



STAFF REPORT

Report To:	Board of Supervisors	Meeting Date:	February 7, 2019
Staff Contact:	Nancy Paulson, City Manager		
Agenda Title:	For Possible Action: To approve an Interlocal Agreement between Carson City and the Nevada Department of Taxation for the Department to perform all functions incident to the administration or operation of the V&T Railroad Sales Tax enacted by the City in accordance with NRS 377B.110. (Nancy Paulson, npaulson@carson.org)		

Staff Summary: On December 6, 2018, the Board of Supervisors approved Ordinance No. 2018-16, Bill No. 119 amending Title 21, Chapter 21.06 of the Carson City Municipal Code to revise various provisions relating to the purpose, imposition, refund and use of the V & T Railroad Sales Tax which was previously enacted by the Board in 2005 as Ordinance No. 2005-31, Bill No. 130. Consistent with NRS Chapter 377B, the Board also executed in 2006 an interlocal agreement with the Department of Taxation for the performance of functions incident to the administration or operation of the sales tax in the City. Since the execution of the 2006 agreement, legislative amendments have been made to NRS Chapter 377B.100. This proposed agreement includes references to those changes in state law for full legal compliance and supersedes the 2006 agreement if executed. Ordinance No. 2018-16, Bill No. 119 cannot become effective until the effective date of this proposed agreement.

Agenda Action:	Formal Action / Motion	Time Requested:	Consent
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Proposed Motion

I move to approve the Interlocal Agreement between Carson City and the Nevada Department of Taxation as proposed.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

3/30/2006 - The Board of Supervisors approved an Interlocal Agreement between Carson City and the State of Nevada Department of Taxation for the Department to perform all functions incident to the administration or operation of the V&T Railroad Sales Tax (enacted by Carson City Ordinance No. 2005-31) in accordance with Nevada Revised Statutes (NRS) 377B.110(5).

11/1/2018 - The Board adopted an amended Plan of Expenditure for the V & T Railroad Sales Tax authorizing the City to expend any sales tax accumulated to date and remaining each fiscal year, after sufficient sales tax has been set aside to pay debt service on bonds secured by the tax, on certain street and highway preservation and rehabilitation projects.

12/6/2018 - the Board of Supervisors approved Ordinance No. 2018-16, Bill No. 119 amending Title 21, Chapter 21.06 of the CCMC to revise various provisions relating to the purpose, imposition, refund and use of the V & T Railroad Sales Tax.

Background/Issues & Analysis

Carson City, through its Board of Supervisors, and consistent with NRS 377B.100 as enacted by Carson City Ordinance No. 2005-31, Bill No. 130, increased the sales and use tax in Carson City by one eighth of one percent which is pledged for the payment of interest and principal on the bonds known as the V & T historical bonds, and any bonds issued to refund the V & T historical bonds.

This ordinance was amended by Carson City Ordinance No. 2018-16, Bill No. 119 to revise various provisions of CCMC Chapter 21.06 relating to the purpose, imposition, refund and use of the V & T Railroad Sales Tax that was necessary after the amendment to the original plan of expenditure was approved on November 1, 2018.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 377B; CCMC Title 21, Chapter 21.06

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

N/A

Attachments:

[VT Interlocal Agreement_CCDA edits V2_CLEAN.DOCX](#)

[Exhibit A Interlocal Agreement Taxation.pdf](#)

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

Interlocal Agreement

THIS AGREEMENT is made and entered into this ____ day of _____, 20____, by and between Carson City, a consolidated municipality and political subdivision of the State of Nevada, and the State of Nevada Department of Taxation, the “Department,” hereinafter referred to from time to time individually as “Party” and collectively as the “Parties.”

WHEREAS, Carson City, through its Board of Supervisors, and consistent with Nevada Revised Statutes (NRS) 377B.100 as enacted by Carson City Ordinance No. 2005-31, Bill No. 130, increased the sales and use tax in Carson City by one eighth of one percent which is pledged for the payment of interest and principal on the bonds known as the V&T historical bonds, and any bonds issued to refund the V&T historical bonds; and

WHEREAS, NRS 377B.110 (5) further provides that any such ordinance must include a provision requiring Carson City to enter into a contract with the Department to perform all functions incident to the administration or operation of the tax in Carson City, and the Parties intend that this Agreement serve as the required contract; and

WHEREAS, Carson City has adopted Ordinance No. 2005-31, Bill No. 130 imposing the tax and setting the rate at one-eighth of 1 percent effective April 1, 2006 (the “Ordinance”);

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, Carson City and the Department agree as follows:

1. The Department shall perform all functions incident to the administration or operation of the tax enacted by the Ordinance in accordance with NRS 377B.110(5).
2. The Parties agree that the amount and the manner by which compensation to be paid by Carson City to the Department for the cost of collecting the taxes, and the amount and the manner by which the collected taxes will be remitted to Carson City, must be in accordance with the provisions of NRS 377B.130 and any amendments thereto.
3. Carson City agrees that the Department shall have the power to make all necessary rules and regulations and prescribe all necessary forms or other requirements for the purpose of making the administration of the Ordinance effective.

4. The Department shall have all the powers, duties, and responsibilities as provided by the Ordinance and Chapter 374 of NRS and all amendments thereto, and any other State laws pertaining to the collection of sales and use taxes.
5. If any term or provision of this Agreement is deemed to be invalid or unenforceable to any extent, the remainder of this Agreement will not be affected thereby, and each remaining term and provision of this Agreement will be valid and be enforced to the fullest extent permitted by the law.
6. No waiver of any breach of any covenant or provision contained herein will be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision contained herein. No extension of time for performance of any obligation or act will be deemed an extension of the time for performance of any other obligation or act except those of the waiving Party, which will be extended by a period of time equal to the period of the delay.
7. This Agreement is binding upon and inures to the benefit of the permitted successors and assigns of the Parties hereto. Neither Party may assign any of the rights or delegate any of the duties of this Agreement without the express written consent of the other Party.
8. Except as otherwise expressly provided herein, this Agreement supersedes in its entirety the “Interlocal Agreement” previously entered into by and between the Parties, dated March 31, 2006, a copy of which along with related materials are together attached hereto as Exhibit A, and this Agreement now constitutes the entire contract between the Parties and may not be modified except by mutual agreement, in writing and signed by both Parties.
9. The Parties hereto expressly agree that this Agreement will be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of Nevada.

(remainder of this page left intentionally blank; signatures to follow on next page)

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be duly executed on its behalf by an authorized representative.

CARSON CITY, NEVADA

By: _____
Robert Crowell, Mayor

Dated this _____ day of _____, 2019

ATTEST:

Aubrey Rowlett, Clerk-Recorder

APPROVED AS TO FORM:

By: _____
District Attorney

DEPARTMENT OF TAXATION

By.: _____

Dated this _____ day of _____, 2019

APPROVED AS TO FORM:

By: _____

**MINUTES AND BACK UP FOR
A SPECIAL MARCH 30, 2006,
MEETING**

CARSON CITY BOARD OF SUPERVISORS
Special Meeting of March 30, 2006
Page 1

A special meeting of the Carson City Board of Supervisors was held on Thursday, March 30, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 12 noon.

PRESENT:	Marv Teixeira	Mayor
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Andrew Burnham	Acting City Manager/Public Works Director
	Alan Glover	Clerk-Recorder
	Tom Minton	Finance Director
	Melanie Bruketta	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(SBOS 3/30/06 Recording 11:58:23)	

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE - Mayor Teixeira convened the meeting at 12 noon. Roll call was taken. The entire Board was present, constituting a quorum. Acting City Manager Burnham led the Pledge of Allegiance.

CITIZEN COMMENTS (12:00:18) - None.

1. FINANCE - ACTION TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN CARSON CITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, AND THE STATE OF NEVADA DEPARTMENT OF TAXATION, THE "DEPARTMENT", COLLECTIVELY THE "PARTIES" (12:00:21) - Finance Director Tom Minton introduced the item. Mayor Teixeira noted that this item had fallen through the cracks and should have been approved sometime ago. Questions/comments were solicited. The importance of the contract was noted. Supervisor Aldean corrected the spelling of the Mayor's name on the signature page. Supervisor Aldean moved to approve the Interlocal Agreement between Carson City, a political subdivision of the State of Nevada, and the State of Nevada Department of Taxation, the "Department", collectively the "Parties". Supervisors Williamson and Staub seconded the motion. Motion carried 5-0.

2. ACTION TO ADJOURN (12:01:40) - Supervisor Aldean moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 12:02 p.m.

A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

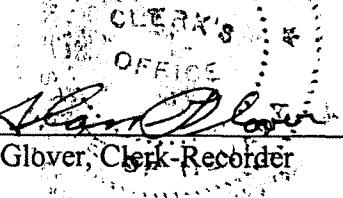
The Minutes of the March 30, 2006, Carson City Board of Supervisors Special Meeting

CARSON CITY BOARD OF SUPERVISORS
Special Meeting of March 30, 2006
Page 2

ARE SO APPROVED ON April 20, 2006.


Marv Teixeira
Marv Teixeira, Mayor

ATTEST:


Alan Glover
Alan Glover, Clerk-Recorder


Carson City Consolidated Municipality
Notice of a Special Meeting of the
Carson City Board of Supervisors

Alan Glover
Recorder

Packet

Day: Thursday
Date: March 30, 2006
Time: Beginning at 12:00 Noon
Location: Community Center, Sierra Room
851 East William Street
Carson City, Nevada

AGENDA

Call to Order

Roll Call

Pledge of Allegiance

Citizen Comments on Non-agendized Items

1. Finance

Action to approve the Interlocal Agreement between Carson City, a political subdivision of the State of Nevada, and the State of Nevada Department of Taxation, the "Department," collectively the "Parties".

Staff Summary: Carson City, through its Board of Supervisors, and consistent with NRS 377B.100 as enacted by Carson City Ordinance No. 2005-31, Bill No. 130, increased the sales and use tax in Carson City by one eighth of one percent which is pledged for the payment of interest and principal on the bonds known as the V&T historical bonds, and any bonds issued to refund the V&T historical bonds, and further provides that any such ordinance must include a provision requiring the County to enter into a contract with the Department to perform all functions incident to the administration or operation of the tax in Carson City, and the Parties intend that this Agreement serve as the required contract.

2. Action to Adjourn

Copies of information related to the above items can be viewed at the reference desk at the Carson City Public Library.

Titles of agenda items are intended to identify specific matters. If you desire detailed information concerning any subject matter itemized within this agenda, you are encouraged to call the responsible agency or the City Manager's Office. You are encouraged to attend this meeting and participate by commenting on any agendized item.

"Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Manager's Office in writing at 201 North Carson Street, Carson City, NV, 89701, or by calling (775)887-2100 at least 24 hours in advance."

This meeting can be viewed on Channel 26.

*This agenda and backup information are available on the City's website at
<http://www.carson-city.nv.us/bcc/bos-e-agendas.htm>*

This notice has been posted at the following locations:

Community Center • 851 East William Street
Public Safety Complex • 885 East Musser Street
City Hall • 201 North Carson Street
Carson City Library • 900 North Roop Street

Date: Wednesday, March 22, 2006

**City of Carson City
Agenda Report**

Date Submitted: 03/20/2006

Agenda Date Requested: 03/30/2006
(Special Meeting)

To: Mayor and Supervisors

Agenda Time: 12:00 p.m.

From: Tom Minton, Finance Director

Subject Title: Action to approve the Interlocal Agreement between Carson City, a political subdivision of the State of Nevada, and the State of Nevada Department of Taxation, the "Department," collectively the "Parties".

Staff Summary: Carson City, through its Board of Supervisors, and consistent with NRS 377B.100 as enacted by Carson City Ordinance No. 2005-31, Bill No. 130, increased the sales and use tax in Carson City by one eighth of one percent which is pledged for the payment of interest and principal on the bonds known as the V&T historical bonds, and any bonds issued to refund the V&T historical bonds, and further provides that any such ordinance must include a provision requiring the County to enter into a contract with the Department to perform all functions incident to the administration or operation of the tax in Carson City, and the Parties intend that this Agreement serve as the required contract.

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 approve the Interlocal Agreement between Carson City, a political subdivision of the State of Nevada, and the State of Nevada Department of Taxation, the "Department," collectively the "Parties".

Explanation for Recommended Board Action: N/A

Applicable Statute, Code, Policy, Rule or Regulation: NRS 377B.110, Interlocal Agreement attached.

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Do not approve the Interlocal Agreement.

Supporting Material: Interlocal Agreement.

3/20/06 3rd to Shannell
Shannell 11

Prepared By: Tom Minton, Finance Director

Reviewed By: _____ Date: _____
(Department Head)
: Clark P. Johnson Date: 3-21-06
(City Manager)
: Melanie Bonkette Date: 3-21-06
(District Attorney)
: Tom Minton Date: 3/21/06
(Finance Director)

Board Action Taken:

Motion: App. 1) SA 5 O
2) RW Aye/Nay _____

AD
(Vote Recorded By)

Interlocal Agreement

THIS AGREEMENT is made and entered into this 31st day of March, 2006, by and between Carson City, a political subdivision of the State of Nevada, and the State of Nevada Department of Taxation, the "Department," collectively the "Parties."

WHEREAS, Carson City, through its Board of Supervisors, and consistent with NRS 377B.100 as enacted by Carson City Ordinance No. 2005-31, Bill No. 130, increased the sales and use tax in Carson City by one eighth of one percent which is pledged for the payment of interest and principal on the bonds known as the V&T historical bonds, and any bonds issued to refund the V&T historical bonds, and

WHEREAS, NRS 377B.110 (5) further provides that any such ordinance must include a provision requiring the County to enter into a contract with the Department to perform all functions incident to the administration or operation of the tax in Carson City, and the Parties intend that this Agreement serve as the required contract; and

WHEREAS, Carson City has adopted Ordinance No. 2005-31, Bill No. 130 imposing the tax and setting the rate at one-eighth of 1 percent effective April 1, 2006 (the Ordinance);

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, Carson City and the Department agree as follows:

1. The Department shall administer and enforce all provisions of Ordinance No. 2005-31, Bill No. 130 pertaining to the collection of all taxes provided for in said Ordinance.

2. Carson City shall reimburse the Department for the costs of collecting the tax imposed by the Ordinance. The amount of collection costs to be reimbursed by Carson City hereunder shall be computed in the manner provided by NRS 374.785 (3). Before distributing any revenue to Carson City pursuant to paragraph 3 below, the Department shall deduct said collection costs from the amount to be distributed.

3. Subject to paragraph 2, above, the Department shall distribute to Carson City, on a monthly basis, the revenue collected pursuant to this Agreement. With each distribution, the Department shall provide the Carson City Treasurer with a monthly statement setting forth the amount collected and any collection costs deducted by the Department.

4. Carson City agrees that the Department shall have the power to make all necessary rules and regulations and prescribe all necessary forms or other requirements for the purpose of making the administration of the Ordinance effective.

5. The Department shall have all the powers, duties, and responsibilities as provided by the Ordinance and Chapter 374 of the Nevada Revised Statutes and all

amendments thereto, and all other State laws pertaining to the collection of sales and use taxes.

6. If any term or provision of this Agreement is deemed to be invalid or unenforceable to any extent, the remainder of this Agreement will not be affected thereby, and each remaining term and provision of this Agreement will be valid and be enforced to the fullest extent permitted by law.

7. No waiver of any breach of any covenant or provision contained herein will be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision contained herein. No extension of time for performance of any obligation or act will be deemed an extension of the time for performance of any other obligation or act except those of the waiving party, which will be extended by a period of time equal to the period of the delay.

8. This Agreement is binding upon and inures to the benefit of the permitted successors and assigns of the parties hereto. None of these parties shall assign any of the rights or delegate any of the duties of this Agreement without the express written consent of the other party.

9. Except as otherwise expressly provide, this Agreement (including all Exhibits attached hereto) constitutes the entire contract between the Parties hereto and may not be modified except by an instrument in writing signed by the party to be charged.

10. The Parties hereto expressly agree that this Agreement will be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of Nevada.

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be duly executed on its behalf by an authorized representative.

CARSON CITY, NEVADA

By: Marv Teixeira
Marv Teixeira, Mayor

Dated this 30th day of March, 2006.

ATTEST:

Alan Glover
Alan Glover, Clerk/Recorder

APPROVED AS TO FORM:

By: Melanie Bruckett for Noel
Noel Waters, District Attorney

DEPARTMENT OF TAXATION

By: Charles E. Chinnock
Charles E. Chinnock, Director

Dated this 31st day of March, 2006.

Approved as to form:

By: Karen Dickerson
Karen Dickerson, Deputy Attorney General

CERTIFICATE OF POSTING OF NOTICE OF PUBLIC MEETING

I, Rhonda Price, print name, an employee of Carson City, certify

by signing below that I posted a Notice of Public Meeting, before 5:00 p.m. on the 22 day of March, 2006, at the following location(s):

- Carson City - City Hall, 201 N. Carson Street
- Carson City Community Center, 851 E. William Street
- Carson City Public Safety Complex, 885 E. Musser
- Carson City Library, 900 N. Roop Street

The Notice of Public Meeting I posted was for a **SPECIAL MEETING** of the Carson City **BOARD OF SUPERVISORS** which meeting is scheduled to be held on the 30th day of March 2006.

Rhonda Price
Signature of person posting notice

3/22/06
Date of Signature