

Item # 8-5B

**City of Carson City
Agenda Report**

Date Submitted: June 9, 2009

Agenda Date Requested: June 18, 2009

Time Requested: Consent

To: Mayor and Supervisors

From: Larry Werner, City Manager

Subject Title: Action to appoint Terrie McNutt to the Convention & Visitor's Bureau to fill the "Hotel/Motel" position for a two year term expiring July 2011.

Staff Summary: Nevada Revised Statute (NRS) 244A.599 provides for the Board of Supervisors to appoint representatives to the fair and recreation board, known as the Convention & Visitor's Bureau. #8a – "Two members to represent the hotel and motel operators in the city." One "Hotel/Motel" position is open due to a members term expiring.

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 appoint Terrie McNutt to the Convention & Visitor's Bureau to represent the Hotel/Motel Industry for a two year term expiring July 2011.

Explanation for Recommended Board Action: There is one opening on the Convention & Visitor's Bureau representing the Hotel/Motel industry due to a members term expiring. Terrie McNutt has requested reappointment. There are no other applicants for this position.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 244A.599

Fiscal Impact: None

Explanation of Impact: n/a

Funding Source: n/a

Alternatives: n/a

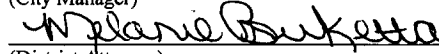
Supporting Material: Letter requesting reappointment, roster, recruitment announcement, NRS 244A.599

Prepared By: Rose Gardner, Management Assistant

Reviewed By:



(City Manager)



(District Attorney)

Date: 6/8/09

Date: 6-9-09

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

Rose Gardner - CCVB

From: Terrie McNutt <terriemcnutt@sbcglobal.net>
To: <rgardner@ci.carson-city.nv.us>
Date: 4/29/2009 10:17 AM
Subject: CCVB

To Whom It May Concern:

Please accept this as my request to continue to serve as a member of the committee for the Convention and Visitor's Bureau of Carson City.

Let me know if you will need additional information or if I need to appear before the city supervisors.

Terrie McNutt
525 Pioche St
Carson City, NV 89701
(775) 882-4181 (h)
(775) 560-5740 (c)
terriemcnutt@sbcglobal.net

CONVENTION AND VISITOR'S BUREAU MEMBERSHIP

<u>MEMBER</u>	<u>APPOINTMENT</u>	<u>TERM EXPIRES</u>
Stephen Lincoln (Business) 5600 Goni Road Carson City, NV 89706 841-1000 (w) 884-0453 (h) 742-2858 Email: Stephen@carsoncityhomes.com	Initial Term 7/06 Reappt. 7/08	7/2010
Molly Walt (BOS) 201 N. Carson #2 Carson City, NV 89701 887-2100 (w) 883-0342 (h) 297-5007 (c) Email: mwalt@ci.carson-city.nv.us	Initial Term 1/09	12/2010
Terrie McNutt (Motel/Hotel) 525 Pioche St. Carson City, NV 89701 887-9900 (w) 882-4181 (h) 560-5740 (c) Email: terriemcnutt@sbcglobal.net	Partial Term 1/09	7/2009
Delsye Mills (Citizen-at-large) 3967 Southpointe Dr. Carson City, NV 89701 886-7410 (w) 883-1532 (h) 772-5237 Email: cdmillsccnv@aol.com	Initial Term 7/08	7/2010
Dwight Millard Chair Millard Realty (Hotel/Motel) 2989 Hwy 50 East Carson City, NV 89701 882-5000 (w) 882-1618 (fax) Email: dwight@millardrealty.com	Initial Term 1/92 Reappt. 7/94, 6/96, 7/98 7/00, 6/02, 7/04; 7/06, 7/08	7/2010

ADVISOR

Charlie Cockerill, Attorney
415 W. Second Street
Carson City, NV 89703

EXECUTIVE DIRECTOR

Candace Duncan
1900 S. Carson St. #200
Carson City, NV 89701
687-7410 (w) 883-5818 (h)

AUTHORITY: N.R.S. 244A.599 requires 2-year terms with five members. One representative from the Board of Supervisors, two from the hotel/motel industry, one from other commercial interests, and one citizen-at-large.

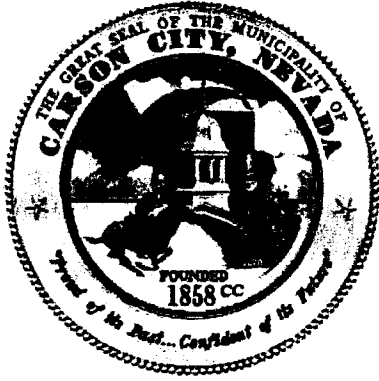
MEETINGS: Meets 2nd Monday of every month at 4:00 p.m. in the Sierra Room.

PURPOSE: To establish Carson City as a destination in order to draw more visitors and increase their length and frequency of stay and additionally to enhance revenues to provide funding and facilities for the local recreation.

TYPICAL DUTIES:

- Attend meetings every month for approximately two hours to approve monthly operating bills & activities.
- Hear and decide on requests for funding of special projects and grant requests & establish policies and procedures.
- Assist in the development of marketing and public relation plans.
- May be required to attend public functions on behalf of the Convention and Visitors Bureau.

Coordinator: Candace Duncan, Carson City Convention and Visitors Bureau.



CARSON CITY CONVENTION AND VISITORS BUREAU BOARD

The Carson City Board of Supervisors is seeking applications from persons interested in serving on the Carson City Convention and Visitor's Bureau Board. This Committee oversees all tourism matters within Carson City. They meet the 2nd Monday of every month at 5:30 p.m. Applicants must be willing to serve approximately six to eight hours a month. There is one position open, in the following category:

Hotel/Motel Industry

The Board of Supervisors shall appoint qualified persons to the board. Members must be residents and registered voters of Carson City. **Applications will be accepted until June 5, 2009. The term for this position will expire July, 2011.**

Let it be known that all applications submitted to this office for these positions will be considered public information.

Volunteer applications may be obtained from our website or the following address:

CARSON CITY EXECUTIVE OFFICES
201 N. Carson Street #2
Carson City, Nevada 89701
(775) 887-2100 FAX 887-2286
E-Mail rgardner@ci.carson-city.nv.us
Web Page <http://www.carson-city.nv.us>
AN EQUAL OPPORTUNITY EMPLOYER

2. Recreational facilities shall be deemed to include, without limiting the generality of the provisions of subsection 1, such buildings, incidental improvements, equipment, furnishings, sites and grounds as are used for recreational purposes.

[1:383:1955]—(NRS A 1961, 300, 453; 1963, 99; 1965, 10; 1969, 1576; 1973, 1509)—(Substituted in revision for NRS 244.640)

ATTORNEY GENERAL'S OPINIONS.

Authorization granted by section not limited to types of facilities listed in section. Authorization granted by former NRS 244A.640 (cf. NRS 244A.597) for advertising and promotion of county recreational facilities is not limited to the types of facilities listed in that section, because of the use of the words preceding list "without limiting the generality of" power granted. AGO 220 (4-27-1965)

NRS 244A.599 County fair and recreation boards: Creation; number, appointment and terms of members in county whose population is less than 100,000.

1. Whenever the board of county commissioners of any county or the Board of Supervisors of Carson City desires the powers granted in NRS 244A.597 to 244A.655, inclusive, to be exercised, it shall, by resolution, determine that the interest of the county and the public interest, necessity or desirability require the exercise of those powers and the creation of a county fair and recreation board therefor, pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive. After approval of the resolution, the county or city clerk shall:

(a) Cause a copy of the resolution to be published promptly once in a newspaper published in and of general circulation in the county or city; and

(b) In the case of a county, cause a certified copy of the resolution to be mailed by registered or certified mail to the mayor or other chief executive officer of each incorporated city within the county.

2. In counties whose population is 100,000 or more, the county fair and recreation board must be selected as provided in NRS 244A.601 or 244A.603.

3. In counties whose population is less than 100,000, and in which there are more than two incorporated cities, each incorporated city, except an incorporated city which is the county seat, must be represented by one member and any incorporated city which is the county seat must be represented by four members. Within 30 days after the day of publication of the resolution or the day on which the last of the copies of the resolution was mailed, whichever day is later, the mayor or other chief executive officer shall, with the approval of the legislative body of the city, appoint a member or members of the city council or board of trustees to serve on the board for the remainder of his or their terms of office. The clerk or secretary of the city shall promptly certify the appointment by registered or certified mail to the county clerk.

4. In counties whose population is less than 100,000, and in which there are only two incorporated cities, each incorporated city must be represented by one member who must be appointed and certified as provided in subsection 3, and the board of county commissioners shall appoint four representatives as follows:

(a) Two members to represent the hotel or motel operators in the county.

(b) One member to represent the other commercial interests in the county.

(c) One member to represent the county at large.

5. In counties whose population is less than 100,000, and in which there are fewer than two incorporated cities, any incorporated city which is the county seat must be represented by one member, who must be appointed and certified as provided in subsection 3, and the board of county commissioners shall appoint three representatives as follows:

- (a) One member to represent the motel operators in the county.
 - (b) One member to represent the hotel operators in the county.
 - (c) One member to represent the other commercial interests in the county.
6. In all counties whose population is less than 100,000, one member of the board of county commissioners must be appointed by the county commissioners to serve on the board for the remainder of his term of office.
7. In all counties whose population is less than 100,000, and in which there is no incorporated city, the board of county commissioners shall appoint one member to represent the county at large.
8. In Carson City the Board of Supervisors shall appoint five representatives to the fair and recreation board established as provided in subsection 1 as follows:
- (a) Two members to represent the hotel and motel operators in the city.
 - (b) One member to represent the other commercial interests in the city.
 - (c) One member who is a member of the Board of Supervisors.
 - (d) One member to represent the city at large.
9. Members who are not elected officials shall serve for 2-year terms.
10. The terms of all elected officials are coterminous with their terms of office. Any such member may succeed himself.
- [2:383:1955]—(NRS A 1961, 300, 453; 1963, 100, 791; 1965, 10; 1967, 1377; 1969, 95, 322, 1535; 1971, 337; 1977, 819; 1979, 515; 1991, 60; 2001, 484; 2003, 2263)

REVISER'S NOTE.

Ch. 64, Stats. 2001, the source of subsection 4 of this section, contains the following provision not included in NRS:

"Notwithstanding any specific statute to the contrary, in any county whose population is less than 100,000 and in which there are only two incorporated cities:

1. The term of each member of the county fair and recreation board who is serving in that capacity on July 1, 2001, expires upon the appointment and, if required by the provisions of NRS 244A.599, the certification of his successor.

2. As soon as practicable on or after July 1, 2001, and not later than September 1, 2001, the board of county commissioners, and the mayor or other chief executive officer of each incorporated city, shall appoint the members of the county fair and recreation board as required by NRS 244A.599.

3. As soon as practicable after the members of the county fair and recreation board have been appointed and, if required, certified, the board shall choose its officers in accordance with NRS 244A.611.

4. Any member of the county fair and recreation board who is serving in that capacity on July 1, 2001, may be appointed to succeed himself."

FEDERAL AND OTHER CASES.

The threat of future legal action made by a county fair and recreation board constituted protected official speech under the U.S. 1st amendment. A gaming establishment could not seek declaratory and injunctive relief against a county fair and recreation board created pursuant to NRS 244A.599 on the ground that the board created a chilling effect and prior restraint of the establishment's rights under the U.S. 1st amendment (see also Nev. Art. 1, §§ 9 and 10) by threatening to take future legal action against the establishment if it continued to challenge the propriety of the board's plan to sell revenue bonds for the expansion of a convention center because: (1) although the board was comprised of both elected and unelected officials and representatives of private industry, its actions constituted protected official speech under the U.S. 1st amendment; and (2) the authority of the board to bring suit is expressly enumerated in NRS 244A.619. *Venetian Casino Resort, L.L.C. v. Cortez*, 96 F. Supp. 2d 1102 (D. Nev. 2000)

ATTORNEY GENERAL'S OPINIONS.

Employees of the board as employees of the county eligible for coverage under Public Employee's Retirement Act. Employees of a county fair and recreation board are, in effect, employees of the county in which such board is part, and are eligible for coverage under the Public Employees' Retirement Act. AGO 404 (8-7-1958)