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**LATE MATERIAL**  
**Item #: 14A**  
**Meeting Date: 3/16/23**

**MEMORANDUM**

To: Mayor and Board of Supervisors  
Cc: Hope Sullivan, Community Development Director  
From: Dan Yu, Assistant District Attorney  
Date: March 15, 2023  
Re: *March 16, 2023, Board of Supervisors Meeting – agenda item 14.A (proposed ordinance repealing CCMC chapter 17.10)*

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Item 14.A on the Board of Supervisors agenda for its March 16, 2023, meeting is for the possible introduction, on first reading, of a proposed ordinance repealing in its entirety Carson City Municipal Code (“CCMC”) chapter 17.10, which sets forth various provisions governing certain common open space development in Carson City. Upon further review of the draft ordinance after agenda publication, the District Attorney’s Office is proposing the following language to be added to Section IV of the ordinance as an additional transitory provision:

The amendatory provisions of this ordinance repealing chapter 17.10 of CCMC do not apply to an application filed before March 3, 2023, and the disposition of such an application must be controlled by the applicable sections of CCMC as they existed before the effective date of this ordinance.

Although the draft ordinance would operate the same if adopted in its current form, the foregoing language would explicitly establish the disposition of an application that was filed before March 3, 2023. Because this additional language may provide further legislative clarity with respect to the applicability of former provisions of CCMC if the proposed ordinance is adopted by the Board of Supervisors after second reading, the language is recommended for inclusion in the draft ordinance.

Inclusion of the additional transitory language in the proposed ordinance would not require the ordinance to revert to first reading a second time because the revision does not substantively affect the ordinance, including the ordinance summary or title, and does not affect publication requirements for the ordinance.