



**Meeting Date:** 11.14.18  
**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.

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**FERNLEY CITY COUNCIL MEETING - STAFF REPORT**

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**REPORT TO:** Mayor & City Council

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

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

**ACTION REQUESTED:** \_Consent \_Ordinance \_Resolution \_Motion \_Receive/File

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**RECOMMENDED ACTION BY CITY COUNCIL**

Staff recommends the following action:

**“I move to direct staff to prefile the Bill Draft Request regarding Diesel Tax to the Legislative Council Bureau as required for the 2019 Legislative Session.”**

**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. Previously, the Council approved to move forward with the BDR upon passage of the Advisory Question at the General Election.
4. The advisory question failed by only 1/3 of a percent (0.34%), and staff is requesting to submit the BDR to the Legislative Council Bureau for consideration since half of the voters supported the measure.

**POLICY REFERENCE**

Nevada Statutes: NRS 295.230

**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?”**

On August 15, 2018, City Council directed staff to submit the proposed Bill Draft Request to the legislature for consideration. The Bill Draft Request 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 will be deemed withdrawn.

The BDR was submitted to LCB by the September 1 deadline, and must notify LCB of the intent to move the bill forward or withdraw.

Previously, Council provided direction to staff to withdraw the BDR if the measure failed. At the General Election on November 6, 2018, the measure failed by 1/3 of a percent (0.34%). Due to the support from half of the voters within the City, staff is requesting Council to reconsider submitting the BDR to the LCB for pre-filing by the November 21 deadline.

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

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

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**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.

August 15, 2018 – Council approved the submission of the BDR to LCB.

**ATTACHED INFORMATION**

Proposed Bill Draft Request

BDR Form required for submission

Resolution 2018-006

Advisory question submitted to Lyon County Clerk