

Item # 14A

**City of Carson City
Agenda Report**

Date Submitted: August 12, 2008

Agenda Date Requested: August 21, 2008

Time Requested: 5 Minutes

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to find the proposed "Carson City Fairground 2008/2009 Fees and Charges" does not impose a direct and significant economic burden on a business or directly restrict 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 to address the impact of adoption of the proposed "Carson City Fairground 2008/2009 Fees and Charges." The meeting was held at 7:00 pm in the Bonanza Room of the Community Center. Notices were posted as per N.R.S. 237.080 and directly mailed to seven businesses known to have used the Fairgrounds in the past. A notice was also sent to the Carson City Chamber of Commerce. No one attended the meeting, consequently there was no public comment offered during the public hearing. Since there have been no comments received regarding the fee increase, there is a rebuttable presumption that the proposed rule does not impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business.

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 Fairground 2008/2009 Fees and Charges" does not impose a direct and significant economic burden on a business or directly restrict 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 Fairground 2008/2009 Fees and Charges" were approved by the Parks and Recreation Commission for recommendation to the Board of Supervisors during their July 1, 2008, Commission meeting. The Business Impact Statement for these fees was written 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

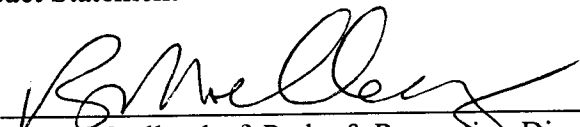
Explanation of Impact: N/A

Funding Source: N/A

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

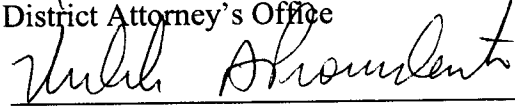
Supporting Material:

- Notice of Public Meeting regarding the proposed "Carson City Fairgrounds 2008/2009 Fees and Charges"
- Business Impact Statement

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

Reviewed By:  **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 Fairgrounds 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 Roger Moellendorf, Parks & Recreation Director, Carson City Parks & Recreation Department, 3303 Butti Way Bldg. 9, Carson City, NV 89701 Phone: (775) 887-2363, Fax: (775) 887-2145, and direct mailings were completed to the following businesses:

American Crown Circus
Arundel Auctions
Fluke Bio Medical
Day Products Ions
Emerald Rose Productions
Michael Hohl
Purple Wave inc.

SUMMARY OF COMMENTS:

There was no attendance, and therefore no comments received.

Accordingly, pursuant to NRS 237.080

(2), a rebut table 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 Roger Moellendorf, Parks & Recreation Director, Carson City Parks & Recreation Department, 3303 Butti Way Bldg. 9, Carson City, NV 89701 Phone: (775) 887-2363, Fax: (775) 887-2145.

Adverse effects:

The action will increase fees to businesses using the Carson City Fairgrounds. The action may cause such users to reduce or elect not to use the Carson City Fairgrounds.

Beneficial effects:

The action will simplify the fee structure and raise revenue commensurate with costs for services.

Direct effects:

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

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 Roger Moellendorf, Parks & Recreation Director, Carson City Parks & Recreation Department, 3303 Butti Way Bldg. 9, Carson City, NV 89701 Phone: (775) 887-2363, Fax: (775) 887-2145.

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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. 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.