



CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION

At the Nevada Policy Research Institute

For Immediate Release
August 13, 2012

Contact Victor Joecks
(702) 222-0642

Judge grants emergency hearing on NPRI motion for preliminary injunction against tax-increase proposal

LAS VEGAS — Nevada District Court Judge Michelle Leavitt signed an order late Friday afternoon setting an emergency hearing Wednesday on a motion for a preliminary injunction filed by NPRI's Center for Justice and Constitutional Litigation and Karen R. Gray.

The motion, filed last Friday, asks the court to halt the progress of a \$669 million property-tax-increase proposal onto November's general-election ballot, given a violation of state law by the Clark County Regional Debt Management Commission.

Part of a complaint filed in the Eighth Judicial District Court, the motion alleges that the Debt Management Commission violated Nevada Open Meeting Law ([NRS Chapter 241](#)) June 7, when it approved the Clark County School District's \$669 million property-tax increase for the fall ballot without allowing for any public comment before its vote.

While Ms. Gray was in attendance, prepared to discuss the matter, the Commission ignored state law and allowed no public comment before taking its vote.

Nevada's Open Meeting Law was enacted to ensure that the actions of all public bodies be taken openly and that their deliberations be conducted openly. Public comment is essential to the effective operation of the Open Meeting Law and the transparency of government business.

To that end, the Attorney General has opined that "[i]t is critical that a public body provide for a meaningful public comment period." See [OMLO 99-08](#) (July 8, 1999). The refusal to allow Ms. Gray (or anyone else) a chance to talk before the matter was voted on was a violation of the Open Meeting Law. Pursuant to Nevada law, agency actions taken in violation of the Open Meeting Law are "void."

"Requiring strict adherence to the Open Meeting Law is critical, even if it appears a bit technical, because government bodies should act in an open and transparent manner," stated Jacob Hafter, a local attorney who defeated the Board of Medical Examiners' attempt to pass emergency regulations regarding the administration of injection by medical assistants in 2009. Hafter was

retained as outside co-counsel by NPRI and its Center for Justice and Constitutional Litigation to assist in this litigation.

Not only does the motion suggest that the plaintiffs have a substantial likelihood of success in showing an Open Meeting Law violation occurred, it also argues that time is of the essence and that a failure of the court to intervene immediately will cause irreparable harm. Larry Lomax, the Clark County Registrar of Voters, has [gone on record](#) that his office will begin preparing to print more than 750,000 sample ballots this week.

“By asking the court to address this issue now, we are trying to prevent the county from having to reprint election materials, should the tax-increase proposal be struck down,” said Andy Matthews, NPRI president. “By asking the court to keep this matter off the ballot, we are also helping to ensure that the electorate is not confused by being presented with a voided ballot question, because it was not passed in compliance with the Open Meeting Law.”

The hearing on the motion for preliminary injunction will be held Wednesday, Aug. 15, 2012, at 10:30 a.m., before Judge Michelle Leavitt in Courtroom 14D of the Regional Justice Center.

Matthews, Hafter and Joseph Becker, chief legal officer and director of CJCL, will have media availability immediately after the hearing.

A copy of the motion is available at:

<http://justice.npri.org/assets/cases/Motion-for-PI-080912.pdf>.

CJCL’s Open Meeting Law Violation Complaint in *Nevada Policy Research Institute, et al. v. CCSD, et al.* is available at:

http://www.npri.org/docLib/20120807_Nevada_Policy_Research_Institute_v._Clark_County_School_District.pdf.

###

The Nevada Policy Research Institute • 7130 Placid St., Las Vegas, NV 89119
Phone: (702) 222-0642 • Fax: (702) 227-0927 • Web site: <http://justice.npri.org>