

1 Item # 14c

**City of Carson City
Agenda Report**

Date Submitted: August 12, 2008

Agenda Date Requested: August 21, 2008

Time Requested: 10 Minutes

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to find the proposed "Carson City Community Center/Bob Boldrick Theater 2009 usage fees" does impose a direct and significant economic burden on a business or directly restricts the formation, operation, or expansion of a business, that a business impact statement has been prepared, accepted, and is on file with the Board of Supervisors and that the requirements of the act have been met.

Staff Summary: On August 5, 2008, the Parks and Recreation Department conducted a public hearing for a Business Impact Statement in accordance with N.R.S. 237.090 to address the impact of adoption of the proposed "Carson City Community Center/Bob Boldrick Theater fiscal 2008-2009 usage fees". The meeting was held at 6:00 pm in the Bonanza Room of the Community Center. Notices were posted as per N.R.S. 237.090 and directly mailed to 11 businesses known to have used the Community Center/Bob Boldrick Theater in the past. A notice was also sent to the Carson City Chamber of Commerce. No one attended the meeting so there was no public comment at the meeting. A written comment submitted via email was received from one person representing a not-for-profit entity. In their communication they expressed that they: 1) Understand the City's need to raise funds as the City's financial situation is serious, 2) Think keeping the Community Center's doors open is vital, 3) Are concerned over inflation and declining attendance, 4) Are concerned that reducing their bookings to match attendance will result in loss of future facility use opportunities, and 5) Are grateful for all the Board of Supervisors has done to support the arts and trusts that the Board of Supervisors will spread the financial burden in a way that will allow the arts to thrive in Carson City.

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 find the proposed "Carson City Community Center/Bob Boldrick Theater 2009 usage fees" does impose a direct and significant economic burden on a business or directly restricts the formation, operation, or expansion of a business, that a business impact statement has been prepared, accepted, and is on file with the Board of Supervisors and that the requirements of the act have been met.

Explanation for Recommended Board Action: The proposed "Carson City Community Center/Bob Boldrick Theater 2009 usage fees" were discussed by the Parks and Recreation Commission during their March 4, 2008, meeting. The Business Impact Statement for these fees was prepared in accordance with N.R.S. 237.

Applicable Statute, Code, Policy, Rule or Regulation: N.R.S. 237 regarding business impact statements.

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

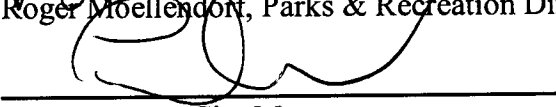
Alternatives: Make the finding that the proposed ordinance does impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business.

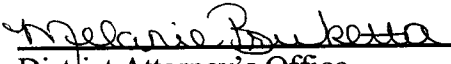
Supporting Material:

- Notice of Public Meeting regarding the proposed "Carson City Community Center/Bob Boldrick Theater 2009 usage fees"
- Business Impact Statement

Prepared By:  **Date:** 8/12/08
Mitch Ames, Facility Operations Manager, Community Center/Theater

Reviewed By:  **Date:** 8/12/08
Roger Moellendorf, Parks & Recreation Director

 **Date:** 8/12/08
Larry Werner, City Manager

 **Date:** 8/12/08
District Attorney's Office

 **Date:** 8/12/08
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay

2: _____

(Vote Recorded By)

NOTICE OF PUBLIC MEETING

CARSON CITY PARKS AND RECREATION DEPARTMENT

DATE: Tuesday, August 5, 2008

TIME: 6:00 p.m. Theater Fees
7:00 p.m. Fairgrounds Fees

LOCATION: Bonanza Room
Carson City Community Center
851 E. William Street
Carson City, Nevada

Summary: The Carson City Parks & Recreation Department will be holding a public meeting to provide information and seek public comment regarding implementation of the 2008-2009 usage fees for the Carson City Fairgrounds at Fuji Park and the Bob Boldrick Theater at the Carson City Community Center. The meeting is open to everyone and public participation is encouraged.

Background: The Carson City Parks and Recreation Department owns and manages the Carson City Fairgrounds located along Old Clear Creek Road adjacent to Fuji Park and the Bob Boldrick Theater located at the Carson City Community Center.

Nevada Revised Statutes, Chapter 237, requires that a municipality considering a new ordinance or amending an old ordinance which is likely to impose a direct and significant economic burden on a business to perform an analysis of the impact and prepare for the record a business impact statement. Businesses will be given the opportunity to review the statement. Please take notice that the business impact statement is now available to members of the public who wish to review it. If you would like to obtain a copy of the statement please contact the Carson City Parks and Recreation Department.

Inquiries: Questions concerning the business impact statement and/or the meeting may be addressed in writing to Roger Moellendorf, 3303 Butti Way, Building #9, Carson City, Nevada, 89701, or by calling 775-887-2363.

This notice has been posted
at the following locations:

CITY HALL, 201 N. Carson Street
CARSON CITY LIBRARY, 900 N. Roop Street
CARSON CITY COMMUNITY CENTER, 851 E. William Street
CARSON CITY PLANNING DIVISION 2621 Northgate Lane, Suite #62
CARSON CITY PARKS & RECREATION DEPT., 3303 Butti Way, Building #9

BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of adoption of the Carson City Community Center/ Bob Boldrick Theater calendar year 2009 usage fees.

1. The following is a description of the manner in which comment was solicited from affected businesses and a summary of their comments:

NOTICE

A notice was mailed and posted notifying that interested persons could submit comments on or before August 5th, 2008 addressed to Mitch Ames Facility Operations Manager Carson City Community Center/Bob Boldrick Theater, 851 East William Street Carson City, NV 89701 Phone: (775) 887-2290 x30419 Fax: (775) 887-2256, and direct mailings were completed to the following businesses:

SPOTLIGHT EVENTS

DANCE WORKSHOP

ALL ABOUT DANCE

GARDNERVILLE GYMNASTICS TUMBLEWEEDS

CREATIVE CONCERT

FASCINATING RHYTHM

RYAN'S DAD INC

DR D'ASCOLI'S OFFICE

SIERRA NEVADA MEDIA GROUP

KINDERLAND NURSERY SCHOOL

EVERGREEN HEALTH & REHABILITATION

SUMMARY OF COMMENTS: One written comment was received.

A written comment submitted via email was received from one person representing a not-for-profit entity. In their communication they expressed that they:

Understand the City's need to raise funds as the City's financial situation is serious

Think keeping the Community Center's doors open is vital

Are concerned over inflation and declining attendance

Are concerned that reducing their bookings to match attendance will result in loss of future facility use opportunities

Are grateful for all the Board of supervisors has done to support the arts and trusts that the Board of Supervisors will spread the financial burden in a way that will allow the arts to thrive in Carson City.

Accordingly, pursuant to NRS 237.080

(2), a rebuttable presumption is created that the proposed policy will impose a direct economic burden upon a business or directly restrict the formation, operation of expansion of a business. Other interested parties may obtain a copy of the business impact statement including a summary of comments by contacting Mitch Ames Facility Operations Manager Carson City Community Center/Bob Boldrick Theater 851 East William Street Carson City, NV 89701 Phone: (775) 887-2290 x3019 Fax: (775) 887-2256

Adverse effects:

The action will increase fees to businesses using the Carson City Community Center /Bob Boldrick Theater. The action may cause such users to reduce or elect not to use the Carson City Community Center/ Bob Boldrick Theater.

Beneficial effects:

The action will simplify the fee structure and enhance revenue commensurate with costs for providing labor, equipment and materials.

Direct effects:

The application of the fees will affect the businesses utilizing the facility.

The actual amount of increase will vary with each user dependent on services/equipment requested.

Indirect effects:

The application of the new fees should not affect other symbiotic business unless the impacted businesses reduce or eliminate their use of the facility.

OBJECTION PROCESS:

If a business believes it is aggrieved by a rule, which term includes the proposed policy, (as defined in NRS 237.060) adopted by Carson City, the business may object by filing a petition in writing with Carson City Parks and Recreation, to Mitch Ames

Facility Operations Manager Carson City Community Center/Bob Boldrick Theater 851 East William Street Carson City, NV 89701 Phone: (775) 887-2290 x3019 Fax: (775) 887-2256

Carson City will accept such petitions for a period of thirty (30) days following approval of the fees for one of the following reasons:

- (a) The governing body failed to prepare a business impact statement as required pursuant to Chapter 237 of NRS; or
- (b) The business impact statement prepared for consideration by the governing body did not consider or significantly underestimated the economic effect of the fees on the business.