



Meeting Date: 08.15.18
Agenda Item: #_____

Mission Statement

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play.

Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

FERNLEY CITY COUNCIL MEETING - STAFF REPORT

REPORT TO: Mayor & City Council

REPORT FROM: **Daphne Hooper, City Manager**

REVIEWED BY: Josh Hicks, Special City Attorney

REVIEWED BY: Denise Lewis, Finance Director

AGENDA ITEM: **Public Hearing: Discussion and Possible action to approve the Bill Draft Request (BDR) language for submission to the Legislative Council Bureau (LCB) regarding Diesel Tax.**

ACTION REQUESTED: _Consent _Ordinance _Resolution _Motion _Receive/File

RECOMMENDED ACTION BY CITY COUNCIL

Staff recommends the following action:

Key Points:

1. City Council adopted Resolution 2018-006 approving the advisory question for the November 2018 ballot.
2. The City of Fernley may request the drafting of 1 legislative measure that:
 - a. Is approved by the governing body at a public hearing before submission to the Legislative Counsel Bureau.
 - b. Is submitted to the Legislative Counsel on or before September 1 preceding the regular session.
3. Should the advisory question fail on the November 2018 ballot, the BDR will be withdrawn or potentially repurposed.

POLICY REFERENCE

Nevada Statutes: NRS 295.230

Fernley Municipal Code: FMC XXX

Policies & Procedure Manual:

Community Assessment: N/A

Other:

SUPPORTING INFORMATION

The City has faced many challenges regarding consolidated tax revenue and is reviewing revenue alternatives to sustain municipal services into the future. NRS 295.230 authorizes the City Council to place advisory questions on general election ballots.

On May 16, 2018, the City Council adopted Resolution 2018-006, a Resolution to approve the advisory question for the November 2018 ballot; and approval to appoint committee members to prepare advocating and opposing arguments.

The question was submitted with the required documentation to Lyon County, pursuant to the requirements, with the following language:

“Do you support the City of Fernley pursuing legislation to authorize an increase of up to \$.05 per gallon in the tax on diesel fuel sold in Fernley, with the proceeds to be controlled by and used by the City of Fernley for the sole purpose of construction, maintenance, and repair of public roads within the City of Fernley?”

In anticipation of a majority vote in favor of the advisory question, the City must begin the process of pursuing legislation consistent with the advisory question. To submit the language to the legislature for approval, the City is required to submit a Bill Draft Request (BDR) to the legislature for consideration.

NRS 218D.205 states, in relevant part:

1. For a regular session, . . . the city council may request the drafting of not more than the numbers of legislative measures set forth in this section if the requests are:
 - (a) approved by the governing body of the county, school district or city a public hearing before their submission to the Legislative Counsel; and
 - (b) Submitted to the Legislative Counsel on or before September 1 preceding the regular session.
2. The Legislative Counsel shall notify the requesting county, school district or city if its request substantially duplicates a request previously submitted by another county, school district or city.
5. The city council of a city whose population:
 - (c) Is less than 150,000 may request the drafting of not more than 1 legislative measure for a regular session.
6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Staff requests the approval of the attached BDR draft be submitted to the LCB before the September 1 deadline. LCB will likely do some revision to the language, but we will be notified and keep the Council updated. Additionally, the bill draft request is required to be prefiled on or before November 21, 2018. Should the advisory question fail at the November 2018 ballot, the legislative measure will be withdrawn or potentially repurposed.

FINANCIAL INFORMATION

FISCAL IMPACT:

- 1. Is There a Fiscal Impact? No
- 2. Is it Currently Budgeted? No
- 3. If Budgeted, Which Line Item/Account?

FISCAL SYNOPSIS:

There is no fiscal impact to submitting the BDR to the LCB.

PRIOR COUNCIL ACTION/REVIEW

May 16, 2018 – City Council adopted Resolution 2018-006.
July 16, 2018 – Advisory question was submitted to Lyon County Clerk.

ATTACHED INFORMATION

Proposed Bill Draft Request
BDR Form required for submission
Resolution 2018-006
Advisory question submitted to Lyon County Clerk