

Candidate Filing Closes ~ but Question about Term Limits Lingers

Secretary of State Ross Miller has filed challenges against candidates throughout the state who he feels have violated the State of Nevada Term Limit provisions. As the chief election officer of the state, he has the right to do so – but only through a challenge with each district attorney of each county where that particular candidate has filed. The majority of folks that Miller has challenged have been a number of School Board Trustees, two University Regents, and a few County Commissioners throughout the state which include long time Clark County Commissioner Bruce Woodbury.

On the advice of the current Attorney General Catherine Cortez Masto, Secretary of State Miller has challenged those that have filed for office because it is their legal opinion that the term limits do not allow them to serve more than 12 years on their respective elected boards. What makes this so interesting is that a 1996 attorney general opinion held that the term limits clock actually began on November 27, 1996 when that year's election results were certified by the Nevada Supreme Court., and all the folks that Miller has filed against were sworn into their current office in January of 1997. Conventional wisdom was that the term limits did not affect current office holders and that it would not technically go into affect until the next time that they ran for office. In the case of Commissioner Woodbury, while he was sworn into office in January of 1997 for the term he was elected to in 1996 which under the AG's opinion means his "clock" of service began, Woodbury believes that his first term under the term limit law begin only after he was elected in 2000.

One of the reasons that the conventional wisdom held by many elected officials is different from the challenge being made by Secretary Miller relates to an opinion that came out of the Legislative Counsel Bureau on behalf of state legislators, that stated their term limits did not start until the 1998 election. The integral difference comes when each elected official is considered to have taken office and whether or not it came on or after that November 27, 1996 date of certification. State Legislators are considered to take office immediately upon election, and so they were already in office and serving on November 27. Eighteen legislators, including Senate Majority Leader Bill Raggio, R-Reno, and Assembly Speaker Barbara Buckley, D-Las Vegas, face final races this year due to those term limits. Seven other senators were re-elected for what could be the last time in 2006.

As stated above, Secretary of State Miller has had to ask each county's District Attorney to take on this issue and both the Clark County and Washoe District Attorney's have rejected his challenges. But candidate and current University Regent Steve Sisolak who filed for Woodbury's County Commission seat on the last day of filing has now filed suit against Woodbury in an effort to get the matter into the hands of the courts. What many veteran political wags are speculating is that another glitch to the term limit law could also be considered by the court. Long before Ross Miller began his challenges on what the true definition of serving 12 years means; it was rumored that a handful of elected officials were considering a much more aggressive stance and would challenge the entire term limits constitutional amendment and its legality. State law requires that voters must approve a constitutional amendment twice. When the Nevada Supreme Court split the term limits proposal approved in 1994 into two questions for the 1996 election and the voters then considered a question relating to judges and elected officials separately – the argument would be that the term limits should be voided altogether because the voters did not approve the same question both times.

What is not in doubt is that the constitutional amendments were passed overwhelmingly by the voters in 1994 and 1996. It will be interesting to see how this plays out this summer and what decision the court makes.

Plans for Managed Toll Lanes Approved

NAIOP's Government Affairs Committee agreed to make transportation its top priority during this election season and through the 2009 legislative session. NAIOP's Government Affairs Committee received great news this month regarding a necessary first step towards improving transportation in Southern Nevada.

On May 15, 2008, The Nevada State Board of Transportation approved the recommendation of Governor Jim Gibbons' Public-Private Partnership Advisory Committee studying transportation to conduct a demonstration project in Clark County.

The board, which consist of the following members:

Governor: Jim Gibbons
Lt. Governor: Brian Krolicki
Attorney General: Catherine Cortez Masto
State Controller: Kim Wallin
At Large District 1: Frank Martin
At Large District 2: Paul Morabito
At Large District 3: Tom Fransway

approved the recommendation that the Nevada Department of Transportation create a public-private partnership that will improve capacity along the Interstate 15 corridor through Las Vegas. The proposed demonstration project will convert high-occupancy vehicle and emergency lanes into managed lanes with electronic toll collection and video enforcement.

Governor Gibbons created the Public-Private Partnership Advisory Committee in April 2007 to evaluate the potential for alternative funding mechanisms for critical transportation infrastructure improvements throughout Nevada.

The Transportation Board approved the recommendation of having NDOT move forward with its demonstration project along I-15 to ensure the program works in Nevada. The board also supported proposed legislation that will be introduced during the 2009 legislature, which is needed before the project can proceed.

International Sustainability Organization Honors Las Vegas

The city of Las Vegas was honored as a "Key City for CAPP," by ICLEI – Local Governments for Sustainability at the Local Action Summit North America held in Albuquerque on May 15, 2008. Deputy Director Tom Perrigo, AICP of the city's Planning & Development Department, accepted the recognition on behalf of the city.

The recognition was based on information the city submitted about ten programs including the Alternative Fuels Program, CELEBRATE program, turf conversions and the Methane Recovery Project at the Water Treatment Facility. The city has been a member of ICLEI since 2007.

ICLEI – Local Governments for Sustainability will launch its Climate and Air Pollution Planning Assistant tool (CAPPA) this year to assist local government leaders in developing customized plans for reducing climate and local air pollution based on the collective advice of local governments throughout the organization's network.

The city of Las Vegas has a number of sustainability programs. Sustainability is defined by the city as meeting the needs of the present without compromising the needs of future generations. This includes numerous "green" efforts such as constructing new buildings to Leadership in Energy and Environmental Design (LEED) standards, water conservation, recycling and greater energy efficiency, just to name a few.

In fact, Las Vegas was named the American City of the Year by the World Leadership Forum in December, largely due to its leadership in sustainability. Specifically, the city was honored for operating 90 percent the city fleet on alternative fuels and sustainability concepts built into the Centennial Hills master-planned recreational campus. The World Leadership Forum is an international competition among hundreds of cities from around the globe.

The name of the organization was changed to ICLEI – Local Governments from the International Council for Local Environmental Initiatives in 2003. It is an international association of local governments and national and regional local government organizations that have made a commitment to sustainable development. More than 815 cities, towns, counties, and their associations worldwide comprise ICLEI's growing membership.

ICLEI provides technical consulting, training, and information services to build capacity, share knowledge, and support local government in the implementation of sustainable development at the local level. Its basic premise is that locally designed initiatives can provide an effective and cost-efficient way to achieve local, national, and global sustainability objectives.

Self-Disclosure of Unpermitted Work

The Clark County Board of Commissioners approved an ordinance to amend Clark County Building Administration Code Title 22, Chapter 22.02 effective June 6, 2008. By adopting Section 22.02.360(c), certain fees may be reduced or waived for voluntary, self-disclosure of unpermitted work within 90 days of the effective date of the ordinance, or within 90 days of receiving a Certificate of Occupancy, or receiving ownership of the property. To review the amendment in full, log on to <http://www.accessclarkcounty.com/depts/clerk/Pages/amendments.aspx>.

Summer Hours Begin for Clark County Inspection Staff

Clark County's summer hours are now in effect through October 31, 2007 for the Building Division's inspection staff. Office hours throughout the summer will be 6:30 a.m. until 4:00 p.m. After October 31, 2008, office hours will switch back to 7:00 a.m. until 4:30 p.m.

Sewer Fee Increase Approved

The Clark County Water Reclamation District's Board of Trustees approved a Universal Annual Sewer Service Rate increase to go into effect July 1, 2008. The 33 percent rate increase will be

distributed over the course of five years, raising district customers annual sewer bill an average of \$12 per year.

Currently sewer rates average \$178.96 annually. By 2010-11 rates will average \$213.70 per year and will top out at \$238.12 by 2012-13. District General Manager Richard Mendes notes that even after the full rate increase is in effect, the district will still have some of the lowest rates across the Southwest.

Portion of the revenues received will be used for a \$48.5 million pilot program. The purpose of the program is to treat 30 million gallons, or roughly one-third of the district's daily wastewater output, with new filtration and disinfection methods. This is expected to eliminate about 90 percent of the pharmaceuticals and household chemicals recently discovered in Lake Mead.

The pilot program is expected to begin in 2010.

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