

Amendment No. 190

Senate Amendment to Senate Bill No. 262

(BDR S-125)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

HAC/WLK



Date: 4/12/2011

S.B. No. 262—Provides for the incorporation of the City of Laughlin contingent upon the approval of the voters in the City. (BDR S-125)



SENATE BILL NO. 262—SENATOR HARDY

MARCH 17, 2011

JOINT SPONSOR: ASSEMBLYMAN HARDY

Referred to Committee on Government Affairs

SUMMARY—Provides for the incorporation of the City of Laughlin contingent upon the approval of the voters in the City. (BDR S-125)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 providing a charter for the City of Laughlin, in Clark County, Nevada; providing for an election to be held on the question of incorporation; making the incorporation of the City contingent upon approval of this act by qualified electors of the City; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislature may provide for the incorporation of a city by a special act. (Nev. Const. Art. 8, § 8) **Section 1** of this bill provides a charter for the City of Laughlin. **Section 4** of this bill requires the Committee on Local Government Finance to prepare a report with respect to the fiscal feasibility of the incorporation of the City of Laughlin and submit it to the Board of County Commissioners of Clark County by December 31, 2011. **Sections 5 and 17** of this bill make the incorporation of the City of Laughlin contingent upon the approval of the Charter by the qualified electors of the City. **Sections 5-9** of this bill provide for the Board of County Commissioners of Clark County to conduct an election on the question of incorporation and a consolidated primary election for candidates for City Council and Mayor. **Sections 11 and 12** of this bill provide for a general election of members of the City Council and a Mayor, contingent upon the approval of incorporation. **Section 10** of this bill authorizes the Board of County Commissioners to accept gifts, grants and donations to pay for any expenses associated with incorporation, including, without limitation, the costs of the Committee on Local Government Finance for preparing the fiscal feasibility report and for the election held on the question of incorporation and the general election of the Mayor and City Council. **Sections 2 and 10** of this bill provide that to the extent that gifts, grants and donations do not cover such expenses, the Board of County Commissioners shall use the Fort Mohave Valley Development Fund to pay the costs.

Sections 13-15 of this bill authorize the elected City Council to perform various functions before the effective date of incorporation, including preparing and adopting a budget, preparing and adopting ordinances, negotiating and preparing contracts for personnel and various services, ~~and~~ negotiating with Clark County for the equitable apportionment of the fixed assets of Clark County that are located in the City of Laughlin, ~~and~~ and negotiating and preparing certain cooperative agreements with the County. **Section 17** provides for the effective date of incorporation, which will be July 1, 2013.

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

Section 1. The Charter of the City of Laughlin is as follows. Each section of the Charter shall be deemed to be a section of this act for the purpose of any subsequent amendment.

ARTICLE I

**INCORPORATION OF CITY; GENERAL POWERS; BOUNDARIES; ANNEXATIONS; CITY
OFFICES**

Section 1.010 Preamble: Legislative intent; powers.

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

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

Sec. 1.020 Incorporation of City.

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

2. Whenever used throughout this Charter, "City" means the City of Laughlin.

Sec. 1.030 Description of territory. The territory embraced in the City is hereby defined and established as follows:

1. All those portions of Township 32 South, Range 64 East; Township 32 South, Range 65 East; Township 32 South, Range 66 East; Township 33 South, Range 65 East; Township 33 South, Range 66 East; Township 34 South, Range 66 East, M.D.B. & M., which are located in the County of Clark, State of Nevada.

2. Excepting therefrom the following described land:

(a) That land referred to as the Fort Mojave Indian Reservation, approximately 3,842 acres of land, being a portion of Sections 17, 19, 20 thru 22, 27 thru 28, 30 thru 33 and all of Section 29 of Township 33 South, Range 66 East, Clark County, Nevada, and a portion of Section 5 of Township 34 South, Range 66 East, Clark County, Nevada.

(b) Further excepting therefrom Township 34 South, Range 66 East, M.D.B. & M., Clark County, Nevada.

(c) Further excepting therefrom the following described Parcels of land referred to as the "Hotel Corridor":

(1) *Parcel 1. The South Half (S 1/2) of the South Half of Section 12 of Township 32 South, Range 66 East, M.D.M., Clark County, Nevada, excepting therefrom State Route 163 recorded in Book 920722 as Instrument 00564, Official Records of Clark County, Nevada, together with Parcel 1 of File 70 of Parcel Maps at Page 20, Official Records of Clark County Nevada, also together with Civic Way recorded in Book 910906 as Instrument Number 00680, Official Records of Clark County, Nevada, lying within the South Half (S 1/2) of the South Half (S 1/2) of said Section 12.*

(2) *Parcel 2. Section 13, Township 32 South, Range 66 East, M.D.M., Clark County, Nevada, excepting therefrom that remaining portion of Parcel 1 of File 53 of Parcel Maps at Page 53, Official Records of Clark County, Nevada, lying within the Southwest Quarter (SW 1/4) of said Section 13, more particularly described as beginning at the Northeast corner of said Parcel 1, said point being on the Southerly right-of-way line of Bruce Woodbury Drive (90.00 feet wide); thence departing said Southerly right-of-way line and along the Easterly line of said Parcel 1, South 01°08'21" West, 100.00 feet to the Northerly line of Parcel 4 as shown by map thereof recorded in File 98 of Parcel Maps at Page 17, Official Records of Clark County, Nevada; thence along said Northerly line of Parcel 4 the following 2 courses: South 89°59'51" East, 75.00 feet; North 01°28'01" East, 100.00 feet to said Southerly right-of-way and said Northerly line of Parcel 1; thence along said Southerly right-of-way line and along said Northerly line of Parcel 1, South 89°59'51" East, 75.00 feet to the Point of Beginning.*

(3) *Parcel 3. Section 24 of Township 32 South, Range 66 East, M.D.M., Clark County, Nevada excepting therefrom Government Lots 7 & 8 of said Section 24, together with Lots 1 & 2 of File 54 of Parcel Maps at Page 79, Official Records of Clark County, Nevada, lying within the Southwest Quarter (SW 1/4) of said Section 24.*

Sec. 1.040 Limitation on future annexation. Notwithstanding any provision of law to the contrary, no area may be annexed into the boundaries of the City unless a majority of the owners of the real property that make up the area petition the City Council for annexation into the City.

Sec. 1.050 Form of government.

1. The municipal government provided by this Charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the Constitution of this State and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the Council," which shall:

- (a) Enact local legislation;*
- (b) Adopt budgets;*
- (c) Determine policies; and*
- (d) Appoint the City Manager, who shall execute the laws and administer the government of the City.*

2. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance.

Sec. ~~1.050~~ 1.060 Construction of Charter. This Charter, except where the context by clear implication otherwise requires, must be construed as follows:

1. 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.

2. The singular number includes the plural number, and the plural includes the singular.

ARTICLE II

(b) Have no administrative duties; and

1 (c) Be recognized as the head of the city government for all ceremonial
2 purposes and for the purposes of dealing with emergencies if martial law has
3 been imposed on the City by the State or Federal Government.

4 2. The Council shall elect one of its members to be Mayor Pro Tem, who
5 shall:

6 (a) Hold such office and title, without additional compensation, for the
7 period of 1 year;

8 (b) Perform the duties of the Mayor during the absence or disability of the
9 Mayor; and

10 (c) Assume the position of Mayor, if that office becomes vacant, until the
11 next regular election.

12 Sec. 2.050 Powers. Except as otherwise provided in this Charter, all
13 powers of the City and the determination of all matters of policy shall be vested in
14 the Council. The Council shall have, without limitation, the power to:

15 1. Establish other administrative departments and distribute the work of
16 divisions.

17 2. Adopt the budget of the City.

18 3. Adopt civil service rules and regulations.

19 4. Inquire into the conduct of any office, department or agency of the City
20 and make investigations as to municipal affairs.

21 5. Appoint the members of all boards, commissions and committees for
22 specific or indefinite terms as provided elsewhere in this Charter or in various
23 resolutions or ordinances, with all such persons serving at the pleasure of the
24 Council, provided, however, that all persons so appointed must be and remain
25 bona fide residents of the City during the tenure of each appointment.

26 6. Levy such taxes as are authorized by applicable laws.

27 Sec. 2.060 Powers: Zoning and Planning. The Council may:

28 1. Divide the City into districts and regulate and restrict the erection,
29 construction, reconstruction, alteration, repair or use of buildings, structures or
30 land within the districts.

31 2. Establish and adopt ordinances and regulations relating to the
32 subdivision of land.

33 Sec. 2.070 Council not to interfere in removals.

34 1. Neither the Council nor any of its members shall direct or request the
35 removal of any person from office by the City Manager or by any of his or her
36 subordinates, or in any manner take part in the removal of officers and
37 employees in the administrative service of the City. Except for the purpose of
38 inquiry and as otherwise provided in this Charter, the Council and its members
39 shall deal with the administrative service solely through the City Manager and
40 neither the Council nor any member thereof shall give orders to any subordinates
41 of the City Manager, either publicly or privately.

42 2. Any Council member violating the provisions of this section, or voting for
43 a resolution or ordinance in violation of this section, is guilty of a misdemeanor
44 and upon conviction thereof shall cease to be a Council member.

45 Sec. 2.080 Vacancies in Council. Except as otherwise provided in NRS
46 268.325, a vacancy on the Council must be filled by appointment by a majority of
47 the remaining members of the Council within 30 days or after three regular or
48 special meetings, whichever is the shorter period of time. In the event of a tie vote
49 among the remaining members of the Council, selection must be made by lot. No
50 such appointment extends beyond the next municipal election.

51 Sec. 2.090 Creation of new departments or offices; change of duties. The
52 Council by ordinance may:

1 1. Create, change and abolish offices, departments or agencies, other than
2 offices, departments and agencies established by this Charter.

3 2. Assign additional functions or duties to offices, departments or agencies
4 established by this Charter, but may not discontinue or assign to any other office,
5 department or agency any function or duty assigned by this Charter to a
6 particular office, department or agency.

7 Sec. 2.100 Induction of Council into office; meetings of Council. The
8 Council shall meet within 10 days after each city primary election and each city
9 general election specified in Article X, to canvass the returns and to declare the
10 results. All newly elected or reelected Mayor or Council members shall be
11 inducted into office at the next regular Council meeting following certification of
12 the applicable city general election results. Immediately following such induction,
13 the Mayor Pro Tem shall be designated as provided in section 2.040. Thereafter,
14 the Council shall meet regularly at such times as it shall set by resolution from
15 time to time, but not less frequently than once each month.

16 Sec. 2.110 Council to be judge of qualifications of its members. The
17 Council shall be the judge of the election and qualifications of its members and
18 for such purpose shall have the power to subpoena witnesses and require the
19 production of records, but the decision of the Council in any such case shall be
20 subject to review by the courts.

21 Sec. 2.120 Rules of procedure.

22 1. The Council shall establish rules by ordinance for the conduct of its
23 proceedings and to preserve order at its meetings. It shall, through the City Clerk,
24 maintain a journal record of its proceedings which shall be open to public
25 inspection. Any member of the Council may place items on the Council agenda to
26 be considered by the Council.

27 2. The Council may organize special committees of its members for the
28 principal functions of the government of the City. It shall be the duty of each
29 such committee to be informed of the business of the city government included
30 within the assigned functions of the committee, and, as ordered by the Council, to
31 report to the Council information or recommendations which shall enable the
32 Council properly to legislate.

33 Sec. 2.130 Investigations by Council.

34 1. The Council shall have power to inquire into the conduct of any office,
35 department, agency or officer of the City and to make investigations as to
36 municipal affairs. The Council shall have the power and authority on any
37 investigation or proceeding pending before it to impel the attendance of
38 witnesses, to examine them under oath and to compel the production of evidence
39 before it. Each member of the Council shall have the power to administer oaths
40 and affirmations in any investigation or proceeding pending before the Council.

41 2. Subpoenas may be issued in the name of the City pursuant to subsection
42 1 and may be attested by the City Clerk. Disobedience of such subpoenas or the
43 refusal to testify upon other than constitutional grounds shall constitute a
44 misdemeanor, and shall be punishable in the same manner as violations of this
45 Charter are punishable.

46 Sec. 2.140 Council's power to make and pass ordinances, resolutions.

47 1. The Council shall have the power to make and pass all ordinances,
48 resolutions and orders, not repugnant to the Constitution of the United States or
49 of the State of Nevada or to the provisions of this Charter, necessary for the
50 municipal government and the management of the city affairs, for the execution
51 of all powers vested in the City, and for making effective the provisions of this
52 Charter.

2. The Council shall have the power to enforce obedience to its ordinances by such fines, imprisonments or other penalties as the Council may deem proper, but the punishment for any offense shall not be greater than the penalties specified for misdemeanors under applicable provisions of Nevada Revised Statutes in effect at the time such offense occurred.

3. The Council may enact and enforce such local police ordinances as are not in conflict with the general laws of the State of Nevada.

4. Any offense made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor in the City of Laughlin whenever such offense is committed within the city limits.

Sec. 2.150 Voting on ordinances and resolutions.

1. No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the Council.

2. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Upon the request of any member of the Council, the ayes and noes shall be taken and recorded upon any vote. All members of the Council present at any meeting shall vote, except upon matters in which they have financial interest or when they are reviewing an appeal from a decision of a city commission, before which they have appeared as an advocate for or an adversary against the decision being appealed.

Sec. 2.160 Enactment of ordinances; subject matter, titles.

1. No ordinance shall be passed except by bill, and when any ordinance is amended, the section or sections thereof must be reenacted as amended, and no ordinance shall be revised or amended by reference only to its title.

2. Every ordinance, except those revising the city ordinances, shall embrace but one subject and matters necessarily connected therewith and pertaining thereto, and the subject shall be clearly indicated in the title, and in all cases where the subject of the ordinance is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

Sec. 2.170 Introduction of ordinances; notice; final action; publication.

1. The style of ordinances must be as follows: "The Council of the City of Laughlin does ordain." All proposed ordinances, when first proposed, must be read by title to the Council, after which an adequate number of copies of the ordinance must be deposited with the City Clerk for public examination and distribution upon request. Notice of the deposit of the copies, together with an adequate summary of the ordinance, must be published once in a newspaper published in the City, if any, otherwise in some newspaper published in the County which has a general circulation in the City, at least 10 days before the adoption of the ordinance. At any meeting at which final action on the ordinance is considered, at least one copy of the ordinance must be available for public examination. The Council shall adopt or reject the ordinance, or the ordinance as amended, within 30 days after the date of publication, except that in cases of emergency, by unanimous consent of the whole Council, final action may be taken immediately or at a special meeting called for that purpose.

2. After final adoption, the ordinance must be signed by the Mayor, and, together with the votes cast on it, must be:

(a) Published by title, together with an adequate summary including any amendments, once in a newspaper published in the City, if any, otherwise in a newspaper published in the County and having a general circulation in the City; and

(b) Posted in full in the city hall.

3. Except as otherwise provided in subsections 4 and 5, all ordinances become effective 20 days after publication.

Sec. 3.010 Appointment and qualifications.

1 1. The Council shall appoint a City Manager by a majority vote who by
2 virtue of his or her position as City Manager shall be an officer of the City and
3 who shall have the powers and shall perform the duties in this Charter provided.
4 No member of the Council shall receive such appointment during the term for
5 which he or she shall have been elected, nor within 1 year after the expiration of
6 his or her term.

7 2. The City Manager shall be chosen on the basis of his or her executive
8 and administrative qualifications. The City Manager shall be paid a salary
9 commensurate with his or her responsibilities as Chief Administrative Officer of
10 the City as set by resolution of the Council.

11 3. The Council shall appoint the City Manager for an indefinite term and
12 may remove him or her in accordance with the procedures set forth in section
13 3.020.

14 Sec. 3.020 Removal.

15 1. Before removal of the City Manager may become effective, the Council
16 must adopt, by the affirmative votes of at least four members, a resolution that
17 must state the reasons for the proposed removal of the City Manager and may
18 provide for the suspension of the City Manager from duty, but shall in any case
19 cause to be paid him or her forthwith any unpaid balance of his or her salary and
20 his or her salary for the next calendar month following the date of adoption of
21 the resolution. A copy of the resolution must be delivered promptly to the City
22 Manager.

23 2. The City Manager may reply in writing, and any member of the Council
24 may request a public hearing, which, if requested, shall be held not earlier than
25 20 days or later than 30 days after the filing of such request. After such public
26 hearing, if one be requested, and after full consideration, the Council may
27 remove the City Manager by motion adopted by the affirmative votes of at least
28 four members of the Council.

29 Sec. 3.030 Powers and duties. The City Manager shall be the Chief
30 Administrative Officer and the Head of the Administrative Branch of the city
31 government. The City Manager shall be responsible to and under the direction of
32 the Council for the proper administration of all affairs of the City. Without
33 limiting the foregoing general grant of powers, responsibilities, and duties, the
34 City Manager shall have the power and be required to:

35 1. Subject to the civil service rules and regulations adopted by the Council,
36 and with the approval of the Council, appoint all department heads and officers
37 of the City except those officers the power of appointment of whom is vested in
38 the Council and as otherwise provided in this Charter;

39 2. Subject to the civil service rules and regulations adopted by the Council
40 and ordinances adopted pursuant thereto, pass upon and approve all proposed
41 appointments and removals of subordinate employees, by all officers and heads of
42 offices, agencies and departments;

43 3. Prepare the budget annually and submit it to the Council and be
44 responsible for its administration after adoption;

45 4. Prepare and submit to the Council at the end of the fiscal year a complete
46 report of the finances and administrative activities of the City for the preceding
47 fiscal year;

48 5. Keep the Council advised of the financial condition and future needs of
49 the City and make such recommendations as may seem to him or her desirable;

50 6. Keep himself or herself informed of the activities of the several agencies,
51 offices and departments of the City and see to the proper administration of their
52 affairs and the efficient conduct of their business;

7. *Be vigilant and active in causing all provisions of the law to be executed and enforced;*

8. *Perform all such duties as may be prescribed by this Charter or required of him or her by the Council, not inconsistent with this Charter;*

9. *Submit a monthly report to the Council covering significant activities of the city agencies, offices and departments under his or her supervision and any significant changes in administrative rules and procedures promulgated by him or her; and*

10. *Submit special reports in writing to the Council in answer to any requests for information filed with the City Manager by a member of the Council.*

Sec. 3.040 Seat at Council table. The City Manager shall be accorded a seat at the Council table and shall be entitled to participate in the deliberations of the Council, but shall not have a vote. The City Manager shall attend all regular and special meetings of the Council unless physically unable to do so or unless his or her absence has received prior approval by a majority of the Council.

Sec. 3.050 Absence, disability. To perform his or her duties during his or her temporary absence or disability, the City Manager may designate by letter filed with the City Clerk one of the other officers or department heads of the City to serve as acting City Manager during such temporary absence or disability. Such designation shall be subject to change thereof by the Council. In the event of the failure of the City Manager to make such a designation, the Council may by resolution appoint an officer or department head of the City to perform the duties of the City Manager until he or she shall be prepared to resume the duties of office.

ARTICLE IV

OFFICERS AND EMPLOYEES

Sec. 4.010 City administrative organization.

1. *The Council may provide by ordinance not inconsistent with this Charter for the organization, conduct and operation of the several offices, departments and other agencies of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their alteration or abolition, for their assignment and reassignment to departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees.*

2. *The Council by ordinance may assign additional functions or duties to offices, departments or other agencies established by this Charter, but, except as otherwise provided in subsection 3, shall not discontinue or assign to any other office, department or other agency any function or duty assigned by this Charter to a particular office, department or agency. No office provided in this Charter, to be filled by appointment by the City Manager, shall be combined with an office provided in this Charter to be filled by appointment by the Council.*

3. *Notwithstanding the foregoing, the Council may transfer or consolidate functions of the city government to or with appropriate functions of the state or county government and, in case of any such transfer or consolidation, the provisions of this Charter providing for the functions of the city government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.*

4. Subject to the civil service rules and regulations adopted by the Council and section 3.020 of Article III, all officers and department heads of the City, except the City Attorney, Municipal Judge and the City Clerk, shall be appointed by the City Manager and shall thereafter serve at the pleasure of the City Manager.

5. Officers of the City appointed by the Council shall be required to reside within the city limits within 3 months of appointment. Employees of the City shall be required to live within a 50-mile radius of the City within 6 months of employment.

Sec. 4.020 Officers appointed by the Council.

1. In addition to the City Manager, the Council shall appoint the City Attorney and the Municipal Judge, if required pursuant to section 5.020 of Article V, who shall serve at the pleasure of the Council and may be removed by motion of the Council adopted by the affirmative votes of at least four members of the Council.

2. Subject to the provisions of this Charter and rules and regulations adopted by the Council, the Council shall appoint the City Clerk who shall serve at the pleasure of the Council and may be removed by motion of the Council adopted by the affirmative votes of three members of the Council.

3. The appointments of city officers pursuant to subsections 1 and 2 shall be for indefinite terms, and each such officer shall receive such compensation and other benefits as may be determined by resolution of the Council from time to time.

4. Any city officer may be temporarily suspended with full pay at any time by a majority vote of the Council, but no city officer may be removed from office unless he or she has first been given an opportunity for a hearing before the Council, at his or her request, with not less than 7 days' prior notice of the time and place of the hearing. Such hearing may be either public or private, as requested by the officer, and at the hearing, the officer may be assisted by his or her own legal counsel. Any action of the Council following such hearing shall be considered final and conclusive. If a city officer is so removed, the Council will appoint a person as a temporary replacement to perform the duties of the removed officer, and will appoint a qualified person as a permanent replacement officer as soon as practicable.

5. No person shall be appointed as a city officer who is a grandparent, parent, uncle, aunt, brother, sister, nephew, niece, child or grandchild, by birth, marriage or adoption, of a city officer, employee or Council member at the time of appointment.

Sec. 4.030 City Clerk powers and duties. The City Clerk shall have the power and be required to:

1. Receive all documents addressed to the Council and present such documents to the Council.

2. Attend all meetings of the Council and its committees and be responsible for:

(a) Recording and maintaining an accurate journal of Council proceedings;

(b) Recording the ayes and noes in the final action upon the questions of granting franchises, making of contracts, approving of bills, disposing of or leasing city property, the passage or reconsideration of any ordinance, or upon any other act that involves the payment of money or the incurring of debt by the City; and

(c) Other duties as required upon the call of any member of the Council.

3. Maintain the journal of Council proceedings in books which shall bear appropriate titles and which shall be available for public inspection.

1 4. Maintain separate books in which shall be recorded respectively all
2 ordinances and resolutions, with the certificate of the City Clerk annexed to each
3 thereof stating the same to be the original or a correct copy, and as to an
4 ordinance requiring publication, stating that the same has been published or
5 posted in accordance with this Charter, and maintain all such books properly
6 indexed and available for public inspection when not in actual use.

7 5. Have charge of the repository for contracts, surety bonds, agreements,
8 and other related documents of City business.

9 6. Maintain custody of the City seal.

10 7. Administer oaths or affirmations, take affidavits and depositions
11 pertaining to the affairs and business of the City, and issue certified copies of
12 official City records.

13 8. Conduct all City elections.

14 Sec. 4.040 City Attorney; qualifications, power and duties.

15 1. The City Attorney shall be an attorney at law duly licensed under the
16 laws of the State of Nevada. He or she shall devote such time to the duties of his
17 or her office as may be specified in the ordinance or resolution fixing the
18 compensation of such office. If practicable, the Council shall appoint an attorney
19 who has had special training or experience in municipal corporation law.

20 2. The City Attorney shall have the power and be required to:

21 (a) Represent and advise the Council and all city officers in all matters of
22 law pertaining to their offices;

23 (b) Attend all meetings of the Council and give his or her advice or opinion
24 in writing whenever requested to do so by the Council or by any of the officers
25 and boards of the City;

26 (c) Prepare or approve all proposed ordinances and resolutions for the City,
27 and amendments thereto;

28 (d) Prosecute on behalf of the people such criminal cases for violation of this
29 Charter or city ordinances, and of misdemeanor offenses and infractions arising
30 upon violations of the laws of the State as, in his or her opinion, that of the
31 Council or of the City Manager, warrant his or her attention;

32 (e) Represent and appear for the City, any city officer or employee, or former
33 city officer or employee, in any or all actions and proceedings in which the City
34 or any such officer or employee, in or by reason of his or her official capacity, is
35 concerned or is a party;

36 (f) Approve the form of all bonds given to, and all contracts made by, the
37 City, endorsing his or her approval thereon in writing; and

38 (g) On vacating the office, surrender to his or her successor all books,
39 papers, files and documents pertaining to the City's affairs.

40 3. The Council shall have control of all legal business and proceedings and
41 may employ other attorneys to take charge of any litigation or matter or to assist
42 the City Attorney therein.

43 Sec. 4.050 Director of Finance; qualifications, powers and duties.

44 1. The person appointed by the City Manager for the position of Director of
45 Finance shall be qualified to administer and direct an integrated Department of
46 Finance.

47 2. The Director of Finance shall have the power and be required to:

48 (a) Have charge of the administration of the financial affairs of the City
49 under the direction of the City Manager.

50 (b) Supervise and be responsible for the disbursement of all money and have
51 control over all expenditures to ensure that budget appropriations are not
52 exceeded.

Sec. 5.020 Municipal judge appointed. If the Office of Justice of the Peace of Laughlin Township ceases to exist, the municipal court shall be presided over by a municipal judge appointed by the Council.

ARTICLE VI

CITY BUDGETS

Sec. 6.010 Budgets. Budgets for the City shall be prepared in accordance with and shall be governed by the provisions of the general laws of the State pertaining to budgets of cities.

ARTICLE VII

PUBLIC IMPROVEMENTS AND REPAIRS

Sec. 7.010 Expenses of improvements; payment by funds or by special assessments. The expenses of public improvements and repairs, such as the improvement of streets and alleys by grading, paving, graveling and curbing, the construction, repair, maintenance and preservation of sidewalks, drains, curbs, gutters, storm sewers, drainage systems, sewerage systems and sewerage disposal plants, may be paid from the General Fund or Street Fund or the cost or portion thereof as the Council shall determine, may be defrayed by special assessments upon lots and premises abutting upon that part of the street or alley so improved or proposed so to be, or the land abutting upon such improvement and such other lands as in the opinion of the Council may benefit by the improvement all in the manner contained in the provisions of the Nevada Revised Statutes.

ARTICLE VIII

CITY ASSESSOR; TAX RECEIVER; FINANCES AND PURCHASING

Sec. 8.010 Clark County Assessor to be ex officio City Assessor. The County Assessor of Clark County shall, in addition to the duties now imposed upon him or her by law, act as the Assessor of the City and shall be ex officio City Assessor, without further compensation. He or she shall perform such duties as the Council may by ordinance prescribe with the County Assessor's consent.

Sec. 8.020 Clark County Treasurer to be ex officio City Tax Receiver. The County Treasurer of Clark County shall, in addition to the duties now imposed upon him or her by law, act as ex officio City Tax Receiver. He or she shall receive and safely keep all moneys that come to the City by taxation, and shall pay the same to the Director of Finance. The City Tax Receiver may, with the consent of the Council, collect special assessments which may be levied by authority of this Charter or city ordinance when they become due and payable, and whenever and wherever the general laws of the State of Nevada regarding the authorized acts of tax receivers may be, the same hereby are, made applicable to the City Tax Receiver of the City of Laughlin, in the collection of city special assessments.

Sec. 8.030 Procedures for city purchasing. All purchases of goods or services of every kind or description for the City by any office, commission, board, department or any division thereof shall be made in conformance with the Nevada Revised Statutes, as amended from time to time.

Sec. 8.040 Transfer of appropriations. The City Manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency.

Sec. 8.050 When contracts and expenditures prohibited.

1 1. No officer, department or agency shall, during any budget year, expend
2 or contract to expend any money or incur any liability, or enter into any contract
3 which by its terms involves the expenditure of money, for any purpose, in excess
4 of the amounts appropriated for that general classification of expenditure
5 pursuant to this Charter. Any contract, verbal or written, made in violation of this
6 Charter shall be null and void. Any officer or employee of the City who violates
7 this section shall be guilty of a misdemeanor and, upon conviction thereof, shall
8 cease to hold his or her office or employment.

9 2. Nothing in this section shall prevent the making of contracts or the
10 spending of money for capital improvements to be financed in whole or in part by
11 the issuance of bonds, nor the making of contracts of lease or for services for a
12 period exceeding the budget year in which such contract is made, when such
13 contract is permitted by law.

14 ARTICLE IX

15 APPOINTIVE BOARDS AND COMMISSIONS

16 Sec. 9.010 Established; enumerated.

17 1. The Council may create by ordinance such other appointive boards or
18 commissions as in its judgment are required and may grant to them powers and
19 duties as are consistent with the provisions of this Charter. The Council, by
20 motion adopted by the affirmative votes of at least a majority of its members, may
21 appoint from time to time temporary committees as deemed advisable to render
22 counsel and advice to the appointing authorities on any designated matters or
23 subjects within the jurisdiction of such authorities.

24 2. The Personnel Board is hereby established and has the powers and duties
25 contained in this Article.

26 Sec. 9.020 Appointments, removals, vacancies, terms.

27 1. Except as otherwise specified in this Charter, the members of each of the
28 appointive boards and commissions shall be appointed, and may be removed, by
29 the Council, subject in both appointment and removal by the affirmative votes of
30 a majority of the Council. For the purposes of this rule, residency is only required
31 at the time of nomination.

32 2. If a member of a board or commission:

33 (a) Is absent from two regular meetings of such board or commission,
34 consecutively, unless by permission of such board or commission expressed in its
35 official minutes;

36 (b) Fails to attend at least one-half of the regular meetings of such board or
37 commission within a calendar year;

38 (c) Is convicted of a crime involving moral turpitude; or

39 (d) Ceases to be a qualified elector of the City,

40 the office of that member shall become vacant and shall be so declared by the
41 Council.

42 3. Except as otherwise provided in subsection 2 or section 9.030, the
43 members of such boards and commissions shall serve for a term of 2 years and
44 until their respective successors are appointed and qualified.

45 Sec. 9.030 Prohibition against serving as treasurer for campaign
46 committee. If any member of an appointive board or commission shall become
47 the treasurer of a campaign committee which receives contributions for any
48 candidate for Mayor or Council member, his or her office shall become vacant
49 and shall be so declared by the Council. Any provisions of this Article
50 notwithstanding, no person who serves as the treasurer of a campaign committee
51 notwithstanding, no person who serves as the treasurer of a campaign committee
52 notwithstanding, no person who serves as the treasurer of a campaign committee
53 notwithstanding, no person who serves as the treasurer of a campaign committee

1 *which receives contributions for any candidate for Mayor or Council member*
2 *shall be eligible for appointment to any appointive board or commission.*

3 *Sec. 9.040 Appropriations therefor. The Council shall include in its*
4 *annual budget such appropriations of funds as, in its opinion, shall be sufficient*
5 *for the efficient and proper functioning of such appointive boards and*
6 *commissions.*

7 *Sec. 9.050 Meetings; chair.*

8 *1. The election of each chair and vice chair shall be held at the meetings of*
9 *the respective boards and commissions during the month of July of each year.*
10 *The board or commission, in the event of a vacancy in the office of the chair or*
11 *vice chair, shall elect one of its members for the unexpired term. The chair shall*
12 *have the responsibility for informing the Council or board, commission or*
13 *committee of actions or inactions and the reasons therefor.*

14 *2. Each board or commission, other than the Personnel Board, shall hold a*
15 *regular meeting at least once a month with reasonable provision for attendance*
16 *by the public. The City Manager shall designate a secretary for the recording of*
17 *minutes for each such board and commission, who shall keep a record of its*
18 *proceedings and transactions. Each board and commission shall prescribe rules*
19 *and regulations governing its operations which shall be consistent with this*
20 *Charter and shall be filed with the City Clerk for public inspection. The*
21 *Personnel Board shall meet monthly, provided there is business on the agenda to*
22 *come before it. In the event no business is placed on the Personnel Board's*
23 *agenda 5 days preceding the tentative meeting date, no meeting need be held,*
24 *provided that in no event shall more than 3 months intervene between meetings*
25 *of the Personnel Board.*

26 *Sec. 9.060 Compensation. The members of appointive boards and*
27 *commissions shall receive such compensation, if any, as may be prescribed by*
28 *ordinance and may receive reimbursement for necessary traveling and other*
29 *expenses when on official duty of the City when such expenditure has been so*
30 *authorized by the board or commission and subject to rules and regulations*
31 *prescribed by ordinance or order of the Council.*

32 *Sec. 9.070 Attendance of witnesses; oaths and affirmations. Each*
33 *appointive board or commission shall have the same power as the Council to*
34 *compel the attendance of witnesses, to examine them under oath and to compel*
35 *the production of evidence before it. Each member of any such board or*
36 *commission shall have the power to administer oaths and affirmations in any*
37 *investigation or proceeding pending before such board or commission.*

38 *Sec. 9.080 Personnel Board: Membership. The Personnel Board shall*
39 *consist of five members to be appointed by the Council from the qualified electors*
40 *of the City. None of the members shall be removed from office without*
41 *reasonable and sufficient cause, in accordance with procedures as provided by*
42 *ordinance. None of the members shall hold public office or employment in the*
43 *city government or be a candidate for any other public office or position, be an*
44 *officer of any local, state or national partisan political club or organization, or*
45 *while a member of the Personnel Board or for a period of 1 year after he or she*
46 *has ceased for any reason to be a member, be eligible for appointment to any*
47 *salaried office or employment in the service of the City.*

48 *Sec. 9.090 Personnel Board: Powers and duties. The Personnel Board*
49 *shall have the power and be required to:*

50 *1. Hear appeals pertaining to the disciplinary suspension, demotion or*
51 *dismissal of any officer or employee having permanent status in any office,*
52 *position or employment in the civil service, and as otherwise provided for in the*
53 *civil service rules and regulations;*

2. Consider matters that may be referred to it by the Council or the City Manager and render such counsel and advice in regard thereto as may be requested by the referring authorities;

3. By its own motion, make such studies and investigations as it may deem necessary for the review of civil service rules and regulations, or to determine the wisdom and efficacy of the rules, regulations, policies, plans and procedures dealing with civil service matters and report its findings and recommendations to the City Manager or the Council, or to both such authorities, as it may see fit; and

4. Conduct public hearings on proposed revisions of civil service rules and regulations in the manner as prescribed by ordinance and advise the Council of its findings in such matters within 60 days.

ARTICLE X

CITY ELECTIONS

Sec. 10.010 Applicability of state election laws. All city elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the Council which are consistent with law and this Charter.

Sec. 10.020 Terms. All full terms of office in the Council are 4 years, and Council members and the Mayor must be elected at large without regard to precinct residency. Two full-term Council members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions.

Sec. 10.030 Specific Council positions. In the event a 2-year term position on the Council will be available at the time of a municipal election as provided in section 10.020, a candidate must file specifically for such a position. The candidate receiving the greatest respective number of votes must be declared elected to the available 2-year position.

Sec. 10.040 Primary municipal elections. A city primary election must be held on the first Tuesday after the first Monday in April of each odd-numbered year, and a city general election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

Sec. 10.050 Primary not required. A primary election must not be held if not more than double the number of Council members to be elected file as candidates. A primary election must not be held for the Office of Mayor if not more than two candidates file for that position. The primary election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council members to be elected.

Sec. 10.060 General election not required. If, in the primary city election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general city election.

Sec. 10.070 Voters entitled to vote for each seat on ballot. In each primary and general election, voters shall be entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the city elections.

1 *Sec. 10.080 Council to control elections. The conduct of all municipal*
2 *elections shall be under the control of the Council, which shall adopt by*
3 *ordinance all regulations which it considers desirable and consistent with law*
4 *and this Charter. Nothing in this Charter shall be construed as to deny or abridge*
5 *the power of the Council to provide for supplemental regulations for the*
6 *prevention of fraud in such elections and for the recount of ballots in cases of*
7 *doubt or fraud.*

8 9 **ARTICLE XI**

10 11 *INITIATIVE, REFERENDUM AND RECALL*

12
13 *Sec. 11.010 Registered voters' power of initiative and referendum*
14 *concerning city ordinances. The registered voters of a city may:*

15 1. *Propose ordinances to the Council and, if the Council fails to adopt an*
16 *ordinance so proposed without change in substance, adopt or reject it at a*
17 *primary or general municipal election or primary or general state election; and*

18 2. *Require reconsideration by the Council of any adopted ordinance, and if*
19 *the Council fails to repeal an ordinance so considered, approve or reject it at a*
20 *primary or general municipal election or primary or general state election.*

21 *Sec. 11.020 Initiative and referendum proceedings. All initiative and*
22 *referendum proceedings shall be conducted in conformance with the provisions*
23 *of the Nevada Revised Statutes, as amended from time to time.*

24 *Sec. 11.030 Results of election.*

25 1. *If a majority of the registered voters voting on a proposed initiative*
26 *ordinance vote in its favor, it shall be considered adopted upon certification of the*
27 *results of the election and must be treated in all respects in the same manner as*
28 *ordinances of the same kind adopted by the Council. If conflicting ordinances are*
29 *approved at the same election, the one receiving the greatest number of*
30 *affirmative votes prevails to the extent of the conflict.*

31 2. *If a majority of the registered voters voting on a referred ordinance vote*
32 *against it, it shall be considered repealed upon certification of the results of the*
33 *election.*

34 3. *No initiative ordinance voted upon by the registered voters or an initiative*
35 *ordinance in substantially the same form as one voted upon by the people, may*
36 *again be placed on the ballot until the next primary or general municipal election*
37 *or primary or general state election.*

38 *Sec. 11.040 Repealing ordinances; publication. Initiative and referendum*
39 *ordinances adopted or approved by the voters may be published and shall not be*
40 *amended or repealed by the Council, as in the case of other ordinances.*

41 *Sec. 11.050 Recall of Council members. As provided by the general laws*
42 *of this State, every member of the Council is subject to recall from office.*

43 44 **ARTICLE XII**

45 46 *PUBLIC UTILITIES*

47
48 *Sec. 12.010 Granting of franchises.*

49 1. *The City shall have the power to grant a franchise to any private*
50 *corporation for the use of streets and other public places in the furnishing of any*
51 *public utility service to the City and to its inhabitants.*

52 2. *All franchises and any renewals, extensions and amendments thereto*
53 *shall be granted only by ordinance. A proposed franchise ordinance shall be*

submitted to the City Manager, and he or she shall render to the Council a written report containing recommendations thereon.

3. The City shall have the power, as one of the conditions of granting any franchise, to impose a franchise tax, either for the purpose of license or for revenue.

Sec. 12.020 Conditions and transfer of franchises.

1. Every franchise or renewal, extension or amendment of a franchise hereafter granted shall:

~~(a) Impose upon the utility the duty to furnish proper service at minimum attainable cost under proper organization and efficient management;~~

~~—(b)— Include that the City may issue such orders with respect to safety and other matters as may be necessary or desirable for the community; and~~

~~—(c)—~~ (b) Reserve to the City the right to make all future regulations or ordinances deemed necessary for the preservation of the health, safety and public welfare of the City, including, without limitation, regulations concerning the imposition of uniform codes upon the utilities, standards and rules concerning the excavations and use to which the streets, alleys and public thoroughfares may be put and regulations concerning placement of easement improvements such as poles, valves, hydrants and the like.

2. No franchise shall be transferred hereafter by any utility to another without the approval of the Council, and as a condition to such approval, the successor in interest to the said franchise shall execute a written agreement containing a covenant that it will comply with all the terms and conditions of the franchise then in existence ~~—, together with any other terms, conditions and regulations and ordinances which the City, or its agencies, may wish to impose.—~~

Sec. 12.030 ~~[Rates, annual cost of service and sliding scale basis. The Council shall enact proper ordinances and shall prosecute or cause to be prosecuted all appropriate proceedings before the Public Utilities Commission of Nevada to secure fair rates for consumers at large and for the City.]~~

~~—Sec. 12.040 Records and proceedings.—~~

~~1. The Council shall establish or designate an agency of the city government which shall assemble the facts which are essential to the proper determination of cost of service and the fixing of reasonable rates. Such agency shall have and keep up to date an inventory of the property used in public service, the cost of such properties as actually and reasonably incurred or as fixed by appraisal additions and retirements made each year, the depreciation, and all matters that enter into the periodical readjustment of the rate base. It shall have power to make, and shall conduct, all inspections and examinations of public utility properties accounts and records necessary or appropriate to carry out the provisions of this Charter. At the close of each calendar or fiscal year, it shall make a comprehensive report and recommendations to the City Manager and the Council. Every public utility operating within the City shall furnish to such agency regular reports as to capital outlay, property retirements, operating revenues, operating expenses, taxes and other accounting matters according to the standard accounting classification issued for such utilities by the Public Utilities Commission of Nevada. In addition, the City may require reports regarding salaries, wages, employees, contracts, service performance and all other records of operation that pertain to proper rate adjustments on the basis of facts and regular administration.~~

~~2. The agency established or designated by the Council shall also make appropriate efforts to obtain proper annual revision of rates of private utilities which do not operate under the franchise terms of this Charter and which are not subject to municipal regulation by general law. It may initially obtain proper~~

~~surveys of operating expenses, taxes and other charges and of the net capital investment in the properties used in public service within the City, and thereupon may endeavor, through negotiation with the utility, to obtain proper rate adjustments. If it cannot obtain due agreement, it shall file a complaint and petition with the Public Utilities Commission of Nevada for a formal rate inquiry. In such proceeding, it shall represent the consumers at large and shall prepare and present in legal form all the evidence with respect to cost of service and other elements as required in the public interest. It shall obtain all requisite data for successive rate revisions, and at the end of each calendar or fiscal year, it shall endeavor to secure any revision of rates indicated by the showing of facts, and, if necessary, shall proceed again with a request for formal inquiry by the Public Utilities Commission of Nevada.~~

~~Sec. 12.050~~ Condemnation. The City, by initiative ordinance, shall have the right to condemn the property of any public utility ~~and~~ subject to the provisions of chapter 37 of NRS. The public utility shall receive just compensation for the taking of its property. Such an initiative petition must be voted on by the people and cannot be passed by simple acceptance of the Council.

~~Sec. 12.060~~ 12.040 Establishment of municipally owned and operated utilities.

1. The City shall have power to own and operate any public utility, to construct and install all facilities that are reasonably needed and to lease or purchase any existing utility properties used and useful in public service. ~~The City may also furnish service in adjacent and nearby communities which may be conveniently and economically served by the municipally owned and operated utility, subject to:~~

- ~~(a) Agreements with such communities;~~
- ~~(b) Provisions of state law; and~~
- ~~(c) Provisions of this Charter.]~~

2. The Council may provide by ordinance for the establishment of such utility, but an ordinance providing for a newly owned and operated utility shall be enacted only after such hearings and procedure as required herein for the granting of a franchise, and shall also be submitted to and approved at a popular referendum provided that an ordinance providing for any extension, enlargement or improvement of an existing utility may be enacted as a matter of general municipal administration.

3. The City shall have the power to execute long-term contracts for the purpose of augmenting the services of existing municipally owned utilities. Such contracts shall be passed only in the form of ordinances and may exceed in length the terms of office of the members of the Council.

~~Sec. 12.070~~ 12.050 Municipal utility organizations.

1. The Council may provide for the establishment of a separate department to administer the utility function, including the regulation of privately owned and operated utilities and the operation of municipally owned utilities. Such department shall keep separate financial and accounting records for each municipally owned and operated utility and before February 1 of each fiscal year, shall prepare for the City Manager, in accordance with his or her specifications, a comprehensive report of each utility. The responsible departments or officer shall endeavor to make each utility financially self-sustaining, unless the Council shall by ordinance adopt a different policy. All net profits derived from municipally owned and operated utilities may be expended in the discretion of the Council for general municipal purposes.

2. *The rates for the products and services of any municipally owned and operated utility shall only be established, reduced, altered or increased by resolution of the Council following a public hearing.*

Sec. ~~12.0801~~ 12.060 *Financial provisions.*

1. *The City may finance the acquisition of privately owned utility properties, the purchase of land and the cost of all construction and property installation for utility purposes by borrowing in accordance with the provisions of general law.*

2. *Appropriate provisions shall be made for the amortization and retirement of all bonds within a maximum period of 40 years. Such amortization and retirement may be effected through the use of depreciation funds or other financial resources provided through the earnings of the utility.*

Sec. ~~12.0901~~ 12.070 *Sale of public utilities; proviso.*

1. *No public utility of any kind, after having been acquired by the City, may thereafter be sold or leased by the City, unless the proposition for the sale or lease has been submitted to the electors of the City at a special election or primary or general municipal election or primary or general state election. After a majority vote of those electors in favor of the sale, the sale may not be made except after 30 days' published notice thereof, except that the provisions of this section do not apply to a sale by the Council of parts, equipment, trucks, engines and tools which have become obsolete or worn out, any of which equipment may be sold by the Council in the regular course of business.*

2. *A special election may be held only if the Council determines, by a unanimous vote, that an emergency exists. The determination made by the Council is conclusive unless it is shown that the Council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the Council must be commenced within 15 days after the Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the Council to prevent or mitigate a substantial financial loss to the City or to enable the Council to provide an essential service to the residents of the City.*

ARTICLE XIII

MISCELLANEOUS PROVISIONS

Sec. 13.010 *Removal of officers and employees. Subject to the provisions of this Charter not inconsistent herewith, any employee of the City may be suspended or dismissed from employment at any time by the City Manager or by any applicable person appointed by the City Manager pursuant to this Charter. Unless otherwise provided in this Charter, any such action shall be considered final and conclusive and shall not be subject to appeal to any city governmental entity.*

Sec. 13.020 *Right of City Manager and other officers of Council. The City Manager shall have the right to take part in the discussion of all matters coming before the Council, and the directors and other officers shall be entitled to take part in all discussions of the Council relating to their respective offices, departments or agencies.*

Sec. 13.030 *Personal interest.*

1. *No elective or appointive officer shall take any official action on any contract or other matter in which he or she has any financial interest.*

2. *A violation of the provisions of this section shall constitute a misdemeanor, subject to a penalty not to exceed the penalties specified for*

1 *misdemeanors under applicable provisions of Nevada Revised Statutes in effect at*
2 *the time of such violation.*

3 *Sec. 13.040 Official bonds. Officers or employees, as the Council may by*
4 *general ordinance require so to do, including a municipal court judge appointed*
5 *pursuant to section 5.020 of Article V, if any, shall give bond in such amount and*
6 *with such surety as may be approved by the Council. The premiums on such*
7 *bonds shall be paid by the City.*

8 *Sec. 13.050 Oath of office. Every officer of the City shall, before entering*
9 *upon the duties of his or her office, take and subscribe to the official oath of*
10 *office of the State of Nevada:*

11
12 *“I,, do solemnly swear (or affirm) that I will support,*
13 *protect and defend the Constitution and Government of the United States*
14 *and the Constitution and Government of the State of Nevada, against all*
15 *enemies, whether domestic or foreign, and that I will bear true faith,*
16 *allegiance and loyalty to the same, any Ordinance, Resolution or Law of*
17 *any State notwithstanding, and I will well and faithfully perform all the*
18 *duties of the Office of on which I am about to enter; (if any*
19 *oath) so help me God; (if any affirmation) under the pains and penalties*
20 *of perjury.”*

21 *Sec. 13.060 Amending the Charter.*

22 *1. An amendment to this Charter:*

23 *(a) May be made by the Legislature directly by the use of mandatory specific*
24 *wording or indirectly by the use of wording allowing flexibility in expressing the*
25 *required change. If a law is enacted which:*

26 *(1) Directly amends this Charter, such an amendment is not subject to*
27 *public approval as provided in paragraph (b) and must be included in the Charter*
28 *and identified as having been amended by the particular law involved.*

29 *(2) Requires that this Charter be amended but does not require the*
30 *specific wording to be used, the Council shall propose a suitable amendment to be*
31 *submitted to the registered voters of the City as provided by paragraph (b). If such*
32 *a proposed amendment is not adopted by the voters, it must be redrafted and*
33 *resubmitted to the voters at one or more general city elections or general state*
34 *elections until an amendment is adopted.*

35 *(b) May be proposed by the Council and submitted to the registered voters of*
36 *the City at a general city election or general state election.*

37 *(c) May be proposed by a petition signed by registered voters of the City*
38 *equal in number to 15 percent or more of the voters who voted at the latest*
39 *preceding general city election and submitted to registered voters of the City at*
40 *the next general city election or general state election.*

41 *2. The City Attorney shall draft any amendment proposed pursuant to*
42 *subparagraph (2) of paragraph (a) or paragraph (b) of subsection 1, or if such a*
43 *proposed amendment has been previously drafted, the City Attorney shall review*
44 *the previous draft and recommend to the Council any suggested changes or*
45 *corrections.*

46 *3. The City Attorney shall, upon request, review any amendment intended to*
47 *be proposed by petition pursuant to paragraph (c) of subsection 1, make only*
48 *such corrections as are agreed to by the proposers and report to the Council his*
49 *or her analysis of the significance and potential effects of the proposed*
50 *amendment.*

51 *4. A petition for amendment must be in the form specified by state law for*
52 *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.

Sec. 13.070 Short title; citation of City of Laughlin Act of 2011. This Charter shall be known and may be cited as the City of Laughlin Charter.

Sec. 13.080 Construction of Charter; separability of provisions.

1. Whenever any reference is made to any portion of the Nevada Revised Statutes or of any other law of the State or of the United States, such reference shall apply to all amendments and additions thereto now or hereafter made.

2. If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such holding shall directly apply.

Sec. 2. Section 9 of the Fort Mohave Valley Development Law, being chapter 427, Statutes of Nevada 2007, as amended by chapter 369, Statutes of Nevada 2009, at page 1860, is hereby amended to read as follows:

Sec. 9. Limitations on use of money.

~~The~~

1. Except as otherwise provided in subsection 2, the Board of County Commissioners may use money in the Fort Mohave Valley Development Fund only to:

~~(a)~~ Purchase or otherwise acquire lands described in sections 4 and 8 of this act; and

~~(b)~~ Administer the Fort Mohave Valley Development Law exclusively for the purposes of developing the Fort Mohave Valley and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley, including, without limitation, the planning, design and construction of capital improvements which develop the land in the Fort Mohave Valley or in any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.

2. The Board of County Commissioners shall use money in the Fort Mohave Valley Development Fund to pay:

(a) Any costs incurred by the Committee on Local Government Finance created by NRS 354.105, for the preparation of the report related to the fiscal feasibility of the incorporation of the City of Laughlin that is required by section 4 of this act;

(b) Any costs incurred by the County to hold the elections described in sections 5 and 11 this act; and

(c) Any other costs incurred by the County or City of Laughlin associated with the incorporation of the City of Laughlin, to the extent that gifts, grants or donations are not available to pay for the expenses.

Sec. 3. As used in sections 3 to 16, inclusive, of this act:

1. "Board of County Commissioners" means the Board of County Commissioners of Clark County.

2. "City" means the City of Laughlin.
3. "City Council" means the City Council elected pursuant to section 11 of this act.
4. "County" means the County of Clark.
5. "Fort Mohave Valley Development Fund" means the fund created in the County Treasury pursuant to section 6 of the Fort Mohave Valley Development Law.
6. "Qualified elector" means a person who is registered to vote in this State and is a resident of the area to be included in the City, as shown by the last official registration lists before the election.

Sec. 4. 1. On or before December 31, 2011, the Committee on Local Government Finance, created by NRS 354.105, shall prepare and submit a report to the Board of County Commissioners with respect to the fiscal feasibility of the incorporation of the City. This report must ~~be~~ :

(a) Include, without limitation analyses of:

(1) The tax revenue and other revenues of the County that may be impacted by the incorporation of the City.

(2) The tax revenue and other revenues of the Township of Laughlin compared to the potential tax revenue and other revenues of the City after incorporation.

(3) The expenditures made by the Township of Laughlin compared to the anticipated expenditures of the City after incorporation.

(4) The expenditures made by the County for support of the Township of Laughlin that may or may not be impacted by the incorporation of the City.

(b) Be made available to the public for consideration before the election on the question of incorporation held pursuant to section 5 of this act.

2. The County Clerk shall cause the report to be published in a newspaper printed in the County and having a general circulation in the City at least once a week for 3 consecutive weeks. The final publication of the report must be published before the date of the ~~special~~ election ~~is~~ held pursuant to section 5 of this act.

Sec. 5. 1. An election on the question of incorporation of the City of Laughlin must be held after the Committee on Local Government Finance submits to the Board of County Commissioners the report required by section 4 of this act. The election will also be a primary election for the offices of Mayor and City Council.

2. The Board of County Commissioners may call a special election for the purposes of subsection 1, or may conduct an election pursuant to subsection 1 on the date of the first primary election held in the County after the Board of County Commissioners receives the report required by section 4 of this act. The special election, if any, must be held within 90 days after the Board of County Commissioners receives the report prepared pursuant to section 4 of this act and conducted in accordance with the provisions of law relating to general elections so far as the same can be made applicable.

3. If the Board of County Commissioners calls a special election for the purposes of subsection 1, the County Clerk shall cause a notice of the election to be published in a newspaper printed in the County and having a general circulation in the City at least once a week for 3 consecutive weeks. The final publication of notice must be published before the date of the election.

4. If the Board of County Commissioners conducts an election pursuant to subsection 1 on the day of the first primary election held in the County after the Board of County Commissioners receives the report required by section 4 of this act, ~~the~~ :

(a) The Board of County Commissioners shall submit the report required by section 4 of this act to the Legislative Commission. The Legislative Commission shall review the report and make a recommendation to the Board of County Commissioners as to whether the incorporation of the City is fiscally feasible.

(b) The County Clerk shall cause notice of the election to be published pursuant to NRS 293.203.

5. The notice of the election held pursuant to subsection 3 or 4 must contain:

(a) The date of the election;

(b) The hours during the day in which the polls will be open;

(c) The location of the polling places;

(d) A statement of the question in substantially the same form as it will appear on the ballots;

(e) The names of the candidates; ~~and~~

(f) A list of the offices to which the candidates seek election. ~~and~~ and

(g) If the election is held pursuant to subsection 4, a summary of the recommendation made by the Legislative Commission pursuant to paragraph (a) of subsection 4.

Sec. 6. The incorporation question on the ballots used for the election held pursuant to section 5 of this act must be in substantially the following form:

Shall the area described as.....(describe area) be incorporated as the City of Laughlin?

Yes ☐

No ☐

The voter shall mark the ballot by placing a cross (x) next to the word "yes" or "no."

Sec. 7. 1. A person who wishes to become a candidate for any office to be voted for at the election held pursuant to section 5 of this act must:

(a) Reside within the boundaries of the City;

(b) File an affidavit of candidacy, which must include a declaration of residency, with the County Clerk not later than the date for the filing of such affidavits as set by the County Clerk; and

(c) File a nomination petition containing at least 100 signatures of qualified electors.

2. Qualified electors may sign more than one nominating petition for candidates for the same office.

3. A candidate may withdraw his or her candidacy pursuant to the provisions of NRS 293.202.

4. If there are less than three candidates for any office to be filled at the primary election held pursuant to section 5 of this act, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election held pursuant to section 11 of this act.

5. The names of the two candidates for mayor and for each seat on the City Council who receive the highest number of votes in the primary election held pursuant to section 5 of this act must be placed on the ballot for the general election held pursuant to section 11 of this act.

Sec. 8. 1. At least 10 days before the election held pursuant to section 5 of this act, the County Clerk shall cause to be mailed to each qualified elector a sample ballot for his or her precinct with a notice informing the elector of the location of his or her polling place.

2. The sample ballot must:

(a) Include the question in the form required by section 6 of this act;

(b) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground

1 features, extensions of the visible ground features, or by any boundary that
2 coincides with the official boundary of the state, a county, a city, a township, a
3 section or any combination of these; and

4 (c) Include the names of candidates for the various offices as determined
5 pursuant to section 7 of this act.

6 **Sec. 9.** 1. The Board of County Commissioners shall canvass the votes cast
7 in the election held pursuant to section 5 of this act in the same manner as votes are
8 canvassed in a general election. Upon completion of the canvass, the Board shall
9 immediately notify the County Clerk of the results.

10 2. The County Clerk shall, upon receiving notice of the canvass from the
11 Board of County Commissioners, immediately cause to be published a notice of the
12 results of the election in a newspaper of general circulation in the County. If the
13 incorporation is approved by the voters, the notice must include the category of the
14 City according to population, as described in NRS 266.055. The County Clerk shall
15 file a copy of the notice with the Secretary of State.

16 **Sec. 10.** 1. The Board of County Commissioners may accept gifts, grants
17 and donations to pay for any expenses that are related to the incorporation of the
18 City, including, without limitation:

19 (a) The costs incurred by the Committee on Local Government Finance for
20 preparing the fiscal feasibility report required by section 4 of this act;

21 (b) The costs incurred by the County to hold the elections described in sections
22 5 and 11 of this act; and

23 (c) Any other costs incurred by the County or City associated with the
24 incorporation of the City of Laughlin.

25 2. To the extent that gifts, grants and donations do not pay the costs of the
26 expenses described in subsection 1, the Board of County Commissioners shall order
27 the County Treasurer to pay such expenses from the Fort Mohave Valley
28 Development Fund.

29 3. The County Clerk shall submit to the Board of County Commissioners a
30 statement of all expenses related to conducting the elections held pursuant to
31 sections 5 and 11 of this act.

32 **Sec. 11.** 1. If the incorporation of the City is approved by the voters at an
33 election held pursuant to section 5 of this act, a general election must be held to
34 elect four members of the City Council and the Mayor. The Board of County
35 Commissioners may conduct a special election for the purposes of this subsection,
36 or may conduct the election required by this subsection on the date of the first
37 general election held in the County after the date of the election held pursuant to
38 section 5 of this act. The election must be conducted in accordance with the
39 provisions of law relating to general elections so far as the same can be made
40 applicable.

41 2. The names of the two candidates for Mayor and for each particular seat on
42 the City Council who receive the highest number of votes in the primary election
43 must be placed on the ballot for the general election. A candidate for Mayor or a
44 seat on the City Council may not withdraw from the general election.

45 **Sec. 12.** 1. The term of the Mayor elected pursuant to section 11 of this act
46 expires upon the election and qualification of the person elected Mayor in the first
47 general election held pursuant to section 10.020 of the City of Laughlin Charter.

48 2. The terms of two of the members of the City Council elected pursuant to
49 section 11 of this act expire upon the election and qualification of the persons
50 elected to the City Council in the first general election held pursuant to section
51 10.020 of the City of Laughlin Charter. The terms of the remaining members of the
52 City Council elected pursuant to section 11 of this act expire upon the election and

1 qualification of the persons elected to the City Council in the second general
2 election held pursuant to section 10.020 of the City of Laughlin Charter.

3 3. The members of the City Council elected pursuant to section 11 of this act
4 shall, at the first meeting of the City Council after their election and qualification,
5 draw lots to determine the length of their respective terms.

6 **Sec. 13.** Before the incorporation of the City becomes effective ~~it~~ but after
7 the general election held pursuant to section 11 of this act, the City Council
8 may:

9 1. Prepare and adopt a budget;
10 2. ~~Adopt~~ Prepare and adopt ordinances;
11 3. ~~Levy~~ Prepare to levy an ad valorem tax on property within the area of
12 the City, at the time and in the amount prescribed by law for cities, for the fiscal
13 year beginning on the date the incorporation of the City becomes effective;

14 4. Negotiate and prepare an equitable apportionment of the fixed assets of
15 the County pursuant to section 15 of this act;

16 5. Negotiate and prepare contracts for the employment of personnel;

17 6. Negotiate and prepare contracts to provide services for the City,
18 including, without limitation, those services provided for by chapter 277 of NRS;
19 ~~and~~

20 7. Negotiate and prepare contracts for the purchase of equipment, materials
21 and supplies ~~it~~;

22 8. Negotiate and prepare contracts or memorandums of understanding
23 with the County for the City to provide services to unincorporated areas of the
24 County that are contiguous to the City;

25 9. Negotiate and prepare a cooperative agreement pursuant to NRS
26 360.730; and

27 10. Communicate with and provide information to the Department of
28 Taxation to effectuate the allocation of tax revenues on the date the
29 incorporation of the City becomes effective.

30 **Sec. 14.** 1. During the period from the filing of the notice of results of the
31 election conducted pursuant to section 5 of this act by the County Clerk until the
32 date the incorporation of the City becomes effective, the County is entitled to
33 receive the taxes and other revenue from the City and shall continue to provide
34 services to the City.

35 2. Except as otherwise provided in NRS 318.492, all special districts, except
36 fire protection districts, located within the boundaries of the City continue to exist
37 within the City after the incorporation becomes effective.

38 **Sec. 15.** 1. The City Council and the Board of County Commissioners
39 shall, before the date that the incorporation becomes effective or within 90 days
40 after that date, equitably apportion those fixed assets of the County which are
41 located within the boundaries of the City. The City Council and the Board of
42 County Commissioners shall consider the location, use and types of assets in
43 determining an equitable apportionment between the County and the City.

44 2. Any real property and its appurtenances located within the City and not
45 required for the efficient operation of the County's duties must first be applied
46 toward the City's share of the assets of the County. Any real property which is
47 required by the County for the efficient operation of its duties must not be
48 transferred to the City.

49 3. If an agreement to apportion the assets of the County is not reached within
50 90 days after the incorporation of the City, the matter may be submitted to
51 arbitration upon the motion of either party.

52 4. Any appeal of the arbitration award must be filed with the district court
53 within 30 days after the award is granted.

1 **Sec. 16.** Any property located within the City which was assessed and taxed
2 by the County before incorporation must continue to be assessed and taxed to pay
3 for the indebtedness incurred by the County before incorporation.

4 **Sec. 17.** 1. This section and sections 2 to 16, inclusive, of this act become
5 effective upon passage and approval.

6 2. Section 1 of this act becomes effective, if the incorporation of the City of
7 Laughlin is approved by the voters at the election held pursuant to section 5 of this
8 act on July 1, 2013.