

NOTICE OF PUBLIC MEETING

NEVADA COMMISSION ON TOURISM

AGENDA

DATE: August 25, 2009
TIME: 1:00 p.m.

LOCATION: Nevada Commission on Tourism
401 N. Carson Street
2nd Floor Chambers
Carson City, NV 89701
VIDEO CONFERENCE
Grant Sawyer State Office Bldg.
555 E. Washington Avenue
Governor's Conf. Rm., 5th Floor
Las Vegas, NV 89101

MEETING ACCESS INFORMATION:
Toll Free Dial in Number: 1-888-363-4735
Access Code: 6477713

Note: Once all items on the agenda are completed, the meeting will adjourn.

1. Call to Order/Roll Call – Lt. Governor Krolicki
2. Review and Approval of Minutes of June 16, 2009 (Discussion/Action)
3. PUBLIC HEARING
 - a. Presentation: Tourism Improvement District for the Freight House Project, Reno, NV
 1. For consideration and determination that a preponderance of the increase in the proceeds from sales and use taxes from the proposed project at E. 5th Street, Mill Street, N. Virginia Street and High Street, Reno, NV will be attributable to transactions with tourists who are not residents of this State pursuant to NRS Section 271A.080(7). **The Commission will consider proposed Resolution 2009-02, attached hereto.** (Discussion/Action)
4. PUBLIC HEARING
 - a. Presentation: Tourism Improvement District for the Tessera Project, Reno, NV
 1. For consideration and determination that a preponderance of the increase in the proceeds from sales and use taxes from the proposed project at E. 5th Street, I-80, Record Street and N. Virginia Street, Reno, NV will be attributable to transactions with tourists who are not residents of this State pursuant to NRS Section 271A.080(7). **The Commission will consider proposed Resolution 2009-03, attached hereto.** (Discussion/Action)
5. Director's Report (Discussion) - Dann Lewis
 - a. Department updates
 - Marketing and Advertising
 - Media Relations
 - Sales and Industry
 - b. Governor's Conference on Tourism

6. Nevada Magazine Financial Overview (Discussion) – Janet Geary
7. Online Travel Agents Update (Discussion) – Commissioner Eric Bello
(Collection of room tax revenue)
8. Winter Games Coalition Update (Discussion) – Jon Killoran
9. Comments by Commissioners (Discussion)
10. General Announcements and Public Comment (Discussion)
(No action may be taken on any matter raised under this agenda item until the matter is included as an action item on a future agenda.)
11. Adjournment (Action)

The agenda was posted on or before the third working day before the meeting at: Commission Tourism Offices (Carson City and Las Vegas), TravelNevada.biz, RSCVA, LVCVA, Legislative Counsel Bureau (Carson City and Las Vegas) and NV State Library (Carson City). Persons with disabilities who require special accommodations or assistance (e.g., sign language interpreters or assisted listening devices) at the meeting should notify Claudette Thompson at the Nevada Commission on Tourism at (775) 687-4322 no later than August 21, 2009. FAX (775) 687-6779 Nevada Relay 1-800-326-6868 (TDD) or 1-800-326-6888 (voice).

This is a tentative schedule for the meeting. The Commission reserves the right to take items in a different order to accomplish business in the most efficient manner. Chair may limit public comments to five minutes per person.

The complete agenda packet, containing all background information concerning the above topics, can be reviewed at the Commission on Tourism Office in Carson City between the hours of 8 a.m. to 5 p.m., Monday through Friday.

RESOLUTION NO. 2009-02

A RESOLUTION MAKING A DETERMINATION PURSUANT TO NRS 271A.080(7) RELATING TO THE PROPOSED CITY OF RENO, NEVADA TOURISM IMPROVEMENT DISTRICT FOR THE PROPOSED FREIGHT HOUSE DISTRICT AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, under Nevada Revised Statutes Chapter 271A, Tourism Improvement District Law (the “Tourism Act”), the City of Reno (“City”) has the power to create a tourism improvement district (the “Tourism District”) for the development of property within the jurisdiction of the City; and,

WHEREAS, on July 16, 2008, the City Council (the “Council”) directed City staff to explore the feasibility of forming a Tourism District in downtown Reno to finance a portion of the Freight House District project—a proposed Tourism Project including a baseball stadium, retail space, restaurants, hotel, and residential housing and other facilities necessary, useful or desirable in connection with any such projects, including but not limited to school facilities (the “Project” or “District”); and,

WHEREAS, before a Tourism District may be created, the Tourism Act requires, among other things, that the Council must determine, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the Project:

(1) Retailers will locate their businesses as such in the District; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the District; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of the State of Nevada.

WHEREAS, the City commissioned a report prepared by Meridian Business Advisors (the “Report”) analyzing, among other things, the estimated amount and source of sales and use taxes generated in the District; and,

WHEREAS, the Report set forth in Exhibit D includes within the district the AAA baseball stadium, team store, related facilities (the “Stadium Properties”) and a portion of the National Bowling Stadium; and,

WHEREAS, the Freight House District Scenario 2 set forth in Exhibit E modifies and amends the Report to exclude from the district the Stadium Properties and a portion of the National Bowling Stadium; and,

WHEREAS, the Report was the only analysis prepared by or for or presented to the Council regarding the source and use of any money proposed to be pledged pursuant to the Tourism Act within the District; and,

WHEREAS, at a duly noticed regular meeting of the Council on July 1 as continued to July 15, 2009, the City held a public hearing and made the following findings and determinations in accordance with NRS 271A.080(6):

1. Based upon the Report, as modified and amended by Freight House District Scenario 2 ([Exhibit E]), as a result of the Project: (1) retailers will locate their businesses as such in the District; and (2) there will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed in the District; and, a preponderance of that increase in the proceeds from the sales and use taxes will be attributable to transactions with tourists who are not residents of the State of Nevada.
2. Based upon the Report, as a result of the Project: (1) retailers will locate their businesses as such in the District; and (2) there will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed in the District; and, a preponderance of that increase in the proceeds from the sales and use taxes will be attributable to transactions with tourists who are not residents of the State of Nevada;

(Collectively, the “Preponderance Finding”)

WHEREAS, the Tourism Act also requires, among other things, that before the District may be created, the Nevada Commission on Tourism (the “Commission”) must determine, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to the Preponderance Finding will be attributable to transactions with tourists who are not residents of the State; and,

WHEREAS, the Commission has provided at least 15 days’ notice by publication of a public hearing to be held on the date hereof pursuant to NRS 271A.080(7) and conducted a public hearing on the date hereof.

NOW THEREFORE, BE IT RESOLVED by the Nevada Commission on Tourism as follows:

Section 1. Determination Pursuant to NRS 271A.080(7). The Commission hereby determines that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to the Preponderance Finding will be attributable to transactions with tourists who are not residents of the State.

Section 2. Conclusive Determination. Pursuant to NRS 271A.090, the determination made by the Commission in Section 1 hereof is conclusive in the absence of fraud or gross abuse of discretion.

Section 3. Effective Date. This resolution shall be effective upon passage.

Section 4. Repealer and General Provisions. Any resolution which conflicts with this resolution is hereby repealed. The Director, and his designees, are hereby authorized and directed to take all action necessary to effectuate the provisions of this resolution. The provisions of this resolution shall be liberally construed to effectively carry out its purposes. In the event that any provision in this resolution is deemed void, invalid or unenforceable by a court of competent jurisdiction, then such offending provision shall be severed from this resolution and all the remaining provisions (including the repealer provision) shall remain in full force and effect.

Upon motion by Commission Member _____, seconded by Commission Member _____, the foregoing Resolution was passed, adopted and approved on this 25th day of August, 2009 by the following vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

NEVADA COMMISSION ON
TOURISM

Brian K. Krolicki
Lt. Governor, Chair

ATTEST:

Dann H. Lewis, Director

RESOLUTION NO. 2009-03

A RESOLUTION MAKING A DETERMINATION PURSUANT TO NRS 271A.080(7) RELATING TO THE PROPOSED CITY OF RENO, NEVADA TOURISM IMPROVEMENT DISTRICT FOR THE PROPOSED TESSERA PROJECT AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, under Nevada Revised Statutes Chapter 271A, Tourism Improvement District Law (the "Tourism Act"), the City of Reno ("City") has the power to create a tourism improvement district (the "Tourism District") for the development of property within the jurisdiction of the City; and,

WHEREAS, on June 25, 2008, the City Council (the "Council") directed City staff to explore the feasibility of forming a Tourism District in downtown Reno to finance a portion of the Tessera project—a proposed Tourism Project including a retail space, restaurants, hotel, night club, music hall, office, health club, residential and student housing, and other facilities necessary, useful or desirable in connection with any such projects, including but not limited to school facilities (the "Project" or "District"); and,

WHEREAS, before a Tourism District may be created, the Tourism Act requires, among other things, that the Council must determine, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the Project:

(1) Retailers will locate their businesses as such in the District; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the District; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of the State of Nevada.

WHEREAS, the City commissioned a report prepared by Meridian Business Advisors (the "Report") analyzing, among other things, the estimated amount and source of sales and use taxes generated in the District; and,

WHEREAS, the Report was the only analysis prepared by or for or presented to the Council regarding the source and use of any money proposed to be pledged pursuant to the Tourism Act within the District; and,

WHEREAS, other testimony was prepared and presented to the City Council regarding other findings required pursuant to NRS 271A.080 (the "Additional Testimony"); and,

WHEREAS, at a duly noticed regular meeting of the Council on July 1 as continued to July 15, 2009, the City held a public hearing and found and determined that based upon the Report and the Additional Testimony, (a) as a result of the Project: (1) retailers will locate their businesses as such in the District; and (2) there will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed in the District; and (b) a preponderance of that increase in the proceeds from the sales and use taxes will be attributable to transactions with tourists who are not residents of the State of Nevada (the "Preponderance Finding"); and,

WHEREAS, the Tourism Act also requires, among other things, that before the District may be created, the Nevada Commission on Tourism (the "Commission") must determine, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to the Preponderance Finding will be attributable to transactions with tourists who are not residents of the State; and,

WHEREAS, the Commission has provided at least 15 days' notice by publication of a public hearing to be held on the date hereof pursuant to NRS 271A.080(7) and conducted a public hearing on the date hereof.

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Upon motion by Commission Member _____, seconded by Commission Member _____, the foregoing Resolution was passed, adopted and approved on this 25th day of August, 2009 by the following vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

NEVADA COMMISSION ON
TOURISM

Brian K. Krolicki
Lt. Governor, Chair

ATTEST:

Dann H. Lewis, Director