

## **Exhibit 1**

## Adams, Chet

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**From:** Adams, Chet  
**Sent:** Tuesday, February 28, 2017 2:45 PM  
**To:** Martini, Geno; Lawson, Ed; Thomas Bybee, Charlene; Dahir, Kristopher; Smith, Ron; Abbott, Donald  
**Subject:** Mayor's Resolution Supporting Elected City Attorney  
**Attachments:** Mayors resolution.pdf

I have attached the Mayor's Resolution that we discussed last night. I have tried to emphasize the importance of our Charter Committee being involved in any proposed amendment to our City Charter. I have also emphasized the fact that Spark's voters were asked in a 1974 ballot question (Immediately preceding our Charter approval by the Nevada Legislature) and again in a 1974 Advisory Question whether they wanted an elected or appointed city attorney. In both cases, Spark's voters responded overwhelmingly that they wanted their city attorney elected, and not appointed.

Finally, I have attempted to clarify that the citizens/Charter Committee should first have a say in whether our Charter should be amended to change the city attorney's position from elected to appointed.

Because support for the Mayors' Resolution is intended to be unanimous, please let me know if there is any language or principle that you cannot agree to.

Thank you,  
Chet

**RESOLUTION NO. \_\_\_\_\_**

**INTRODUCED BY COUNCIL**

**RESOLUTION OF SPARKS CITY COUNCIL AND SPARKS MAYOR REGARDING THE NEVADA LEGISLATURE'S UNILATERAL AMENDMENT OF SPARKS' CITY CHARTER THAT WOULD CHANGE THE SPARKS CITY ATTORNEY'S POSITION FROM ELECTED TO APPOINTED**

**TO:** The Honorable David R. Parks, Chairman, Nevada Senate Governmental Affairs Committee;  
The Honorable Brian Sandoval, Governor, State of Nevada

The Sparks City Council and Mayor do hereby unanimously declare and resolve as follows:

**WHEREAS**, the City of Sparks was created by Charter enacted and passed by the Nevada Legislature in 1975; and

**WHEREAS**, prior to the enactment of the Sparks City Charter, a ballot question was presented to Sparks' voters in November, 1974; and

**WHEREAS**, Sparks voters were asked whether the Sparks City Attorney should remain elected; and

**WHEREAS**, in response to the November 1974 ballot question, 7,893 voters responded "yes" while 670 voters said "no"; and

**WHEREAS**, in response to the overwhelming support of Sparks' voters for an elected City Attorney, Article I, Section 1.060(1)(c) of the Sparks City Charter subsequently declared that the Sparks City Attorney is an Elected Officer of the City of Sparks; and

**WHEREAS**, in 1991 the Sparks City Council placed an Advisory Question to Sparks' voters asking whether the office of the Sparks City Attorney should remain an elected position; and

**WHEREAS**, in 1991 the Sparks voters responded in the affirmative to keep the Sparks City Attorney's position elected; and

**WHEREAS**, Article I, Sections 1.140-1.160 of the Sparks City Charter provides for the creation of the Charter Committee for the City of Sparks; and

**WHEREAS**, Article I, Section 1.150 of the Sparks City Charter empowers the Charter Committee for the City of Sparks to conduct formal public meetings to consider and ultimately recommend to the Nevada Legislature all necessary amendments to the Sparks City Charter.

**WHEREAS**, it is the unanimous opinion and belief of the Sparks City Council and Mayor that the public meetings conducted by the Sparks Charter Committee represents a democratic and

transparent process for vetting, considering and ultimately recommending Charter amendments to the Nevada Legislature on behalf of the City of Sparks and its citizens; and

**WHEREAS**, in anticipation of the 79<sup>th</sup> Session of the Nevada Legislature, the Sparks Charter Committee conducted public meetings and considered all necessary amendments to the Sparks City Charter to be presented to the 2017 Nevada Legislature; and

**WHEREAS**, during its public meetings, conducted in anticipation of the 79<sup>th</sup> Session of the Nevada Legislature, the Sparks Charter Committee was neither requested nor directed to consider whether the Sparks City Charter should be amended to change the Sparks City Attorney's position from elected to appointed; and

**WHEREAS**, the citizens of Sparks, having previously voted twice to keep their City Attorney elected, have not been afforded notice or an opportunity to be heard through the Sparks City Charter's democratic process of open public meetings concerning an amendment to the Sparks City Charter that would change the City Attorney's position from elected to appointed.

**NOW, THEREFORE, IT IS HEREBY UNANIMOUSLY RESOLVED BY THE SPARKS CITY COUNCIL AND MAYOR:**

**Section 1.** That in order to maintain public accountability, the citizens of Sparks must be provided with the right to vote for their representatives for public office.

**Section 2.** That the Sparks City Attorney is currently an elected representative of the citizens of Sparks and is an integral part of the governmental checks and balances within Sparks' government.

**Section 3.** That as an elected official in the City of Sparks, the City Attorney provides impartial, accurate and complete legal advice to city staff and the City Council independent of any appointive political allegiance or influence.

**Section 4.** That the Sparks City Charter process provides a fair, democratic and transparent process for determining the proposed City Charter amendments to be presented to the Nevada Legislature.

**Section 5.** That an amendment to the Sparks City Council, independently and unilaterally made by a Nevada legislative body deprives Sparks' citizens of their voice in government.

**Section 6.** That changing the Sparks City Attorney's position to appointive deprives Sparks' citizens of their right to vote for their elected representatives in Sparks' government.

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**Section 7.** That prior to changing the Sparks City Attorney's position to an appointed position, Sparks' voters and the Sparks Charter Committee should be given the opportunity to consider and opine upon the matter in an open and transparent forum.

**Section 8.** That should the Nevada Legislature, nevertheless, unilaterally amend the Sparks City Charter and change the City Attorney's position from elected to appointed, the Sparks City Council and Mayor would unanimously and respectfully request the Nevada Governor's consideration in vetoing such legislation.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following vote of the City Council:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**ABSTAIN:** \_\_\_\_\_

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by:

\_\_\_\_\_  
**GENO MARTINI**  
Mayor

**Attest:**

\_\_\_\_\_  
**TERESA GARDNER**  
City Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_  
**CHESTER H. ADAMS**  
City Attorney

## **Exhibit 2**

## Adams, Chet

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**From:** Smith, Ron  
**Sent:** Wednesday, March 01, 2017 9:57 AM  
**To:** Adams, Chet; Martini, Geno; Lawson, Ed; Thomas Bybee, Charlene; Dahir, Kristopher; Abbott, Donald  
**Subject:** Re: Mayor's Resolution Supporting Elected City Attorney

Chet, I support entire resolution. Ron Smith

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**Sent:** Tuesday, February 28, 2017 2:45 PM  
**To:** Martini, Geno; Lawson, Ed; Thomas Bybee, Charlene; Dahir, Kristopher; Smith, Ron; Abbott, Donald  
**Subject:** Mayor's Resolution Supporting Elected City Attorney

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Thank you,  
Chet

## **Exhibit 3**



## Adams, Chet

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**From:** Abbott, Donald  
**Sent:** Wednesday, March 01, 2017 12:16 PM  
**To:** Adams, Chet; Martini, Geno; Lawson, Ed; Thomas Bybee, Charlene; Dahir, Kristopher; Smith, Ron  
**Subject:** Re: Mayor's Resolution Supporting Elected City Attorney

Chet,

I'm in support of this resolution.

Donald

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**From:** "Adams, Chet" <cadams@cityofsparks.us>  
**Date:** Tuesday, February 28, 2017 at 2:45 PM  
**To:** "Martini, Geno" <gmartini@cityofsparks.us>, "Lawson, Ed" <elawson@cityofsparks.us>, "Thomas Bybee, Charlene" <cbybee@cityofsparks.us>, "Dahir, Kristopher" <kdahir@cityofsparks.us>, "Smith, Ron" <rsmith@cityofsparks.us>, "Abbott, Donald" <dabbott@cityofsparks.us>  
**Subject:** Mayor's Resolution Supporting Elected City Attorney

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Thank you,  
Chet

## **Exhibit 4**

## Adams, Chet

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**From:** Thomas Bybee, Charlene  
**Sent:** Wednesday, March 01, 2017 10:31 AM  
**To:** Adams, Chet  
**Cc:** Martini, Geno; Lawson, Ed; Dahir, Kristopher; Smith, Ron; Abbott, Donald  
**Subject:** Re: Mayor's Resolution Supporting Elected City Attorney

Chet,  
I fully support this resolution.

Councilwoman Charlene Bybee  
Sparks Ward 4  
775-527-8767

On Feb 28, 2017, at 2:45 PM, Adams, Chet <[cadams@cityofsparks.us](mailto:cadams@cityofsparks.us)> wrote:

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<Mayors resolution.pdf>