

City of Carson City
Agenda Report

Item # 10B

Date Submitted: 5/6/08

Agenda Date Requested: 5/15/08

Time Requested: 10 minutes

To: Mayor and Supervisors

From: Nick Providenti, Finance Director

Subject Title: Action to adopt a resolution concerning the levying of a special elective tax for public safety; directing the Director of Finance of Carson City to notify the Carson City Debt Management Commission of the City's proposal to levy a special elective tax; determining that there is no affected governmental entity; providing certain details in connection therewith; and providing the effective date hereof.

Staff Summary: Subsection 1 of NRS 350.014 provides, in relevant part, that "Before any proposal to... levy a special elective tax may be submitted to the electors of a municipality, ... the proposed...levy must receive the favorable vote of two thirds of the members of the commission of each county in which the municipality is situated." and whereas subsection 1 of NRS 350.0145 provides, in relevant part that the governing body of the municipality proposing to ... levy a special elective tax ... shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission..." and whereas, before a municipality may submit such a proposal to the commission, the municipality must determine whether there is an "affected governmental entity" (as defined in NRS 350.0135(9)). We have hereby determined that there is no "affected governmental entity to which it must provide written notification pursuant to NRS 350.0135.

Type of Action Requested: (check one)

☒ Resolution

☐ Ordinance

☐ Formal Action/Motion

☐ Other (Specify)

Does this action require a Business Impact Statement: () Yes (xx) No

Recommended Board Action: I move to adopt Resolution # _____, a resolution concerning the levying of a special elective tax for public safety; directing the Director of Finance of Carson City to notify the Carson City Debt Management Commission of the City's proposal to levy a special elective tax; determining that there is no affected governmental entity; providing certain details in connection therewith; and providing the effective date hereof.

Explanation for Recommended Board Action:n/a

Applicable Statute, Code, Policy, Rule or Regulation: Have been listed throughout the resolution.

Fiscal Impact: n/a

Explanation of Impact: n/a

Funding Source: n/a

Alternatives: n/a

Supporting Material: Resolution

Prepared By: Nick Providenti

Reviewed By:

(Department Head)

Date:

5/6/08

:

(City Manager)

Date:

5-6-08

:

(District Attorney)

Date:

5-6-08

:

(Finance Director)

Date:

5/6/08

Board Action Taken:

Motion: _____

1)

2)

Aye/Nay

(Vote Recorded By)

Summary- a resolution directing notice to the Carson City Debt Management Commission requesting consideration of the Carson City's proposal to levy a special elective tax.

RESOLUTION NO. _____

A RESOLUTION CONCERNING THE LEVYING OF A SPECIAL ELECTIVE TAX FOR PUBLIC SAFETY; DIRECTING THE DIRECTOR OF FINANCE OF CARSON CITY TO NOTIFY THE CARSON CITY DEBT MANAGEMENT COMMISSION OF THE CITY'S PROPOSAL TO LEVY A SPECIAL ELECTIVE TAX; DETERMINING THAT THERE IS NO AFFECTED GOVERNMENTAL ENTITY; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of Supervisors (the "Board") of Carson City (the "City"), Nevada, proposes (subject to the approval of the Carson City Debt Management Commission), to seek voter approval pursuant to Nevada Revised Statutes ("NRS") 354.5982 to levy a special elective tax on behalf of the City as described in the following proposal:

PUBLIC SAFETY PROPOSAL:

Shall the Board of Supervisors of Carson City be authorized to levy an additional property tax rate for public safety, including, assisting in the funding of the Carson City Fire Department's ambulance service and wildland fire protection services; assisting in the funding of the Carson City Sheriff's Department Gang Unit, Detention Facility and Communication Center; and assisting in the funding of any other public safety agency that has an increased workload attributed to the funding provided to the Carson City Fire Department and Carson City Sheriff's Department, in the amount of up to 12.6 cents per \$100 assessed valuation for a period of 30 years? The cost for the owner of a new \$100,000 home is estimated to be approximately \$44.10 per year. If this question is approved by the voters, any property tax levied as authorized by this question will be outside of the caps on a taxpayer's liability for property taxes established by the legislature in the 2005 session.

(the "Proposal"); and

WHEREAS, subsection 1 of NRS 350.014 provides, in relevant part, as follows:

“1. Before any proposal to . . . levy a special elective tax may be submitted to the electors of a municipality, . . . the proposed . . . levy must receive the favorable vote of two thirds of the members of the commission of each county in which the municipality is situated.”

and

WHEREAS, subsection 1 of NRS 350.0145 provides, in relevant part, as follows:

“1. The governing body of the municipality proposing to . . . levy a special elective tax . . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission. . . .”

and

WHEREAS, before a municipality may submit such a proposal to the commission, the municipality must determine whether there is an “affected governmental entity” (as defined in NRS 350.0135(9)) and, if there is, provide written notification to the affected governmental entity which must include the proposal, the estimated amount the proposal would increase property taxes and the potential effect of the increase on the entity.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA:

Section 1. This resolution shall be designated by the short title “2008 DMC Public Safety Notice Resolution”.

Section 2. All actions, proceedings, matters and things heretofore taken, had and done by the Board, and the officers thereof (not inconsistent with the provisions of this resolution) directed toward the Proposal, be and the same hereby are, ratified, approved and confirmed.

Section 3. The City Director of Finance is authorized and directed to notify the Secretary of the Carson City Debt Management Commission (the “Commission Secretary” and the “Commission”, respectively) of the Board’s Proposal, and to submit to said Commission Secretary a statement of the Proposal in sufficient number of copies for each member of the Commission.

Section 4. The Board hereby determines that there is no “affected governmental entity” to which it must provide written notification pursuant to NRS 350.0135.

Section 5. The City Director of Finance is hereby authorized and directed, if necessary, to amend the City's statements of current and contemplated general obligation debt

and special elective taxes, debt management policy and capital improvement plan in accordance with the provisions of this resolution and NRS 350.011 to 350.0165, inclusive, and to file such amended documents with the Commission and the State Department of Taxation.

Section 6. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, heretofore repealed.

Section 7. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 8. This resolution shall become effective and be in force immediately upon its adoption.

PASSED AND ADOPTED this May 15, 2008.

Mayor

Attest:

Clerk

STATE OF NEVADA)
)
CARSON CITY) SS.

I am the duly chosen and qualified Clerk of Carson City (the "City"), Nevada, and in the performance of my duties as Clerk do hereby certify:

1. The foregoing pages constitute a true, correct and compared copy of a resolution adopted by the Board of Supervisors (the "Board") at a regular meeting of the Board held on May 15, 2008. The original of such resolution has been approved and authenticated by the signature of the Mayor and myself as Clerk, and has been recorded in the minute book of the Board kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

2. The members of the Board were present at such meeting and voted on the passage of such resolution as follows:

Those Voting Aye:

Shelly Aldean
Pete Livermore
Richard Staub
Marv Teixeira
Robin Williamson

Those Voting Nay:

Those Absent:

Those Abstaining:

4. All members of the Board were given due and proper notice of the meeting held on May 15, 2008. Pursuant to and in full compliance with NRS 241.020, written notice of the meeting was given no later than 9:00 a.m. on the third working day before the meeting including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice not later than 9:00 a.m. on the third working day before the meeting on the City's website, if any, and at the principal office of the Board, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City, to wit:

- (i) Community Center
851 East William
Carson City, Nevada
- (ii) Carson City Courthouse
885 East Musser
Carson City, Nevada
- (iii) Carson City Administration Building
201 North Carson Street
Carson City, Nevada
- (iv) Bulletin Board at the
Carson City Library
900 North Roop Street
Carson City, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meeting of the Board in the same manner in which notice is required to be mailed to a member of the Board. Such notice, if mailed, was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

5. A copy of the notice given of the May 15, 2008 meeting of the Board is attached as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of the City this May 15, 2008.

Clerk

EXHIBIT A

[Attach Copy of Notice of Meeting]