

A RESOLUTION PROVIDING FOR THE PLACEMENT OF AN ADVISORY QUESTION ON LOCAL REVENUE ON THE BALLOT OF THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010.

WHEREAS, Clark County (the "County"), in the State of Nevada, was duly organized and created pursuant to Nevada Revised Statutes ("NRS") 243.035, and is operating as a County under NRS Chapter 244 and the general laws of the State of Nevada; and

WHEREAS, the Board of County Commissioners (the "Board") of the County has determined that it is desirable that the County, pursuant to NRS 293.482, ask the advice of the registered voters of the County regarding a question that the Board has under consideration; and

WHEREAS, the use of revenues paid by the taxpayers for functions of local government by the State of Nevada has resulted in the reduction and elimination of services provided by local governments; and

WHEREAS, the use of such revenues by the State of Nevada was done without the consent of the affected local governments; and

WHEREAS, the Nevada Association of Counties has proposed an advisory ballot question for all 17 counties in Nevada asking voters whether local government consent shall be required before the State Legislature can act to decrease revenues or reserves collected by, distributed to, or held by the local government, or impose fees on or mandate new or different services be performed by the local government; and

WHEREAS, in the judgment of the Board, it is desirable that an advisory question be placed on the ballot at the general election to be held on Tuesday, November, 2, 2010, (the "Election") to submit to the electors of the County the question in the form set forth in this Resolution (the "Question").

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clark County, Nevada:

Section 1. The Board hereby places the Question on the ballot for the Election for the purpose of asking the advice of the registered voters of the County concerning whether the consent of the governing body of the local government shall be required before the State Legislature can act to decrease revenues or reserves collected by, distributed to, or held by the local government, or impose fees on or mandate new or different services be performed by the local government, which is a question that the Board has under consideration.

Section 2. The Question is hereby designated and ordered to be placed on the ballot of the Election within the County on Tuesday, November 2, 2010, at which there

shall be submitted to the registered voters of the County the Question in substantially the following form:

ADVISORY BALLOT QUESTION NO.

This question is advisory only: Shall the consent of the governing body of the local government be required before the State Legislature can act to decrease revenues or reserves collected by, distributed to, or held by the local government, or impose fees on or mandate new or different services be performed by the local government?

Yes / /
No / /

Explanation: The use of revenues paid by taxpayers for functions of local government by the State of Nevada is resulting in the reduction and elimination of services provided by local governments. This ballot question will serve to advise the Nevada Legislature of whether the majority of the voting public in Clark County believes that the consent of the governing body of the local government should be required before the Nevada Legislature can act to decrease revenues or reserves collected by, distributed to, or held by the local government, or impose fees on or mandate new or different services be performed by the local government.

“Local government” means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to Nevada Revised Statutes, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. Examples of other districts organized pursuant to Nevada Revised Statutes are water and sewer general improvement districts and library districts. Examples of an agency or department of a county or city which prepares a budget separate from that of the parent political subdivision are district health departments and district courts.

“Local revenues” include taxes, fees, intergovernmental transfers and other revenues that are used by local governments to provide services and programs, and to construct, operate, and maintain facilities. Examples of fees that the State of Nevada has or may impose are administrative fees for collecting sales taxes (increased by the 2009 Legislature) and a mandatory fee per employee to fund the administration of the state run Local Government Employee Management Relations Board. New service mandates without commensurate funding are often referred to as “unfunded mandates.” The consent of the local government would be considered and acted upon by the governing body of that local government in a public meeting noticed and conducted in conformance with Nevada’s Open Meeting Law.

The question is purely advisory and does not place any legal requirement on any local government, any member of local government, any officer of Clark County, or the Nevada Legislature.

[Insert Arguments For and Against the Question and Rebuttals to those Arguments prepared in accordance with NRS 295.121]

Fiscal Note: If the Legislature is required to obtain the consent of the affected local government before it can use revenues or reserves of local government, or impose fees on or mandate new or different services be performed by the local government, it would have a positive financial effect on local government by potentially eliminating the need for local governments to adjust their adopted budgets and possibly reducing services or laying off employees due to the loss of local revenue.

[End of Form of Submission Clause]

Section 3. The Registrar of Voters of Clark County is hereby authorized to proceed with the appointment of committees to prepare arguments advocating and opposing the Question pursuant to NRS 295.217.

Section 4. The question is purely advisory, and the result of the voting on the Question does not place any legal requirement on the Board, any member of the Board, or any officer of the County.

Section 5. This Resolution shall be in effect from and after its adoption.

PASSED, APPROVED, AND ADOPTED this 6th day of July, 2010.

BOARD OF COMMISSIONERS
CLARK COUNTY, NEVADA

By: RORY REID, Chair

ATTEST:

By: DIANA ALBA, County Clerk

DISTRICT ATTORNEY
CLARK COUNTY, NEVADA

By: _____
MARY-ANNE MILLER
County Counsel