



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 5, 2008

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:
ABEYANCE ITEM - Bill No. 2008-34 Amends the business license code pertaining to the license application process, licensee regulations, administrative fees, business license categories, designation of license agencies and officials, compliance with amendments to State law, and other related matters. Proposed by Mark R. 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:

ABEYANCE to 8/5/2008 Recommending Committee meeting by the 7/15/2008 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

Motion made by RICKI Y. BARLOW to Approve Do Pass as First Amendment with the removal of Sections 166-169

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MARK VINCENT, Director of Finance and Business Development, explained that at a previous meeting it was requested that all fee increases be omitted from Bill No. 2008-34 and include those in the Fundamental Review scheduled for October.

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CHIEF DEPUTY CITY ATTORNEY VAL STEED confirmed that the bill, which was scheduled to be acted upon at the next City Council meeting, would not be eligible for adoption. He referenced the proposed First Amendment which takes out all fees and clarified that everything remaining that is fee-related is existing.

MR. VINCENT stated that there was one concern related to commercial leasing. This new category relates to individuals who own commercial properties and in turn lease them out. Currently they do not pay any licensing fees. This category was created to be consistent with the Countys standards.

With regard to the regulations pertaining to massage, CHIEF DEPUTY CITY ATTORNEY STEED noted that proposed language was sent to the Nevada State Board of Massage and there were no objections to the revisions.

For the record, TED RUSSELL, Las Vegas resident, recommended approval of the First Amendment.

KIP COOPER, representing the Greater Las Vegas Association of Realtors, stated that there are a number of major concerns pertaining to the rental or leasing of commercial properties. MR. COOPER referred to Sections 160 through 169 of the First Amendment and asked for an opportunity to meet with Council members and staff for further discussion.

CHIEF DEPUTY CITY ATTORNEY VAL STEED clarified that anyone who operates a business in the City is subject to default licensing. MR. COOPER stated that there should be a fair mechanism to determine the rate in order to apply this tax since it is not currently being applied by Business Licensing.

MR. VINCENT substantiated the fact that people who own commercial real estate and who are in the business of leasing out property and collecting rent are not paying business licensing fees. He added that the County assesses a gross license fee for commercial real estate owners whose properties are located in the County. Their fee schedule is identical to the fee schedule that the City is proposing.

CAROL MEYER, Business and Finance Services, concurred with CHIEF DEPUTY CITY ATTORNEY STEED and explained that the purpose of retaining this category as part of the First Amendment was to clarify for the industry that they should be paying the business licensing fees. The Citys schedule is consistent with the County and she recommended approval.

Speaking to MR. COOPER, COUNCILMAN BARLOW asked what he felt would be accomplished by removing this category. MR. COOPER replied that there are several large commercial owners and organizations who desire to speak with the City to determine whether the fee is necessary.

MR. COOPER theorized that although the County has established fees, it does not make it fair or just. He believed the City should allow adequate time to the industry for addressing their concerns.



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COUNCILMAN BARLOW asked whether there is a timeline that has to be adhered to. MR. VINCENT replied that if the Committee has a preference to hold this matter for thirty days, there would be no objection. He emphasized that the point is enforcement and doing business in the City mandates the payment of fees. MR. VINCENT further clarified that if approved, there is no intent for retroactive enforcement.

Based upon recommendation from CHIEF DEPUTY CITY ATTORNEY STEED and desiring to provide adequate opportunity to the industry, COUNCILMAN BARLOW motioned to approve Bill No. 2008-34, First Amendment as Do Pass, removing Sections 166 through 169 to be addressed at a later time when a new bill is proposed.

