# Carson City Agenda Report

Date Submitted: November 27, 2012

Agenda Date Requested: December 6, 2012

Time Requested: 15 minutes

To: Mayor and Board of Supervisors

From: Larry Werner, City Manager

**Subject Title:** For possible action: To appoint one member to the Carson City Regional Transportation Commission for a two year term that expires December 31, 2014. (*Larry Werner*)

Staff Summary: NRS Chapter 277A.170 and C.C.M.C. 11.20.030 provide for the creation and organization of a five (5) member Regional Street and Highway Commission. Staggered two-year terms are served by two (2) members of the Board of Supervisors and three (3) representatives of the city at large. Members of the RTC also serve on the Carson Area Metropolitan Planning Organization (CAMPO). There is one vacancy due to a member's term expiring. A reappointment request was received from Jim Mallery. No other applications were received.

Type of Action Requested: (check one)
() Resolution () Ordinance () Other (Specify)
(X) Formal Action/Motion (Decify)
Does This Action Require A Business Impact Statement: () Yes (X) No
Recommended Board Action: I move to appoint to the Carson
Recommended Board Action: I move to appoint to the Carson City Regional Transportation Commission for two year term that expires December 31, 2014.
Explanation for Recommended Board Action: See Staff Summary
Applicable Statute, Code, Policy, Rule or Regulation: NRS 277A.170, C.C.M.C. 11.20.030
Fiscal Impact: None
Explanation of Impact: n/a
Funding Source: n/a
Alternatives: Re-open the position for additional applicants

Supporting Material: Recruitment Announcement, Current Roster, Incumbent Attendance

Record, Reappointment Request, NRS Chapter 277A.170, C.C.M.C. 11.20.030

Prepared By: Laura A. Banks, Executive Offices

Reviewed 1	(City Manager)  (District Attorney)  (Finance Director)		Date: $\frac{U/2}{2}$ Date: $\frac{U/2}{27}$	2/12 1/12
Board Acti	on Taken:			
Motion:		1) 2)		Aye/Nay
(Vote Re	ecorded By)			



# REGIONAL TRANSPORTATION COMMISSION

The Carson City Board of Supervisors is seeking applications from persons interested in serving on the Regional Transportation Commission. The RTC is the policy making body on transportation issues within Carson City who's purpose is to establish priorities and recommend appropriate funding for transportation improvement projects. The members of the Regional Transportation Commission also serve on the Carson Area Metropolitan Planning Organization Board (CAMPO) to discuss and take action on federal monies spent on transportation and transit projects within the Carson Metropolitan Planning Area.

# There is one (1) position open for a term that expires December 31, 2014.

The Commission meets on the second Wednesday of the month at 4:30 p.m. after the adjournment of the CAMPO meeting. Applicants should be prepared for a minimum commitment of up to ten hours a month. The position shall serve without compensation.

Applications will be accepted until November 1, 2012. Interviews for this volunteer position are tentatively planned to be held at the regularly scheduled Board of Supervisors meeting on Thursday, November 15, 2012.

Volunteer applications may be obtained from the Carson City Executive Offices or on our website. Thank you for your interest in assisting Carson City.

CARSON CITY EXECUTIVE OFFICES

201 N. Carson Street #2 Carson City, Nevada 89701 (775) 887-2100 FAX 887-2286

E-Mail: <a href="mailto:lbanks@carson.org">lbanks@carson.org</a>
Web Page: <a href="mailto:http://www.carson.org/volunteer">http://www.carson.org/volunteer</a>
AN EQUAL OPPORTUNITY EMPLOYER

## REGIONAL TRANSPORTATION COMMISSION

<u>MEMBER</u>	<u>APPOINTMENT</u>	TERM EXPIRES
BOS John McKenna Supervisor Ward 3 201 N Carson St. Ste. 2 Carson City, NV 89701 883-2908 (w) 450-2260 (c) john@mckennacpa.com	Initial Appt. 01/12	12/2013
Shelly Aldean (Chair) Supervisor Ward 2 201 N. Carson St. Ste. 2 Carson City, NV 89701 885-8282 (w) 887-1355 (h) 721-0794 (c) shelly@tristatecommercial.com	Initial Appt. 01/03 Reappt. 12/04; 12/06; 12/08	12/2012
Citizens at Large Jim Mallery (Vice-Chair) 2736 Foxhill Dr. Carson City, NV 89706 883-8655 (h) 722-8655 (c)	Initial Appt. 01/09 Reappt. 12/10	12/2012
James Smolenski 513 W. 4 <sup>th</sup> St. Carson City, NV 89703 882-2644 (w) 691-1467 (c) 1smolenski@att.net	Initial Appt. 01/12	12/2013
Charles DesJardins PO Box 2281 Carson City, NV 89702 884-9448 (h) 721-9964 (c) crdj@interqwest.com	Initial Appt. 03/03 Reappt. 12/03; 12/05; 12/07 12/09; 01/12	12/2013

<u>AUTHORITY:</u> CCMC 11.20.010 created the five (5) member Regional Transportation Commission per NRS 277A.170. CCMC 11.20.030 states the commission is composed as follows:

- a. Two (2) members of the Board of Supervisors, one of whom must be designated by the commission to serve as chairman;
- b. Three (3) representatives of the city at large.

CCMC 11.20.030 states that one representative of the commission who is a member of the BOS and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even numbered year. One representative of the commission who is a member of the BOS and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year. Members serve a 2-year term (reappointment OK).

Continued next page...

MEETINGS: On the second Wednesday of each month

<u>PURPOSE</u>: (See NRS 277A.210 for exact details) RTC is set up to establish priorities and recommend appropriate funding for transportation improvement projects within Carson City.

Liaison: Patrick Pittenger, Transportation Manager 283-7396 ppittenger@carson.org

Attorney Assignment: Tina Russom 283-7050 trussom@carson.org

- END DATA -

# Regional Transportation Commission Incumbent Attendance Record

Jim Mallery

Initial appointment: January 2009
46 meetings held since appointment; 1 absence

## October 31, 2012

AECLIVED

OCT 31 2012

Laura Banks Management Assistant Carson City Executive Offices Carson City, NV. 89701 CARSON CITY EXECUTIVE OFFICES

Dear Laura,

Please consider this letter a request to be <u>re</u>appointed for a third consecutive two year term on the Regional Transportation Commission/ CAMPO. This is consistent with your instructions in the attached letter. Thank you!

Sincerely,

lim Maller



# ——— CARSON CITY, NEVADA ====

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

October 2, 2012

Mr. Jim Mallery 2736 Foxhill Drive Carson City, NV 89706

Subject: Regional Transportation Commission

Dear Mr. Mallery,

Your current appointment as a member of the Regional Transportation Commission will expire in December of this year. We very much appreciate the time and energy you have given to Carson City during your term. If you are still interested in serving on the commission, please submit a statement in writing to us requesting reappointment.

If you are not interested in being reappointed, please also notify us in writing.

Carson City Executive Offices

Fax: 887-2286

Attn: Laura Banks

201 N. Carson Street, Suite #2

amakano.

- Email: <u>lbanks@carson.org</u>

Carson City, NV 89701

We would appreciate having your response as soon as possible. If we do not receive a response by **November 1, 2012**, we will assume that you do not wish to be reappointed.

Thank you for your participation in making this city wonderful!

Sincerely,

Laura A. Banks

**Executive Offices** 

#### **ESTABLISHMENT**

NRS 277A.170 Creation by ordinance in certain counties. In any county for all or part of which a streets and highways plan has been adopted as a part of the master plan by the county or regional planning commission pursuant to NRS 278.150, the board may by ordinance create a regional transportation commission.

(Added to NRS by 2009, 839)

NRS 277A.180 Composition; selection and terms of representatives.

1. In counties whose population is 100,000 or more, the commission must be composed of representatives selected by the following entities from among their members:

(a) Two by the board.

- (b) Two by the governing body of the largest city in the county. (c) One by the governing body of each additional city in the county.
- 2. In counties whose population is less than 100,000, the commission must be composed of representatives selected as follows:

(a) If the county contains three or more cities:

(1) Two by the board.
(2) One by the governing body of the largest city.
(b) If the county contains only two cities:

(1) Three by the board, at least one of whom is a representative of the public who is a resident of the county.

2) One by the governing body of each city in the county.

(c) If the county contains only one city:
(1) Two by the board.
(2) One by the governing body of the city.
(d) If the county contains no city, the board shall select:

(1) Two members of the board; and

(2) One representative of the public, who is a resident of the largest town, if any, in the county.

3. In Carson City, the commission must be composed of representatives selected by the Board of Supervisors as follows: (a) Two members of the Board of Supervisors, one of whom must be designated by the commission to serve as chair of

(b) Three representatives of the city at large.

4. The first representatives must be selected within 30 days after passage of the ordinance creating the commission, and, except as otherwise provided in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered except as otherwise provided in subsections 5, 6 and 7, must serve until the next ensuing December 31 of an even-numbered year. The representative of any city incorporated after passage of the ordinance must be selected within 30 days after the first meeting of the governing body, and, except as otherwise provided in subsection 7, must serve until the next ensuing December 31 of an even-numbered year. Their successors must serve for terms of 2 years, and vacancies must be filled for the unexpired term.

In Carson City: (a) One representative of the commission who is a member of the Board of Supervisors and one representative of the commission who is a representative of the city at large must serve until the next ensuing December 31 of an even-numbered

(b) One representative of the commission who is a member of the Board of Supervisors and two representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered

6. In counties whose population is 100,000 or more, but less than 400,000:

(a) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an even-numbered year; and

(b) One representative selected by the board and one representative selected by the governing body of the largest city in the county must serve until the next ensuing December 31 of an odd-numbered year.

7. In counties whose population is 400,000 or more, the first representatives and the representative of any city incorporated after passage of the ordinance must serve until the next ensuing June 30 of an odd-numbered year.

(Added to NRS by 2009, 839)

#### POWERS AND DUTIES

NRS 277A.200 Organization and meetings. The commission shall provide for its organization and meetings. (Added to NRS by 2009, 840)

NRS 277A.210 Capacity to sue and be sued; budgets; bylaws and rules; plans for transportation; insurance against loss. A commission may:

1. Sue and be sued.

2. Prepare and approve budgets for the regional street and highway fund, the public transit fund and money it receives from any source.

3. Adopt bylaws for the administration of its affairs and rules for the administration and operation of facilities under its

4. Conduct studies, develop plans and conduct public hearings to establish and approve short-range and regional plans for transportation.

### 11.20.010 - Authority.

This chapter is enacted pursuant to the authorization contained in NRS Chapter 373. Carson City is a consolidated municipality of the state of Nevada having a population of less than one hundred thousand (100,000) as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce and has adopted a street and highway plan for Carson City embracing the territory of only one (1) municipal corporation therein.

#### 11.20.020 - Definitions.

As used in this chapter:

- "Commission" means the regional street and highway commission.
- "Dealer" means and includes every person who:
  - Refines, manufactures, compounds, or otherwise produces motor vehicle fuel and sells or distributes the same in Carson City;
  - Imports motor fuel into Carson City and sells or distributes the same therein, whether in the
    original package or container in which it is imported or otherwise, or who uses the motor vehicle
    fuel in Carson City after having imported the same;
  - Having acquired motor vehicle fuel in Carson City in the original package or container, distributes
    or sells the same in such original package or container, or otherwise, or in any manner uses the
    same; or
  - d. Otherwise acquires in Carson City for sale, use or distribution in Carson City motor vehicle fuel with respect to which there has been no prior taxable sale use or distribution;
  - "Dealer" shall not include any person who shall import into Carson City motor vehicle fuel in quantities of five hundred (500) gallons or less purchased from a supplier who is licensed as a dealer under Chapter 365, Nevada Revised Statutes, and who shall assume liability for the collection and remittance of the applicable excise tax to Carson City.
- 3. "Department" means the Nevada Department of Motor Vehicles.
- 4. "Distributees" or "distribution." All motor vehicle fuel, sold, donated, consigned for sale, bartered, used or in any way voluntarily disposed of so as to terminate the ownership and possession thereof by the dealer or any other person who imports such motor vehicle fuel owned by him shall be deemed to be distributed and considered as distribution under this chapter.
- 5. "Highway" means every way or place of whatever nature open to the use of the public for purpose of surface traffic, including highways under construction.
- 6. "Motor vehicle" means and includes every self- propelled motor vehicle, including tractors, operated on a surfaced highway.
- 7. "Motor vehicle fuel" means and includes gasoline, natural gasoline, casinghead gasoline and any other inflammable or combustible liquid, by whatever name such liquid may be known or sold, the chief use of which in this state is for the propulsion of motor vehicles, motorboats or airplanes. Kerosene gas oil, fuel oil, jet aircraft fuel, diesel fuel and liquefied petroleum gas shall not be considered motor vehicle fuel for the purpose of this chapter.
- 8. "Person" means and includes every natural person, association, firm or partnership, corporation, municipal corporation, quasi-municipal corporation, political subdivision, governmental agency, trustee, receiver and the legal representative or representatives of the estate of any deceased person and their agents.
- "Retaller" means and includes every person, other than a dealer as defined in subsection 2 engaged in the business of selling motor vehicle fuel.
- 10. "Tax Commission" means the Nevada Tax Commission and its duly authorized agents.

#### 11.20.030 - Creation and organization of regional street and highway commission.

- The board does hereby create the regional street and highway commission of Carson City, state of Nevada.
- 2. The commission shall be composed of representatives to be selected as follows by the board:
  - Two (2) members of the board of supervisors one of whom must be designated by the commission to serve as chairman of the commission;
  - b. Three representatives of the city at large.

(Ord. 1999-18 § 2, 1999).

11.20.035 - Terms and regulations of commission.



- One representative of the commission who is a member of the board of supervisors and one
  representative of the commission who is a representative of the city at large must serve until the next
  ensuing December 31 or an even numbered year; and
- 2. One representative of the commission who is a member of the board of supervisors and two (2) representatives of the commission who are representatives of the city at large must serve until the next ensuing December 31 of an odd-numbered year.
- Commission members shall serve terms of two (2) years and any vacancles shall be filled for the
  unexpired term.
- 4. The commission shall adopt such rules and regulations as are not in conflict with this chapter, Chapter 373 of the 1966 Statutes of Nevada, or any other law of the state of Nevada for the organization of the commission and the conduct of its business.

#### 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.
- 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.
- 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 \$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.

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 properly owners as shown on the latest equalized assessment rolls whose property is within 300 feet of any project by sending written notice to those property owners by U.S. mail or hand delivery at least 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.

(Ord. 2007-25 § 1, 2007: Ord. 1998-40 § 2, 1998).

#### 11.20.040 - Administration.

- 1. Prior to the effective date of this chapter, the board shall contract with the Nevada Tax Commission to perform all functions incident to the administration and operation of this chapter.
- The Nevada Tax Commission, upon execution of the aforesaid contract, shall be empowered to administer and enforce all of the provisions of this chapter pertaining to the collection of all taxes provided herein.
- The Nevada Tax Commission shall have power to make all necessary rules and regulations and
  prescribe all necessary forms or other requirements for the purpose of making the administration of this
  chapter effective.
- 4. That subsections 1, 2, and 3 herein refer to the original ordinance enacted pursuant to NRS Chapter 373. That ordinance prescribes an excise tax of \$0.02 per gallon, and therefore Carson City shall amend the contract made under NRS 373.070(4) by a contract made between Carson City and the state acting by and through the department prior to the effective date of the ordinance codified in subsections 1, 2, and 3 herein unless Carson City determines with the written concurrence of the commission that no such amendment of the contract is necessary or desirable.

(Amended by Ord. 1977-3 § 2, 1977).

#### 11.20.045 - Audit examination and inquiry.

1. The Nevada Tax Commission, for and on behalf of Carson City, shall have power, by itself or by its duly authorized agents, to make any audit, examination or inquiry of and concerning the records, stocks, facilities, equipment and transactions of dealers, retailers of petroleum products and carriers thereof, and such other investigations as it may deem necessary in carrying out the provisions of this chapter.