



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** November 17, 2022

Staff Contact: Nancy Paulson, City Manager

Agenda Title: For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 119, a proposed ordinance repealing the Carson City building permit enterprise fund advisory committee. (Nancy Paulson, npaulson@carson.org)

Staff Summary: This item is for the second reading of a proposed ordinance which, if enacted, will repeal the Carson City building permit enterprise fund advisory committee ("Advisory Committee").

Agenda Action: Ordinance - Second Reading **Time Requested:** 5 minutes

Proposed Motion

I move to approve, on second reading, Bill No. 119, Ordinance No. _____.

Board's Strategic Goal

Efficient Government

Previous Action

October 20, 2022 (Item 14B): The Board of Supervisors ("Board") voted unanimously to introduce Bill No. 119 on first reading.

March 6, 2008 (Item 8): The Board adopted Bill No. 104, Ordinance No. 2008-5, which created the Advisory Committee.

Background/Issues & Analysis

Carson City maintains an enterprise fund which was created pursuant to NRS 354.612 "exclusively for building permit fees, fees imposed for the issuance of barricade permits and fees imposed for encroachment permits. The purpose of the enterprise fund is to recover the costs of operating the activity for which the fund was created, including overhead." Carson City Municipal Code ("CCMC") 2.42.020. Under certain circumstances, Nevada law requires a local government that establishes an enterprise fund to also create an advisory committee to review the operations of, and make recommendations relating to, the enterprise fund.

On March 6, 2008, the Board adopted Bill No. 104, Ordinance No. 2008-5, which created the Advisory Committee. However, upon a recent review of the City's boards, commissions and committees, it was determined that the Advisory Committee discontinued meetings several years ago and currently has no membership. After reviewing the relevant provisions of state law and consultation with the Nevada Department of Taxation, it was further determined that Carson City is not under a legal obligation to maintain the Advisory Committee.

Because Carson City has no legal duty to maintain the Advisory Committee and also because the Advisory Committee ceased to operate several years ago and has no current membership, those provisions of CCMC governing the Advisory Committee are obsolete. This proposed ordinance is intended to repeal CCMC Chapter 2.42, thereby removing the obsolete provisions relating to the Advisory Committee.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapters 237 and 244; Article 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

Do not adopt the ordinance on second reading, modify the ordinance and/or provide alternative direction.

Attachments:

[Ordinance_Enterprise Fund Advisory Committee Repeal_Second Reading.docx](#)

Board Action Taken:

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

(Vote Recorded By)

SUMMARY: An ordinance repealing the Carson City building permit enterprise fund advisory committee.

BILL NO. 119

ORDINANCE NO. 2022-_____

AN ORDINANCE RELATING TO ADMINISTRATION; REPEALING THE CARSON CITY BUILDING PERMIT ENTERPRISE FUND ADVISORY COMMITTEE; 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 2.42 (CARSON CITY BUILDING PERMIT ENTERPRISE FUND ADVISORY COMMITTEE) is hereby repealed with reservation of the chapter as follows:

Chapter 2.42 – [~~CARSON CITY BUILDING PERMIT ENTERPRISE FUND ADVISORY COMMITTEE~~] Reserved.

(Editor’s note: Ord. No. 2022- , § I, adopted on 2022, repealed Chapter 2.42 – CARSON CITY BUILDING PERMIT ENTERPRISE FUND ADVISORY COMMITTEE)

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 2022.

PROPOSED on _____, 2022.

PROPOSED by Supervisor _____.

PASSED on _____, 2022.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS:
ABSENT: SUPERVISORS:

LORI BAGWELL
Mayor

ATTEST:

AUBREY ROWLATT
Carson City Clerk-Recorder

TEXT OF REPEALED SECTIONS

Chapter 2.42 [~~CARSON CITY BUILDING PERMIT ENTERPRISE FUND ADVISORY COMMITTEE~~]

[~~2.42.010 Definitions.~~

~~As used in this section:~~

~~"Barricade permit" means the official document issued by the city engineer which authorizes the placement of barricade appurtenances or structures within a public right-of-way.~~

~~"Building permit" means the official document or certificate issued by the Carson City chief building official which authorizes the construction of a structure.~~

~~"Encroachment permit" means the official document issued by the city engineer which authorizes construction activity within a public right-of-way.~~

~~"Operating cost" means the amount paid by the city for supplies, services, salaries, wages and employee benefits to provide the services associated with issuing building permits.~~

2.42.020 Purpose.

~~Carson City has created an enterprise fund pursuant to NRS 354.612 exclusively for building permit fees, fees imposed for the issuance of barricade permits and fees imposed for encroachment permits. The purpose of the enterprise fund is to recover the costs of operating the activity for which the fund was created, including overhead. There is hereby established pursuant~~

~~to NRS 354.59893 et seq. an advisory committee to be known as the Carson City building permit enterprise fund advisory committee.~~

~~2.42.030 Organization.~~

- ~~1. This committee shall consist of five members who shall be appointed by the board.~~
- ~~2. The committee shall be composed of:
 - ~~a. 1 member who shall be a representative of the residential construction industry;~~
 - ~~b. 1 member who shall be a representative of the commercial development industry;~~
 - ~~c. 1 member who shall be a representative of the construction industry;~~
 - ~~d. The Carson City finance director; and~~
 - ~~e. The Carson City chief building official.~~~~

~~2.42.040 Membership requirements.~~

~~The 3 representative members of the Carson City building permit fund advisory committee shall be qualified electors of Carson City. Applicants who are members of the Builders Association of Western Nevada and/or the Carson city chamber of commerce shall be given preference provided all other qualifications are equal.~~

~~2.42.050 Term of office.~~

- ~~1. All terms will be for 4 years except that the Carson City staff member positions shall be for as long as they hold said positions.~~
- ~~2. Members whose terms have expired shall continue to serve until their successors have been appointed.~~
- ~~3. Terms of office shall commence and end on January 1st.~~

~~2.42.060 Meetings and officers — Legislative procedure — Removal of member — No compensation.~~

- ~~1. The committee shall establish by laws setting the frequency and dates of meetings.~~
- ~~2. The committee shall meet in regular session and shall elect from their members a chairman and a vice chairman at the first regular meeting conducted each calendar year. Officers shall hold office for 1 calendar year or until their successors are named.~~
- ~~3. The city shall provide a secretary for each and every meeting of the committee.~~
- ~~4. The committee shall by recorded vote, adopt rules and regulations for governing procedure and shall adopt appropriate by laws by which to be governed.~~
- ~~5. A majority shall constitute a quorum.~~
- ~~6. The committee members shall receive no compensation.~~

2.42.070 Removal for cause.

Upon recommendation of the committee, the board may remove for cause any commissioner for:

1. Dereliction of duty;
2. Nonparticipation;
3. Poor attendance;
4. For any other reason shown as just cause.

2.42.080 Duties and responsibilities.

1. The committee shall act in advisory capacity to the board.
2. The committee may issue opinions and recommendations to the board concerning, without limitation:
 - a. The adequacy of the fees that the city charges for barricade permits, encroachment permits and building permits;
 - b. The financial objectives and annual budget of the program for the issuance of barricade permits, encroachment permits and building permits; and
 - c. Any other relevant issue related to the operation of the enterprise fund.

2.42.090 Severability.

If any of the provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not impair the other provisions of this chapter. To this end the provisions of this chapter are declared to be severable.]