authority of the City Manager to
3 exercise control over the officers of the City applies only with respect to appointed
4 officers. **Section 2** of this bill authorizes the City Council, after a hearing and by
5 majority vote, to employ attorneys over whom the City Attorney has no
6 responsibility or authority to: (1) represent the City Council; or (2) perform any
7 duties otherwise performed by the City Attorney. **Section 3** requires the Civil
8 Service Commission of the City to call a special meeting under certain
9 circumstances. **Section 3** additionally requires the Commission to hold not less than
10 one regular meeting each quarter.

11 **Section 4** of this bill repeals certain sections of the Charter of the City of
12 Sparks which prohibit certain acts and sections which provide for: (1) examinations
13 for employment with the City; (2) performance reports for employees of the City;
14 (3) the submission of a list of qualified applicants to the head of a department of the
15 City to aid in filling an available or vacant position in the department; (4) the filling
16 of a vacant position in a department of the City and promotional examinations; and
17 (5) the employment of probationary employees.



* S B 3 0 4 *

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

1 **Section 1.** Section 3.020 of the Charter of the City of Sparks,
2 being chapter 470, Statutes of Nevada 1975, as last amended by
3 chapter 32, Statutes of Nevada 2011, at page 135, is hereby
4 amended to read as follows:

5 Sec. 3.020 City Manager: Duties; residence.

6 1. The City Manager is responsible to the Council for
7 the efficient administration of all the affairs of the City. He or
8 she shall:

9 (a) Exercise a careful supervision of the City's general
10 affairs.

11 (b) Enforce all laws and all acts of the Council which are
12 subject to enforcement by him or her or by persons under his
13 or her supervision.

14 (c) ~~Exercise~~ *Except as otherwise provided in this*
15 *Charter, exercise* control over all departments of the City
16 government, ~~and~~ its *appointed* officers and *its* employees.

17 (d) Attend all meetings of the Council and its committees,
18 except when the Council is considering his or her removal,
19 with the right to take part in discussions, but without power to
20 vote.

21 (e) Recommend to the Council the adoption of such
22 measures and bills as he or she considers necessary or
23 expedient.

24 (f) Make investigations into:

25 (1) The affairs of the City;

26 (2) Any department or division of the City;

27 (3) Any contract; or

28 (4) The proper performance of any obligation owed to
29 the City.

30 (g) Prepare and submit to the Council the annual budget.

31 (h) Keep the Council fully informed as to the financial
32 condition and needs of the City.

33 (i) Submit to the Council, at least once each month, a
34 summary of all claims and bills approved for payment by him
35 or her.

36 (j) Not engage in any other business or occupation
37 without the approval of the City Council.

38 (k) Perform such other duties as prescribed by this
39 Charter or be required by ordinance or resolution of the
40 Council.

41 2. The City Manager must establish his or her residence
42 within the City within 90 days after his or her appointment,



1 unless the period is extended by the Council. He or she must
2 reside in the City during his or her term of office.

3 **Sec. 2.** Section 3.055 of the Charter of the City of Sparks,
4 being chapter 321, Statutes of Nevada 2007, at page 1292, is hereby
5 amended to read as follows:

6 Sec. 3.055 Employment of special counsel. The City
7 Council may, by majority vote, after conducting a public
8 hearing, employ attorneys to ~~perform~~ :

- 9 1. *Represent the City Council; or*
- 10 2. *Perform any civil or criminal duty ~~that would~~*
11 *otherwise be performed by the City Attorney.*

12 ↪ Such attorneys are responsible only to the City Council,
13 and the City Attorney shall have no responsibility or authority
14 concerning the subject matter of such employment.

15 **Sec. 3.** Section 9.170 of the Charter of the City of Sparks,
16 being chapter 470, Statutes of Nevada 1975, as amended by chapter
17 350, Statutes of Nevada 1987, at page 796, is hereby amended to
18 read as follows:

19 Sec. 9.170 *Civil Service Commission: Meetings* . ~~of~~
20 ~~the Commission.~~

21 1. ~~Upon the request of~~ *The Civil Service Commission*
22 *shall call a special meeting of the Commission not later*
23 *than 15 days after receiving notice from* the City Manager ~~;~~
24 advising the Commission of matters ~~requiring~~ *which*
25 *require* consideration ~~;~~ *by* the Commission . ~~shall call a~~
26 ~~meeting within 15 days after receipt of the request.~~

27 2. ~~The~~ *In addition to any special meeting held*
28 *pursuant to subsection 1, the* Commission shall hold not less
29 than one regular meeting per ~~month. The meeting must be~~
30 ~~held on the same day of each calendar month, except that if~~
31 ~~the day is a holiday, the meeting must be held on the next~~
32 ~~business day.~~ *quarter.*

33 3. Notice of meetings must be given and meetings must
34 be held as provided in chapter 241 of NRS.

35 **Sec. 4.** Section 9.040 of the Charter of the City of Sparks,
36 being chapter 470, Statutes of Nevada 1975, as last amended by
37 chapter 427, Statutes of Nevada 1999, at page 1979, section 9.050 of
38 the Charter of the City of Sparks, being chapter 470, Statutes of
39 Nevada 1975, as amended by chapter 450, Statutes of Nevada 1985,
40 at page 1323, section 9.060 of the Charter of the City of Sparks,
41 being chapter 470, Statutes of Nevada 1975, as amended by chapter
42 450, Statutes of Nevada 1985, at page 1323, section 9.065 of the
43 Charter of the City of Sparks, being chapter 450, Statutes of Nevada
44 1985, as last amended by chapter 427, Statutes of Nevada 1999, at
45 page 1980, section 9.070 of the Charter of the City of Sparks, being



1 chapter 470, Statutes of Nevada 1975, as last amended by chapter
2 350, Statutes of Nevada 1987, at page 793, and section 9.080 of the
3 Charter of the City of Sparks, being chapter 470, Statutes of Nevada
4 1975, as last amended by chapter 32, Statutes of Nevada 2011, at
5 page 136, are hereby repealed.

6 **Sec. 5.** This act becomes effective on July 1, 2013.

LEADLINES OF REPEALED SECTIONS

- Sec. 9.040 Examinations.**
- Sec. 9.050 Reports of employee performance.**
- Sec. 9.060 Eligibility lists.**
- Sec. 9.065 Vacancies; promotional examinations.**
- Sec. 9.070 Probationary employees.**
- Sec. 9.080 Prohibited acts.**

