



# Storey County Board of County Commissioners

## Agenda Action Report

Meeting date: September 6, 2016  
minutes

Estimate of time required: 15

Agenda: Consent [ ] Regular agenda [ X ] Public hearing required [ ]

1. **Title:** Consideration and possible approval of Resolution No. 16-445 setting forth reason for authorizing cape sealing of Cartwright Road within Virginia City Highlands for \$114,700.00 as part of county-wide cape sealing program.

2. **Recommended motion:** I move to approve Resolution No.16-445 setting forth the justification for cape sealing of Cartwright Road in the Virginia City Highlands and authorize the chairman to sign.

3. **Prepared by:** Keith Loomis

4. **Department:** District Attorney's Office

**Telephone:** 847-0964

5. **Staff summary:**

Storey County has entered into a Contract with Intermountain Slurry Seal Inc. to do cape sealing of a variety of roadways within Storey County. One of the roadways to be cape-sealed is Cartwright Road in the Virginia City Highlands. The contract with Intermountain Slurry Seal calls for the expenditure of \$114,700.00 to cape seal Cartwright Road. Cartwright Road, in contrast to the other roadways being cape sealed, is not a County-owned roadway. Rather it is owned by the Virginia City Highlands Association. With the passage of SB 29 in the last legislative session (NRS 244.137- 244.146, inclusive) greater authority is given the counties to address matters of local concern. It appears that the cape-sealing of a roadway used by the public, by services and goods providers and by local government for fire and law enforcement services would be a matter of local concern. The Resolution sets forth that rationale. It is not required as a strict legal matter, but it does offer the County's justification for improving a privately-owned roadway with public monies.

5. **Supporting materials:** Resolution No. 16-445

6. **Fiscal impact:**

Funds Available:

Fund:

\_\_\_ Comptroller

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**7. Legal review required:**

District Attorney

**8. Reviewed by:**

\_\_\_\_ Department Head  
\_\_\_\_ County Manager

Department Name:  
Other agency review: \_\_\_\_\_

**9. Board action:**

Approved  
 Denied

Approved with Modifications  
 Continued

Agenda Item No.

**RESOLUTION NO. 16- 445**

**RESOLUTION** Authorizing use of County Funds for Cape-Sealing of Cartwright Road.

**WHEREAS**, NRS 244.137 through NRS 244.146 inclusive have conferred upon boards of county commissioners powers necessary or proper to address matters of local concern for the effective operation of county government, whether or not the powers are expressly granted to the board. If there is any fair or reasonable doubt concerning the existence of a power of the board to address a matter of local concern pursuant to this paragraph, it must be presumed that the board has the power unless the presumption is rebutted by evidence of a contrary intent by the Legislature. NRS 244.146(1)(c); and

**WHEREAS**, Storey County has entered into a contract with Intermountain Slurry Seal, Inc. for the cape sealing of roadways throughout Storey County; and,

**WHEREAS**, a portion of the contract with a value of \$114,700.00 is intended to cover the costs of cape sealing approximately 31,000 square yards of Cartwright Road within the Virginia City Highlands which are owned by the Virginia City Highlands Property Owners Association and have not been accepted for maintenance and repair by Storey County; and,

**WHEREAS**, the roadways within the Virginia City Highlands proposed for cape sealing are open for use by the public, are used by the Storey County Fire Protection District for fire prevention and suppression services, are used by the Storey County Sheriff's Office for law

enforcement purposes and are used by service suppliers and delivery services for the provision of goods and services to the residents of the Virginia City Highlands; and,

**WHEREAS**, matters of local concern are deemed to include matters that affect local public health, safety and welfare in the county, NRS 244.143((2)(a); and,

**WHEREAS**, the cape sealing of Cartwright Road will allow greater access of public safety and fire vehicles, safer use of the road by the residents of the area, safer access by public and private entities providing services in the area and is a function that has been provided by Storey County in the past and does thereby serve a public purpose and is a matter of local concern.

**NOW THEREFORE IS IT HEREBY RESOLVED AS FOLLOWS;**

1. The Board of County Commissioners of Storey County does hereby authorize the expenditure of \$114,700.00 for the cape seal of 31,000 square yards of Cartwright Road within the Virginia City Highlands as part of its county-wide cape sealing project.

**ADOPTED** this \_\_\_\_\_ day of September, 2016.

**BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY**

By: \_\_\_\_\_  
MARSHALL McBRIDE, Chairman

ATTEST:

\_\_\_\_\_  
VANESSA STEPHENS  
Storey County Clerk/Treasurer