



STAFF REPORT

Report To: Board of Supervisors

Meeting Date:

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action: (1) regarding a business impact statement concerning a proposed ordinance repealing the Shade Tree Council; and (2) to introduce, on first reading, a proposed ordinance repealing the Shade Tree Council. (Nancy Paulson, npaulson@carson.org)

Staff Summary: This item is for the first reading of a proposed ordinance which, if enacted, will repeal chapter 2.18 of the Carson City Municipal Code ("CCMC") establishing the Shade Tree Council. NRS 237.080 requires a business impact statement to be prepared whenever an ordinance by the adoption of which the governing body of a local government exercises legislative powers. The business impact statement finds that the proposed ordinance will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

Agenda Action: Ordinance - First Reading

Time Requested: 5 Minutes

Proposed Motion

I move to approve the business impact statement as presented and introduce the ordinance on first reading.

Board's Strategic Goal

Efficient Government

Previous Action

December 7, 2015 - the Shade Tree Council voted unanimously to recommend to the Board of Supervisors discontinuation of the Shade Tree Council.

January 19, 2017 - the Board of Supervisors voted unanimously to accept the recommendation of the Shade Tree Council.

Background/Issues & Analysis

The Shade Tree Council was created by the enactment of Ordinance No. 1993-23 in 1993 for the purpose of advising the Board of Supervisors on matters concerning the development, maintenance, management and promotion of a safe, healthy and attractive urban forest in Carson City. At its December 7, 2015 meeting, the Shade Tree Council discussed the difficulty in filling seats on the advisory body due to a lack of interest from members of the community and the fact that much of the purpose of the Shade Tree Council was already being met by the Carson City Department of Parks and Recreation ("Parks Department"). As a result of this discussion, the Shade Tree Council voted unanimously to recommend to the Board of Supervisors discontinuation of the Shade Tree Council and to incorporate the purpose, mission and vision of the Council into the functions of the Parks Department. At its January 19, 2017 meeting, the Board of Supervisors voted unanimously to accept the recommendation. Since that time, the Shade Tree Council has not held any meetings and there is no current membership. However, both the Parks Department and the Carson City

Department of Public Works employ arborists as City staff who guide plan review, maintenance and other matters related to urban forestry in Carson City. In addition, other Parks Department staff and volunteers - park rangers, Americorps VISTA members and Open Space personnel - have assumed the community education component of urban forestry management. Furthermore, Carson City has been designated a Tree City USA which was made possible due to the City's comprehensive approach to addressing tree safety, reforestation, managing disease or decay and maintaining tree inventory. With the Board of Supervisors' previous action to discontinue the Shade Tree Council and with City staff having assumed functions dedicated to proper urban forestry, this agenda item serves essentially as a procedural formality for the removal of those provisions of CCMC that have become obsolete.

As an exercise of legislative powers, the introduction and adoption of an ordinance by the governing body of a local government such as the Board of Supervisors requires the preparation of a business impact statement in accordance with NRS Chapter 237. But because there are no trade associations or businesses that are likely to be affected by the ordinance and therefore there is no person or entity to whom notice could be given regarding the introduction of this ordinance, the contents of the business impact statement are mostly inapplicable. However, a completed business impact statement has been prepared and is attached to this agenda item in compliance with the statutory procedural requirement.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 237; art. 2 of the Carson City Charter

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

- 1. Do not accept the business impact statement or modify the business impact statement.
- 2. Do not introduce the ordinance on first reading or modify the ordinance.

Attachments:

[BIS - Shade Tree Council Repeal.pdf](#)

[Ordinance_Shade Tree Council Repeal.docx](#)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)



BUSINESS IMPACT STATEMENT

This Business Impact Statement was prepared in accordance with the provisions of NRS (Nevada Revised Statutes) 237.030 to 237.150, inclusive, as a statutory prerequisite to the adoption of any rule***, as that term is defined in NRS 237.060, by the Carson City Board of Supervisors.

*** A "rule" may include an ordinance, or an action taken by the Board, that imposes, increases or changes the basis for the calculation of a fee which is paid in whole or in substantial part by businesses. A "rule" **does not** include actions that impose, increase or change the basis for the calculation of: (1) special assessments imposed pursuant to NRS chapter 271; (2) impact fees imposed pursuant to NRS chapter 278B; (3) fees for remediation imposed pursuant to NRS chapter 540A; (4) taxes ad valorem; (5) sales and use taxes; or (6) a fee that has been negotiated pursuant to a contract between a business and Carson City. A "rule" also **does not** include: an action taken by the Board that approves, amends or augments the annual budget of Carson City; an ordinance adopted by the Board pursuant to a provision of NRS chapter 271, 271A, 278, 278A, 278B or 350; an ordinance adopted or action taken by the Board that authorizes or relates to the issuance of bonds or other evidence of debt of Carson City; or any rule for which Carson City does not have the authority to consider less stringent alternatives, including, for example, a rule that Carson City is required to adopt pursuant to a federal or state statute or regulation or to a contract into which Carson City has entered.

ORDINANCE OR ACTION PROPOSED FOR ADOPTION

AN ORDINANCE RELATING TO ADMINISTRATION; REPEALING THE SHADE TREE COUNCIL; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

1. *The manner in which notice was provided to the applicable trade associations and officers of businesses likely to be affected by the proposed ordinance or action, and a summary of any data, arguments or comments received from those recipients:*

a. Notice

N/A. There are no trade associations or officers of businesses likely to be affected by the ordinance and therefore no person to whom a notice is required to be given.

b. Summary of comments

N/A

2. *The estimated economic effect of the proposed ordinance or rule on businesses, including both adverse and beneficial effects, and both direct and indirect effects:*

a. Adverse effects:

N/A

b. Beneficial effects:

N/A

c. Direct effects:

N/A

d. Indirect effects:

N/A

3. *The methods considered by the Carson City Board of Supervisors to reduce the impact of the proposed ordinance or action on businesses and whether any of those methods were used:*

N/A

4. *Estimate of the annual cost to Carson City for enforcement of the proposed ordinance or action:*

N/A

5. *The total annual amount of money expected to be collected as a result of the new fee or increase in fee proposed by the ordinance or action, and the manner in which the money will be used:*

N/A

6. *The proposed ordinance or action DOES DOES NOT include any provisions which duplicate or are more stringent than Federal, State or local standards regulating the same activity.*

7. *The reasons for the conclusions regarding the impact of the proposed ordinance or action:*

N/A

8. *Based on the information considered, it has been determined that this proposed ordinance or rule:*

DOES DOES NOT impose a direct and significant economic burden upon a business.

[] DOES [X] DOES NOT directly restrict the formation, operation or expansion of a business.

Pursuant to NRS 237.090(3), this Business Impact Statement was prepared and made available for public inspection by the Carson City Manager's Office at the time the agenda notice on which the proposed ordinance or rule described in this statement is included was posted.

Pursuant to NRS 237.090(2), I, Nancy Paulson, the City Manager of Carson City, hereby certify that to the best of my knowledge and belief the information contained herein was properly prepared and is accurate.

Nancy Paulson
Signature

3/10/21
Date

Nancy Paulson
Printed Name

SUMMARY: An ordinance repealing the Shade Tree Council.

BILL NO. ____

ORDINANCE No. 2021-____

AN ORDINANCE RELATING TO ADMINISTRATION; REPEALING THE SHADE TREE COUNCIL; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 2 (ADMINISTRATION AND PERSONNEL), Chapter 2.18 (SHADE TREE COUNCIL) is hereby repealed with reservation of the chapter as follows:

Chapter 2.18 [~~SHADE TREE COUNCIL~~] Reserved.
(Editor’s note: Ord. No. 2021-____, § I, adopted _____, 2021, repealed Chapter 2.18 – SHADE TREE COUNCIL.

SECTION II:

That no other provisions of the Carson City Municipal Code are affected by this ordinance.

SECTION III:

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2021.

PROPOSED on _____, 2021.

PROPOSED by Supervisor _____.

PASSED on _____, 2021.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____
ABSENT: SUPERVISORS: _____

LORI BAGWELL
Mayor

ATTEST:

AUBREY ROWLATT
Carson City Clerk-Recorder

TEXT OF REPEALED SECTIONS

Chapter 2.18 [~~SHADE TREE COUNCIL~~

Sections:]

[~~2.18.010 - Creation of shade tree council.~~

- ~~1.— There is hereby established the Carson City shade tree council.~~
- ~~2.— The council shall consist of 7 members appointed by the board of supervisors.~~
- ~~3.— The purpose of the shade tree council is to provide the board of supervisors with advice on matters concerning the development, maintenance, management and promotion of a safe, healthy and attractive urban forest in Carson City. The advice provided to the board may include recommendations on management, planning, education, interagency cooperation, resource development and other related matters.]~~

[~~2.18.020 - Membership and term of office.~~

- ~~1.— All members of the council must be qualified electors of Carson City.~~
- ~~2.— All members of the council serve 2 year terms which commence and end on January 1st.~~
- ~~3.— Upon recommendation of the shade tree council, the board of supervisors may remove for cause any member of the council for dereliction of duty, nonparticipation, failure to attend more than 75 percent of the regularly scheduled meetings of the council or for any other reason shown to be just cause.~~
- ~~4.— All members of the shade tree council serve without compensation.]~~

[~~2.18.030 – Meetings and officers.~~

- ~~1.— A majority of the council constitutes a quorum.~~
- ~~2.— The council meets at the call of the chairperson or upon a decision of the majority of the members.~~
- ~~3.— At its first regularly scheduled meeting of every calendar year the council shall elect from its membership a chairperson and a vice chairperson. The chairperson and vice chairperson hold office for 1 calendar year or until their successors are determined.~~
- ~~4.— The council must hold at least 1 regularly scheduled meeting per quarter.]~~