



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: February 4, 2016

Staff Contact: Vern L. Krahn, Senior Park Planner (VKrahn@carson.org)

Agenda Title: For Possible Action: To approve staff's recommendation to allocate \$128,148.00 in Residential Construction Tax funds from FY 2015/16 for improvement projects at Ross Gold Park.

Staff Summary: On October 6, 2015 the Parks and Recreation Commission made a recommendation for the allocation of Residential Construction Tax (RCT) funds from FY 2015/16 for improvement projects at Ross Gold Park. Parks and Recreation Department staff is bringing this agenda item forward to the Board of Supervisors to allocate these funds for this purpose. In addition, staff believes to effectively use these funds it is necessary to develop an overall site development plan for the park, prepare preliminary cost estimates, develop a construction phasing plan for four projects and identify applicable grant funding sources, including a grant acquisition strategy to increase the effectiveness of the City's limited financial resources.

Agenda Action: Formal Action/Motion

Time Requested: 15 minutes

Proposed Motion

I move to approve staff's recommendation to allocate \$128,148.00 in Residential Construction Tax funds from FY 2015/16 for improvement projects at Ross Gold Park.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

Not Applicable

Background/Issues & Analysis

Ross Gold Park is wearing out with age and needs many substantial improvements. City staff has identified four immediate projects for funding. They are as follows:

1. Playground equipment replacement - The current playground equipment was installed in 1995 and no longer meets Consumer Product Safety Guidelines or current ADA accessibility requirements. It is becoming increasingly difficult to get replacement parts when the equipment breaks due to age or vandalism. Also, the playground equipment manufacturer has stopped manufacturing replacement parts.
2. Picnic shelter replacement - The picnic shelter is sinking and is presenting a potentially unsafe situation. The roof needs to be replaced and there is no ADA accessible route to the shelter.
3. Restroom ADA improvements - The existing park restrooms do not have an ADA accessible ramp to enter the building and the restroom's interior does not meet ADA requirements.
4. Asphalt path replacement / ADA accessible routes - The existing asphalt paths are disintegrating and there is no ADA accessible route(s) to either the playground equipment, picnic shelter, tennis courts, or volleyball courts.

Staff believes all these projects are interrelated, specifically with ADA accessibility issues throughout the park and in order to address these projects collectively an overall site development plan needs to be developed. Also, these RCT funds, as noted above in and by themselves will not be able to complete all four identified projects. City staff may need to request the allocation of additional RCT funds from FY 16/17 to complete some of these important projects. By developing this overall site development plan, it will allow staff to develop a funding strategy, a construction phasing plan for the park, cost estimates per project, and identify possible grant funding sources for each project. Staff is estimating that it will take approximately \$10,000 of these RCT funds to complete this planning process and identify the scope of work for each project.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC Chapter 15.60 - Residential Construction Tax
NRS 278.4983/Assembly Bill 25, effective May, 2015 - Residential Construction Tax

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number: RCT 350 Fund

Is it currently budgeted? Yes No

Explanation of Fiscal Impact: Staff is requesting the allocation of \$128,148.00 Residential Construction Tax funds from FY 2015/16 to be directed for improvement projects at Ross Gold Park.

Alternatives

- 1. Not approve staff's recommendation.

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

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DATE: 1-7-16
TO: Vern Krahn
CC: Roger Mollendorf; Adriana Fralick
FROM: Iris Yowell, Deputy District Attorney
RE: Ross Gold Park Improvement

You asked us to investigate the extent to which Residential Construction Tax (RCT) funds can be used for non brick and mortar aspects of park construction and improvement.

Issue Presented:

Is the City permitted to use RCT funds to pay for planning, design, plan document development, and construction management of park construction and/or park improvement projects?

Answer:

Yes.

Analysis

In my review of NRS 278.4983, chapter 15.60 of the CCMC, and opinion letters from other governmental agencies in Nevada, I have not found any prohibition on the use of RCT expenses on the planning, design, plan document development, or project management aspects of an otherwise permissible neighborhood park construction/improvement project.

Assembly Bill 25, signed into law and effective May 2015, clarified NRS 278.4983 to make clear that improvements to existing parks are allowable uses of RCT funds. As part of that clarification, the term “improvement of facilities” was defined to mean “the expansion, modification, redesign, redevelopment or enhancement of existing facilities or the installation of new or additional facilities.” NRS 278.4983(8)(b). In addition, NRS 278.4983(5) was amended to specifically disallow maintenance and operational expenses from the set of allowable uses for RCT funds. NRS 278.4983(5)(b).

While the term “facilities” is defined in NRS 278.4983(8)(a) to refer to various components of a park, there is every reason to expect that the term “improvement” is to be construed similarly for improvements to parks 278.4983(5)(a), and improvements to facilities 278.4983(5)(b).

The definition of “improvement” given by revised NRS 278.4983, as well as the specific exclusion of maintenance and operational expenses, counsels for an interpretation of allowable RCT expenses that is broader than only brick and mortar type expenses. Of particular importance is the inclusion of “redesign” in the definition of improvements.

Conclusion

It is this office’s opinion that RCT funds may be used because planning, design, and project management expenses are necessary aspects of the overall park improvement project.