

# CLARK COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

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**Petitioner:** Steven B. Wolfson, District Attorney

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**Recommendation:**

**Authorize the District Attorney's Office to appeal a preliminary injunction in the Eighth Judicial District Court action A-22-856311-P Greater Las Vegas Short Term Rental Association vs. Clark County to the Court of Appeals or Supreme Court of Nevada. (For possible action)**

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**FISCAL IMPACT:**

Fund #:	1010.000	Fund Name:	General Fund
Fund Center:	1080716000	Funded PGM/Grant:	N/A
Amount:	Up to \$5,000.00		
Description:	Miscellaneous court fees and related expenses		
Additional Comments:	N/A		

**BACKGROUND:**

Greater Las Vegas Short Term Rental Association sued Clark County for numerous claimed constitutional issues with Clark County's short-term rental license ordinance and filed a motion to enjoin the ordinance. The District Court granted the motion in part and denied the motion in part, finding that the Plaintiff had public interest standing. The District Court allowed most of the ordinance to stay in place, including the ability to issue licenses, but preliminarily enjoined a few provisions for being facially unconstitutionally vague and overbroad. The District Attorney's Office believes the motion was incorrectly granted in part and believes there is sufficient legal basis for a successful appeal. Therefore, the District Attorney's Office seeks authorization to commence an appellate action in Supreme Court of Nevada to challenge the preliminary injunction. The District Attorney's Office also requests the Board of County Commissioners ratify any actions required to file an appellate action in this matter that may become due before the approval of this agenda item.

The District Attorney's Office recommends that the Board of County Commissioners authorize and ratify such action.

Cleared for Agenda

**03/21/2023**

File ID#

**23-352**