

**Carson City
Agenda Report**

Date Submitted: June 26, 2012

Agenda Date Requested: July 5, 2012

Time Requested: CONSENT

To: Mayor and Board of Supervisors

From: Alan Glover, Clerk-Recorder

Subject Title: For Possible Action: To appoint the members, as recommended by the Clerk, to write the arguments and rebuttals for and against the ballot question CC 1, the additional sales tax of up to 1/4 of 1 percent to finance the design, construction, and maintenance of a library and public plaza park in the downtown on lands donated by the Hop and Mae Adams Foundation.

Staff Summary: NRS 295.121 requires the Board of Supervisors to appoint three members to each committee, upon the recommendation from the Clerk.

Type of Action Requested: (check one)
() Resolution () Ordinance
(_X_) Formal Action/Motion () Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) No

Recommended Board Action: I move to appoint the members, as recommended by the Clerk, to write the arguments and rebuttals for and against the ballot question CC 1, the additional sales tax of up to 1/4 of 1 percent to finance the design, construction, and maintenance of a library and public plaza park in the downtown on lands donated by the Hop and Mae Adams Foundation.

Explanation for Recommended Board Action: This required by NRS

Applicable Statute, Code, Policy, Rule or Regulation: NRS 295.121

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Appoint other persons.

Supporting Material: Copy of NRS 295.121. List of applicants will be provided as late materials.

Prepared By: Alan Glover

Reviewed By:

Kathleen King
for: (Department Head) *Alan Glover*

Date: 6.26.12

(City Manager)

Date: 6/26/12

(District Attorney)

Date: 6/26/12

(Finance Director)

Date: 6/26/12

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

NRS 295.121 Appointment of committees to prepare arguments advocating and opposing approval of ballot questions; duties of committees; regulations; preparation of arguments by county clerk if board fails to appoint committee; review of arguments; placement of arguments in sample ballots.

1. In a county whose population is 45,000 or more, for each initiative, referendum or other question to be placed on the ballot by:
 - (a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;
 - (b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or
 - (c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,
 ➔ the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.
2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.
3. With respect to a committee appointed pursuant to this section:
 - (a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.
 - (b) Members of the committee serve without compensation.
 - (c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.
4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:
 - (a) Make recommendations pursuant to subsection 5; and
 - (b) Appoint members to a committee pursuant to subsection 6.
5. Before the board appoints a committee pursuant to this section, the county clerk shall:
 - (a) Recommend to the board persons to be appointed to the committee; and
 - (b) Consider recommending pursuant to paragraph (a):
 - (1) Any person who has expressed an interest in serving on the committee; and
 - (2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.
6. If the board of a county whose population is 45,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall, in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.
7. A committee appointed pursuant to this section:
 - (a) Shall elect a chair for the committee;
 - (b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;
 - (c) May seek and consider comments from the general public;
 - (d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;
 - (e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;
 - (f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):
 - (1) The anticipated financial effect of the initiative, referendum or other question;
 - (2) The environmental impact of the initiative, referendum or other question; and
 - (3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and
 - (g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.
8. The county clerk of a county whose population is 45,000 or more shall provide, by rule or regulation:
 - (a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and
 - (b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.
9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:
 - (a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and
 - (b) Shall reject each statement in the argument or rebuttal that the county clerk believes is libelous or factually inaccurate.
 ➔ The decision of the county clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review. Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.
10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.