



NYE COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

Department: Board of Commissioners	Meeting Date:
Category: Regular Agenda Item	September 19, 2023
Prepared by: Donna Cox and Priscilla Lane and Friends of the Wild Horses and Burros	Phone:
Presented by: Donna Cox and Priscilla Lane and Friends of the Wild Horses and Burros	Phone:

Action requested: (Include what, with whom, when, where, why, and terms)

Public Hearing, discussion and deliberation to adopt, amend and adopt or reject Nye County Bill No. 2023-11: A Bill to Ban Helicopter, Motorized Vehicles or Drone Roundups of Wild Horses and Burros Within the Boundaries of Nye County; providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Recommendation:

Financial Impact

Cost:	Fund Name:	Fund #:
Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	FY:	<input type="checkbox"/> One-Time <input type="checkbox"/> Recurring
Comments:		

Review & Approval

Legal Review Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Legal Approval Received: <input checked="" type="checkbox"/>	Date: 6/23/23
Financial Review Required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Submitted to Finance: <input type="checkbox"/>	Date:
Administrative Manager Review: <input checked="" type="checkbox"/>	Place on Agenda: <input checked="" type="checkbox"/>	Initials: ST

Item # 11

BILL NO. 2023-11

NYE COUNTY ORDINANCE NO. 599

SUMMARY: A Bill Banning Helicopter, Motorized Vehicles or Drone Roundups of Wild Horses and Burros Within the Boundaries of Nye County; Providing for The Severability, Constitutionality and Effective Date Thereof; and Other Matters Properly Related Thereto.

TITLE: A BILL BANNING HELICOPTER, MOTORIZED VEHICLES OR DRONE ROUNDUPS OF WILD HORSES AND BURROS WITHIN THE BOUNDARIES OF NYE COUNTY; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to NRS 244.137, Dillon's rule provides that the Board of County Commissioners possesses and may exercise powers and the appropriate authority to address matters of local concern; and

WHEREAS, pursuant to NRS 244.143(1)(a), a matter of local concern primarily affects or impacts areas located in the county, or persons who reside, work, or visit or are otherwise present in areas located in the county and does not have a significant effect or impact on areas located in other counties; and

WHEREAS, on June 16, 2020, Resolution 2020-08 was approved unanimously by the then Nye County Board of County Commissioners declaring that it does not support the Bureau of Land Management's ("BLM") helicopter method of rounding up of wild horses and burros in Nye County, Nevada; and

WHEREAS, in 1971 the BLM created the Wild Horse and Burro Program to implement the Wild Free-Roaming Horses and Burros Act (the "Act") which was passed by Congress. Broadly, the Act declares wild horses and burros to be "living symbols of the historic and pioneer spirit of the west" (BLM website: www.blm.gov/whb) and stipulates that the BLM and the U.S. Forest Service have the responsibility to manage and protect herds in their respective jurisdictions where wild horses and burros were found roaming in 1971; and

WHEREAS, on November 25, 2019 President Trump signed into law the bipartisan Preventing Animal Cruelty and Torture ("PACT") Act which stated that "it is important that we combat these heinous and sadistic acts of cruelty, which are totally unacceptable in a civilized society; and

WHEREAS, hundreds of registered voters of Nye County, Nevada, signed and submitted a petition in 2012 to the Nye County Board of County Commissioners to put a question on the voters' ballot to stop all BLM helicopter roundups of our wild horses and burros in Nye County and that petition was rejected by the Board in 2012; and

WHEREAS, the American Wild Horse Campaign and Wild Horse Education have documented inhumane helicopter roundup procedures perpetrated by the BLM; and

WHEREAS, the BLM spends multi-millions of tax payor dollars for these helicopter roundups. Across the United States, there has been much public comment given to the BLM asking for the heinous and sadistic roundups to stop and suggestions made that are much more financially responsible, to which the BLM has turned a deaf ear.

NOW THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby ordain:

1. Nye County bans any Person from gathering, by means of helicopter, motorized vehicles or drone roundups of wild horses and burros within the boundaries of Nye County, Nevada. As used in this Ordinance, "Person" shall be defined as in NRS 0.039.
2. Nye County requests the BLM cease and desist the BLM's gathering, by means of helicopter, motorized vehicle or drone roundups, wild horses and burros within the boundaries of Nye County, Nevada.

SEVERABILITY If any provision of this ordinance or amendments thereto, or the application there to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 9th day of October, 2023.

Proposed on the 18th day of July, 2023.

Proposed by: Commissioner _____.

Adopted on the ____ day of _____, 2023.

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____
Bruce Jabbour, Chair
Nye County Board of
County Commissioners

ATTEST: _____
Mark F. Kampf
Clerk and Ex-Officio
Clerk of the Board

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The Town of Amargosa Valley passed an agenda item at its August 24, 2023 meeting endorsing Nye County Resolution No. 2020-08.

A resolution opposing BLM's Round-Up of wild horses and burros by Helicopter in Nye County Nevada.

Please contact me with any further questions

Mike Cottingim

Town Clerk
Town of Amargosa Valley
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