

CIVIL COVER SHEET

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Clark County, Nevada

X I I

Case No. _____
(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): Nevada Policy Research Institute, Inc., Karen R. Gray, an individual c/o NPRI Center for Justice and Constitutional Litigation, 1225 Westfield Ave #7, Reno, Nevada 89509, 775-636-7703

Defendant(s) (name/address/phone): Clark County School District, 5100 W. Sahara Ave., Las Vegas, Nevada, 89146, 702-799-5900; Clark County Regional Debt Management Commission, 500 S. Grand Central Parkway, Las Vegas, Nevada 89106, 702-455-0000

Attorney (name/address/phone):
Joseph F. Becker, Esq., 1225 Westfield Ave #7, Reno, NV 89509, 775-636-7703

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

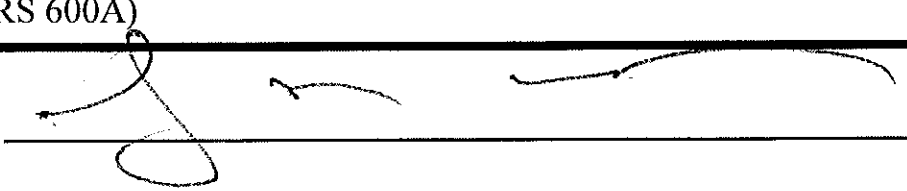
Civil Cases

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input checked="" type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input checked="" type="checkbox"/> Other Civil Matters

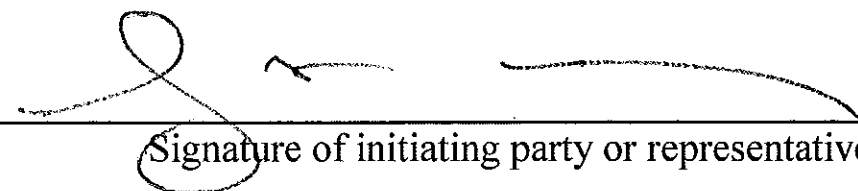
III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

August 3, 2012 /s/ Joseph F. Becker



Date


Signature of initiating party or representative

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CLERK OF THE COURT

11 **EIGHTH JUDICIAL DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 NEVADA POLICY RESEARCH
14 INSTITUTE, INC.; and KAREN R. GRAY,
15 an individual;

16 Plaintiffs,

17 vs.

18 CLARK COUNTY SCHOOL DISTRICT, a
19 political subdivision of the State of Nevada;
20 CLARK COUNTY SCHOOL DISTRICT
21 BOARD OF TRUSTEES, in their Official
22 capacities; and the CLARK COUNTY
23 REGIONAL DEBT MANAGEMENT
24 COMMISSION;

25 Defendants.

Case No.: A - 1 2 - 6 6 6 3 0 2 - C

Dept. No. : X I I

26 **COMPLAINT FOR VIOLATION OF**
27 **NEVADA OPEN MEETING LAW**

28 **Arbitration Exemption Claimed:**
SIGNIFICANT ISSUE OF PUBLIC
POLICY

COMES NOW, Plaintiffs, NEVADA POLICY RESEARCH INSTITUTE, INC.
(hereinafter, "NPRI"), and KAREN R. GRAY (hereinafter "GRAY") by and through their
attorneys of record, NPRI Center for Justice and Constitutional Litigation, and for cause of
action against the above named Defendants hereby complains and alleges as follows:

PRELIMINARY STATEMENT

1. NRS § 241.010, et seq., (the "Open Meeting Law") was enacted with the intent
that all public bodies exist to aid in the conduct of the people's business, and that the actions of
public bodies be taken openly and that their deliberations be conducted openly. NRS §241.010.

1 primary areas of focus are education and fiscal policy. NPRI is a 501(c)(3) organization as
2 defined by the Internal Revenue Code and is incorporated in the State of Nevada.

3 10. Plaintiff KAREN R. GRAY, was and is a United States citizen, was and is a
4 resident and taxpayer in Clark County, Nevada, and was and is a reporter for and employee of
5 NPRI.

6 11. Defendant CLARK COUNTY SCHOOL DISTRICT ("CCSD") (as governed by
7 its BOARD OF TRUSTEES) is a political subdivision of the state of Nevada, operates in Clark
8 County, Nevada, and is named as a Defendant (or Defendants) pursuant to NRS § 12.105.
9 CCSD was the catalyst for assessing a new property tax in Clark County, Nevada, and for its
10 inclusion on the November 2012 general election ballot.

11 12. Defendant CLARK COUNTY REGIONAL DEBT MANAGEMENT
12 COMMISSION ("CCRDMC") is a political subdivision of the state of Nevada, operates in Clark
13 County, Nevada, and is named as a Defendant pursuant to NRS § 12.105. CCRDMC is the
14 public body that approved inclusion of CCSD's new property tax assessment on the November
15 2012 ballot, but in a means contrary to the Open Meetings Law.

16 **JURISDICTION AND VENUE**

17 13. Pursuant to the Open Meeting Law, suit may be brought by an aggrieved person
18 in the district court in the district in which the public body ordinarily holds its meetings or in
19 which the plaintiff resides. NRS § 241.037(2).

20 14. This Court has subject matter jurisdiction pursuant to NRS § 3.220 and Nevada
21 Constitution Art. VI, §6.

22 15. This Court is the proper venue pursuant to NRS § 13.040.

23 16. Where applicable, all matters set forth herein are incorporated by reference in the
24 various causes of action which follow.

25 **GENERAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

26 17. On or about June 1, 2012, and pursuant to NRS§350.014, Defendant CCSD,
27 submitted to CCRDMC a proposal for a new .212 elective property tax to be sent to Clark
28 County voters as a ballot question for the November 2012 election.

1 18. NRS 241.020(2)(c)(3) requires every meeting of a public body to have periods
2 devoted to comments by the general public, if any, and discussion of those comments.
3 Comments by the general public must be taken: (I) At the beginning of the meeting before any
4 items on which action may be taken are heard by the public body and again before the
5 adjournment of the meeting; or (II) After each item on the agenda on which action may be taken
6 is discussed by the public body, but before the public body takes action on the item.

7 19. The reason for the public meeting provisions of NRS 241.020 is to provide
8 members of the public adequate opportunity to participate in the political process and to voice
9 concerns over, or objections to, proposed government actions.

10 20. On June 7, 2012 the CCRDMC held a public meeting to consider approval of the
11 CCSD tax proposal. No public comment was taken prior to Commissioners' discussing the
12 proposal, nor prior to the Commission's vote on the item. There was no public comment period
13 until the end of the meeting, after the approval action had already been taken on the item.

14 21. Defendant CCRDMC's failure to allow for public comment at appropriate times
15 during its June 7, 2012 meeting expressly violated Nevada law, undermined public participation
16 in the political process, and voids CCRDMC's action.

17 **CLAIM FOR RELIEF (DECLARATORY RELIEF AGAINST ALL DEFENDANTS)**

18 22. Plaintiffs hereby incorporate Paragraphs 1 through 21 as though fully set out
19 herein.

20 23. Defendant CCRDMC failed to allow for public comment on the issue of the
21 CCSD tax initiative as required by NRS 241.020(2)(c)(3) during its June 7, 2012 meeting.

22 24. “The action of any public body taken in violation of any provision of [the Open
23 Meeting Law] is void.” NRS § 241.036.

24 25. This violation of Nevada law harms the legally protectable interests of both the
25 members of NPRI and GRAY because they were unable to comment and/or gather additional
26 information regarding CCSD's proposed ballot initiative prior to approval action being taken by
27 CCRDMC. Thus, this action should be declared void by this Court and enjoined from placement
28 on the November 2012 ballot.

1 **ATTORNEY FEES**

2 **26.** Under NRS §241.037(2)(a), “[t]he court may order payment of reasonable
3 attorney’s fees and court costs to a successful plaintiff in a suit brought under this subsection.”
4 As a result of the Defendants’ actions as set forth above, Plaintiffs are entitled to attorney’s fees.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff prays that this Court:

- 7 1. Declare that Defendant CCRDMC, which failed to allow for public comment on
8 the issue of CCSD's proposed tax initiative at its June 7, 2012 meeting before approving the
9 measure, violated NRS 241.020(2)(c)(3).
- 10 2. Declare that CCRDMC's failure to follow Nevada law, specifically, NRS
11 §241.020(2)(c)(3), violated Plaintiffs NPRI's and GRAY’s right to object to, question, or
12 comment on the CCSD proposed ballot initiative prior to its approval.
- 13 3. Void Defendant CCRDMC’s action at issue.
- 14 4. Enjoin Defendants CCRDMC and CCSD from placing the CCSD tax increase
15 proposal on the 2012 Nevada general election ballot and/or nullify any elective vote taken.
- 16 5. Award Plaintiffs their reasonable costs and attorney fees.
- 17 6. Grant such other relief as the Court deems appropriate and proper.

18 DATED this 3rd day of August, 2012.

19 NPRI CENTER FOR JUSTICE AND
20 CONSTITUTIONAL LITIGATION

21 BY: /s/ Joseph F. Becker

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