

Item #8C

**City of Carson City
Agenda Report**

Date Submitted: January 27, 2009

Agenda Date Requested: February 5, 2009

Time Requested: 10 minutes

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to approve the proposed "Carson City Fairgrounds 2008/2009 Fees and Charges."

Staff Summary: In accordance with Resolution No. 2007-R-28, the Parks and Recreation Department has developed a new fees and charges schedule for the newly remodeled Carson City Fairgrounds. This item was brought to the Board of Supervisors for action at the August 21, 2008, Board meeting. The discussion was combined with the proposed fees for the Community Theater. Because of concerns from the public regarding the Theater fees, the Board deferred action on all fee recommendations until the Theater fees could be further reviewed.

Type of Action Requested: (check one)

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☒ Yes ☐ No

A business impact study was conducted by the Parks and Recreation Department with the statement brought to the Board of Supervisors on August 21, 2008.

Recommended Board Action: I move to approve the proposed "Carson City Fairgrounds 2008/2009 Fees and Charges ."

Explanation for Recommended Board Action: As stipulated in the Resolution No. 2007-R-28, the new fees and charges are based on a daily basis rather than on a per event basis. The fees also include a 25% discount for resident non-profit users, which is consistent with Theater fees adopted by the Board of Supervisors in the past. Also included in the fee structure, as prescribed by the Resolution, is a 25% increase across the board for non-resident use. The fees are segregated into eight categories: 1) Non-profit Resident Open to the Public, 2) Non-profit Non-Resident Open to the Public, 3) Non-profit Resident Closed to the Public, 4) Non-profit Non-Resident Closed to the Public, 5) Commercial Resident Open to the Public, 6) Commercial Non-Resident Open to the Public, 7) Commercial Resident Closed to the Public, and 8) Commercial Non-Resident Closed to the Public. The proposed fees and charges were approved by the Parks and Recreation Commission for recommendation for adoption to the Board of Supervisors during their July 1, 2008 Commission meeting. As per Resolution No. 2007-R-28, if approved, the fees will be enacted retroactively to January 1, 2009.

Applicable Statute, Code, Policy, Rule or Regulation:

Resolution No. 2007-R-28

Proposed Fees for Carson City Fairgrounds - 2008/2009

Fiscal Impact: Fiscal impact consists of the ability to collect fees for the use of the Carson City Fairgrounds.

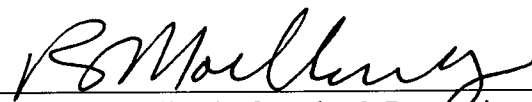
Explanation of Impact: The Parks and Recreation Department will collect fees from renters and users of the Carson City Fairgrounds.

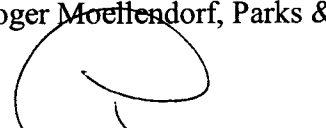
Funding Source: N/A

Alternatives: Deny the request and/or direct staff to make changes to the proposed fees and charges.

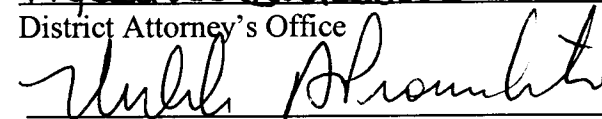
Supporting Material:

- Carson City Fairground Fees - 2008/2009
- Fairgrounds fiscal 2008-2009 usage fees business impact statement
- Minutes of the August 21, 2008 Board of Supervisors' meeting

Prepared By:  **Date:** 12/27/09
Roger Moellendorf, Parks & Recreation Director

Reviewed By:  **Date:** 1/27/09
Larry Werner, City Manager

 **Date:** 1/27/09
District Attorney's Office

 **Date:** 1/27/09
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay
2: _____

(Vote Recorded By)

PROPOSED FEES FOR CARSON CITY FAIRGROUNDS – 2008/2009

Proposed Day Rate Fees

NON-PROFIT FEES

FACILITY	NPRO	NPNRO	NPRC	NPNRC
Arena inc. announcer's stand	\$300	\$400	\$500	\$600
Large Barn*	\$150	\$200	\$250	\$300
Small Barn	\$38	\$50	\$65	\$75
Exhibit Hall	\$338	\$450	\$563	\$675

OTHER AMENITIES

Lights	\$15/hr	\$15/hr	\$15/hr	\$15/hr
Sound System	\$20/hr	\$20/hr	\$20/hr	\$20/hr
Stalls (Large Barn)*	\$10/day	\$10/day	\$10/day	\$10/day
Snack Trailer	\$75/day	\$75/day	\$75/day	\$75/day\
Over night camping (non turf sites only) **	\$10/day	\$10/day	\$10/day	\$10/day

COMMERCIAL FEES

FACILITY	CRO	CNRO	CRC	CNRC
Arena inc. announcer stand	\$600	\$800	\$1000	\$1200
Large Barn	\$225	\$300	\$375	\$450
Small Barn	\$75	\$100	\$125	\$150
Exhibit Hall	\$676	\$900	\$1125	\$1350

OTHER AMENITIES

Lights	\$20/hr	\$20/hr	\$20/hr	\$20/hr
Sound System	\$40/hr	\$40/hr	\$40/hr	\$40/hr
Stalls (Large Barn)*	\$15/day	\$15/day	\$15/day	\$15/day
Snack Trailer	\$150/day	\$150/day	\$150/day	\$150/day
Over night camping (non turf sites only)**	\$10/day	\$10/day	\$10/day	\$10/day

NPRO = NONPROFIT RESIDENT, OPEN TO PUBLIC

NPNRO = NONPROFIT NONRESIDENT, OPEN TO PUBLIC

NPRC = NONPROFIT RESIDENT, CLOSED TO PUBLIC

NPNRC = NONPROFIT, NONRESIDENT, CLOSED TO THE PUBLIC

CRO = COMMERCIAL RESIDENT, OPEN TO PUBLIC

CNRO = COMMERCIAL NONRESIDENT, OPEN TO PUBLIC

CRC = COMMERCIAL RESIDENT, CLOSED TO PUBLIC

CNRC = COMMERCIAL NONRESIDENT, CLOSED TO PUBLIC

As explained in Section 5 of the Fees Resolution, the Parks & Recreation Director will review all requests for events that are closed to the public, and have the sole authority to grant or deny the requests.

*The Large Barn can be rented on a per stall basis for events that don't need the whole barn. Barn stalls are rented for events only and not as long term livestock holding stalls.

** Camping is only for event organizers only or for others upon receiving permission from the Parks & Recreation Department.

Fairground and Exhibit Hall use is allowed from dawn to 2:00 am. Amplified sound must cease by midnight.

Cleaning/damage deposit fee for Arena, Large Barn, Small Barn and Exhibit Hall are the same as the one day rate.

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 2008-2009 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.

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.

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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.**

-  **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 5th 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 19th 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 1st, 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