

**CLARK COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM**

Petitioner: Steven B. Wolfson, District Attorney

Recommendation:

Authorize the District Attorney's Office or its designee to file a petition for writ of mandamus and any necessary actions to the Supreme Court of Nevada to challenge the district court's denial of summary judgment in the action Gypsum Resources, LLC v. Clark County, et al., Case No. A-23-871997-B. (For possible action)

FISCAL IMPACT:

Fund #:	1010.000	Fund Name:	General Fund
Fund Center:	1080716000	Funded PGM/Grant:	N/A
Amount:	Up to \$25,000		
Description:	Miscellaneous legal fees, court costs and related expenses		
Additional Comments:	N/A		

BACKGROUND:

On April 19, 2024, the Court denied Clark County's motion for partial summary judgment in its entirety. Among the several reasons brought forth in the motion, Clark County asserted that summary judgment was proper because the 2010 Settlement Agreement and the Clark County Code governing major project applications did not give Gypsum an entitlement to develop its property as a major project as Clark County was vested with discretion at multiple stages of the process and had never reached a final decision on Gypsum's proposed major project development. Moreover, Clark County asserted that Gypsum's claims are necessarily foreclosed due to issue preclusion because the U.S. District Court of Nevada has already considered Nevada state law, applicable code provisions and the terms of the Settlement Agreement and found that Gypsum does not have an entitlement to develop the property above the existing zoning density limits.

The District Attorney's Office or its designee seeks authorization to file a petition for writ of mandamus in the Supreme Court of Nevada to challenge the Court's decision and believes there is sufficient legal basis to do so.

The District Attorney's Office recommends that the Board of County Commissioners authorize the filing of the petition for writ of mandamus and all necessary actions related to the filing of the petition.

Cleared for Agenda

05/21/2024

File ID#

24-708