

Item # 10

**City of Carson City
Agenda Report**

Date Submitted: July 23, 2007

Agenda Date Requested: August 2, 2007

Time Requested: 10 Minutes

To: Board of Supervisors

From: Patrick Pittenger, Transportation Program Manager

Subject Title: Action to introduce on first reading Bill No. _____ An ordinance amending Carson City municipal code Title 11 HIGHWAYS AND SIDEWALKS, Chapter 11.20 REGIONAL STREET AND HIGHWAY COMMISSION, Section 11.20.037 MEETINGS, NOTICE OF MEETINGS, POWERS AND DUTIES OF THE COMMISSION, by allowing the commission to purchase or acquire real property or real property interests in the name of Carson City and other matters properly related thereto.

Staff Summary: This is an Amendment to the Meetings, Notice of Meetings, Powers and Duties of the Commission, paragraph 4, item b allowing for the RTC to acquire property for street rights-of-way without requiring the Board of Supervisors to also take action.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to introduce on first reading Bill No. _____ An ordinance amending Carson City municipal code Title 11 HIGHWAYS AND SIDEWALKS, Chapter 11.20 REGIONAL STREET AND HIGHWAY COMMISSION, Section 11.20.037 MEETINGS, NOTICE OF MEETINGS, POWERS AND DUTIES OF THE COMMISSION, by allowing the commission to purchase or acquire real property or real property interests in the name of Carson City and other matters properly related thereto.

Explanation for Recommended Board Action: With increased traffic congestion on major roadways in Carson City, additional right-of-way is required to reconstruct/widen Capital Improvement Program transportation projects. This Amendment allows for the RTC to acquire property for streets rights-of-way without requiring the Board of Supervisors to also take action.

Applicable Statute, Code, Policy, Rule or Regulation: Amended CCMC 11.20.037

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Board of Supervisors retain sole authority to purchase right-of-way, and property acquisitions for street projects will continue to go before both the Regional Transportation Commission and Board of Supervisors.

Supporting Material: Proposed ordinance attached.

Prepared By: Patrick Pittenger, Transportation Program Manager

Reviewed By:

[Signature]
(Department Head)

Date: 7/23/07

[Signature]
(City Manager)

Date: 7/24/07

Melanie Burkett
(District Attorney)

Date: 7-24-07

Nancy Paulson
(Finance Director)

Date: 7/24/07

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

ORDINANCE NO. _____

BILL NO. _____

AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 11 HIGHWAYS AND SIDEWALKS, CHAPTER 11.20 REGIONAL STREET AND HIGHWAY COMMISSION, SECTION 11.20.037 MEETINGS, NOTICE OF MEETINGS, POWERS AND DUTIES OF THE COMMISSION, BY ALLOWING THE COMMISSION TO PURCHASE OR ACQUIRE REAL PROPERTY OR REAL PROPERTY INTERESTS IN THE NAME OF CARSON CITY AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: That section 11.20.037 of the CC Municipal Code is hereby amended as follows:

11.20.037 Meetings, notice of meetings, powers and duties of the commission.

1. The commission shall meet at such times and places as the members of the commission may deem necessary and proper, but at least one meeting shall be held in each calendar month.
2. The commission shall exercise or perform those powers and duties specifically granted to them and enumerated in NRS Chapter 373 and shall exercise or perform said powers and duties in the mode and manner set forth in the aforementioned chapter.
3. All decisions, acts and resolutions of the commission shall be by majority vote of its membership. A tie vote shall have the effect of no decision and no action shall be taken.
4. For the purpose of this section a “decision on a road project” is a decision to:
 - a. Spend more than ten thousand dollars (\$10,000.00) on the study or design of,
 - b. Purchase **or acquire real property or real** property **interests in the name of Carson City** for, or
 - c. Authorize the use of the power of eminent domain to acquire property for, or
 - d. Commence construction of, a new road, or an expansion or extension of an existing road to add additional road surface.
5. Notice of the time and place of a meeting of the Regional Transportation Commission or the board of supervisors which involves a decision on a road project shall be given to all record property owners as shown on the latest equalized assessment rolls whose property is within three hundred (300) feet of any project by sending written notice to those property owners by U.S. mail or hand delivery at least ten (10) days before the meeting. The notice shall also contain a general description of the project and its general location. The notice requirement of this section does not apply to: maintenance or resurfacing of existing roads, studies of general traffic conditions, studies prepared for updates of master plans, or decisions about traffic control devices. A certificate of mailing or delivery signed and dated by a city official shall be considered conclusive proof that the persons

listed on the certificate were given proper notice as required by this section. Any action taken in violation of this section is void.

Section II: That no other provisions of Chapter 11.20 of the CCMC are affected by this ordinance.

PROPOSED on _____ (month) _____ (day), 2007

PROPOSED by Supervisor _____

PASSED _____ (month) _____ (day), 2007

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

MARV TEIXEIRA, MAYOR

ATTEST:

ALAN GLOVER, CLERK/RECORDER.

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year, 2007.