### City of Carson City Agenda Report

Hum#8A

Date Submitted: January 27, 2009

Agenda Date Requested: February 5, 2009

Time Requested: 10 Minutes

From: Parks and Recreation Department

**Subject Title:** Action to repeal Resolution No. 2007-R-28 and to adopt Resolution No. 2009-R-"Fees and Policies" that reenacts the provisions of Resolution No. 2007-R-28 but changes the resident non-profit direct cost recovery rate from seventy-five percent (75%) to fifty percent (50%).

**Staff Summary:** Resolution No. 2007-R-28 was adopted by the Board of Supervisors on September 6, 2007. It replaced five existing resolutions that governed policies regarding Parks and Recreation Department fees and charges. This resolution also made changes to some of the policies and consolidated all of the existing policies into one comprehensive resolution. The proposed amendment changes the direct cost recovery rate charged to resident non-profit organizations that use the Theater from seventy-five percent (75%) to fifty percent (50%). This is being recommended in order to mitigate the monetary hardship that increasing costs associated with Theater fees are having on our resident non-profit users of this facility. With this change Item 7 will read:

7. Except as otherwise provided in paragraphs 11 and 12, fees for the resident non-profit use of the Community Theater shall be set at a rate that equals fifty percent (50%) of the direct costs incurred by the Parks and Recreation Department for providing the use of this facility and the direct cost of providing equipment or services related to the rental of this facility.

$(\underline{\mathbf{X}})$	on Requested: (check one) Resolution Formal Action/Motion	() Ordinance () Other (Specify)			
Does This Ac	ction Require A Business In	npact Statement:	() Yes	( <u>X</u> ) No	
Recommend 2009-R-	ed Board Action: I move to "Fees and Policies" that re	repeal Resolution No. eenacts the provisions of	2007-R-28 of Resolutio	and to adopt R n No. 2007-R-	esolution No. 28 but changes

the resident non-profit direct cost recovery rate from seventy-five percent (75%) to fifty percent (50%).

Explanation for Recommended Board Action: On August 21, 2008, the Parks and Recreation Department brought forward for approval proposed 2008/2009 fees for the Community Theater. During this meeting there was public concern expressed that the proposed fees would create a hardship on the resident non-profit organizations that use the Theater for their theatrical and cultural productions. The Board of Supervisors deferred action on this matter and requested staff to work with the Parks & Recreation Commission and users of the theater to minimize the negative impact of the fees. Staff has made changes that reduce the increases to the resident non-profit users. The most significant change has been to reduce the stipulated cost recovery rate in the Resolution from 75% to 50%. The Parks & Recreation Commission reviewed this recommendation during their December 16, 2008, meeting and has made a recommendation to the Board to approve this amendment to the Resolution.

Applicable Statute, Code, Policy, Rule or Regulation:

Fiscal Impact: N/A

Explanation of Impact: With approval the Parks and Recreation Department will be able to impose fees that will minimize the negative impacts to resident non-profit organizations that rent and reserve the Community Center Theater. Funding Source: N/A Alternatives: Deny the request, or approve with revisions. **Supporting Material:** 1) Exhibit A, existing Resolution No 2007-R-28, A Resolution Changing Existing or Adding New Fees Policies. 2) Exhibit B, proposed Resolution No. 2007-R-28 A Resolution Changing Existing or Adding New Fees 3) Minutes of the August 21, 2008, Carson City Board of Supervisors meeting. Date: 1 127 09 Prepared By: Roger Moellendorf, Parks & Recreation Director Date: 171109 Reviewed By: Larry Werner, City Manager \_\_\_\_\_ Date: 1 / 27 09 Finance Department **Board Action Taken:** Aye/Nay Motion: \_\_\_\_\_

(Vote Recorded By)

# 9-6-07 Exhibit A

### RESOLUTION NO. 2007-R-28

### A RESOLUTION CHANGING EXISTING OR ADDING NEW FEE POLICIES.

WHEREAS, Carson City owns parks and recreation facilities and equipment throughout Carson City; and

WHEREAS, Carson City provides services to users of the city parks and recreation facilities and equipment; and

WHEREAS, the Carson City Board of Supervisors has adopted various resolutions in the past establishing general fee policies and specific fee policies for the use of the city parks and recreation facilities, equipment and services; and

WHEREAS, repealing the various existing resolutions establishing general fee policies and specific fee policies and adopting a single resolution establishing fee policies is desirable to ensure the uniform application of the policies; and

WHEREAS, the Carson City Board of Supervisors finds that it is necessary and within the public interest to change some of the existing general fee policies and some of the existing specific fee policies for the use of facilities, equipment and services provided by the Carson City Parks and Recreation Department in adopting this resolution to establish fee policies; and

WHEREAS, the Carson City Board of Supervisors desires these changes to take effect as of September 1, 2007.

NOW THEREFORE, this Board hereby resolves to repeal the existing resolutions establishing general fee policies and the existing resolutions establishing specific fee policies and to enact a single resolution establishing fee policies for the use of facilities, equipment and services provided by the Parks and Recreation Department as follows:

- 1. The Parks & Recreation Director shall annually review all fees for the rental of and services related to the rental of parks, facilities, and equipment and fees for programs provided by the Parks and Recreation Department to determine compliance with this resolution. Any exception to the resolution shall be presented to the Parks and Recreation Commission. The Commission will then forward a recommendation to the Board of Supervisors. The effective date of any changes in fees for the rental of facilities or equipment and fees for services related to the rental of facilities or equipment provided by the Parks and Recreation Department shall be January 1 of each year, beginning in 2008. In the case of recreation programs, the effective date of fees will be upon program registration.
- Rental rates for parks, facilities or equipment and fees for services related to the rental of facilities or equipment provided by the Parks and Recreation
   Department for special events will be based on a daily rate.
- 3. Except as otherwise provided in paragraphs 11 and 12, fees for the rental of parks, facilities or equipment and fees for services related to the rental of facilities or equipment provided by the Parks and Recreation Department for a special event operated by a non-profit user shall be set at a rate that is a minimum of twenty-five percent (25%) of the direct costs incurred by the Parks and Recreation Department for providing facilities, equipment or services for the special event.
- 4. Except as otherwise provided in paragraphs 11 and 12, fees for the rental of parks, facilities or equipment and fees for services related to the rental of facilities or equipment provided by the Parks and Recreation Department for a

- special event operated by a commercial, for-profit user shall be set at a rate that is a minimum of one hundred percent (100%) of the direct costs incurred by the Parks and Recreation Department for providing facilities, equipment or services for the special event.
- 5. Any rentals of parks and facilities for a special event that includes the closing of the facility to the general public will require approval by the Parks and Recreation Director. Each such request will be considered individually on its merit. The Parks and Recreation Director has the authority to approve or deny any such requests.
- 6. Except as otherwise provided in paragraphs 7, 11 and 12, fees for group use of park pavilions, the arena and exhibit hall at the fairgrounds, the gymnasium, room rentals at the Community Center and the Community Center Theater shall be set at a rate that is a minimum of one hundred percent (100%) of the direct costs incurred by the Parks and Recreation Department for providing the use of such facilities and the direct cost incurred for providing equipment or services related to the rental of such facilities.
- 7. Except as otherwise provided in paragraphs 11 and 12, fees for the resident non-profit use of the Community Center Theater shall be set at a rate that equals seventy-five percent (75%) of the direct costs incurred by the Parks and Recreation Department for providing the use of this facility and the direct cost incurred for providing equipment or services related to the rental of this facility.
- 8. Except as otherwise provided in paragraphs 11 and 12, fees for the rental of parks and recreation equipment shall be set at a rate that is a minimum of

- one hundred percent (100%) of the direct costs incurred by the Parks and Recreation Department for providing facilities, equipment or services for the rental of the equipment plus an amount sufficient to fund the replacement of the equipment.
- 9. Except as otherwise provided in paragraphs 11 and 12, fees for the use of the Aquatic Facility shall be set at a rate such that the total of all fees collected for the use of the Aquatic Facility equals a minimum of at least fifty percent (50%) of the costs incurred by the Parks and Recreation Department for the operation of the Aquatic Facility, provided that:
  - a. The rate for punch card discounts is set to provide a twenty five percent
     (25%) discount from the daily admission rate.
  - b. The rate for a one-month pass is set to provide a fifty percent (50%) discount from the daily admission rate.
  - c. The rate for a three-month pass is set to provide a sixty percent (60%) discount from the daily admission rate.
  - d. The rate for a family pass discount is set to provide a discount consistent with the one-month pass and three-month pass discounts.
  - e. One-month passes and three-month passes shall not be available to nonresidents.
- 10. Except as otherwise provided in paragraphs 11 and 12, fees for recreation programs shall be set at a rate that is a minimum of one hundred percent (100%) of the direct costs incurred by the Parks and Recreation Department for providing facilities, equipment or services for the recreation program.
  However, new programs may have fees initially set lower than the direct costs

- in an effort to promote new innovative and creative programs. If these programs are successful, the fees must gradually be raised to cover the direct costs incurred by the Parks and Recreation Department for providing them.
- 11. A non-resident user surcharge shall be added to each fee for out-of-Carson City residents. The non-resident user surcharge shall be twenty-five percent (25%) above the resident fee.
- 12. A differentiation in the fees charged to non-profit users of parks and recreation facilities, equipment or services and the fees charged to for-profit users of parks and recreation facilities, equipment and services is acceptable. Fees shall be set so that the total collected for a specific park or area meets the requirements of the fee policy applicable to that specific park or area. This may require for-profit users to be charged more than non-profit users.
- 13. For each rental of a park, facility or equipment and for each recreation program, a notice or contract shall be developed that specifies the staff services that are included as part of the user fee. A menu of auxiliary services shall be developed to detail what additional services are available in addition to the services that are included as part of the user fee. Except as otherwise provided in paragraphs 11 and 12, the fee of an auxiliary service shall be set at an hourly rate that is a minimum of one hundred percent (100%) to the direct costs incurred by the Parks and Recreation Department for providing the auxiliary service.
- 14. A waiver of any fees charged a user of parks and recreation facilities, equipment or services will not be granted.

- 15. The Parks & Recreation Director is authorized to require a cleaning deposit from any group or user using park or recreation facilities. A group or user that fails to adequately clean up following the use of a park or recreation facility shall have the deposit for the next use doubled. After two (2) years or at least two (2) events, the group or user may request the Parks & Recreation Director to review its status and return it to the normal deposit amount.
- 16. If a special event or reserved use of a park is cancelled due to unforeseen circumstances or for other good cause, a refund shall be made that is equal to the portion of the fee that remains unspent minus a ten percent (10%) processing fee. The Parks & Recreation Director shall have the sole discretion to determine if a refund is warranted due to unforeseen circumstances or for other good cause. The Parks & Recreation Director may deduct from the refund any costs already incurred, but unpaid for, as a result of the special event or reserved use of a park. The decision of the Parks & Recreation Director may be appealed to the Board of Supervisors.
- 17. Any adjustment from the level of a fee established prior to the adoption of this resolution shall be made and rounded up to the next most logical unit, either an increment of \$.25 or an increment of \$1.00.
- Recreation contract instructors shall pay any fees required pursuant to the provision of their respective contracts.
- 19. Groups with which Carson City has an Agreement for the exclusive use of an area shall pay any fees required pursuant to the provisions of their Agreements.

20. None of the aforementioned policies shall affect the Joint-use agreement with the Carson City School District for the waiver of fees for the use of parks and recreation facilities, equipment or services by the District or compliance with any State imposed mandates. Any direct costs associated with the use of parks and recreation facilities, equipment or services by the District shall not be included in the basis for determining the fees charged to other users.

The Board further resolves that Resolution No. 1983-R-28, Resolution No. 1995-R-41, Resolution No. 1995-R-42, Resolution No. 2004-R-4, Resolution No. 2006-R-23 and any other previous resolutions which conflict with the provisions of this Resolution are hereby repealed effective <u>September 6, 2007</u>.

AYES: Supervisors	Robin Williamson
	Shelly Aldean
	Pete Livermore
	Richard S. Staub
	Marv Teixeira, Mayor
NAYES: Supervisors	None
ABSENT: Supervisors	None
	Maw Cifica
	MÁRV TEIXEIRÁ, MAYOR

ATTEST:

## A RESOLUTION CHANGING EXISTING OR ADDING NEW FEE POLICIES.

WHEREAS, Carson City owns parks and recreation facilities and equipment throughout Carson City; and

WHEREAS, Carson City provides services to users of the city parks and recreation facilities and equipment; and

WHEREAS, the Carson City Board of Supervisors has adopted various resolutions in the past establishing general fee policies and specific fee policies for the use of the city parks and recreation facilities, equipment and services; and

WHEREAS, repealing the various existing resolutions establishing general fee policies and specific fee policies and adopting a single resolution establishing fee policies is desirable to ensure the uniform application of the policies; and

WHEREAS, the Carson City Board of Supervisors finds that it is necessary and within the public interest to change some of the existing general fee policies and some of the existing specific fee policies for the use of facilities, equipment and services provided by the Carson City Parks and Recreation Department in adopting this resolution to establish fee policies; and

WHEREAS, the Carson C	ity Board of Supervisors	desires these chan	ges to take
effect as of	·		

NOW THEREFORE, this Board hereby resolves to repeal the existing resolutions establishing general fee policies and the existing resolutions establishing specific fee policies and to enact a single resolution establishing fee policies for the use of facilities, equipment and services provided by the Parks and Recreation Department as follows:

- 1. The Parks & Recreation Director shall annually review all fees for the rental of and services related to the rental of parks, facilities, and equipment and fees for programs provided by the Parks and Recreation Department to determine compliance with this resolution. Any exception to the resolution shall be presented to the Parks and Recreation Commission. The Commission will then forward a recommendation to the Board of Supervisors. The effective date of any changes in fees for the rental of facilities or equipment and fees for services related to the rental of facilities or equipment provided by the Parks and Recreation Department shall be January 1 of each year, beginning in 2008. In the case of recreation programs, the effective date of fees will be upon program registration.
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- 7. Except as otherwise provided in paragraphs 11 and 12, fees for the resident non-profit use of the Community Center Theater shall be set at a rate that equals fifty percent (50%) of the direct costs incurred by the Parks and Recreation Department for providing the use of this facility and the direct cost incurred for providing equipment or services related to the rental of this facility.
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20. None of the aforementioned policies shall affect the Joint-use agreement with the Carson City School District for the waiver of fees for the use of parks and recreation facilities, equipment or services by the District. Any direct costs associated with the use of parks and recreation facilities, equipment or services by the District shall not be included in the basis for determining the fees charged to other users.

The Board further resolves that Resolution No. 1983-R-28, Resolution No. 1995-R-41, Resolution No. 1995-R-42, Resolution No. 2004-R-4, Resolution No. 2006-R-23 and any other previous resolutions which conflict with the provisions of this Resolution are hereby repealed effective \_\_\_\_\_. AYES: Supervisors NAYES: Supervisors ABSENT: Supervisors MARV TEIXEIRA, MAYOR

ALAN GLOVER, Clerk-Recorder

ATTEST:

### CARSON CITY BOARD OF SUPERVISORS Minutes of the August 21, 2008 Meeting Page 14

noted the lands bill is consistent with BLM "long-range planning." Mayor Teixeira noted the V&T Railway project as another example. Mr. Smith advised that the BLM had provided agency comments which are "working their way formally and informally back to the delegation." He further advised of having provided comments to City staff, as well. In conjunction with the displayed federal lands bill map, he suggested revisions to property descriptions which could "speed the process along and minimize costs to the City." He reiterated the federal lands bill is consistent with BLM's decades-long practices.

Mayor Teixeira called for additional public comment. (11:17:05) Senator John Ensign's Rural Director Kevin Kirkeby commended everyone involved in development of the City's federal lands bill, particularly Mr. Guzman, Mr. Plemel, City Manager's staff, the Board of Supervisors, federal agency partners, and the OSAC. He expressed support for the reasonable suggestions proposed at this meeting, and advised that they would be presented to the staff in the Washington office. Mr. Kirkeby acknowledged Senator Ensign's staff is coordinating with Representative Dean Heller's staff. Mr. Kirkeby further acknowledged the likelihood the bill will not be passed until next session.

Supervisor Livermore credited the ten-year history of the Open Space Program for the smooth, "clean process" associated with development of the federal lands bill. Senator Harry Reid's Regional Representative Matthew Tuma acknowledged the accuracy of Supervisor Livermore's statement, and noted the smooth process as a testament to the citizens and all federal and Tribal lands stakeholders.

Supervisor Aldean inquired as to the necessity of amending the map to include property to accommodate the envisioned eastern portal. In response to a question, Mr. Plemel advised of discussions which indicated other administrative processes to accommodate development of the eastern portal. He anticipates "ending up with some of the property ... under the Recreation and Public Purpose designation" as part of the suggested revisions to property descriptions discussed by Mr. Smith.

Mayor Teixeira entertained a motion. Supervisor Williamson moved to endorse the Carson City Vital Community Act of 2008, as introduced in the U.S. Senate and U.S. House of Representatives, and direct staff to forward this endorsement to the Congressional delegation, along with the comments of staff and the Open Space Advisory Committee representative, as presented today. Supervisor Aldean seconded the motion. Motion carried 5-0.

- PARKS AND RECREATION (11:22:56) Mayor Teixeira inquired as to the number of citizens 14. PARKS AND RECREATION (11:22:56) - Mayor Teixeira inquired as to the number of citizens present to testify on the Parks and Recreation Department items. He noted one citizen in addition to City staff, and requested said citizen to provide her testimony.
  - 14(A) ACTION TO FIND THE PROPOSED "CARSON CITY FAIRGROUNDS 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 - Deferred.
  - 14(B) ACTION TO APPROVE THE "CARSON CITY FAIRGROUNDS 2008 / 2009 FEES AND CHARGES" - Deferred.

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14(C) 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 (11:23:30) - Mayor Teixeira entertained public comment. Molly Walt, representing the Pinkerton Ballet Theater, reviewed annual presentations which utilize the Bob Boldrick Theater. She advised of having been previously unaware of the August 5<sup>th</sup> public meeting on the business impact statement. She further advised of having spoken with Parks and Recreation Department Director Roger Moellendorf, who agreed to schedule a meeting with Pinkerton Ballet Theater representatives to "go over the fees." Ms. Walt discussed annual fund raising activities which are necessary "in order to even use this venue ..." She expressed the hope to discuss with Mr. Moellendorf the possibility of offsetting fees and costs by donations of time. In response to a question, Ms. Walt advised that the Pinkerton Ballet Theater has been annually producing the Nutcracker for twenty years.

Supervisor Livermore advised that the Cultural Commission will be reviewing theater operations. He provided an overview of discussion which took place at the August 19<sup>th</sup> Parks and Recreation Commission meeting with regard to theater fees. He discussed the disparity in collection of direct costs between the Fairgrounds or Mills Park and the theater, the importance of including replacement costs in consideration of establishing fees, and retaining replacement costs in a separate fund. Mayor Teixeira agreed with the need to consider the taxpayers who "paid ... to build" the facility, and who "pay for the employees and the operational costs of the facility." He expressed concern over charging "those same taxpayers additional costs" to use the facility. He suggested that non-residents should be charged at least 100 percent cost recovery to use the facility. He noted that the Community Center was not built to hold church services, and suggested that such users should be required to pay the "going rate." He expressed concern that continuing to increase fees for local presentations will "destroy these events." He discussed the benefit of local presentations to the community, and expressed opposition to supporting any increase to "those entities within our community that provide such a vital service." He suggested the Board should "rethink the position that we put Parks and Rec in." He thanked Ms. Walt for her attendance and participation.

In light of the comments presented and that the fees wouldn't be enacted until January 1<sup>st</sup>, Supervisor Williamson suggested deferring action on this item. Mr. Werner noted the recommendation of the Parks and Recreation Commission, and suggested remanding the issue for further discussion, to include the previously-approved resolution. In response to a question, Mr. Moellendorf advised that the resolution only covers direct costs. "In a sense, there's really no money coming in to the general fund." Mayor Teixeira reiterated that allocation of the revenue stream is at the discretion of the Board of Supervisors. Mr. Werner suggested keeping in mind that although there are non-residents sponsoring functions and presentations, "it is the residents of this community that then pay the fees to enter those things." He reiterated the suggestion to remand the issue to the Parks and Recreation Commission.

Supervisor Livermore expressed the opinion the Cultural Commissioners have the expertise to address the theater fees. Mayor Teixeira suggested that the Parks and Recreation Commission was simply responding to the Board of Supervisors. Supervisor Staub suggested considering "benchmarks as to how ... discount percentages and increase percentages" were established. He recalled that the fees were established in consideration of cost recovery only, and expressed concern over the basis for establishing discounts. In

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consideration of profit versus non-profit fees, he suggested establishing a base point and requiring participation by percentage in the profit from the function.

(11:39:10) Dave Morgan discussed the benefit of the Cultural Commission to advise the Board of Supervisors in terms of qualitative elements "so you know what you're buying."

Supervisor Aldean expressed understanding for the importance of arts productions in the community, but pointed out "they are supported through general fund revenues." Not everyone attends the productions, "but they are subsidizing them." She discussed the opportunity for considering sponsorships to help offset production costs.

Mr. Moellendorf advised "nobody in parks and recreation departments across the country enjoys setting fees. ... fees are convoluted. They're fraught with politics and emotions ..." In light of the discussion at this meeting, he suggested considering all parks and recreation fees in order to ensure consistency. He agreed with Supervisor Livermore that there are inconsistencies in the resolution which should be addressed. He requested direction from the Board for staff and for the Parks and Recreation Commission to examine the resolution. Mayor Teixeira requested Mr. Moellendorf to present options and potential fiscal impacts to the Board of Supervisors. Discussion followed. Mr. Werner noted that the Board established a resolution under which the Parks and Recreation Department had been operating. He advised that establishing new parameters to amend the existing resolution will take "major community involvement." Mr. Moellendorf agreed with the suggestion to thoroughly examine the issue as part of a public process. Mayor Teixeira suggested continuing the four items.

(11:50:21) Joe Eiben advised of his background in theater, fine arts, and movie production. He suggested that Carson City can become a performing arts destination "if you keep the fees for your theater reasonable for productions ..." He agreed with taking the time "to do this right."

In response to a question, Mr. Moellendorf advised that the theater capacity is 792. He further advised that Carson City's proposed fees have been compared to similar venues in this community and adjacent counties. "By and large, ... we're the cheapest venue." Consensus of the Board of Supervisors was to continue items 14(A), (B), (C), and (D).

14(D) ACTION TO APPROVE THE PROPOSED COMMUNITY CENTER / BOB BOLDRICK THEATER FEES FOR CALENDAR YEAR 2009 - Deferred.

#### 15. BOARD OF SUPERVISORS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - None.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS - None.

STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD (11:53:17) - Supervisor Livermore advised of having read Bill Goni's obituary earlier in the day. He commended Mr. Goni's service to the community as a county commissioner, and his long-time residence in Carson City. He recognized the life and benefit of Bill Goni to the community, and noted "he will be dearly missed as an icon and an anchor." Supervisor Aldean referred to a recent Nevada Appeal article