



Jacqueline R. Holloway
Director

MEMORANDUM
Department of Business License

TO: Lawrence Weekly, Chair
and the Liquor and Gaming Licensing Board

FROM: Jacqueline R. Holloway *Jacqueline*

RE: Petition: Objection To Adoption of Ordinance No. L-252-11 (Tavern Definitions)

DATE: May 13, 2011

The District Attorney's Office and the Department of Business License received a petition pursuant to NRS 237.030 from the law offices of Kemp, Jones & Coulthard representing Nevada Restaurant Services, Inc., dba Dotty's and O'Reilly Law Group, LLC representing Jackpot Joanie's FP LLC, Jackpot Joanie's DF LLC and Eclipse Gaming SHMP LLC (collectively Jackpot Joanie's).

The Objection

The petition states that the above parties have been aggrieved by the adoption of the ordinance and its passage violated NRS 237.030 et seq. because (1) the County failed to prepare a proper business impact statement as required by NRS Chapter 237 and (2) the business impact that the County prepared did not adequately consider, and significantly underestimated, the economic effects that the adoption of the ordinance will have on the tavern industry and the County as a whole.

The Request by the Petitioners

Dotty's and Jackpot Joanie's asks that the County Attorney, the Department or agency that generated the ordinance and the County Manager recommend to the Board of County Commissioners that they *rescind* the adoption of the ordinance or, at a minimum, *amend* the ordinance to make it prospective in its application.

The Process

An objection process for certain types of local legislation and the procedures for pursuing said objections was brought forth as a resolution on the February 1, 2000 BCC agenda. The annotation indicates that the resolution (exhibit A) including the procedure for filing objections to rules adopted by the County which may impact businesses (exhibit B) was passed, approved and adopted on February 1, 2000.

Action to be Taken

The Department of Business License and the District Attorney's Office is considering the merits of the petition and will forward a recommendation to the Board of County Commissioners. At the June 21, 2011 BCC (posted on June 15, 2011), the Board will determine if the petition has merit and direct staff accordingly.

cc: Don Burnette, County Manager
Randy Tarr, Assistant County Manager
Mary-Anne Miller, County Counsel
Jeffrey Trull, Deputy District Attorney
T. Ann Perez, Manager Business License Operations
Allison Gigante, Assistant Operations Manager Business License

Exhibit A

RESOLUTION

WHEREAS, during the 1999 legislative session, the Nevada Legislature adopted Assembly Bill 486; codified in NRS 237.030 et seq., which, beginning January 1, 2000, requires local governments to consider and evaluate the impact on business of certain types of legislation; and

WHEREAS, NRS 237.100 establishes a process by which a business may object to certain types of local legislation, and specifically requires local governments to provide a procedure for pursuing such objections; and

WHEREAS, the Board of County Commissioners of Clark County, Nevada desires to adopt a procedure which incorporates the statutory process.

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

1. The attached procedure for filing objections is adopted.
2. Copies of the attached procedure shall be maintained in the Office of the County Clerk.
3. Staff is authorized to develop any forms deemed appropriate for use in connection with the attached procedure.

PASSED, APPROVED AND ADOPTED THIS
1st day of February, 2000

BOARD OF COUNTY COMMISSIONERS
COUNTY OF CLARK

By B. L. Woodbury
BRUCE L. WOODBURY
Chairman

ATTEST:

Shirley B. Parraguirre
Shirley B. Parraguirre, County Clerk

APPROVED AS TO FORM:

Kathleen Janssen
Deputy District Attorney Kathleen Janssen

Exhibit B

PROCEDURES FOR FILING OBJECTIONS TO RULES ADOPTED BY THE COUNTY WHICH MAY IMPACT BUSINESSES (NRS 237.030 ET SEQ.)

1. If a business believes it is aggrieved by a rule adopted by the Board of County Commissioners, the business may object by filing a petition in writing with the Commission Clerk of the County of Clark, at 500 South Grand Central Parkway, Las Vegas, Nevada.
2. The County will accept such petitions for a period of thirty (30) days following adoption of the subject rule for one of the following reasons:
 - a. The County failed to prepare a business impact statement as required pursuant to NRS Ch. 237; or
 - b. The business impact statement prepared by the County did not consider or significantly underestimated the economic effect of the rule on business.
3. Upon receipt of a petition, the County Clerk will forward a copy to the County Attorney, the Department or agency which generated the rule and the County Manager.
4. Staff will consider the merits of the petition and forward a recommendation to the Board of County Commissioners.
5. The Board will determine if the petition has merit and direct staff accordingly.