

City of Carson City Agenda Report

item #8A

Date Submitted: July 8, 2008

Agenda Date Requested: July 17, 2008

Time Requested: 20 minutes

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to find the proposed “Carson City Recreation Food Vendor/Concessionaire Responsibilities/Rules/Release of Liability,” enabled by Ordinance No. 2007-39/138, “An ordinance amending the Carson City Municipal Code Title 13, Parks and Recreation, Chapter 13.02, Parks, by adding Section 13.02.270, Mobile Business Operations in Parks, and Other Matters Properly Related Thereto,” which sets forth rules that govern the actions of mobile vendors who wish to conduct business in City parks and sets forth a fee for permits to conduct business in City parks at \$200 per event or \$400 per program, does impose a direct and 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 November 15, 2007, the Board of Supervisors adopted on second reading Ordinance No. 2007-39/138, "An ordinance amending the Carson City Municipal Code Title 13, Parks and Recreation, Chapter 13.02, Parks, by adding Section 13.02.270, Mobile Business Operations in Parks, and Other Matters Properly Related Thereto." This ordinance allows the Parks and Recreation Department to regulate mobile businesses such as mobile canteens and vendors who wish to conduct business in City parks. Through this ordinance, mobile businesses have to obtain permits from the Parks and Recreation Department in order to conduct business in City parks. Vendors must have a current Carson City Business License, a current Health Inspection Report and Food Permit issued by the Health Department, proof of insurance with the City of Carson City listed as an additional insured, and a signed Carson City Parks and Recreation Department "Responsibilities/Rules/Release of Liability" form. The fee for the permit is \$200 per event or \$400 per program (i.e. Adult Soccer).

Type of Action Requested: (check one)

Resolution
 Formal Action/Motion

Ordinance
 Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to find the proposed “Carson City Recreation Food Vendor/Concessionaire Responsibilities/Rules/Release of Liability,” enabled by Ordinance No. 2007-39/138, “An ordinance amending the Carson City Municipal Code Title 13, Parks and Recreation, Chapter 13.02, Parks, by adding Section 13.02.270, Mobile Business Operations in Parks, and Other Matters Properly Related Thereto,” which sets forth rules that govern the actions of mobile vendors who wish to conduct business in City parks and sets forth a fee for permits to conduct business in City parks at \$200 per event or \$400 per program, does impose a direct and 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 recommended rules and regulations were approved by the Parks and Recreation Commission on February 8, 2008. On November 15, 2007, the Board of Supervisors adopted on second reading Ordinance No. 2007-39/138, "An ordinance amending the Carson City Municipal Code Title 13, Parks and Recreation, Chapter 13.02, Parks, by adding Section 13.02.270,

Mobile Business Operations in Parks, and Other Matters Properly Related Thereto." This ordinance allowed the Parks and Recreation Department to set forth rules and regulations and fees for the purpose of controlling and managing mobile vendors who desire to conduct in City parks in association with Department activities, events, and programs.

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

Fiscal Impact: Minor fiscal impact with the collection of mobile vendor fees through permits.

Explanation of Impact: The Parks and Recreation Department will collect fees from mobile vendors as they apply and are permitted to conduct business in city parks.

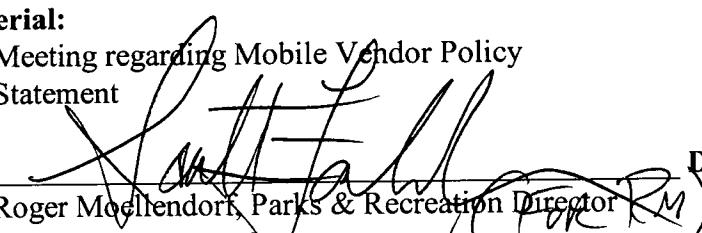
Funding Source: N/A

Alternatives: Make the finding that the proposed ordinance does not impose a direct economic burden upon a business or directly restrict the formation, operation, or expansion of a business.

Supporting Material:

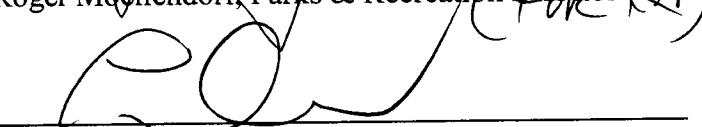
Notice of Public Meeting regarding Mobile Vendor Policy
Business Impact Statement

Prepared By:

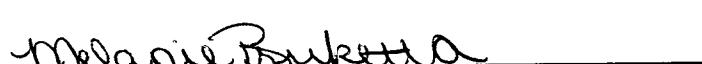

Roger Moellendorf, Parks & Recreation Director (RM)

Date: 7/8/08

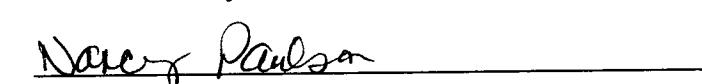
Reviewed By:


Larry Werner, City Manager

Date: 7/8/08


Melanie Burkett
District Attorney's Office

Date: 7/8/08


Nancy Paulson
Finance Department

Date: 7/8/08

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay

2: _____

(Vote Recorded By)

NOTICE OF PUBLIC MEETING

**CARSON CITY PARKS & RECREATION
RECREATION PROGRAM/FACILITY MOBILE VENDOR POLICY
BUSINESS IMPACT STATEMENT
CARSON CITY COMMUNITY CENTER
SIERRA ROOM
851 EAST WILLIAM STREET
CARSON CITY, NV 89701
6:00 PM
JUNE 17, 2008**

**Public Meeting
6:00 p.m. Tuesday, June 17th, 2008
Sierra Room, Carson City Community Center
851 East William St. Carson City, NV 89701.**

Summary: With this notice, Carson City Recreation Division (CCRD) announces the following public meeting and seeks public comment regarding implementation of the Recreation Program/Event Mobile Vendor Policy. Comments may be submitted in advance of the meeting to CCRD, 851 East William St. Carson City, NV 89701.

Background: CCRD -- Is the primary recreation sports/program/event agency for conducting and supporting recreational activities in Carson City Parks and Recreation Facilities.

The NRS Chapter 237: Nevada now 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 Joel Dunn, as below specified.

Request for Comments: The purpose of the Tuesday, June 17th, 2008 meeting is to seek comment from the public on implementation of CCRD Mobile Vendor Policy. The meeting is open to everyone and participation is encouraged.

This meeting is open to the public.

Inquiries: Questions concerning the business impact statement and/or the meeting may be addressed to: Joel Dunn 851 E. William St., Carson City, NV 89701, or by calling 775-887-2290 ext. 30422.

Members of the public who are disabled & require special accommodations or assistance at the meeting are requested to notify Carson City Recreation office in writing at 851 E. William St., Carson City, NV 89701, or by calling 775-887-2290

Dated: May 27th, 2008

BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of adoption of the Parks and Recreation Mobile Vendor Policy.

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 June 16th, 2008 addressed to Joel Dunn, Recreation Manager, 851 East William Street Carson City, NV 89701 Phone: (775) 887-2290 x30422 Fax: (775) 887-2256, and direct mailings were completed to the following Carson City licensed vendors:

Tacos Don Chepe	PRESENT AT PUBLIC MEETING
Tacos el Tio	PRESENT AT PUBLIC MEETING
Alyssa's	
Brugo's Take & Bake Pizza	
Carson City BBQ Co.	
J&L Catering	
Joanies Creekside Café & Catering	
Lifted Café	
Patrick Henrys As If By Magic	
B&E Catering	
Leonard's Catering	
Men Wielding Fire Inc	
Nice & Easy Catering	
Alex SnowCones	PRESENT AT PUBLIC MEETING
Crystal Ice Creams	PRESENT AT PUBLIC MEETING
I Scream For Ice Cream	
Nieves SnowCones	PRESENT AT PUBLIC MEETING
PaPa Joe's Ice Cream	
MaMa Bears Sweets and Treats	

SUMMARY OF COMMENTS: NO COMMENTS RECEIVED

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 or expansion of a business. Other interested parties may obtain a copy of the business impact statement including a summary of comments by contacting Joel Dunn, Recreation Manager, 851 East William Street Carson City, NV 89701 Phone: (775) 887-2290 x30422 Fax: (775) 887-2256

Adverse effects:

The assessment of a participation fee will affect licensed vendors.

Beneficial effects:

The mobile vendor policy should have a beneficial effect on businesses as the policy will assist in protecting the licensed vendors and their patrons.

Direct effects:

Application of the Mobile Vendor Policy will have a direct effect on businesses in that compliance with policy will protect the health and safety of the business and its patrons limiting concession sales to licensed mobile vendors.

Indirect effects:

There may be an indirect effect relating to the reduction of unlicensed vendors in Parks and Recreation facilities and events.

The annual estimated cost to the local government for enforcement of the proposed policy is minimal as CCRD program/event supervisory staff will include the monitoring of vendors to their on-site responsibilities.

The proposed policy provides a new fee (\$400 per program / \$200 per event) and the total annual amount the local government expects to collect (\$2,000.) is less than \$50.000.

OBJECTION PROCESS: NO OBJECTIONS RECEIVED

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 Joel Dunn, Recreation Manager, 851 East William Street Carson City, NV 89701 Phone: (775) 887-2290 x30422 Fax: (775) 887-2256

Carson City will accept such petitions for a period of thirty (30) days following approval of the subject rule 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 policy rule on the business.