



Las Vegas

Agenda Item No.: 6.

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JULY 15, 2008

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:
Bill No. 2008-34 Amends the business license code pertaining to the license application process, licensee registrations, administrative fees, business license categories, designation of license agencies and officials, compliance with amendments to State law, and other related matters.
Proposed by: MARK VINCENT, Director of Finance and Business Services

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill updates a number of business licensing provisions of the Municipal Code. Included are updates to massage license provisions so as to be consistent with State law, provisions to authorize certain administrative and processing fees, a few fee category adjustments, provisions to facilitate the monitoring of revenue for certain licensees, and other technical adjustments. The bill also includes a provision to assist City departments in identifying zoning compliance for certain nonprofit operations.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2008-34
2. Business Impact Statement
3. Submitted at meeting Analysis of proposed Bill No. 2008-34

Motion made by LARRY BROWN to Hold in Abeyance 8/5/2008

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, LARRY BROWN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MARK VINCENT, Director of Finance and Business Development, clarified for COUNCILMAN BROWN that Bill No. 2008-34 relates to a number of items that need to be addressed. CHIEF DEPUTY CITY ATTORNEY VAL STEED provided a brief explanation that

RECOMMENDING COMMITTEE MEETING OF: JULY 15, 2008

the other item, which was held in abeyance to October, referred to a resolution which would have added an appeal fee for zoning items.

MR. VINCENT disclosed that Bill No. 2008-34 addresses a variety of items that pertain to the license application process for the City of Las Vegas. Speaking on specific items, JIM DiFIORE, Manager, Business Services Division, explained that processing a business license application takes from two to four weeks with the current fee being \$30. Because the fee does not reflect the actual cost incurred for that transaction, an increase to \$50 is proposed. MR. DiFIORE noted that a privileged license requires three times the amount of time to process so the proposal is to increase the fee to \$150.

MR. DiFIORE read through the list of proposed fee increases for inspections, temporary license applications, work card appeal processing, fast track and violation fees. In response to COUNCILMAN BROWN'S query, MR. DiFIORE stated that fees are determined based on travel time, vehicle costs, labor and computer time.

MR. DiFIORE recognized representatives from the Nevada State Board of Massage Therapy who were present to speak on one of the provisions of the Medical Code that eliminates the regulation section relative to massage therapists. MR. DiFIORE explained that the State of Nevada has full control over massage therapists and the City is responsible for licensing the massage establishments. Introduced as a First Amendment, the proposal is to put more regulatory responsibility on the massage establishment licensee.

COUNCILWOMAN TARKANIAN asked for clarification regarding a violation that may occur that is not related to the massage itself. MR. DiFIORE explained that if there is any existing violation that occurred on the massage establishment premises, i.e. an unlicensed massage therapist performing massage on the premises, the State would have control over the therapist who performed the massage, but the City would have control over the massage establishment licensee and be able to issue a citation.

BILLIE SHEA, Chairperson for the Nevada State Board of Massage Therapy, explained that the State has written laws that regulate massage. If there is an impropriety, the State Board would enforce those regulations, initiate the appropriate disciplinary action and in turn report the offense to the City and to Metro.

Referencing Section 111 of the Bill, MS. SHEA stated that the language pertaining to the scope of practice is already covered under the Nevada Revised Statutes (NRS). CHIEF DEPUTY CITY ATTORNEY STEED confirmed that there is inclusive language relevant to the regulating of massage therapists by the State Board. He also clarified the proposed language regarding dispatching.

COUNCILWOMAN TARKANIAN asked whether more time was needed to perfect the language to which CHIEF DEPUTY CITY ATTORNEY STEED replied that if the Recommending Committee was not prepared to send the bill on, he would appreciate the additional time.

RECOMMENDING COMMITTEE MEETING OF: JULY 15, 2008

MS. SHEA also expressed concern regarding the health cards inasmuch as the Clark County Health District has established regulations that are not in accord with the NRS.

MR. DiFIORE briefly reviewed the standards, definitions and fee changes for real estate and noted that the changes are to be consistent with Clark County.

KIP COOPER, representing the Greater Las Vegas Association of Realtors, distributed a line-by-line analysis of comments. From a realtor perspective, he stated that there were certain issues that required clarification and certain issues that are time sensitive. MR. COOPER detailed the items that he felt were unnecessary or had objections to but gave positive comments related to an addition to the existing State regulation pertaining to issuance of a City license.

Based on testimony heard, MR. VINCENT recommended holding this item to allow the City Attorneys Office the opportunity to craft future language. MR. DiFIORE suggested 30 days. COUNCILMAN BROWN agreed that it would be worth holding the Ordinance to look at the overall picture including citywide structures and considering and/or incorporating some of the comments heard.

