



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** October 5, 2017

**Staff Contact:** Nick Marano, City Manager

**Agenda Title:** For Possible Action: To appoint one member to the Nevada Commission for the Reconstruction of the V&T Railway from among the members of the Carson City Board of Supervisors or who is a designee of the Board of Supervisors, pursuant to Section 3 of the Nevada Commission for the Reconstruction of the V&T Railway Act of 1993, as amended by Senate Bill No. 57 from the 2017 Legislative Session.

**Staff Summary:** As amended the Commission must be composed of five Commissioners as follows:(a) One member appointed by the Board of Supervisors of Carson City from among its members or who is a designee of the Board of Supervisors of Carson City; (b) One member appointed by the Board of County Commissioners of Storey County from among its members or who is a designee of the Board of County Commissioners of Storey County; (c) One member appointed by the Board of the Carson City Convention and Visitors Bureau from among its members or who is a designee of the Board; (d) One member appointed by the Virginia City Tourism Commission from among its members or who is a designee of the Commission; and (e) One member appointed by the Governor.

**Agenda Action:** Formal Action/Motion

**Time Requested:** 5 mins

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## **Proposed Motion**

I move to appoint \_\_\_\_\_ to the Nevada Commission for the Reconstruction of the V&T Railway pursuant to Section 3 of the Nevada Commission for the Reconstruction of the V&T Railway Act of 1993, as amended by Senate Bill No. 57 from the 2017 Legislative Session.

## **Board's Strategic Goal**

N/A

## **Previous Action**

N/A

## **Background/Issues & Analysis**

N/A

## **Applicable Statute, Code, Policy, Rule or Regulation**

Section 3 of the Nevada Commission for the Reconstruction of the V&T Railway Act of 1993.

## **Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

**Alternatives**

N/A

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Vote Recorded By)

CHAPTER.....

AN ACT relating to the Nevada Commission for the Reconstruction of the V & T Railway; removing certain boards of county commissions from the governing bodies of the Commission; revising the membership of the Commission; eliminating authority for the Commission to enter into agreements with the district attorney or treasurer of certain counties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes the Nevada Commission for the Reconstruction of the V & T Railway, provides that the governing bodies of the Commission are the Board of Supervisors of Carson City and the Boards of County Commissioners of Douglas, Lyon, Storey and Washoe Counties and authorizes each of those counties to appoint a representative to the Commission. (Sections 1-3 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993) **Section 1** of this bill removes the Board of County Commissioners of Douglas, Lyon and Washoe Counties from the governing bodies of the Commission. **Section 2** of this bill makes conforming changes.

**Section 3** of this bill revises the composition of the Commission to: (1) remove the commissioners appointed by Douglas, Lyon and Washoe Counties, the Virginia and Truckee Historical Railroad Society, the Speaker of the Assembly and the Senate Majority Leader; (2) authorize the Carson City Convention and Visitors Bureau and the Virginia City Tourism Commission to each appoint a member to the Commission from among its members or a designee of the Bureau or Commission, as applicable; and (3) provide that the member appointed to the Commission by the Board of Supervisors of Carson City or the Board of County Commissioners of Storey County may be appointed from among its members or a designee of the respective Board. **Section 4** of this bill makes conforming changes.

**Section 7** of this bill provides that the terms of the Commissioners who have been removed expire on October 1, 2017.

Under existing law, each governing body of the Commission is required to provide funding for the Commission’s budget that is based on the benefit of the Commission or reconstruction of the V & T Railway to the jurisdiction of the governing body. Existing law also authorizes each governing body to issue bonds and impose certain taxes in order to fund its portion of the Commission’s budget. (Section 9 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993) Because **section 1** of this bill removes the Board of County Commissioners of Douglas, Lyon and Washoe Counties from the governing bodies of the Commission, those counties will no longer have to fund any portion of the Commission’s budget. However, if any of those counties have issued bonds to fund its share of the Commission’s budget before October 1, 2017, **section 8** of this bill provides that the provisions of this bill do not apply to impair any existing bond or bond obligations.

Existing law authorizes the Commission to enter into an agreement with the District Attorney of Carson City, or Douglas, Lyon, Storey or Washoe County to provide legal services to the Commission. Existing law also authorizes the Commission to enter into an agreement with the Treasurer of any of those counties to create a fund and pay all claims that are approved by the Commission. (Section 8 of the V & T Railway Act of 1993) **Section 5** of this bill eliminates the authority to



enter into an agreement with the District Attorney or Treasurer of Douglas, Lyon and Washoe Counties. **Section 6** makes a conforming change. **Section 9** of this bill terminates on October 1, 2017, any agreement entered into by the Commission with a district attorney or the Treasurer of Douglas, Lyon or Washoe County.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Section 1 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of Nevada 2001, at page 400, is hereby amended to read as follows:

Section 1. As used in this act, unless the context otherwise requires:

1. “Commission” means the Nevada Commission for the Reconstruction of the V & T Railway created pursuant to section 2 of this act.

2. “Commissioner” means a person ~~appointed to serve~~ *who serves* on the Commission pursuant to section 3 of this act.

3. “County” includes Carson City.

4. “Governing bodies” means the Board of Supervisors of Carson City and the ~~Boards~~ *Board* of County Commissioners of ~~Douglas, Lyon,~~ Storey ~~and Washoe counties.~~ *County*.

**Sec. 2.** Section 2 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of Nevada 2001, at page 400, is hereby amended to read as follows:

Sec. 2. 1. The Nevada Commission for the Reconstruction of the V & T Railway of Carson City and ~~Douglas, Lyon,~~ Storey ~~and Washoe counties~~ *County* is hereby created.

2. The property and revenues of the Commission, and any interest therein, are exempt from all state and local taxation.

3. The Commission is a body corporate and politic, the geographical jurisdiction of which is Carson City and ~~Douglas, Lyon,~~ Storey ~~and Washoe counties.~~ *County*.

4. The provisions of this act must be broadly construed to accomplish its purposes.



**Sec. 3.** Section 3 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as amended by chapter 42, Statutes of Nevada 2001, at page 400, is hereby amended to read as follows:

Sec. 3. 1. The Commission must be composed of ~~nine~~ **five** Commissioners ~~appointed~~ as follows:

(a) One member ~~who is a member of~~ **appointed by** the Board of Supervisors of Carson City ~~appointed by the Board of Supervisors of Carson City;~~ **from among its members or who is a designee of the Board of Supervisors of Carson City;**

~~(b) One member appointed by the Board of County Commissioners of Douglas County from among its members;~~

~~—(c) One member appointed by the Board of County Commissioners of Lyon County from among its members;~~

~~—(d) One member appointed by the Board of County Commissioners of Storey County from among its members;~~

~~—(e) One member appointed by the Board of County Commissioners of Washoe County from among its members;~~

~~—(f) One member appointed by the Virginia and Truckee Historical Railroad Society from among its members;~~

~~—(g) One member appointed by the Speaker of the Assembly;~~

~~—(h) One member appointed by the Senate Majority Leader; and~~

~~—(i) or who is a designee of the Board of County Commissioners of Storey County;~~

**(c) One member appointed by the Board of the Carson City Convention and Visitors Bureau from among its members or who is a designee of the Board;**

**(d) One member appointed by the Virginia City Tourism Commission from among its members or who is a designee of the Commission; and**

**(e) One member appointed by the Governor.**

2. ~~If the Virginia and Truckee Historical Railroad Society ceases to exist but is replaced by an entity which is organized for the same purposes, that entity is entitled to appoint the member pursuant to paragraph (f) of subsection 1. If the society ceases to exist and is not replaced, the number of commissioners is reduced to eight and no member may be appointed pursuant to paragraph (f) of subsection 1.~~

~~—3. The terms of the two members serving on the Commission pursuant to paragraph (a) of subsection 1 on July 1, 2001, expire on that date.~~ As soon as practicable after



~~July 1, 2001,~~ **October 1, 2017**, the appointing authorities shall make any appointments required by subsection 1. All of the appointments must be for initial terms of 1, 2 or 3 years to ensure staggered terms. After the initial terms, the term of office of each **appointed** commissioner is 4 years. A member is eligible for reappointment.

~~4.~~ **3.** The office of a member who is required as a qualification for appointment to be a member of the body appointing the member **or an employee of a county** becomes vacant on the date he or she ceases to be a member of that appointing body ~~f~~

~~5.~~ **or an employee of that county.**

**4.** Each **appointed** commissioner serves at the pleasure of his or her appointing authority, and all vacancies must be filled for the unexpired term in the same manner as the original appointment.

**Sec. 4.** Section 4 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as last amended by chapter 98, Statutes of Nevada 2013, at page 339, is hereby amended to read as follows:

Sec. 4. 1. ~~Each~~ **The** commissioner appointed pursuant to paragraph (b) ~~f, (e), (d) or (e)~~ **or (d)** of subsection 1 of section 3 of this act shall file his or her oath of office with the **county** clerk of ~~the county from which the commissioner was appointed,~~ **Storey County**, and all other commissioners shall file their oaths of office with the Clerk of Carson City.

2. The commissioners must serve without compensation, but a commissioner may be reimbursed for expenses actually incurred for travel authorized by the Commission.

3. The Commission shall elect a Chair, Vice Chair, Secretary and Treasurer from among its members. The Secretary and the Treasurer may be one person. The terms of the officers expire on July 1 of each odd-numbered year.

4. The Secretary shall maintain audio recordings or transcripts of all meetings of the Commission and a record of all of the proceedings of the Commission, minutes of all meetings, certificates, contracts and other acts of the Commission. Except as otherwise provided in NRS 241.035, the records must be open to the inspection of all interested persons at a reasonable time and place. A copy of the minutes or audio recordings must be made available to a member of



the public upon request at no charge pursuant to NRS 241.035.

5. The Treasurer shall keep an accurate account of all money received by and disbursed on behalf of the Commission. The Treasurer shall file with the Clerk of Carson City, at the expense of the Commission, a fidelity bond in an amount not less than \$10,000, conditioned for the faithful performance of his or her duties.

**Sec. 5.** Section 8 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, being chapter 566, Statutes of Nevada 1993, as last amended by chapter 99, Statutes of Nevada 2001, at page 586, is hereby amended to read as follows:

Sec. 8. 1. The Commission may enter into an agreement with the district attorney of Carson City or ~~{Douglas, Lyon,}~~ Storey ~~{or Washoe}~~ County, or ~~{any combination thereof,}~~ *both*, to provide legal services to the Commission. The Commission may authorize payment to the district attorney for the costs to the district attorney for providing those services.

2. The Commission shall enter into an agreement with the Treasurer of Carson City or ~~{Douglas, Lyon,}~~ Storey ~~{or Washoe}~~ County to create a fund for the Commission and pay all claims against the fund that are properly approved by the Commission. The Commission may authorize payment to the Treasurer for the costs to the Treasurer for providing those services.

3. All money received by the Commission must be deposited in the fund created pursuant to subsection 2. Except as otherwise provided in NRS 482.37945, the money in the fund must be used only for the necessary expenses of the Commission and the costs of the projects authorized by this act.

**Sec. 6.** NRS 482.37945 is hereby amended to read as follows:

482.37945 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Northern Nevada Railway Foundation or its successor, shall design, prepare and issue license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad using any colors that the Department deems appropriate. The design of the license plates must include a depiction of a locomotive of the Virginia & Truckee Railroad and the phrase "The Virginia & Truckee Lives." The Department shall



not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be distributed pursuant to subsection 5.

5. The Department shall transmit the fees collected pursuant to subsection 4 to the treasurer with whom the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and ~~Douglas, Lyon,~~ Storey ~~and Washoe Counties~~ County has entered into an agreement as required by subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993, for deposit in the fund created pursuant to that section. The fees transmitted pursuant to this subsection must be used only for the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad.

6. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:



(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

**Sec. 7.** Notwithstanding any provision of law to the contrary, the terms of the members appointed to the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties pursuant to section 3 of the Nevada Commission for the Reconstruction of the V & T Railway Act of 1993, as that section existed on September 30, 2017, expire on October 1, 2017.

**Sec. 8.** The provisions of this act do not apply to the extent that the provisions would constitute an impairment of the rights of holders of the bonds or similar obligations issued by the State of Nevada or a political subdivision thereof. If there are any such outstanding bonds or obligations, the State of Nevada and its officers and agencies shall take whatever actions that are deemed necessary to protect the interests of the State and the rights of the holders of the bonds and similar obligations.

**Sec. 9.** 1. Any agreement entered into by the Nevada Commission for the Reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe Counties pursuant to subsection 1 of section 8 of chapter 566, Statutes of Nevada 1993, with the District Attorney of Douglas, Lyon or Washoe County to provide legal services to the Commission that is effective on September 30, 2017, is terminated on October 1, 2017.

2. Any agreement entered into by the Commission pursuant to subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993, with the Treasurer of Douglas, Lyon or Washoe County to create a fund for the Commission and pay claims against the fund that is effective on September 30, 2017, is terminated on October 1, 2017.



