

## Amendment No. 295

Senate Amendment to Senate Bill No. 262 First Reprint (BDR S-125)

**Proposed by:** Senator Hardy**Amends:** Summary: Yes Title: Yes 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.

RRY



Date: 4/18/2011

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 ~~upon [the approval of the voters in the City.]~~ certain conditions. (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 a determination by the Board of County Commissioners of Clark County or the Legislative Commission and 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 and the Legislative Commission by December 31, 2011. **Sections 4, 5 and 17** of this bill make the incorporation of the City of Laughlin contingent upon whether the Board of County Commissioners of Clark County or the Legislative Commission determines that the incorporation is fiscally feasible and, if so, upon the approval of the Charter by the qualified electors of the City. **Sections 5-9** of this bill provide , under such circumstances, 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~~ an election held on the question of incorporation and ~~the~~ a 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, negotiating with Clark County for the equitable apportionment of the fixed assets of Clark County that are located in the City of Laughlin 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, if approved by the voters on that day.

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

1 *East, Clark County, Nevada, and a portion of Section 5 of Township 34 South,*  
2 *Range 66 East, Clark County, Nevada.*

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

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

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

15 *(2) Parcel 2. Section 13, Township 32 South, Range 66 East, M.D.M.,*  
16 *Clark County, Nevada, excepting therefrom that remaining portion of Parcel 1 of*  
17 *File 53 of Parcel Maps at Page 53, Official Records of Clark County, Nevada,*  
18 *lying within the Southwest Quarter (SW 1/4) of said Section 13, more particularly*  
19 *described as beginning at the Northeast corner of said Parcel 1, said point being*  
20 *on the Southerly right-of-way line of Bruce Woodbury Drive (90.00 feet wide);*  
21 *thence departing said Southerly right-of-way line and along the Easterly line of*  
22 *said Parcel 1, South 01°08'21" West, 100.00 feet to the Northerly line of Parcel 4*  
23 *as shown by map thereof recorded in File 98 of Parcel Maps at Page 17, Official*  
24 *Records of Clark County, Nevada; thence along said Northerly line of Parcel 4*  
25 *the following 2 courses: ~~South~~ North 89°59'51" ~~East~~ West, 75.00 feet; North*  
26 *~~01°28'01" East~~ 01°08'21" East, 100.00 feet to said Southerly right-of-way and said*  
27 *Northerly line of Parcel 1; thence along said Southerly right-of-way line and*  
28 *along said Northerly line of Parcel 1, South 89°59'51" East, 75.00 feet to the*  
29 *Point of Beginning.*

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

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

39 *Sec. 1.050 Form of government.*

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

45 *(a) Enact local legislation;*

46 *(b) Adopt budgets;*

47 *(c) Determine policies; and*

48 *(d) Appoint the City Manager, who shall execute the laws and administer the*  
49 *government of the City.*

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

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

3       1. *The titles or leadlines which are applied to the articles and sections of*  
4 *this Charter are inserted only as a matter of convenience and ease in reference*  
5 *and in no way define, limit or describe the scope or intent of any provision of this*  
6 *Charter.*

7       2. *The singular number includes the plural number, and the plural includes*  
8 *the singular.*

9       3. *The present tense includes the future tense.*

## 10                                   *ARTICLE II*

### 11                                   *CITY COUNCIL*

12  
13  
14  
15       *Sec. 2.010 Number; selection and term; recall. The Council shall have*  
16 *four Council members and a Mayor elected from the City at large in the manner*  
17 *provided in Article X, for terms of 4 years and until their successors have been*  
18 *elected and have taken office as provided in section 2.100, subject to recall as*  
19 *provided in Article XI. No Council member shall represent any particular*  
20 *constituency or district of the City, and each Council member shall represent the*  
21 *entire City.*

22       *Sec. 2.020 Qualifications.*

23       1. *No person shall be eligible for the office of Council member or Mayor*  
24 *unless he or she is a qualified elector of the City and has been a resident of the*  
25 *City for at least 1 year immediately before the election in which he or she is a*  
26 *candidate. He or she shall hold no other elective public office, but may hold a*  
27 *commission as a notary public or be a member of the Armed Forces reserve. No*  
28 *employee of the City or officer thereof, excluding Council members, receiving*  
29 *compensation under the provisions of this Charter or any City ordinance, shall be*  
30 *a candidate for or eligible for the office of Council member or Mayor without*  
31 *first resigning from city employment or city office.*

32       2. *If a Council member or the Mayor ceases to possess any of the*  
33 *qualifications enumerated in subsection 1 or is convicted of a felony, or ceases to*  
34 *be resident of the City, his or her office shall immediately become vacant.*

35       *Sec. 2.030 Salaries.*

36       1. *For the first 2 years after election of the first members of the Council*  
37 *after adoption of this Charter, each member of the Council shall receive as*  
38 *compensation for his or her services as such a monthly salary of \$125.00, and the*  
39 *member elected to fill the Office of Mayor shall receive the additional amount of*  
40 *\$25.00 for each month said member shall fill the Office of Mayor.*

41       2. *After the period specified in subsection 1, the Council may determine the*  
42 *annual salaries of the Mayor and Council members by ordinance. The Council*  
43 *shall not adopt an ordinance which increases or decreases the salary of the*  
44 *Mayor or the Council members during the term for which they have been elected*  
45 *or appointed.*

46       3. *Absence of a member of the Council from all regular and special*  
47 *meetings of the Council during any calendar month shall render him or her*  
48 *ineligible to receive the monthly salary for such a calendar month unless by*  
49 *permission of the Council expressed in its official minutes.*

50       4. *The Mayor and Council members shall be reimbursed for their personal*  
51 *expenses when conducting or traveling on city business as authorized by the*  
52 *Council. Reimbursement for use of their personal automobiles will be at the rate*

per mile established by the rules of the Internal Revenue Service of the United States.

5. The Mayor and Council members shall receive no additional compensation or benefit other than that mandated by state or federal law.

Sec. 2.040 Mayor; Mayor Pro Tem; duties.

1. The Mayor shall:

(a) Serve as a member of the Council and preside over its meetings;

(b) Have no administrative duties; and

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

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

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

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

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

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

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

2. Adopt the budget of the City.

3. Adopt civil service rules and regulations.

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

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

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

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

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

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

Sec. 2.070 Council not to interfere in removals.

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

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

1       *Sec. 2.080 Vacancies in Council. Except as otherwise provided in NRS*  
2 *268.325, a vacancy on the Council must be filled by appointment by a majority of*  
3 *the remaining members of the Council within 30 days or after three regular or*  
4 *special meetings, whichever is the shorter period of time. In the event of a tie vote*  
5 *among the remaining members of the Council, selection must be made by lot. No*  
6 *such appointment extends beyond the next municipal election.*

7       *Sec. 2.090 Creation of new departments or offices; change of duties. The*  
8 *Council by ordinance may:*

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

11       2. *Assign additional functions or duties to offices, departments or agencies*  
12 *established by this Charter, but may not discontinue or assign to any other office,*  
13 *department or agency any function or duty assigned by this Charter to a*  
14 *particular office, department or agency.*

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

24       *Sec. 2.110 Council to be judge of qualifications of its members. The*  
25 *Council shall be the judge of the election and qualifications of its members and*  
26 *for such purpose shall have the power to subpoena witnesses and require the*  
27 *production of records, but the decision of the Council in any such case shall be*  
28 *subject to review by the courts.*

29       *Sec. 2.120 Rules of procedure.*

30       1. *The Council shall establish rules by ordinance for the conduct of its*  
31 *proceedings and to preserve order at its meetings. It shall, through the City Clerk,*  
32 *maintain a journal record of its proceedings which shall be open to public*  
33 *inspection. Any member of the Council may place items on the Council agenda to*  
34 *be considered by the Council.*

35       2. *The Council may organize special committees of its members for the*  
36 *principal functions of the government of the City. It shall be the duty of each*  
37 *such committee to be informed of the business of the city government included*  
38 *within the assigned functions of the committee, and, as ordered by the Council, to*  
39 *report to the Council information or recommendations which shall enable the*  
40 *Council properly to legislate.*

41       *Sec. 2.130 Investigations by Council.*

42       1. *The Council shall have power to inquire into the conduct of any office,*  
43 *department, agency or officer of the City and to make investigations as to*  
44 *municipal affairs. The Council shall have the power and authority on any*  
45 *investigation or proceeding pending before it to impel the attendance of*  
46 *witnesses, to examine them under oath and to compel the production of evidence*  
47 *before it. Each member of the Council shall have the power to administer oaths*  
48 *and affirmations in any investigation or proceeding pending before the Council.*

49       2. *Subpoenas may be issued in the name of the City pursuant to subsection*  
50 *1 and may be attested by the City Clerk. Disobedience of such subpoenas or the*  
51 *refusal to testify upon other than constitutional grounds shall constitute a*  
52 *misdemeanor, and shall be punishable in the same manner as violations of this*  
53 *Charter are punishable.*



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

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



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

5       (b) *Posted in full in the city hall.*

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

8       4. *Emergency ordinances having for their purpose the immediate*  
9 *preservation of the public peace, health or safety, containing a declaration of and*  
10 *the facts constituting its urgency and passed by a four-fifths vote of the Council,*  
11 *and ordinances calling or otherwise relating to a municipal election, become*  
12 *effective on the date specified therein.*

13       5. *All ordinances having for their purpose the lease or sale of real estate*  
14 *owned by the City, except city-owned subdivision or cemetery lots, may be*  
15 *effective not fewer than 5 days after the publication.*

16       Sec. 2.180 *Adoption of specialized, uniform codes. An ordinance*  
17 *adopting any specialized or uniform building, plumbing or electrical code or*  
18 *codes, printed in book or pamphlet form or any other specialized or uniform code*  
19 *or codes of any nature whatsoever so printed, may adopt such code, or any*  
20 *portion thereof, with such changes as may be necessary to make the same*  
21 *applicable to conditions in the City, and with such other changes as may be*  
22 *desirable, by reference thereto, without the necessity of reading the same at*  
23 *length. Such code, upon adoption, need not be published if an adequate number*  
24 *of copies of such code, either typewritten or printed, with such changes, if any,*  
25 *have been filed for use and examination by the public in the Office of the City*  
26 *Clerk at least 1 week before the passage of the ordinance adopting the code, or*  
27 *any amendment thereto. Notice of such filing shall be given in accordance with*  
28 *the provisions of subsection 2 of section 2.170.*

29       Sec. 2.190 *Codification of ordinances; publication of Code.*

30       1. *The Council shall have the power to codify and publish a code of its*  
31 *municipal ordinances in the form of a Municipal Code, which Code may, at the*  
32 *election of the Council, have incorporated therein a copy of this Charter and*  
33 *such additional data as the Council may prescribe.*

34       2. *The ordinances in the Code shall be arranged in appropriate chapters,*  
35 *articles and sections, excluding the titles, enacting clauses, attestations and other*  
36 *formal parts.*

37       3. *The codification shall be adopted by an ordinance which shall not*  
38 *contain any substantive changes, modifications or alterations of existing*  
39 *ordinances, and the only title necessary for the ordinance shall be "An ordinance*  
40 *for codifying and compiling the general ordinances of the City of Laughlin."*

41       4. *The codification may, by ordinance regularly passed, adopted and*  
42 *published, be amended or extended.*

43       Sec. 2.200 *Independent annual audit. Before the end of each fiscal year,*  
44 *the Council shall designate qualified accountants who, as of the end of the fiscal*  
45 *year, shall make a complete and independent audit of accounts and other*  
46 *evidences of financial transactions of the city government and shall submit their*  
47 *report to the Council and to the City Manager. Such accountants shall have no*  
48 *personal interest, direct or indirect, in the fiscal affairs of the city government or*  
49 *of any of its officers. They shall not maintain any accounts or records of the city*  
50 *business, but, within specifications approved by the Council, shall postaudit the*  
51 *books and documents kept by the Department of Finance and any separate or*  
52 *subordinate accounts kept by any other office, department or agency of the city*  
53 *government.*

### ARTICLE III

#### CITY MANAGER

##### *Sec. 3.010 Appointment and qualifications.*

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

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

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

##### *Sec. 3.020 Removal.*

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

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

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

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

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

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

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

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*

1 transferred or consolidated, shall be deemed suspended during the continuance  
2 of such transfer or consolidation, to the extent that such suspension is made  
3 necessary or convenient and is set forth in the ordinance establishing such  
4 transfer or consolidation. Any such transfer or consolidation may be repealed by  
5 ordinance.

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

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

15 Sec. 4.020 Officers appointed by the Council.

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

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

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

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

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

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

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

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

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

51 (b) Recording the ayes and noes in the final action upon the questions of  
52 granting franchises, making of contracts, approving of bills, disposing of or  
53 leasing city property, the passage or reconsideration of any ordinance, or upon

1 *any other act that involves the payment of money or the incurring of debt by the*  
2 *City; and*

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

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

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

12 *5. Have charge of the repository for contracts, surety bonds, agreements,*  
13 *and other related documents of City business.*

14 *6. Maintain custody of the City seal.*

15 *7. Administer oaths or affirmations, take affidavits and depositions*  
16 *pertaining to the affairs and business of the City, and issue certified copies of*  
17 *official City records.*

18 *8. Conduct all City elections.*

19 *Sec. 4.040 City Attorney; qualifications, power and duties.*

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

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

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

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

31 *(c) Prepare or approve all proposed ordinances and resolutions for the City,*  
32 *and amendments thereto;*

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

37 *(e) Represent and appear for the City, any city officer or employee, or former*  
38 *city officer or employee, in any or all actions and proceedings in which the City*  
39 *or any such officer or employee, in or by reason of his or her official capacity, is*  
40 *concerned or is a party;*

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

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

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

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

49 *1. The person appointed by the City Manager for the position of Director of*  
50 *Finance shall be qualified to administer and direct an integrated Department of*  
51 *Finance.*

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

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

(c) Supervise a system of financial internal control including the auditing of all purchase orders before issuance, the auditing and approving before payment of all invoices, bills, payrolls, claims, demands or other charges against the City, and, with the advice of the City Attorney, when necessary, determining the regularity, legality and correctness of such charges.

*(e) Maintain general and cost accounting systems for the city government and each of its offices, departments and other agencies.*

(g) *Require reports of the receipts and disbursements from each receiving and expending agency of the city government to be made daily or at such intervals as he or she may deem expedient.*

(i) *Administer the license and business tax program of the City.*

*(1) Receiving and collecting revenues and receipts from whatever source;*

(3) *Depositing all funds coming into his or her hands in such depository as may be designated by resolution of the Council, or, if no such resolution is adopted, by the City Manager, in compliance with all of the provisions of the Constitution and laws of this State governing the handling, depositing, and securing of public funds.*

*Sec. 4.060 Performance review. On or before the annual anniversary date of the appointment of persons serving in the positions of City Manager, City Attorney and City Clerk, the Council shall review and evaluate the performance of such appointees.*

## ARTICLE V

1       *Sec. 5.010 Municipal court. The municipal court must be presided over*  
2 *by the Justice of the Peace of Laughlin Township as ex officio municipal judge.*

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

6  
7                                   **ARTICLE VI**

8  
9                                   **CITY BUDGETS**

10  
11       *Sec. 6.010 Budgets. Budgets for the City shall be prepared in accordance*  
12 *with and shall be governed by the provisions of the general laws of the State*  
13 *pertaining to budgets of cities.*

14  
15                                   **ARTICLE VII**

16  
17                                   **PUBLIC IMPROVEMENTS AND REPAIRS**

18  
19       *Sec. 7.010 Expenses of improvements; payment by funds or by special*  
20 *assessments. The expenses of public improvements and repairs, such as the*  
21 *improvement of streets and alleys by grading, paving, graveling and curbing, the*  
22 *construction, repair, maintenance and preservation of sidewalks, drains, curbs,*  
23 *gutters, storm sewers, drainage systems, sewerage systems and sewerage disposal*  
24 *plants, may be paid from the General Fund or Street Fund or the cost or portion*  
25 *thereof as the Council shall determine, may be defrayed by special assessments*  
26 *upon lots and premises abutting upon that part of the street or alley so improved*  
27 *or proposed so to be, or the land abutting upon such improvement and such other*  
28 *lands as in the opinion of the Council may benefit by the improvement all in the*  
29 *manner contained in the provisions of the Nevada Revised Statutes.*

30  
31                                   **ARTICLE VIII**

32  
33                                   **CITY ASSESSOR; TAX RECEIVER; FINANCES AND PURCHASING**

34  
35       *Sec. 8.010 Clark County Assessor to be ex officio City Assessor. The*  
36 *County Assessor of Clark County shall, in addition to the duties now imposed*  
37 *upon him or her by law, act as the Assessor of the City and shall be ex officio City*  
38 *Assessor, without further compensation. He or she shall perform such duties as*  
39 *the Council may by ordinance prescribe with the County Assessor's consent.*

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

51       *Sec. 8.030 Procedures for city purchasing. All purchases of goods or*  
52 *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. No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Any officer or employee of the City who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his or her office or employment.

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

## ARTICLE IX

### APPOINTIVE BOARDS AND COMMISSIONS

Sec. 9.010 *Established; enumerated.*

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

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

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

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

2. If a member of a board or commission:

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

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

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

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

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

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

1       *Sec. 9.030 Prohibition against serving as treasurer for campaign*  
2 *committee. If any member of an appointive board or commission shall become*  
3 *the treasurer of a campaign committee which receives contributions for any*  
4 *candidate for Mayor or Council member, his or her office shall become vacant*  
5 *and shall be so declared by the Council. Any provisions of this Article*  
6 *notwithstanding, no person who serves as the treasurer of a campaign committee*  
7 *which receives contributions for any candidate for Mayor or Council member*  
8 *shall be eligible for appointment to any appointive board or commission.*

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

13       *Sec. 9.050 Meetings; chair.*

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

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

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

38       *Sec. 9.070 Attendance of witnesses; oaths and affirmations. Each*  
39 *appointive board or commission shall have the same power as the Council to*  
40 *compel the attendance of witnesses, to examine them under oath and to compel*  
41 *the production of evidence before it. Each member of any such board or*  
42 *commission shall have the power to administer oaths and affirmations in any*  
43 *investigation or proceeding pending before such board or commission.*

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

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

*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;*

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.

## CITY ELECTIONS

*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. 10.040 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. 10.060 General election not required. If, in the primary city election, a candidate receives votes equal to a majority of voters casting ballots in that*

1 *election, he or she shall be considered elected to one of the vacancies and his or*  
2 *her name shall not be placed on the ballot for the general city election.*

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

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

## 13 14 **ARTICLE XI**

### 15 16 **INITIATIVE, REFERENDUM AND RECALL**

17  
18 *Sec. 11.010 Registered voters' power of initiative and referendum*  
19 *concerning city ordinances. The registered voters of a city may:*

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

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

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

29 *Sec. 11.030 Results of election.*

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

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

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

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

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

## 48 49 **ARTICLE XII**

### 50 51 **PUBLIC UTILITIES**

52  
53 *Sec. 12.010 Granting of franchises.*

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

4       2. All franchises and any renewals, extensions and amendments thereto  
5 shall be granted only by ordinance. A proposed franchise ordinance shall be  
6 submitted to the City Manager, and he or she shall render to the Council a  
7 written report containing recommendations thereon.

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

11       Sec. 12.020 Conditions and transfer of franchises.

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

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

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

23       2. No franchise shall be transferred hereafter by any utility to another  
24 without the approval of the Council, and as a condition to such approval, the  
25 successor in interest to the said franchise shall execute a written agreement  
26 containing a covenant that it will comply with all the terms and conditions of the  
27 franchise then in existence.

28       Sec. 12.030 Condemnation. The City, by initiative ordinance, shall have  
29 the right to condemn the property of any public utility subject to the provisions of  
30 chapter 37 of NRS. The public utility shall receive just compensation for the  
31 taking of its property. Such an initiative petition must be voted on by the people  
32 and cannot be passed by simple acceptance of the Council.

33       Sec. 12.040 Establishment of municipally owned and operated utilities.

34       1. The City shall have power to own and operate any public utility, to  
35 construct and install all facilities that are reasonably needed and to lease or  
36 purchase any existing utility properties used and useful in public service.

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

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

48       Sec. 12.050 Municipal utility organizations.

49       1. The Council may provide for the establishment of a separate department  
50 to administer the utility function, including the regulation of privately owned and  
51 operated utilities and the operation of municipally owned utilities. Such  
52 department shall keep separate financial and accounting records for each  
53 municipally owned and operated utility and before February 1 of each fiscal year,

1 shall prepare for the City Manager, in accordance with his or her specifications,  
2 a comprehensive report of each utility. The responsible departments or officer  
3 shall endeavor to make each utility financially self-sustaining, unless the Council  
4 shall by ordinance adopt a different policy. All net profits derived from  
5 municipally owned and operated utilities may be expended in the discretion of the  
6 Council for general municipal purposes.

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

10 **Sec. 12.060 Financial provisions.**

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

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

18 **Sec. 12.070 Sale of public utilities; proviso.**

19 1. No public utility of any kind, after having been acquired by the City, may  
20 thereafter be sold or leased by the City, unless the proposition for the sale or lease  
21 has been submitted to the electors of the City at a special election or primary or  
22 general municipal election or primary or general state election. After a majority  
23 vote of those electors in favor of the sale, the sale may not be made except after  
24 30 days' published notice thereof, except that the provisions of this section do not  
25 apply to a sale by the Council of parts, equipment, trucks, engines and tools  
26 which have become obsolete or worn out, any of which equipment may be sold by  
27 the Council in the regular course of business.

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

37  
38 **ARTICLE XIII**

39 **MISCELLANEOUS PROVISIONS**

40  
41  
42 **Sec. 13.010 Removal of officers and employees.** Subject to the provisions  
43 of this Charter not inconsistent herewith, any employee of the City may be  
44 suspended or dismissed from employment at any time by the City Manager or by  
45 any applicable person appointed by the City Manager pursuant to this Charter.  
46 Unless otherwise provided in this Charter, any such action shall be considered  
47 final and conclusive and shall not be subject to appeal to any city governmental  
48 entity.

49 **Sec. 13.020 Right of City Manager and other officers of Council.** The  
50 City Manager shall have the right to take part in the discussion of all matters  
51 coming before the Council, and the directors and other officers shall be entitled  
52 to take part in all discussions of the Council relating to their respective offices,  
53 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 misdemeanors under applicable provisions of Nevada Revised Statutes in effect at the time of such violation.*

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

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

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

*Sec. 13.060 Amending the Charter.*

*1. An amendment to this Charter:*

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

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

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

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

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

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

*3. The City Attorney shall, upon request, review any amendment intended to be proposed by petition pursuant to paragraph (c) of subsection 1, make only such corrections as are agreed to by the proposers and report to the Council his*



1 *or her analysis of the significance and potential effects of the proposed*  
2 *amendment.*

3 *4. A petition for amendment must be in the form specified by state law for*  
4 *city initiative petitions and must be filed with the City Clerk not later than 6*  
5 *months before the date of the general city election or general state election at*  
6 *which the proposed amendment is to be submitted to the voters of the City.*

7 *5. When an amendment is adopted by the registered voters of the City, the*  
8 *City Clerk shall, within 30 days thereafter, transmit a certified copy of the*  
9 *amendment to the Legislative Counsel.*

10 *6. Any amendment to the Charter proposed under the provisions of this*  
11 *section shall be adopted by a simple majority of the voters casting ballots on that*  
12 *question at two consecutive general elections before any such amendment shall*  
13 *become effective.*

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

16 *Sec. 13.080 Construction of Charter; separability of provisions.*

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

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

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

29 Sec. 9. Limitations on use of money.

30 ~~The~~

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

34 ~~1-1~~ *(a) Purchase or otherwise acquire lands described in sections 4*  
35 *and 8 of this act; and*

36 ~~1-2~~ *(b) Administer the Fort Mohave Valley Development Law*  
37 *exclusively for the purposes of developing the Fort Mohave Valley and any*  
38 *general improvement district, special district, town or city whose territory*  
39 *contains all or a part of the land in the Fort Mohave Valley, including,*  
40 *without limitation, the planning, design and construction of capital*  
41 *improvements which develop the land in the Fort Mohave Valley or in any*  
42 *general improvement district, special district, town or city whose territory*  
43 *contains all or a part of the land in the Fort Mohave Valley.*

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

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

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

52 *(c) Any other costs incurred by the County or City of Laughlin*  
53 *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 and the Legislative Commission with respect to the fiscal feasibility of the incorporation of the City. This report must:

(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~~ any election on the question of incorporation held pursuant to section 5 of this act.

2. Not later than 90 days after receiving the report, the Board of County Commissioners and the Legislative Commission shall review the report and make a determination as to whether the incorporation of the City is fiscally feasible.

3. 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~~ If the Board of County Commissioners or the Legislative Commission determines that the incorporation of the City is fiscally feasible, the final publication of the report must be published before the date of the election held pursuant to section 5 of this act.

**Sec. 5.** 1. ~~An~~ If the Board of County Commissioners or the Legislative Commission determines pursuant to section 4 of this act that the incorporation of the City is fiscally feasible, 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 ~~for~~.

~~(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~~ 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. ~~for 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~~ an 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~~ an 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~~ a 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~~ a general election held pursuant to section 11 of this act.

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

5        **Sec. 8.** 1. At least 10 days before ~~the~~ an election held pursuant to section  
6 5 of this act, the County Clerk shall cause to be mailed to each qualified elector a  
7 sample ballot for his or her precinct with a notice informing the elector of the  
8 location of his or her polling place.

9        2. The sample ballot must:

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

11        (b) Describe the area proposed to be incorporated by assessor's parcel maps,  
12 existing boundaries of subdivision or parcel maps, identifying visible ground  
13 features, extensions of the visible ground features, or by any boundary that  
14 coincides with the official boundary of the state, a county, a city, a township, a  
15 section or any combination of these; and

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

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

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

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

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

33        (b) The costs incurred by the County to hold ~~the~~ any elections described in  
34 sections 5 and 11 of this act; and

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

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

41        3. The County Clerk shall submit to the Board of County Commissioners a  
42 statement of all expenses related to conducting ~~the~~ any elections held pursuant to  
43 sections 5 and 11 of this act.

44        **Sec. 11.** 1. If the incorporation of the City is approved by the voters at an  
45 election held pursuant to section 5 of this act, a general election must be held to  
46 elect four members of the City Council and the Mayor. The Board of County  
47 Commissioners may conduct a special election for the purposes of this subsection,  
48 or may conduct the election required by this subsection on the date of the first  
49 general election held in the County after the date of the election held pursuant to  
50 section 5 of this act. The election must be conducted in accordance with the  
51 provisions of law relating to general elections so far as the same can be made  
52 applicable.

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

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

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

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

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

1. Prepare and adopt a budget;
2. Prepare and adopt ordinances;
3. Prepare to levy an ad valorem tax on property within the area of the City, at the time and in the amount prescribed by law for cities, for the fiscal year beginning on the date the incorporation of the City becomes effective;
4. Negotiate and prepare an equitable apportionment of the fixed assets of the County pursuant to section 15 of this act;
5. Negotiate and prepare contracts for the employment of personnel;
6. Negotiate and prepare contracts to provide services for the City, including, without limitation, those services provided for by chapter 277 of NRS;
7. Negotiate and prepare contracts for the purchase of equipment, materials and supplies;
8. Negotiate and prepare contracts or memorandums of understanding with the County for the City to provide services to unincorporated areas of the County that are contiguous to the City;
9. Negotiate and prepare a cooperative agreement pursuant to NRS 360.730; and
10. Communicate with and provide information to the Department of Taxation to effectuate the allocation of tax revenues on the date the incorporation of the City becomes effective.

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

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

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

1        2. Any real property and its appurtenances located within the City and not  
2 required for the efficient operation of the County's duties must first be applied  
3 toward the City's share of the assets of the County. Any real property which is  
4 required by the County for the efficient operation of its duties must not be  
5 transferred to the City.

6        3. If an agreement to apportion the assets of the County is not reached within  
7 90 days after the incorporation of the City, the matter may be submitted to  
8 arbitration upon the motion of either party.

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

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

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

16        2. Section 1 of this act becomes effective, if the incorporation of the City of  
17 Laughlin is approved by the voters at ~~the~~ an election held pursuant to section 5 of  
18 this act . on July 1, 2013.