

Amendment No. 844

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

Proposed by: Assemblywoman Kirkpatrick

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



Date: 5/30/2011

S.B. No. 262—Provides for the incorporation of the City of Laughlin contingent upon certain conditions. (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 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 an election held on the question of incorporation and 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. ~~for 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: North 89°59'51" West, 75.00 feet; North 01°08'21" East,*
26 *100.00 feet to said Southerly right-of-way and said Northerly line of Parcel 1;*
27 *thence along said Southerly right-of-way line and along said Northerly line of*
28 *Parcel 1, South 89°59'51" East, 75.00 feet to the Point of Beginning.*

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

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

38 *Sec. 1.050 Form of government.*

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

44 *(a) Enact local legislation;*

45 *(b) Adopt budgets;*

46 *(c) Determine policies; and*

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

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

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

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

CITY COUNCIL

4. The Mayor and Council members shall be reimbursed for their personal expenses when conducting or traveling on city business as authorized by the 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.

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

3 *Sec. 2.040 Mayor; Mayor Pro Tem; duties.*

4 1. *The Mayor shall:*

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

6 (b) *Have no administrative duties; and*

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

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

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

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

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

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

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

23 2. *Adopt the budget of the City.*

24 3. *Adopt civil service rules and regulations.*

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

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

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

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

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

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

39 *Sec. 2.070 Council not to interfere in removals.*

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

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

51 *Sec. 2.080 Vacancies in Council. Except as otherwise provided in NRS*
52 *268.325, a vacancy on the Council must be filled by appointment by a majority of*
53 *the remaining members of the Council within 30 days or after three regular or*

special meetings, whichever is the shorter period of time. In the event of a tie vote among the remaining members of the Council, selection must be made by lot. No such appointment extends beyond the next municipal election.

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

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

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

Sec. 2.100 Induction of Council into office; meetings of Council.

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

2. Special meetings may be held on a call of the Mayor or by a majority of the Council. Reasonable effort must be made to give notice of the special meeting to each Council member, the Mayor, City Clerk, City Attorney and City Manager. Only that business which was stated in the call of the special meeting may be discussed.

3. Except as otherwise provided in NRS 241.0355, a majority of all Council members constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent Council members.

4. No meeting of the Council may be held for the purpose of conducting or discussing City business except as provided in this section.

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

~~Sec. 2.120~~ Rules of procedure.

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

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

Sec. ~~2.130~~ 2.120 Investigations by Council.

1. The Council shall have power to inquire into the conduct of any office, department, agency or officer of the City and to make investigations as to municipal affairs. The Council shall have the power and authority on any

1 investigation or proceeding pending before it to impel the attendance of
2 witnesses, to examine them under oath and to compel the production of evidence
3 before it. Each member of the Council shall have the power to administer oaths
4 and affirmations in any investigation or proceeding pending before the Council.

5 2. Subpoenas may be issued in the name of the City pursuant to subsection
6 1 and may be attested by the City Clerk. Disobedience of such subpoenas or the
7 refusal to testify upon other than constitutional grounds shall constitute a
8 misdemeanor, and shall be punishable in the same manner as violations of this
9 Charter are punishable.

10 Sec. ~~2.140~~ 2.130 Council's power to make and pass ordinances,
11 resolutions.

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

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

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

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

28 Sec. ~~2.150~~ 2.140 Voting on ordinances and resolutions.

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

31 2. The ayes and noes shall be taken upon the passage of all ordinances and
32 resolutions and entered upon the journal of the proceedings of the Council. Upon
33 the request of any member of the Council, the ayes and noes shall be taken and
34 recorded upon any vote. All members of the Council present at any meeting shall
35 vote, except ~~upon~~ upon :

36 (a) Upon matters in which they have financial interest ~~for when~~ ;

37 (b) When they are reviewing an appeal from a decision of a city commission,
38 before which they have appeared as an advocate for or an adversary against the
39 decision being appealed ~~for~~ ; or

40 (c) When they are required to abstain from voting pursuant to the provisions
41 of NRS 281A.420.

42 Sec. ~~2.160~~ 2.150 Enactment of ordinances; subject matter, titles.

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

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

51 Sec. ~~2.170~~ 2.160 Introduction of ordinances; notice; final action;
52 publication.

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

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

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

21 (b) Posted in full in the city hall.

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

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

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

32 Sec. ~~2.180~~ 2.170 Adoption of specialized, uniform codes. An ordinance
33 adopting any specialized or uniform building, plumbing or electrical code or
34 codes, printed in book or pamphlet form or any other specialized or uniform code
35 or codes of any nature whatsoever so printed, may adopt such code, or any
36 portion thereof, with such changes as may be necessary to make the same
37 applicable to conditions in the City, and with such other changes as may be
38 desirable, by reference thereto, without the necessity of reading the same at
39 length. Such code, upon adoption, need not be published if an adequate number
40 of copies of such code, either typewritten or printed, with such changes, if any,
41 have been filed for use and examination by the public in the Office of the City
42 Clerk at least 1 week before the passage of the ordinance adopting the code, or
43 any amendment thereto. Notice of such filing shall be given in accordance with
44 the provisions of subsection 2 of section ~~2.170~~ 2.160.

45 Sec. ~~2.190~~ 2.180 Codification of ordinances; publication of Code.

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

50 2. The ordinances in the Code shall be arranged in appropriate chapters,
51 articles and sections, excluding the titles, enacting clauses, attestations and other
52 formal parts.

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

ARTICLE III

CITY MANAGER

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.

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.

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.*

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

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

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

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

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

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

22 6. *Keep himself or herself informed of the activities of the several agencies,*
23 *offices and departments of the City and see to the proper administration of their*
24 *affairs and the efficient conduct of their business;*

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

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

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

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

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

40 *Sec. 3.050 Absence, disability. To perform his or her duties during his or*
41 *her temporary absence or disability, the City Manager may designate by letter*
42 *filed with the City Clerk one of the other officers or department heads of the City*
43 *to serve as acting City Manager during such temporary absence or disability.*
44 *Such designation shall be subject to change thereof by the Council. In the event*
45 *of the failure of the City Manager to make such a designation, the Council may*
46 *by resolution appoint an officer or department head of the City to perform the*
47 *duties of the City Manager until he or she shall be prepared to resume the duties*
48 *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

1 unless he or she has first been given an opportunity for a hearing before the
2 Council, at his or her request, with not less than 7 days' prior notice of the time
3 and place of the hearing. Such hearing may be either public or private, as
4 requested by the officer, and at the hearing, the officer may be assisted by his or
5 her own legal counsel. Any action of the Council following such hearing shall be
6 considered final and conclusive. If a city officer is so removed, the Council will
7 appoint a person as a temporary replacement to perform the duties of the
8 removed officer, and will appoint a qualified person as a permanent replacement
9 officer as soon as practicable.

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

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

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

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

20 (a) Recording and maintaining an accurate journal of Council proceedings;
21 (b) Recording the ayes and noes in the final action upon the questions of
22 granting franchises, making of contracts, approving of bills, disposing of or
23 leasing city property, the passage or reconsideration of any ordinance, or upon
24 any other act that involves the payment of money or the incurring of debt by the
25 City; and

26 (c) Other duties as required upon the call of any member of the Council.
27 3. Maintain the journal of Council proceedings in books which shall bear
28 appropriate titles and which shall be available for public inspection.

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

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

37 6. Maintain custody of the City seal.

38 7. Administer oaths or affirmations, take affidavits and depositions
39 pertaining to the affairs and business of the City, and issue certified copies of
40 official City records.

41 8. Conduct all City elections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (d) With the advice of the City Attorney, settle claims, demands or other
34 charges, including the issuing of warrants therefor.

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

37 (f) Keep separate accounts for the items of appropriation contained in the
38 city budget. Each account shall show the amount of appropriations, the amounts
39 paid therefrom, the unpaid obligations against it and the unencumbered balance.

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

43 (h) Submit to the Council through the City Manager a monthly statement of
44 all receipts and disbursements and other financial data in sufficient detail to
45 show the exact financial condition of the City, and, as of the end of each fiscal
46 year, submit a complete financial statement and report.

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

48 (j) Direct treasury administration for the City, including, without limitation:

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

50 (2) Maintaining custody of all public funds belonging to or under the
51 control of the City or any office, department or other agency of the city
52 government; and

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. 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.

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

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

Sec. 9.050 Meetings; chair.

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

2. Each board or commission, other than the Personnel Board, shall hold a regular meeting at least once a month with reasonable provision for attendance by the public. The City Manager shall designate a secretary for the recording of minutes for each such board and commission, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with this Charter and shall be filed with the City Clerk for public inspection. The Personnel Board shall meet monthly, provided there is business on the agenda to come before it. In the event no business is placed on the Personnel Board's agenda 5 days preceding the tentative meeting date, no meeting need be held,

provided that in no event shall more than 3 months intervene between meetings of the Personnel Board.

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

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

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

1. Hear appeals pertaining to the disciplinary suspension, demotion or dismissal of any officer or employee having permanent status in any office, position or employment in the civil service, and as otherwise provided for in the 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.

Sec. 9.100 Charter Committee: Appointment; terms; qualifications; compensation.

1. The Charter Committee must be appointed as follows:

(a) One member by each member of the Council.

(b) One member by the Mayor.

(c) One member by each member of the Senate and Assembly delegation representing the residents of the City.

2. Each member shall:

(a) Serve during the term of the person by whom he or she was appointed;

(b) Be a registered voter of the City; and

(c) Reside in the City during his or her term of office.

1 3. Members of the Committee are entitled to receive compensation, in an
2 amount set by ordinance of the Council, for each full meeting of the Committee
3 they attend.

4 Sec. 9.110 Charter Committee: Meetings; duties.

5 The Charter Committee shall:

6 1. Meet at least once every 2 years immediately before the beginning of each
7 regular session of the Legislature and when requested by the Council or the
8 Chair of the Committee.

9 2. Prepare recommendations to be presented to the Legislature on behalf of
10 the City concerning all necessary amendments to this Charter.

11 3. Recommend to the Council the salary to be paid all elective officers for
12 the ensuing term.

13 4. Perform all functions and do all things necessary to accomplish the
14 purposes for which it is established, including, but not limited to, holding
15 meetings and public hearings, and obtaining assistance from City officers.

16 Sec. 9.120 Charter Committee members: Removal; grounds.

17 1. Any member of the Charter Committee may be removed by a majority of
18 the remaining members of the Committee for cause, including the failure or
19 refusal to perform the duties of office, the absence from three successive regular
20 meetings, or ceasing to meet any qualification for appointment to the Committee.

21 2. In case of removal, a replacement must be appointed by the officer who
22 appointed the removed member.

23 **ARTICLE X**

24 **CITY ELECTIONS**

25
26
27
28 Sec. 10.010 Applicability of state election laws. All city elections must be
29 nonpartisan in character and must be conducted in accordance with the
30 provisions of the general election laws of the State of Nevada and any ordinance
31 regulations as adopted by the Council which are consistent with law and this
32 Charter.

33 Sec. 10.020 Terms. All full terms of office in the Council are 4 years, and
34 Council members and the Mayor must be elected at large without regard to
35 precinct residency. Two full-term Council members and the Mayor are to be
36 elected in each year ~~immediately preceding~~ of a federal presidential election,
37 and two full-term Council members are to be elected ~~in each year~~ 2 years
38 immediately following a federal presidential election. In each election, the
39 candidates receiving the greatest number of votes must be declared elected to the
40 vacant full-term positions.

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

46 Sec. 10.040 ~~Primary municipal~~ Municipal elections. ~~A city~~ Except as
47 otherwise provided in this Charter, a primary municipal election and a general
48 municipal election must be held on ~~the first Tuesday after the first Monday in~~
49 ~~April of each odd-numbered year, and a city general election must be held on~~
50 ~~the first Tuesday after the first Monday in June of each odd-numbered year.~~ the
51 dates fixed by the election laws of this State for statewide elections.

52 Sec. 10.050 Primary not required. A primary municipal election must not
53 be held if not more than double the number of Council members to be elected file

as candidates. A primary municipal election must not be held for the Office of Mayor if not more than two candidates file for that position. The primary municipal 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 municipal election not required. If, in the primary ~~city~~ municipal 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~~ municipal election.

Sec. 10.070 Voters entitled to vote for each seat on ballot. In each primary municipal election and general municipal 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.

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

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

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

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

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

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

Sec. 11.030 Results of election.

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

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

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

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

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

ARTICLE XII

PUBLIC UTILITIES

Sec. 12.010 Granting of franchises.

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

2. All franchises and any renewals, extensions and amendments thereto 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) 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

(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.

Sec. 12.030 Condemnation. The City, by initiative ordinance, shall have the right to condemn the property of any public utility 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. 12.040 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.

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

1 *contracts shall be passed only in the form of ordinances and may exceed in*
2 *length the terms of office of the members of the Council.*

3 *Sec. 12.050 Municipal utility organizations.*

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

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

18 *Sec. 12.060 Financial provisions.*

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

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

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

27 *1. No public utility of any kind, after having been acquired by the City, may*
28 *thereafter be sold or leased by the City, unless the proposition for the sale or lease*
29 *has been submitted to the electors of the City at a special election or primary or*
30 *general municipal election or primary or general state election. After a majority*
31 *vote of those electors in favor of the sale, the sale may not be made except after*
32 *30 days' published notice thereof, except that the provisions of this section do not*
33 *apply to a sale by the Council of parts, equipment, trucks, engines and tools*
34 *which have become obsolete or worn out, any of which equipment may be sold by*
35 *the Council in the regular course of business.*

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

45
46 **ARTICLE XIII**

47
48 **MISCELLANEOUS PROVISIONS**

49
50 *Sec. 13.010 Removal of officers and employees. Subject to the provisions*
51 *of this Charter not inconsistent herewith, any employee of the City may be*
52 *suspended or dismissed from employment at any time by the City Manager or by*
53 *any applicable person appointed by the City Manager pursuant to this Charter.*

1 *Unless otherwise provided in this Charter, any such action shall be considered*
2 *final and conclusive and shall not be subject to appeal to any city governmental*
3 *entity.*

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

9 *Sec. 13.030 Personal interest.*

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

12 *2. A violation of the provisions of this section shall constitute a*
13 *misdeemeanor, subject to a penalty not to exceed the penalties specified for*
14 *misdeemeanors under applicable provisions of Nevada Revised Statutes in effect at*
15 *the time of such violation.*

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

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

24
25 *“I,....., do solemnly swear (or affirm) that I will support,*
26 *protect and defend the Constitution and Government of the United States*
27 *and the Constitution and Government of the State of Nevada, against all*
28 *enemies, whether domestic or foreign, and that I will bear true faith,*
29 *allegiance and loyalty to the same, any Ordinance, Resolution or Law of*
30 *any State notwithstanding, and I will well and faithfully perform all the*
31 *duties of the Office of..... on which I am about to enter; (if any*
32 *oath) so help me God; (if any affirmation) under the pains and penalties*
33 *of perjury.”*

34 ~~*Sec. 13.060 Amending the Charter.*~~

35 ~~*1. An amendment to this Charter:*~~

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

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

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

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

50 ~~*(c) May be proposed by a petition signed by registered voters of the City*~~
51 ~~*equal in number to 15 percent or more of the voters who voted at the latest*~~
52 ~~*preceding general city election and submitted to registered voters of the City at*~~
53 ~~*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 or her analysis of the significance and potential effects of the proposed amendment.~~

~~4. A petition for amendment must be in the form specified by state law for 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} 13.070 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:

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

~~{2-}~~ (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 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 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. 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. 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. 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 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.

Sec. 6. The incorporation question on the ballots used for 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 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 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 a 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 a primary election held

pursuant to section 5 of this act must be placed on the ballot for a general election held pursuant to section 11 of this act.

Sec. 8. 1. At least 10 days before an 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 features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the state, a county, a city, a township, a section or any combination of these; and

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

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

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

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

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

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

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

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

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

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

1 must be placed on the ballot for the general election. A candidate for Mayor or a
2 seat on the City Council may not withdraw from the general election.

3 **Sec. 12.** 1. The term of the Mayor elected pursuant to section 11 of this act
4 expires upon the election and qualification of the person elected Mayor in the ~~first~~
5 general municipal election held in 2016 pursuant to section 10.020 of the City of
6 Laughlin Charter.

7 ~~2. The terms of two of the members of the City Council elected pursuant to~~
8 ~~section 11 of this act expire upon the election and qualification of the persons~~
9 ~~elected to the City Council in the first general election held pursuant to section~~
10 ~~10.020 of the City of Laughlin Charter. The terms of the remaining members of the~~
11 ~~City Council elected pursuant to section 11 of this act expire upon the election and~~
12 ~~qualification of the persons elected to the City Council in the second general~~
13 ~~election held pursuant to section 10.020 of the City of Laughlin Charter.~~

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

17 3. The terms of two of the members of the City Council elected pursuant
18 to section 11 of this act expire upon the election and qualification of the
19 persons elected to the City Council in the general municipal election held in
20 2014 pursuant to section 10.020 of the City of Laughlin Charter. The terms of
21 the two other members of the City Council elected pursuant to section 11 of
22 this act expire upon the election and qualification of the persons elected to the
23 City Council in the general municipal election held in 2016 pursuant to section
24 10.020.

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

- 27 1. Prepare and adopt a budget;
- 28 2. Prepare and adopt ordinances;
- 29 3. Prepare to levy an ad valorem tax on property within the area of the City, at
30 the time and in the amount prescribed by law for cities, for the fiscal year beginning
31 on the date the incorporation of the City becomes effective;
- 32 4. Negotiate and prepare an equitable apportionment of the fixed assets of the
33 County pursuant to section 15 of this act;
- 34 5. Negotiate and prepare contracts for the employment of personnel;
- 35 6. Negotiate and prepare contracts to provide services for the City, including,
36 without limitation, those services provided for by chapter 277 of NRS;
- 37 7. Negotiate and prepare contracts for the purchase of equipment, materials
38 and supplies;
- 39 8. Negotiate and prepare contracts or memorandums of understanding with
40 the County for the City to provide services to unincorporated areas of the County
41 that are contiguous to the City;
- 42 9. Negotiate and prepare a cooperative agreement pursuant to NRS 360.730;
- 43 and

44 10. Communicate with and provide information to the Department of
45 Taxation to effectuate the allocation of tax revenues on the date the incorporation of
46 the City becomes effective.

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

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

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

10 2. Any real property and its appurtenances located within the City and not
11 required for the efficient operation of the County's duties must first be applied
12 toward the City's share of the assets of the County. Any real property which is
13 required by the County for the efficient operation of its duties must not be
14 transferred to the City.

15 3. If an agreement to apportion the assets of the County is not reached within
16 90 days after the incorporation of the City, the matter may be submitted to
17 arbitration upon the motion of either party.

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

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

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

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