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## 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 Community Center/Bob Boldrick Theater fees for fiscal Year 2008-2009.

**Staff Summary:** As per newly amended Carson City Resolution No. 2007-R-28, the fees for usage of the Community Center/ Bob Boldrick Theater were reviewed and adjusted. The fees were adjusted to meet cost increases in labor and equipment. Additionally, the following changes were made as to the fee policies:

- A minimum booking of 6 hrs per day will now be required.
- A minimum booking of 8 hrs will be required for staff operators requested from and provided by the City.
- A non-refundable deposit will be required of all new clients or existing clients that book and then cancel a booking.
- A "dark day" charge of \$100 has been added for any days the theater is unavailable for other uses during the schedule of a multi day/week engagement.
- As per newly amended Carson City Resolution No. 2007-R-28, resident non-profit organizations will receive a fifty (50%) percent discount of the direct costs incurred by their use of the Theater.

Type of Action Requested: (check one)	
() Resolution	(_) Ordinance
(X) Formal Action/Motion	() Other (Specify)
Does This Action Require A Business Imp A business impact study was conducted by brought to the Board of Supervisors on Aug	the Parks and Recreation Department with the statement

**Recommended Board Action:** I move to approve the proposed Community Center/Bob Boldrick Theater fees for fiscal Year 2008-2009.

Explanation for Recommended Board Action: The proposed "Carson City Community Center/Bob Boldrick Theater fiscal 2008-2009 year usage fees" were recommended by the Parks and Recreation Commission during their August 20, 2008, meeting for approval by the Board of Supervisors. The fees were then brought to the Board of Supervisors for approval at the August 21, 2008, Board meeting. Because of concerns expressed by residents, including a person representing a non-profit organization, that the fees would create a financial hardship to their operations, the Board deferred approval pending further review by staff, the Parks & Recreation Commission, and the public. Staff reviewed and reduced the proposed increase by recommending a decrease in the direct cost recovery rate for resident non-profit organizations that use the facility from seventy-five (75%) to fifty (50%) percent. The fees, with the change in the recovery rate, was approved for recommendation by the Parks & Recreation Commission during their December 16, 2008, meeting.

Applicable Statute, Code, Policy, Rule or Regulation:

Resolution No. 2007-R-28 regarding review and setting of fees N.R.S. 237 regarding business impact statements

Fiscal Impact: We estimate an increase in revenue collected from facility users.

**Explanation of Impact:** Should booking trends remain as in the past, we anticipate an increase in revenue collected.

Funding Source: N/A

**Alternatives:** Make the finding that the Carson City Community Center/Bob Boldrick Theater fees and polices remain as is and increase general fund support.

Supporting Material:

- 1) Community Center/Bob Boldrick Theater fiscal year 2008-2009 usage fees
- 2) Community Center/Bob Boldrick Theater fiscal 2008-2009 usage fees business impact statement
- 3) Minutes of the August 21, 2008, Carson City Board of Supervisors' meeting

Prepared By:	Mitch Ames, Facility Operations Manager Comm	Date: 1/28/09 unity Center/Theater
Reviewed By:	Roger Moellendorf, Parks & Recreation Director	Date: 1/2709
	Larry Werner, City Manager	Date: <u>/ 127 105</u>
	Melario Barbara	Date: 1 /07/09
	District Attorney's Office  Multiplication  Finance Department	Date: 1,22,09
Board Action	Taken:	
Motion:	1:	Aye/Nay
	2:	
(Vote R	ecorded By)	

# Carson City Community Center/Bob Boldrick Theater User Fees 2009-2010

Fellity 1000SEC	Usage Fee FY 2009-2010	Usage Fee FY 2009-2010	Usage Fee FY 2009-2010
	Resident Non- Profit	Resident Non- Non-Resident	Profit
Bonanza Room			<del></del>
1-4Hrs	36	45	54
Each Additional Hour	9	11	14
Each Additional Hour After Midnight	22	28	33
Single use 1-4 Hrs	87	109	131
Single use Each Additional Hour	15	19	23
Single use Each Additional Hour After Midnight	37	46	56
Gymnasium Without kitchen			
Half Day 1-8 Hrs	241	301	362
Full Day 8 AM-Midnight	277	346	416
Each Additional Hour After Midnight	37	46	56
Gymnasium With Kitchen			
Half Day 1-8 Hrs With Kitchen	332	415	498
Full Day 8AM-Midnight With Kitchen	382	478	573
Each Additional Hour After Midnight	37	46	56
Lobby			
1-4Hrs	64	80	96
Each Additional Hour	16	20	24
Each Additional Hour After Midnight	22	28	33
Single use 1-4 Hrs	114	143	171
Single use Each Additional Hour	15	19	23
Single use Each Additional Hour After Midnight	37	46	56
Sierra Room			
1-4Hrs	51	64	77
Each Additional Hour	13	16	20
Each Additional Hour After Midnight	22	28	33
Single use 1-4 Hrs	116	145	174
Single use/Sunday Each Additional Hour	15	19	23
Single use/Sunday Each Additional Hour After Midnight	37	46	56
Theater			
Daily Rate includes 1 Tech Supervisor and 1 House Manager.		tra	
Base Rate per hour minimum 6hrs	99	124	149
Base Rate per hour over 8hrs	99	124	149
Performance Fee	131	164	197
Base Rate After Midnight before 8AM per hour	99	124	149
Dark Day Per Day (subject to management approval)	100	125	150
Operator/Technician Per Hour Minimum 8 Hrs	21	26	32
Operator/Technician over 8 Hours Per Hour	31	39	47
Non Refundable Booking Deposit (New clients or existing clients	396	495	594

Resident Non-Profit organizations will receive a 50% discount on theater fees per the approved fees resolution. Note: Outsourced labor, equipment and materials are not subject to the discount.

that have booked and cancelled events)

Custodial Assistance Per Hour

Extended Custodial Service

training per hour

Unscheduled Technician call in and/or client provided operator

36

15

45

19

Carson City Community Center/Bob Boldrick Theater User Fees 2009-2010

	Usage Fee FY 2009-2010	Usage Fee FY 2009-2010	Usage Fee FY 2009-2010
	Resident Non-	Non-Resident Non-Profit	Profit
General Equipment	Pront	Non-Front	<u> </u>
Chairs	0.75	1	1.25
Coffee Pot	6.5	8.25	9.75
Gymnasium Drop Cords	18.25	22.75	27.5
Easel	3	3.75	4.5
Microphones	6.5	8.25	9.75
Overhead Projector	9.25	11.5	14
Podium Wood Sierra Room	6.75	8.5	10.25
Portable PA	55	68.75	82.5
Projection Screen 6'	6.5	8.25	9.75
Projector EIKI Video only 300 Lumen	44.5	55.75	66.75
Projector Hitachi 1800 Lumen XGA Data Video	80.5	100.75	120.75
Projector Kodak Ektagraphic	7.5	9.5	11.25
Stage Section	16	20	24
Supplemental Power for Gymnasium (substantial capacity upgrade FY 07)	109.75	137.25	164.75
Tables	3	3.75	4.5
TV/DVD/VCR	20.75	26	31.25

Theater Specialized Equipment Daily				
Bubble Machine CITC Bubble Max	15.25	19	23	
Fog Machine Chemical High End F100	21	26.25	31.5	
Fog Dry Ice Aqua Fog 2 Machines In Fee (Typical Use)	20.25	25.25	30.5	
Wireless Microphone per channel	14	17.5	21	
Projector Sanyo Large Format 3600 SXGA Lumen Data Video /DVD/VHS 15' x 20' Screen	144.5	180.75	216.75	
Snow Machine CITC Little blizzard W DMX remote and hurricane blower	20.25	25.25	30.5	
Pipe and Drape	184.25	230.25	276.5	
Piano Baby Grand	25	31.25	37.5	
Spot lights (2) additional	34	31.25	37.5	
Gobos	6.25	7.75	9.5	
Theater Tier 2 Lighting (Quoted case by case due to varying client	Quoted case by	Quoted case by	Quoted case	
needs)	case	case	by case	
Theater Tier 2 Sound (Quoted case by case due to varying client needs)	Quoted case by case	Quoted case by case	Quoted case by case	

Resident Non-Profit organizations will receive a 50% discount on theater fees per the approved fees resolution. Note: Outsourced labor, equipment and materials are not subject to the discount.

## **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 5<sup>th</sup>, 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 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 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.

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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 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 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 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