

RESOLUTION NO.

A Resolution of the Lyon County Board of County Commissioners to place an ADVISORY QUESTION on the November 2018 General Election ballot to request the Lyon County voters to answer the following advisory question:

Shall the Lyon County Board of Commissioners rescind Title 3, Chapter 5, the Lyon County Brothel Ordinance, in order to end brothels and legalized prostitution in Lyon County, Nevada?

WHEREAS, Nevada Revised Statutes (NRS) 295.230 authorizes the Lyon County Board of Commissioners to place advisory questions on the ballot; and

WHEREAS; NRS 295.121 requires the appointment of one committee that favors approval of the advisory question and one committee that opposes the advisory question. Each committee is responsible for developing an argument either advocating or opposing approval of the advisory question; and

WHEREAS; NRS 244.345 authorizes the Lyon County Board of Commissioners to enact ordinances to regulate prostitution within Lyon County; and

WHEREAS: Lyon County Code Title 5 Business License and Regulation, Chapter 3 Prostitution has been enacted since the 1970's and was last revised in 1990; and

WHEREAS: There is currently a Referendum Petition to repeal the "Lyon County Brothel Ordinance" Codified in Title 5, Chapter 3 of Lyon County Code; and

WHEREAS: The Board of Lyon County Commissioners finds the Description of Effect of the Referendum Petition difficult to understand and ambiguous, and as presented, implies that Lyon County would not be able to revise the existing Lyon county Brothel Ordinance for any reason, including public health and safety, if the Referendum Petition does not repeal the Brothel Ordinance. The State of Effect on the Referendum Petition reads as follows:

The "Lyon County Brothel Ordinance" (Ord. 336. 2-2-90), licenses, regulates and controls prostitution within Lyon County and prohibits any prostitution within the County except as conducted in accordance with the provisions of Chapter 3, Title 5 of the Lyon County Code.

If this proposal is approved, the "Lyon County Brothel Ordinance" will remain in effect and cannot be amended, repealed or otherwise changed, except by a direct vote of the people. A "Yes" vote is a vote to approve the existing ordinance licensing, regulating and controlling prostitution in Lyon County.

If this proposal is disapproved, the "Lyon County Brothel Ordinance" will be void and of no effect, resulting in a potential fiscal impact to Lyon County to be determined by the Board of County Commissioners in accordance with NRS 295.095(4), and the Board of County Commissioners will then have to decide what, if any, ordinance will replace it. A "No" vote is a vote to disapprove the existing ordinance licensing, regulating and controlling prostitution in Lyon County and would otherwise prohibit prostitution and solicitation of prostitution in Lyon County in accordance with the laws of the State of Nevada.

WHEREAS, Lyon County and the Board do not make any statement or opinion as to whether the Description of Effect as contained in the Referendum Petition is legal or

consistent with Nevada law. Specifically, Nevada law for this type of Referendum does not state that the existing Brothel Ordinance cannot be amended, repealed or otherwise changed without a direct vote of the people if the Referendum fails.

NOW THEREFORE BE IT RESOLVED by the Board of Lyon County Commissioners that:

1. The Lyon County Board of Commissioners Directs the County Clerk to place an Advisory Question ("Question") on the November 6, 2018 General Election Ballot.
2. The Board hereby finds and declares the necessity of placing the Question on the ballot for the Election for the purpose of asking the advice of the registered voters of Lyon County whether Lyon County should ban brothels in the unincorporated areas of Lyon County.
3. The Question is hereby designated and ordered to be placed on the ballot of the Election within the County on Tuesday, November 6, 2018 at which there shall be submitted to the registered voters of the county the Question hereinafter set forth. The Election shall be conducted in accordance with Chapter 293 and 293B and 295 of NRS, and all laws amendatory thereof (the "General Election Act").
4. The County Clerk is hereby authorized to initiate the process for the appointment of a committee to prepare arguments advocating and opposing the Question in accordance with NRS 295.121.
5. The Question is advisory in nature and does not place any legal requirements on the governing body, any member of the governing body, any office of the political subdivision or the Nevada Legislature.
6. The Officers of the County are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Resolution.
7. If any section, paragraph, clause or provision of this Resolution shall for any reason to be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

LET IT BE FURTHER RESOLVED: That the Question and Explanation shall read as follows:

Shall the Lyon County Board of Commissioners rescind Title 3, Chapter 5, The Lyon County Brothel Ordinance, in order to end brothels and legalized prostitution in Lyon County, Nevada?

Explanation:

Lyon County allows brothels in certain unincorporated areas of Lyon County with the proper zoning land use designation, by Special Use Permit, as set forth in the Lyon County County Code. Lyon County currently authorizes four brothels. NRS 244.345 allows counties with populations of less than 700,000 people to determine whether brothels will be allowed in the County. Lyon County adopted its first brothel ordinances

in 1971. Legalized prostitution in brothels in Lyon County has been permitted by County ordinance since that date.

A “Yes” vote would inform the Board that the Lyon County Brothel Ordinance should be rescinded and brothels should be illegal in Lyon County.

A “No” vote would inform the Board that the Lyon County Brothel Ordinance should remain in effect and that brothels in Lyon County should remain legal by County Ordinance.

This question is advisory in nature and does not place any legal requirement on the governing body, any member of the governing body, any officer of the political subdivision of the Nevada Legislature.

Fiscal Note:

The fiscal effect of elimination of brothels in Lyon County would include loss of brothel license fees, work card permits, and room tax (estimated) for brothels. For the fiscal year ended June 30, 2017, the brothel license and related fees totaled \$425,116. Passage of the Question may also result in a loss of liquor license and business license fees for the brothels if the business and liquor licenses are surrendered or canceled as a result. The business and liquor license fees, respectively, for the fiscal year ended June 30, 2017, were \$1,052 and \$5,400.

Administration of the prostitution licensing ordinance imposes a demand upon county law enforcement and licensing officials who must inspect, investigate, license, and patrol brothel related activities.

The elimination of brothels may or may not have an impact on real and personal property taxes. The real and personal property taxes do not go away and may increase or decrease depending on future use of the property if the brothels are closed.

The fiscal impact of the elimination of brothels upon sales receipts, services, and tax revenues generated in Lyon County by patrons, contractors, brothel operators, and providers of other goods and services other than what is specified is unknown.

ADOPTED this th day of _____, 2018

Commissioner: _____ Aye ___ Nay___ Absent ___

Commissioner: _____ Aye ___ Nay___ Absent ___

Commissioner: _____ Aye ___ Nay___ Absent ___

Commissioner: _____ Aye ___ Nay___ Absent ___

Commissioner: _____ Aye ____ Nay ____ Absent ____

Attest:

Lyon County Clerk/Treasurer

DRAFT