**QUESTION NO. 1**

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 2 of the 74th Session

**CONDENSATION (Ballot Question)**

Shall the *Nevada Constitution* be amended to provide for the appointment of Supreme Court justices and District Court judges by the Governor for their initial terms from lists of candidates nominated by the Commission on Judicial Selection, with subsequent retention of those justices and judges after independent performance evaluations and voter approval?

Yes ☐ No ☐

**EXPLANATION**

Currently, the *Nevada Constitution* provides for the election of Supreme Court justices and District Court judges in Nevada to 6-year terms. When a vacancy occurs between elections, the Governor appoints a justice or judge from a list of candidates recommended by the Commission on Judicial Selection. The Commission consists of the Chief Justice of the Nevada Supreme Court and equal numbers of attorneys and non-attorneys.

The proposed amendment to the *Nevada Constitution* would provide for the initial appointment of all Supreme Court justices and District Court judges through the same process currently used to fill midterm vacancies. When any vacancy occurs, the Commission on Judicial Selection would nominate a list of candidates based on their experience and qualifications, and provide the nominees' names to the Governor and the public. The Governor would then appoint one of the nominees. After being appointed by the Governor, justices and judges will initially serve terms that expire in January following the next general election which occurs at least 12 months after appointment.

Justices and judges seeking another term would be evaluated based on their record by the newly created Commission on Judicial Performance, which would consist of the Chief Justice of the Nevada Supreme Court and equal numbers of attorneys and non-attorneys. A summary of the Commission's evaluation would be made available to the public at least 6 weeks before the general election. The names of all justices and judges seeking another term would appear on the ballot, and voters would decide whether justices and judges should serve another term. Justices and judges need 55 percent of the vote to be retained. If retained by the voters, a justice or judge will serve a 6-year term and will be subject to another evaluation and election at the end of each subsequent 6-year term if he or she wishes to serve another term. If a justice or judge does not declare his or her candidacy or receives less than 55 percent of the votes cast at the election, the vacancy is again filled through the appointment process.

This question also increases the number of members on the Commission on Judicial Selection by adding an additional attorney and a non-attorney and provides for the membership of the new Commission on Judicial Performance.

**A "Yes" vote would amend the language in the *Nevada Constitution* to allow for the appointment of Supreme Court justices and District Court judges by the Governor for their initial terms from lists of candidates nominated by the Commission on Judicial Selection, with subsequent retention of those justices and judges after independent performance evaluations by the Commission on Judicial Performance and voter approval.**

**A "No" vote would retain the existing language in the *Nevada Constitution* that Supreme Court justices and District Court judges in Nevada must be elected except for those who are first appointed to fill vacancies and then stand for election.**

## ARGUMENTS FOR PASSAGE

A fair and independent judiciary is essential to maintaining the public trust and confidence in Nevada's court system and preserving the rights of all citizens. Justices and judges are not intended to be politicians, yet they are required to campaign and engage in fundraising. The extent to which they are able to impartially interpret and apply laws depends upon their ability to remain free from political pressure and outside influence from campaign contributors.

In recent years, judicial campaigns have been characterized by increased fundraising and spending. Thus, elections may be based on a candidate's ability to raise funds rather than the merits of the candidate's legal career or judicial performance.

Justices and judges in the State of Nevada are allowed to solicit money directly from campaign contributors and are not required to recuse themselves or give notice when a campaign contributor appears before them in court. Typical contributors to judicial campaigns include attorneys, law firms, litigants, potential litigants, and special interest groups who may have pending legal cases. In addition, justices and judges who are subject to political campaigns cannot focus their full attention on their judicial responsibilities.

The appointment and retention of justices and judges based on merit rather than the ability to mount a successful political campaign would remove them from partisan politics while maintaining the people's ability to vote whether to retain or remove a justice or judge. Further, merit selection will give full consideration to the ability, character, and qualifications of a judicial candidate before his or her name is placed on the ballot for retention, and will allow voters to focus on the candidate's judicial record when casting their ballots.

At present, several states across the nation have adopted a nominating plan like this one for the appointment of judges to initial terms on the bench, and many also hold retention elections at the expiration of a judge's term.

In 1976, the people of Nevada approved an amendment to the *Nevada Constitution* that provides for the Commission on Judicial Selection to make recommendations for filling midterm vacancies at the Supreme Court and District Court levels. Thus, appointments to the bench are not new in Nevada and already involve a rigorous selection process based on merit.

## ARGUMENTS AGAINST PASSAGE

The ability of the public to elect justices and judges in Nevada is an important aspect of democracy. Providing that candidates for justice or judge must be nominated by the Commission on Judicial Selection and appointed by the Governor does not ensure judicial competence and integrity. Passage of this question would eliminate the right of voters to initially elect justices and judges.

Appointment removes an essential level of public scrutiny and is an undemocratic way to select justices and judges that ignores the will of the people. This question assumes an uninformed electorate and presumes that a select group of individuals are better qualified to choose those who will sit on the bench. It also promotes a system in which those in the legal profession can recommend colleagues to the highest positions of the judicial branch. Qualified candidates may be excluded from consideration by the Commission on Judicial Selection for arbitrary reasons. Similarly, justices and judges may be unfairly evaluated by the Commission on Judicial Performance.

This question will not eliminate the potential for judicial corruption and political influence. Several states have addressed this concern in other ways. For example, some states prohibit judicial candidates from accepting campaign contributions and others require recusal from cases in which a party or their attorneys have contributed to the justice's or judge's campaign. These alternatives would solve the problem of political campaigning and fundraising without eliminating the right of the people to elect their judiciary. Finally, Rule 4.2 of the *Nevada Code of Judicial Conduct* currently provides that justices and judges cannot raise campaign funds if they run for election unopposed.

## FISCAL NOTE

**Financial Impact – Cannot Be Determined**

The provisions of this question would amend Article 6, Section 20 of the *Nevada Constitution* to increase the membership on the Commission on Judicial Selection from seven to nine members, and require that the Commission select three nominees for a vacancy occurring for any reason in the Supreme Court or the District Courts throughout the State. Based on information provided by the Administrative Office of the Courts, enactment of these provisions would increase the workload of the Commission, requiring additional meeting preparation, travel expenses, room rental, and staff costs for each meeting of the Commission necessary to create the list of candidates for a judicial vacancy, thereby resulting in a financial impact upon the State. However, the timing and frequency of future vacancies that would require meetings of the Commission is not known, and the number of meetings that would be necessary to fill any vacancy on the Supreme Court or in a District Court cannot be determined. Thus, the actual financial effect upon the State cannot be determined with any reasonable degree of certainty.

The provisions of this question would also amend Article 6 of the *Nevada Constitution* by adding a new section, designated Section 22, which would create a Commission on Judicial Performance as a new entity responsible for evaluating any Supreme Court Justice or District Court judge who wishes to seek another term through a retention election. Based on information received by the Administrative Office of the Courts, enactment of these provisions would require the Commission on Judicial Performance to develop and implement specific evaluation criteria to be used by the Commission to perform its specified duties. However, the specific evaluation criteria that will be established for use by the Commission and the number of judges and justices who may wish to seek retention, if this question is approved, cannot be determined. Thus, the specific financial impact upon the State or local government or upon individual taxpayers cannot be determined at this time.

Under current law, justices of the Nevada Supreme Court and judges of the District Courts of the State are elected by popular vote at a general or special election. The provisions of the constitutional amendment would eliminate the election of Supreme Court justices and District Court judges when there is a vacancy and would require retention elections for any judge or justice who wishes to retain his or her seat for another term. Based on information received from the Office of the Secretary of State, these provisions would have no financial impact upon the State or local government.

## QUESTION NO. 2

Amendment to the *Nevada Constitution*

Senate Joint Resolution No. 9 of the 74th Session

### CONDENSATION (Ballot Question)

Shall the *Nevada Constitution* be amended to allow for the establishment of an intermediate appellate court, that would have jurisdiction over appeals of certain civil and criminal cases arising from the district courts?

Yes ☐ No ☐

### EXPLANATION

The proposed amendment to the *Nevada Constitution* would authorize the Legislature to establish an intermediate appellate court, known as the Nevada Court of Appeals, that would have jurisdiction to hear certain appeals arising from civil and criminal cases from the district courts. If the Legislature establishes the intermediate appellate court, the Nevada Supreme Court would be responsible for establishing the specific jurisdiction of the Court of Appeals and for providing review of its decisions.

Currently, language in Article 6 of the *Nevada Constitution* provides for the court system in Nevada, comprised of a Supreme Court, district courts, justices of the peace, and municipal courts. The Supreme Court is the only court in Nevada with jurisdiction to hear cases that are appealed from decisions rendered by the district courts. In addition, the Supreme Court has original jurisdiction over certain types of cases and administers the functions of the State Bar of Nevada and the judiciary.

The proposed amendment does not create the Court of Appeals, but rather authorizes the Legislature to establish the Court.

**A "Yes" vote would authorize the Legislature to establish an intermediate appellate court.**

**A "No" vote would retain the existing court system.**

### ARGUMENTS FOR PASSAGE

Increasing population and caseloads throughout Nevada's court system support the establishment of an intermediate Court of Appeals. For several decades, Nevada was the fastest growing state in the nation and the number of cases in the court system increased at a similar rate. Although the pace of Nevada's population growth has slowed, the State is still growing and the workload of its court system continues to grow. The number of judges in the district courts has increased in recent years in an effort to maintain the public's timely access to justice.

Nevada's Supreme Court is the highest court in the State. It is one of the busiest courts in the nation and has already implemented technological and procedural improvements to accommodate caseload growth. It hears all appeals of civil and criminal cases originating in the district courts. However, the American Bar Association recommends that when the volume of appeals becomes so great that the Supreme Court cannot decide these cases at a desirable pace, an intermediate appellate court should be created. Nevada has reached that point.

The new Court of Appeals will improve efficiency, minimize delay, maintain quality in the judicial process, ensure timeliness of decisions, provide the Supreme Court with the ability to focus on precedent-setting cases, and increase the number of written opinions that establish the State's common law. Currently, Nevada is one of only 11 states and the District of Columbia that do not have an intermediate appellate court.

Completion of the Regional Justice Center in Las Vegas would allow the Court of Appeals to share facilities and other existing resources with the Supreme Court. Therefore, the costs associated with establishing the Court of Appeals may be reduced since no new facilities may be necessary.

## ARGUMENTS AGAINST PASSAGE

Establishment of the new Nevada Court of Appeals would simply shift the increasing caseload from the Supreme Court to the Court of Appeals and would add another step to the process of litigation. Another level in the judicial system is not desirable, as it would potentially increase costs for litigants and add time to an already lengthy legal process.

Establishment of the intermediate appellate court would require the State to allocate funds and resources to the court system that might otherwise be used for more essential purposes.

## FISCAL NOTE

**Financial Impact – Cannot Be Determined**

If this proposal to amend the *Nevada Constitution* is approved by voters, the Nevada Legislature would be authorized to establish an intermediate appellate court within this State. Approval of this proposal by the voters would have no direct or immediate financial impact upon the State and local governments or individual taxpayers, as the proposal authorizes, but does not require, the Legislature to establish an intermediate appellate court.

If this proposal is approved by the voters and the Legislature chooses to establish an intermediate appellate court, there would be a financial impact upon the State and local governments. The provisions of the constitutional amendment specify the minimum number of judges that must make up the appellate court, but allows the Legislature to add additional appellate judges to the proposed court. The creation of an appellate court would require professional and administrative staff, in addition to other one-time and ongoing costs related to the operation of the appellate court. The Legislature would be responsible for setting the salaries of the judges and professional and administrative staff, as well as establishing the one-time and ongoing costs related to the operation of the court. Because it is not possible to determine the decisions the Legislature may make with respect to the establishment and operation of an intermediate appellate court, if the Legislature chooses to establish one, the specific financial impact upon the State and local government or individual taxpayers cannot be determined at this time.

If this question is approved by voters and the Legislature considers legislation that would establish an intermediate appellate court, a fiscal note would be prepared based on the proposed legislation and made available at that time for consideration by the Legislature.

## QUESTION NO. 3

Amendment to the Sales and Use Tax Act of 1955

Assembly Bill 403 of the 75th Session

### CONDENSATION (Ballot Question)

Shall the Sales and Use Tax Act of 1955 be amended to authorize the Legislature to amend or repeal any provision of this Act only if necessary to resolve a conflict with any federal law or interstate agreement for the administration, collection, or enforcement of sales and use taxes?

Yes ☐ No ☐

### EXPLANATION

This proposed amendment to the Sales and Use Tax Act of 1955 would authorize the Nevada Legislature to enact legislation amending or repealing any provision of this Act without obtaining voter approval whenever such legislation is necessary to resolve a conflict with any federal law or interstate agreement for the administration, collection, or enforcement of sales and use taxes. The proposed amendment would not authorize the Legislature, without obtaining voter approval, to enact any legislation that increases the rate of any tax imposed pursuant to this Act, or to narrow the scope of any exemption under the Act.

Nevada has enacted laws providing for the administration of sales and use taxes in accordance with the interstate Streamlined Sales and Use Tax Agreement to which Nevada is a member. The purpose of this Agreement is to simplify and modernize sales and use tax administration in order to reduce the burden of tax compliance for all sellers and types of commerce within and across state lines. To avoid a conflict with the provisions of the Agreement, the Legislature may be required to enact legislation amending the Sales and Use Tax Act of 1955 in response to federal legislation approved by Congress affecting the Agreement or in response to interstate actions amending the Agreement. The Legislature has the authority to amend local sales taxes without voter approval, but the Sales and Use Tax Act, which was enacted by referendum, cannot be amended without voter approval. Passage of this question would grant limited authority to amend the Sales and Use Tax Act to resolve certain conflicts.

**A "Yes" vote would authorize the Legislature to amend or repeal any provision of the Sales and Use Tax Act of 1955 without voter approval in order to resolve a conflict with federal law or interstate agreements for the administration, collection, or enforcement of the sales and use tax, except for legislation that would increase the rate of tax imposed pursuant to the Act or narrow the scope of any exemption under the Act.**

**A "No" vote would continue to require the Legislature to obtain voter approval before enacting any legislation amending or repealing any provision of the Sales and Use Tax Act of 1955.**

## ARGUMENTS FOR PASSAGE

To remain in compliance with the Streamlined Sales and Use Tax Agreement, Nevada must act in a timely manner regarding federal legislation or amendments to the Agreement that affect the Sales and Use Tax Act of 1955. Authorizing the Legislature to amend or repeal provisions of the Act without voter approval, under certain limited conditions, would allow the Legislature to respond flexibly and efficiently to such legislation and amendments. Because the Legislature only meets regularly in odd-numbered years and general elections only occur in even-numbered years, there is already a potential 2-year delay in maintaining compliance with the Agreement. The additional delay of requiring approval of a ballot question to make technical and administrative changes relating to sales and use taxes increases the risk of falling out of compliance with the Agreement, which would jeopardize Nevada's membership status under the Agreement.

This amendment does not authorize the Legislature, without voter approval, to increase the State's portion of the tax rate (2 percent) or to take away or narrow the scope of any tax exemption under the Act.

## ARGUMENTS AGAINST PASSAGE

Amendments to the Sales and Use Tax Act of 1955 have required voter approval since 1956 when Nevada voters approved the Act through the constitutional referendum process. Since that time, the Department of Taxation has been able to administer sales and use taxes and the Nevada Legislature has been able to enact appropriate legislation to amend the State's portion of the sales and use tax and obtain voter approval when required. With respect to federal law and the Streamlined Sales and Use Tax Agreement, the State was able to become a member to the Agreement and has been able to maintain compliance with the Agreement up to this point under the current process that requires voter approval. The citizens of Nevada should not give up the right to approve even minor legislation that changes the administration, collection, and enforcement of the State's portion of the sales and use tax.

## FISCAL NOTE

**Financial Impact – Cannot Be Determined**

If this proposal to amend the Sales and Use Tax Act of 1955 is approved by voters, the Nevada Legislature would be authorized to make changes to the Sales and Use Tax Act of 1955 without voter approval under certain conditions. It cannot be determined with any degree of certainty the number or types of legislative actions that would be required by the Legislature which would meet all of the conditions specified within the question. Thus, the financial impact on the sales and use taxes collected in the State or upon individual taxpayers cannot be determined with any reasonable degree of certainty.

## QUESTION NO. 4

Amendment to the Nevada Constitution

Assembly Joint Resolution No. 3 of the 74th Session

**CONDENSATION (Ballot Question)**

Shall Article 1, Section 22 of the *Nevada Constitution* be repealed and shall Article 1, Section 8 of the *Nevada Constitution* be amended to revise provisions relating to eminent domain proceedings?

Yes ☐ No ☐

**EXPLANATION**

Approval of this question would repeal Article 1, Section 22 of the *Nevada Constitution*, known as the People's Initiative to Stop the Taking of Our Land (PISTOL), and amend Article 1, Section 8 of the *Nevada Constitution* in order to: (1) provide that the transfer of private property from one private party to another is not considered a public use except under certain circumstances; (2) require an entity that takes private property to provide the property owner with all appraisals it has obtained; (3) grant a property owner the right to a separate determination of whether a taking constitutes a public use and place the burden of proof on the entity taking the property; (4) define "fair market value" and "just compensation"; (5) provide that neither party to an eminent domain action is liable for the other party's attorney's fees except under certain circumstances; and (6) make certain other changes related to eminent domain proceedings.

The proposed amendment provides five exceptions to the prohibition against exercising eminent domain in order to transfer property from one private party to another. Under the following conditions, such a transfer would be considered a "public use" if: (1) the private party obtaining the property uses the property primarily to benefit a public service such as a utility, railroad, public transportation project, pipeline, road, bridge, airport, or facility that is owned by a public entity; (2) the property is leased to a private party that takes up a portion of an airport or facility that is owned by a public entity so long as the public entity notifies the original owner of its intention and allows the owner the opportunity to bid or propose on such a lease; (3) the property taken has been abandoned by the owner, is a threat to public safety, or contains hazardous waste that must be remediated, and the original owner is granted first right of refusal to reacquire the property on the same terms and conditions as anyone else; (4) the entity that obtains the property exchanges it for other property in order to relocate public or private structures or avoid excessive compensation or damages; or (5) the person from whom the property is taken consents to the taking.

Additionally, the proposed amendment defines the terms "fair market value" and "just compensation" and provides for the manner of computing these amounts. It also stipulates that neither party may be held liable for the other party's attorney's fees in eminent domain proceedings except in the circumstance of an inverse condemnation, wherein a property owner makes a request for attorney's fees in a legal action. The proposed amendment revises from 5 years to 15 years the amount of time within which the entity that took the property must put it to use before the property must be offered to, and will revert to, the original owner upon payment of the original purchase price.

Finally, the repeal of Article 1, Section 22 of the *Nevada Constitution* would rescind a property owner's right to disqualify one judge at the district court level and one judge at each appellate level in any eminent domain action.

**A "Yes" vote would repeal Article 1, Section 22 of the *Nevada Constitution* and amend Article 1, Section 8 of the *Nevada Constitution* relating to eminent domain proceedings.**

**A "No" vote would retain Article 1, Section 22 of the *Nevada Constitution* and keep intact the current provisions of Article 1, Section 8 of the *Nevada Constitution* relating to eminent domain proceedings.**

## ARGUMENTS FOR PASSAGE

Although the People's Initiative to Stop the Taking of Our Land (PISTOL) remains a well-intentioned, popular initiative that provided much needed protection for Nevada's private property owners, it also contains several flaws that have the potential to cost taxpayers money and hamper efforts to maintain and upgrade infrastructure, including schools, roads, water supply and sewage systems, and public transportation.

Recognizing these problems, representatives of local governments, state agencies, private businesses, the public, and even the original sponsors of PISTOL worked together over the course of two legislative sessions to craft a workable constitutional amendment relating to eminent domain that allows Nevada to move forward with public projects while protecting private property rights, saving taxpayers money, and avoiding unnecessary lawsuits. The provisions of this question clearly define the limited instances in which private property can be transferred or leased to a private party through eminent domain, which do not include increasing tax revenue or generating profit for private businesses. This question builds on the successes of PISTOL while correcting its deficiencies.

## ARGUMENTS AGAINST PASSAGE

The People's Initiative to Stop the Taking of Our Land (PISTOL) was a response to eminent domain practices upheld by the United States Supreme Court in *Kelo v. the City of New London* and by the Nevada Supreme Court in *Pappas v. the City of Las Vegas*. In those cases, the courts expanded the definition of "public use" to allow local governments to increase their tax bases by turning over private property to private persons in order to support private business interests. This question seeks to weaken the protections contained in PISTOL by expanding the circumstances under which a government can use eminent domain to transfer property from one private party to another.

The PISTOL initiative sought, in clear and concise language, to put a stop to these transfers once and for all, and to give property owners legal tools to use in the event that their property was targeted for taking by the government. The initiative passed with over 60 percent of the vote in both 2006 and 2008. Voters understood the issues at hand and chose to pass the initiative in two successive elections. There is no reason to change the provisions of PISTOL.

## FISCAL NOTE

**Financial Impact – Cannot be Determined**

This question would amend the *Nevada Constitution* to include new provisions relating to eminent domain proceedings within the State of Nevada, including:

- Allowing the direct or indirect transfer of any interest in private property to another private person or entity as a public use in certain circumstances, as specified in the proposed constitutional amendment;

- Removing the right for property owners to preempt one judge at the district court level and one judge at each appellate level in any eminent domain action; and

- Requiring that property taken by eminent domain must be offered to, and reverts to, the person from whom the property was taken, upon repayment of the purchase price, if the entity who took the property fails to use the property within 15 years after obtaining possession of the property.

These proposed changes relating to eminent domain proceedings may affect the number of eminent domain proceedings that are undertaken by the State and local governments. However, because the number of eminent domain actions that may be undertaken cannot be estimated, the financial effect upon the State and local governments cannot be determined with any reasonable degree of certainty.

Subsections 4 through 8, inclusive, and subsection 12 of Article 1, Section 22 of the *Nevada Constitution* contain various provisions relating to the rights of property owners in eminent domain proceedings, the calculation of fair market value for the property, and the determination of just compensation to the property owner. If this question is approved by the voters, these provisions of the *Nevada Constitution* would be repealed and replaced with similar language contained in this proposed constitutional amendment. These provisions of this question are not anticipated to have a financial effect upon the State or local governments, if approved by the voters.

**WC-1: <u>2012 Public Safety Automatic Aid Advisory Ballot Question</u>**

**This question is advisory only:**

> **"Should local governments be required to provide closest unit emergency response to fire and medical emergencies, regardless of jurisdiction?"**

**Yes**………………../_____/
**No**…………………/_____/

## <u>Explanation:</u>

In emergency services, automatic aid agreements are used to automatically dispatch closest public safety resources to an emergency incident. Such agreements are entered into by two communities or fire districts to lend assistance to one another across jurisdictional boundaries. Such formal standing agreements are intended to ensure resources are dispatched from the nearest emergency facility, such as a fire station, regardless of which side of the jurisdictional boundary the incident is located. Automatic aid agreements are intended to be reciprocal in nature, such that both parties benefit from the agreement. Because of the mutual benefit, automatic aid through such agreement is typically provided without expectation of reimbursement for the first twelve to twenty-four hours of the incident. Beyond the commitment response time, automatic aid agreements typically include reimbursement based on rates established in an agreed upon operating plan.

A "Yes" vote would inform the local governments in the City of Reno and the unincorporated areas of Washoe County that they should be required to provide closest unit emergency response to fire and medical emergencies, regardless of jurisdiction.

A "No" vote would inform the local governments in the City of Reno and the unincorporated areas of Washoe County that they should not be required to provide closest unit emergency response to fire and medical emergencies, regardless of jurisdiction. A "No" vote does not prohibit any local government from entering into an automatic aid agreement.

This question is advisory in nature and does not place any legal requirement on the governing body, any member of the governing body, any officer of the political subdivision or the Nevada Legislature.

## <u>Fiscal Note:</u>

The fiscal effect of passage of this advisory ballot question on local governments cannot be determined with any reasonable degree of certainty. Automatic aid agreements for emergency services are intended to be reciprocal, whereby both parties to the agreement benefit from the agreement. Automatic aid agreements typically provide for more efficient and effective delivery of public safety services and result in lower costs for all parties to such agreements. Implementation of such agreement is not expected to result in a new tax or fee, and would be paid from existing resources of the participating fire or emergency service entities.

**Argument in Favor**

Vote YES on WC-1 to inform our elected officials that response time to fire and medical emergencies is more important than jurisdictional boundaries.

A yes vote will inform elected officials in the City of Reno and Washoe County that the voters' preference is to achieve the shortest response time possible for fire and medical emergency calls by dispatching emergency fire and medical service from the fire station that is closest in proximity to the emergency call. The purpose of this advisory directive is to improve the chances of human survivability, to minimize the damage to real and personal property, and to limit the collateral damage and injury to adjacent properties and their occupants.

In fire, injury, and medical emergencies, minutes, even seconds can be a determinant in saving lives and limiting the severity of injuries and damage to property. When the flames and trauma are raging, the color of the responding vehicles is of little importance to the victims.

**Argument in Opposition**

'Automatic aid' for fire/medical emergencies provides for closest available units response regardless of political boundaries. This ballot question provides no direction to policymakers as to the costs, resources or functions of such an agreement.

Consider these facts about the resources of Reno and the Truckee Meadows Fire Protection District (TMFPD):

1. Over the past two years TMFPD units have responded to Reno on average 550 times annually more than City units responded to TMFPD.

2. The City closes stations closest to the TMFPD when finances dry up.

3. City federal fire grants will expire in less than 20 months (23%+ of Reno's fire budget).

4. City property tax revenues continue to decline.

5. TMFPD trimmed operating and capital costs, consolidated two Districts to save on staff and expenses and has a capital reserve.

6. Reno refused to rein in their Local 731 union contract with its excessive costs and restrictive work rules and received zero concessions from their Chief Officer's with their contract's excessive compensation ($247K+/yr on average).

For TMFPD/City automatic aid to be equitable, partners need reliable resources, a financial reimbursement model and assurances as to service capabilities. Reno's fire budget is unsustainable in the near term. Reno service cutbacks will reappear in 2013 which will require TMFPD taxpayers to subsidize many Reno areas under an automatic aid agreement.

No safeguards are included in this ballot question. Financial implications of such an agreement are negative.

Do not give policy-makers a blank check!! Vote no!

## Rebuttal to Argument in Favor

Neither the City of Reno nor the Truckee Meadows Fire Protection District (TMFPD) taxpayers should be compelled to financially subsidize the other in order to provide automatic aid.

Recent history suggests that the City has abused this process as TMFPD units routinely responded to the City more often than the reverse. When a TMFPD unit responds to the City, the area of the District without protection is very large and its citizens there are at great risk.

The Reno City Council has historically been unwilling to provide the staff or overtime needed to keep their stations open. When their current federal handouts expire, they will close stations once more.

TMFPD taxpayers should not then be expected to bail them out under an automatic aid agreement.

The TMFPD Board of Fire Commissioners has a fiduciary duty to protect their taxpayers and District voters should remind them of that obligation.

Vote no!

## Rebuttal to Argument in Opposition

The Argument Against raises many valid points. However, only two are relevant to this issue (i) Reno's continued financial ability to provide service and (ii) the competency of that service. Those are the basis of a mutual agreement and necessary for it to continue. It is assumed that a viable reimbursement process be incorporated in a multi-jurisdictional automatic aid agreement and that the competency levels of all responding units be adequate to serve the public.

The other points in the Argument Against are related to the City of Reno's financial administration of its fire services and may be relevant to the ultimate fire/ems regionalization but not this singular Ballot Question. Vote YES for ensuring minimal response times to emergency fire and medical calls.

**<u>WC-2: 2012 Public Services Funding Advisory Ballot Question</u>**

**This question is advisory only:**

> **Should more funding for essential public services such as senior services, public safety services, and public infrastructure be provided by increasing the Government Services Tax from the current rate of 4% to a maximum of 5% of the depreciated value of a motor vehicle?**

**Yes**………………../_____/
**No**…………………/_____/

**<u>Explanation:</u>** This ballot question will serve to advise the Washoe County Board of Commissioners on whether a majority of the voting public in Washoe County support increasing the Government Services Tax from the current rate of 4% to a maximum of 5% of the depreciated value of a motor vehicle to provide additional funding for essential public services such as senior services, public safety services, and public infrastructure.

The Washoe County Board of County Commissioners are seeking the advice of the voting public in Washoe County regarding raising the Government Services Tax (GST), which is a tax on the depreciated value of a motor vehicle. Currently, the GST in Washoe County is 4% of the depreciated value of a motor vehicle. The Board of County Commissioners currently has authority to increase the GST by up to 1% of the depreciated value of a motor vehicle. The Washoe County Board of County Commissioners has been approached by the City Councils of the Cities of Reno and Sparks, and by other groups and individuals to increase funding for Senior Services in Washoe County. The Board has also identified additional essential public services such as public safety services and infrastructure that could benefit from increased funding.

A "Yes" vote would inform the Washoe County Board of Commissioners that the Board should increase funding for essential public services such as senior services, public safety services, and public infrastructure by increasing the Government Services Tax from the current rate of 4% to a maximum of 5% of the depreciated value of a motor vehicle.

A "No" vote would inform the Board of County Commissioners that the Board should not increase funding for essential public services such as senior services, public safety services, and public infrastructure by increasing the Government Services Tax from the current rate of 4% to a maximum of 5% of the depreciated value of a motor vehicle.

This question is advisory in nature and does not place any legal requirement on the governing body, any member of the governing body, any officer of the political subdivision or the Nevada Legislature.

Section 12. The Fiscal Note shall read as follows:

**Fiscal Note:**

Currently, the Government Services Tax is 4% of the depreciated value of a motor vehicle. An increase in the Government Services Tax of 1% of the depreciated value of motor vehicles would result in an estimated $9.4 million in annual revenue to Washoe County. The fiscal impact on an individual owner of a motor vehicle will vary depending on the age of the vehicle and the original manufacturer's suggested retail value of the motor vehicle. If the Government Services Tax in Washoe County were increased by 1% on the depreciated value of a motor vehicle, the average additional cost to a motor vehicle owner would be approximately $43 per year.

**Argument in Favor**

We urge your support of WC-2, to provide additional funding for Senior Services in Washoe County. In 1985 Washoe County voters' overwhelmingly approved the 1-cent Senior Citizens ad valorem Fund. Funding has declined in recent years and your support of WC-2 is needed to help the rapidly growing number of seniors who wish to live independently and with dignity, in their own homes.

Washoe County's seniors are our fastest growing age group; those 55-64 years absorbed 27.3% of all the County's population growth over the last decade. Today, there are over 75,000 people over 60 (17%) living in Washoe County, which will grow to over 100,000 by 2020. Yet, Washoe County Senior Services is reaching only 8%, leaving many seniors in need, just when they need assistance the most. Your support will provide our most vulnerable citizens with home delivered meals, legal services, nursing, in-home care, adult day health and other essential services. In addition, early interventions, counseling on long-term care options and support for the thousands of families who provide care will help contain the growing demand.

These programs enable seniors to remain at home, and curb rising health care costs by supporting families, avoiding unnecessary hospitalization and premature institutionalization. Your support of WC-2 is not only the right thing to do, it is the sensible thing to do because senior programs save the county money by diverting nursing home costs. We strongly urge a YES vote on WC-2 to help seniors needing assistance in Washoe County.

**Rebuttal to Argument in Favor**

Proponents point out that in 1985 voters approved a 1-cent real property tax increase dedicated solely for senior services. But WC – 2 doesn't do that. It proposes a tax increase to pay for "essential services such as senior services . . . safety . . . and . . . infrastructure". "Such as" means this tax increase, unlike the 1985 increase, can be spent on anything.

Nevada Law (NRS 439.620 et. seq.) established a state Fund for a Healthy Nevada and an Aging and Disability Services Division with dedicated funds for needs of seniors. In June 2012 the Governor's Commission on Aging, which includes a Washoe County commissioner, recommended additional state funding for seniors. Will the county really spend this tax increase on seniors if the State of Nevada is already doing so? Voters are entitled to the whole truth and we're not getting it. Vote "no" on WC – 2.

**Argument in Opposition**

WC-2 asks voters if they want county commissioners to increase annual vehicle registration fees by 25%. Your answer should be "no".

First: about the only thing Democrats and Republicans in Washington DC can agree on is that it's bad policy to raise taxes in a recession. Last year Congress voted overwhelmingly to extend the "Bush" tax cuts and the President signed the bill into law. WC - 2, which is estimated to take $9.4 million per annum out of the Washoe County economy, would directly impact automobile sales by making cars more expensive to own. Taxicab and car rental companies would be disproportionally affected.

Second: the ballot language states: "funding for essential public services such as senior services, public safety services and public infrastructure" but nowhere does it say that monies raised would be earmarked for those purposes. A tax increase intended to be spent for specific purposes should be voter approved and dedicated to those purposes as is the $0.03 property tax mill rate for animal control services.

Third: The county budget is balanced. It shows that county revenues are derived primarily from property and sales taxes. Local media reports state that Washoe County housing sales are strong and that the median sale price has increased 26% since January 2012; similarly Washoe County taxable sales have gone from a decrease of 21.5% in 2008-09 to an increase of 6.7% in 2010-12. Continued economic recovery will produce additional county revenues. Therefore this proposed tax increase is not needed.

**Rebuttal to Argument in Opposition**

Washoe County Senior Services Fund is a special fund dedicated for seniors; the fund is not part of the General Fund. The $.01 ad valorem tax that funds senior services has remained the same for twenty-five years in spite of population growth. General Fund Agencies like public health, libraries, and parks, which have lost up to 50% of staff and funding, will receive any new growth in the General Fund.

Even though the economy has impacted the county budget, senior service programs save money. By supporting WC-2, low-cost in-home care will be purchased instead of expensive mandatory public services such as long-term care institutionalization.

WC-2 advocates will be present at County Commission hearings to oversee how these funds are used.  They are dedicated citizens that support seniors' independence, dignity and choice. Finally, a portion of the GST will be used to leverage other federal funds and grants to multiply the benefits.

**SP-3**
**POLICE SERVICES ADVISORY QUESTION**

**This question is advisory only.**
**Do you support an increase in the sales tax in Sparks of ¼ percent for the purpose of hiring and equipping more police officers and police support personnel to better serve and protect the citizens?**

**Yes.**………… ☐ **No.**…………. ☐

**EXPLANATION**

With voter support of this question, the City of Sparks will seek authorization from the Nevada State Legislature to levy additional sales and use tax of one-quarter of one percent. The proposed increase would provide additional police officers and police support personnel and equipment to carry out essential duties within the Sparks Police Department. This tax will only be collected within the corporate limits of the City of Sparks.

The tax shall not replace or supplant any funds from the general fund expended by the City of Sparks on police services, and the City of Sparks shall separately account for all revenues and expenditures generated and paid for by the police services sales tax in a special fund, separate but a part of the general fund of the City.

This question is advisory in nature and does not place any legal requirement on the governing body or any office of the political subdivision or the Nevada Legislature. However, the wishes of the voters shall be pursued with all due consideration in law as required to implement this dedicated Police Services Sales Tax within and for the City of Sparks. Passage of this Advisory Question would have no environmental impact.

**ARGUMENT "FOR" THE POLICE ADVISORY QUESTION:**

A "yes" vote tells the State Legislature that the people of Sparks want to provide resources to hire more police officers. FBI standards for a city the size of Sparks is 175 sworn officers. Currently, Sparks has 109 officers. This proposed tax increase is projected to provide 25 additional sworn officers, 5 support personnel.

The new tax will cost residents an additional 25¢ for every $100 spent on taxable goods, which does not include prescription drugs, groceries or gasoline. This funding can be used for police services.
In annual surveys, Sparks residents have said that public safety is their top priority for our city. A "yes" vote will repeatedly provide funding to support the Sparks Police Department in their efforts to keep the residents of Sparks safe.

**ARGUMENT AGAINST THE POLICE SERVICES ADVISORY QUESTION:**

The City of Sparks is asking voters to give them permission to seek the first "city specific" sales and use tax in the State of Nevada. Approving this tax will mean Sparks residents will be required to pay an additional 25₵ on every $100.00 of taxable goods purchased within the city.

The purpose of this additional tax will be to fund "more" police officers and their associated costs. The Police Department indicates they need additional police officers to meet an FBI standard for police officers per 1000 citizens. They have not provided data that crime has increased in order to justify the need for more police. It is also unclear how these funds will be managed except to be kept in a separate fund.

Though some may say that a ¼ percent additional tax on the residents of Sparks would hardly be noticeable, when added to the current Washoe County imposed sales and use tax of 7.725%, it certainly is a tax increase. At present, there is no "end date" for this proposed tax.

Based upon the undefined methodology of managing these funds, the lack of statistical data to support the need for this tax, and the fact that no other municipality has a dedicated city sales tax, you should vote "no" on this proposal.

## **REBUTTAL TO ARGUMENT "AGAINST" THE POLICE SERVICES ADVISORY QUESTION:**

The difference between the residents of Sparks and other communities is the pride we have in our city. The people of Sparks recognize that city services come at a price, and are not afraid to fund an initiative that gives us the quality of life we expect.

Nevada established a precedent by granting specific southern Nevada counties the ability to impose additional sales tax. Although Sparks will be the first municipality to request the authority, it follows an established precedence.

A city that does not meet FBI standards for police officers is in danger of being unable to meet the needs of the citizens?

This tax will be imposed on everyone who shops in Sparks, not just residents. Therefore, this additional funding will benefit of everyone conducting business and living in the city. Maintaining the proceeds separately from the general fund guarantees that funds are specifically used for police services and cannot be diverted for other uses within the city.

This is an advisory question only and not the actual legislation. A vote in favor of the question will not establish the proposed tax. It will simply authorize the City of Sparks to seek legislation empowering the city to create a sales and use tax.

## **REBUTTAL TO ARGUMENT "FOR" THE POLICE SERVICES ADVISORY QUESTION:**

Sparks citizens can understand the benefits of a new city tax, however, the "need" for additional police officers must be based upon crime statistics and not simply because there is a FBI standard. A review of the 2007 - 2009 crime statistics does not indicate a significant increase in crime in our area. Finally, consider how an additional tax would change the location of where you would spend money on purchases large purchases. This might adversely affect our business community.

**FISCAL NOTE:**

"Upon implementation of the proposed sales tax rate increase, the cost of purchasing taxable goods or services within the City of Sparks, will increase by ¼ of one percent until such time that this rate increase is removed or changed. For example, if $100.00 (one hundred dollars) of applicable goods or services are purchased, the purchaser will be required to pay an additional $0.25 (twenty-five cents) in sales taxes. For a $1,000.00 (one thousand dollar) purchase, the additional sales tax amount would equal $2.50 (two dollars and 50 cents); for a purchase of $10,000.00 (ten thousand dollars), the additional sales tax amount would equal $25.00 (twenty-five dollars); and so forth.

While it is impossible to determine the exact annual financial impact from raising the sales tax rate by ¼ of one percent within the boundaries of the City of Sparks, the estimation is that such an increase would generate approximately $3.6 million annually. All proceeds from this proposed sales tax rate increase will be accounted for separately, and will be used to pay the on-going operating costs associated with providing additional police officer personnel. The revenue generated by this proposed sales tax increase is not intended to be used to support any debt issuance by the City of Sparks."