

NOTICE OF PUBLIC MEETING

NEVADA COMMISSION ON TOURISM

AGENDA

DATE: June 16, 2009
TIME: 1:00 p.m.

LOCATION: Nevada Commission on Tourism
401 N. Carson Street
2nd Floor Chambers
Carson City, NV 89701
VIDEO CONFERENCE TO:
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 March 2, 2009 and March 16, 2009 (Discussion/Action)
 3. Introduction and summary of the Tourism Improvement District Law (Chapter 271A of NRS) pertaining to the role and responsibility of the Nevada Commission on Tourism to determine that a preponderance of the increase from sales and use taxes within the District will be attributable to transactions with tourists who are not residents of this State. (Discussion) – Steve Woodbury
 4. PUBLIC HEARING
 - a. Presentation: Tourism Improvement District for parcels at Fourth St. and Stewart Ave., Las Vegas, 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 Fourth St. and Stewart Avenue, Las Vegas, 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 a proposed resolution attached hereto.
(Discussion/Action)
5. Director's Report (Discussion) - Dann Lewis
 - a. Department updates
 - Marketing and Advertising
 - Media Relations
 - Sales and Industry
 - b. Nevada Magazine update
 - c. Biennium budget update
 - d. Legislative issues related to the Nevada Commission on Tourism
6. First Cycle Fiscal Year 2010 Rural Grant Proposals (Discussion/Action) - Christian Passink (Approval of rural grants, which promote travel and tourism, develop local marketing and advertising programs, promote special events and attractions, and evaluate effectiveness of local programs and events.)
 - a. Staff Comments and Recommendations
 - b. Commission Comments and Approval

7. Comments by Commissioners (Discussion)

8. 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.)

9. 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), www.travelnevada.com, 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 June 12, 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. 2009-01

A RESOLUTION MAKING A DETERMINATION PURSUANT TO NRS 271A.080(7) AND APPROVAL PURSUANT TO NRS 360.855 RELATING TO A PROPOSED CITY OF LAS VEGAS, NEVADA TOURISM IMPROVEMENT DISTRICT.

WHEREAS, the City Council (the “City Council”) of the City of Las Vegas, Nevada (the “City”), in the State of Nevada (the “State”) desires to consider adopting an ordinance pursuant to NRS 271A.070 creating a Tourism Improvement District (the “TID” or “District”) as further described herein; and

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

WHEREAS, the City Council has indicated to the Nevada Commission on Tourism (the “Commission”) that it desires to proceed with the steps necessary creation of the district (the “District”) described in the resolution adopted by the Council on May 6, 2009 (the “May 6 Resolution”); and

WHEREAS, there has been filed with the Commission;

- (i) A report entitled “*Proposed Tourism Improvement District, An Analysis of Selected Regulatory Requirements*” prepared by Applied Analysis, dated November 30, 2008, as amended on February 27, 2009 (the “Report”) which is a report of an independent consultant addressing the fiscal effect of the project proposed for the District and the financing thereof under Chapter 271A of NRS on the provision of local governmental (the “Fiscal Effect”) as required in Subsection 3 of NRS 271A.080;
- (ii) A letter from CIM/LL Manager, LLC (the “Developer”) dated January 16, 2009 relating to the Developer’s ability and desire to proceed with certain projects, including retail projects in the District;
- (iii) A memorandum from Keyser Marston Associates dated January 27, 2009 concerning the Developer’s financial ability to proceed with the projects described in (ii) above;
- (iv) A memorandum from the City’s Office of Business Development, dated January 22, 2009 concerning certain real estate matters relating to the District and a Disposition and Development Agreement between the City and the Developer dated July 2, 2008;
- (v) A presentation made to the Council at its February 4, 2009 meeting at the District; and
- (vi) The May 6 Resolution and the minutes of the hearing held thereon;

(the “Filed Information”); and

WHEREAS, the Council desires to construct a project (the “Project”) to be located in the District as further described in the Report; and

WHEREAS, pursuant to the Tourism Act, the City desires to finance a portion of the Project through the issuance of bonds or an agreement or both pursuant to the Tourism

Act which shall be repaid through the pledge of a portion of the sales and use taxes collected in the District pursuant to the Tourism Act; and

WHEREAS, the Tourism Act requires, among other things, that before the District may be created, the City Council of the City (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 (the “State”).

WHEREAS, on May 6, 2009, the Council held a public hearing and made the determination discussed in the preceding preamble (the “Preponderance Finding”); and

WHEREAS, the Tourism Act also requires, among other things, that before the District may be created, 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 as part of 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). Based on the Filed Information and the information provided to the Commission at the hearing held on this date, the Commission hereby determines that a preponderance of the increase in the proceeds from sales and use taxes identified as part of 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. Approval of Use of Monies Under NRS 360.855(3). Pursuant to NRS 360.855(3) the Commission hereby approves the use of money received pursuant to subsection 1 of NRS 360.855 that is not needed to make payments due during a fiscal year of the principal of, interest on, and other payments or security-related costs with respect to, any bonds or notes issued pursuant to NRS 271A.120 and payments due during that fiscal year under any agreements made pursuant to NRS 271A.120 for the purpose of prepaying, defeasing or otherwise retiring all or a portion of any bonds or notes issued pursuant to NRS 271A.120 or of prepaying amounts due under any agreements entered into pursuant to NRS 271A.120, or any combination thereof, with respect to the TID.

Section 4. Effective Date. This resolution shall be effective upon passage.

Section 5. Repealer and General Provisions. Any resolution which conflicts with this resolution is hereby repealed. The officers of the Commission 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 16th day of June 2009 by the following vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

NEVADA COMMISSION ON
TOURISM

Brian K. Krolicki
Lt. Governor, Chair

ATTEST:

Dann H. Lewis, Director