

SENATE BILL NO. 480—COMMITTEE ON TAXATION

(ON BEHALF OF THE CITY OF RENO)

MARCH 29, 2005

Referred to Committee on Government Affairs

SUMMARY—Authorizes City Council of City of Reno to dispense with holding of certain hearings in connection with local improvement district created to provide money for certain capital improvement projects. (BDR S-531)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to the City of Reno; authorizing the City Council of the City of Reno, with respect to a local improvement district created by the Council to provide money for certain capital improvement projects, to amend the ordinance creating the district to dispense with the holding of certain hearings; and providing other matters properly relating thereto.

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

1 **Section 1.** Section 6.5 of the Washoe County Taxes on
2 Transient Lodging Act of 1999, being Chapter 432, Statutes of
3 Nevada 1999, as added by Chapter 334, Statutes of Nevada 2001, at
4 page 1572, is hereby amended to read as follows:
5 Sec. 6.5. 1. The City Council of the City of Reno may
6 by ordinance create a local improvement district and levy
7 special assessments within that district to provide money to
8 acquire, establish, construct, expand, equip, improve, operate
9 and maintain capital improvement projects which have been
10 approved by the Truckee Meadows Tourism Facility and



1 Revitalization Steering Committee pursuant to subsection 2
2 of section 6 of this act. If the City Council creates a local
3 improvement district pursuant to this subsection:

4 (a) Except as otherwise provided in this section, the
5 creation of the local improvement district and the levying of
6 the special assessments within that district must be carried out
7 in the manner provided for a street beautification project in
8 chapter 271 of NRS; and

9 (b) The boundaries of the local improvement district must
10 be as prescribed by the City Council in the ordinance creating
11 the district, except that the boundaries must include only
12 property that is located in or within 4 city blocks, as
13 determined by the City Council, of a district described in
14 NRS 268.780 to 268.785, inclusive, in which a 1 percent tax
15 is imposed on the gross receipts from the rental of transient
16 lodging for railroad grade separation projects.

17 2. Any special assessments levied pursuant to this
18 section must be apportioned based on the special benefit
19 derived by the property being assessed from the capital
20 improvement project for which the assessment is being
21 levied. The City Council may use one or any combination of
22 the following methods that, in the determination of the City
23 Council, reflects most accurately the special benefits derived
24 by the property so assessed:

25 (a) A method by which the assessment or a portion
26 thereof is proportionate to the assessed value of the property
27 for purposes of ad valorem taxation, as that value may change
28 from year to year;

29 (b) A method by which the assessment or a portion
30 thereof is proportionate to the number of rooms for which the
31 owner of the property pays the tax on the rental of transient
32 lodging, as that number of rooms may change from year to
33 year;

34 (c) A method by which the assessment or a portion
35 thereof is proportionate to, or otherwise related to, the
36 distance of the property from the project for which the
37 assessment is being levied; or

38 (d) A method by which the assessment or a portion
39 thereof is proportionate to the gross or net square footage of
40 the property that is used for retail sales, gaming, transient
41 lodging or for any other purpose determined by the City
42 Council to be specially benefited by the project for which the
43 assessment is being levied, as that square footage may change
44 from year to year.



1 3. The City Council may determine that certain uses of
2 property will not be specially benefited by a capital
3 improvement project for which the local improvement district
4 is being created. If the City Council makes such a
5 determination, the City Council shall set forth in the
6 ordinance creating the local improvement district:

7 (a) The uses of property that the City Council has
8 determined will not be specially benefited by a capital
9 improvement project for which the local improvement district
10 is being created;

11 (b) A date in each year after the creation of the local
12 improvement district on which the City Council will
13 determine whether each property within the local
14 improvement district is being used, in whole or in part, for
15 such a specified nonbenefited use;

16 (c) Whether a property that is used in part for such a
17 specified nonbenefited use will be assessed and, if so,
18 whether and in what manner the assessment will be reduced
19 to reflect the specified nonbenefited use; and

20 (d) Any other matter that the City Council determines is
21 necessary or desirable in connection with the assessment of
22 properties based in whole or in part on the use of the
23 properties on the date in each year established pursuant to
24 paragraph (b).

25 4. ~~The~~ *Except as otherwise provided in subsection 5,*
26 *the* assessments set forth in the assessment roll with regard to
27 which a hearing is held pursuant to NRS 271.380 must reflect
28 the adjustments, if any, made to assessments based on the use
29 of a property, in whole or in part, for one or more of the
30 nonbenefited uses specified in the ordinance creating the local
31 improvement district pursuant to subsection 3. ~~The~~ *Except as*
32 *otherwise provided in subsection 5 and in* addition to the
33 requirements of subsection 2 of NRS 271.380, the notice of
34 hearing must state that:

35 (a) Any adjustment to the assessments based on the uses
36 made of certain properties as of the date specified pursuant to
37 paragraph (b) of subsection 3 are shown on the assessment
38 roll; and

39 (b) A person who objects to the assessment roll, an
40 adjustment to the assessment roll or any determination made
41 by the City Council in connection with the assessment roll or
42 an adjustment thereto must file an objection in writing in the
43 manner and within the period prescribed by paragraph (e) of
44 subsection 2 of NRS 271.380 and if he fails to do so, his
45 objection shall be deemed waived.



1 5. *The City Council may amend the ordinance creating*
2 *the local improvement district to provide that the hearings*
3 *otherwise required pursuant to NRS 271.378 and 271.380*
4 *not be held. Notwithstanding such action on the part of*
5 *the City Council, the provisions of NRS 271.425 apply to*
6 *the apportionment, combination or reapportionment of*
7 *assessments within the district.*

8 6. Notwithstanding the method or methods of
9 apportionment selected pursuant to subsection 2, the City
10 Council shall, if it determines that an equitable adjustment is
11 appropriate, make an equitable adjustment to an assessment
12 against an irregularly shaped property for which the selected
13 method or methods of apportionment do not result in an
14 assessment that is in proportion to the special benefit that the
15 property derives from the project for which the assessment is
16 being levied.

17 ~~6.1~~ 7. An assessment apportioned pursuant to the
18 method described in paragraph (a) of subsection 2 must not
19 be considered a property tax for the purpose of any limitation
20 on the rate of property taxation.

21 ~~7.1~~ 8. The following determinations made by the City
22 Council are conclusive in the absence of fraud or a gross
23 abuse of discretion:

24 (a) The boundaries of the local improvement district, the
25 specification of uses of properties that are not specially
26 benefited by a capital improvement project for which the
27 assessments are being levied, the method or methods of
28 apportioning the assessments and the special benefits to be
29 derived from the project by the properties being assessed, as
30 made after a hearing on the provisional order for the local
31 improvement district as provided in chapter 271 of NRS; and

32 (b) The apportionment of the assessments against
33 properties in the local improvement district in each year after
34 the creation of the local improvement district, whether or not
35 a property is being used, in whole or in part, for a use that is
36 specified in the ordinance creating the local improvement
37 district as a use which is not specially benefited by the capital
38 improvement project for which the assessments are being
39 levied and any other matter concerning the amounts of the
40 assessments against properties, as made, *except as otherwise*
41 *provided in subsection 5*, after the hearing held on the
42 assessments in the manner provided in NRS 271.378.

43 **Sec. 2.** This act becomes effective upon passage and approval.

