

A RESOLUTION TO PLACE AN ADVISORY QUESTION ON THE NOVEMBER 2018 SPARKS GENERAL ELECTION BALLOT ASKING SPARKS'S VOTERS IF THE OFFICE OF THE SPARKS CITY ATTORNEY SHOULD CONTINUE TO BE AN ELECTED, NON-PARTISAN OFFICE WITHIN SPARKS'S GOVERNMENT.

WHEREAS, the City Attorney is an elected, non-partisan official within the Executive Branch of the government of Sparks; and

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 the voters of Sparks in November 1974; and

WHEREAS, the 1974 Ballot Question asked Sparks' voters whether their City Attorney should be a non-partisan, elected official; and

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

WHEREAS, in response to the overwhelming support of Sparks' voters for a non-partisan elected City Attorney, Article I, Section 1.060(1)(c) of the Sparks City Charter thereafter defined the Sparks City Attorney as an Elected Officer of the City of Sparks; and

WHEREAS, in 1991 the Sparks Charter Committee directed that an Advisory Question be submitted to Sparks' voters asking whether the office of Sparks City Attorney should remain an elected, non-partisan position; and

WHEREAS, in response to the 1991 Advisory Question, Sparks' voters responded affirmatively to keep the office of the Sparks City Attorney as an elected, non-partisan position within the City's government; and

WHEREAS, in 2007 and 2017 the Nevada Legislature considered amending the Sparks City Charter and thereby change the office of the City Attorney to an appointed position under the direction and control of the City Manager/City Council; and

WHEREAS, the Sparks City Council believes that it is appropriate to ask Sparks' voters whether they wish to retain their right to vote for the City Attorney or whether the City Attorney should be appointed by, and under the direction and control of, the Sparks City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE SPARKS CITY COUNCIL:

Section 1: That the Sparks City Council seeks the input and opinion of the voters in Sparks whether they wish to keep their right to vote for the City Attorney

Section 2: That it is therefore the request of the Sparks City Council to place an Advisory Question on the November 2018 General Election ballot asking the voters of Sparks whether they want to keep their right to vote for the Sparks City Attorney

Section 3: That the City Council of the City of Sparks hereby adopts the 2018 Advisory Question (attached as Exhibit A)

Section 4: The results on the voting of this advisory question does not place any legal requirement on the governing body, any member of the governing body or any officer of the political subdivision.

Section 5: General Provisions. This Resolution is effective upon passage. The officers of the City are hereby authorized and directed to take all action necessary to effectuate the provisions of this Resolution by placing the herein adopted Advisory Question onto the November 2018 Sparks General Election Ballot. The provisions of this Resolution shall be liberally construed to effectively carry out its purposes. In the event that any section of this Resolution or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this Resolution.

PASSED AND ADOPTED this _____ day of _____, 2018, by the following vote of the City Council:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

APPROVED this _____ day of _____, 2018, by:

GENO MARTINI
Mayor

Attest:

THERESA GARDNER
City Clerk

APPROVED AS TO FORM

CHESTER H. ADAMS
City Attorney