

Summary: An ordinance creating the New Vegas Immersive Tourism Improvement District in the city of Las Vegas, and providing other matters properly related thereto.

BILL NO. 2024-38

ORDINANCE NO. _____

AN ORDINANCE CREATING THE NEW VEGAS IMMERSIVE TOURISM IMPROVEMENT DISTRICT IN THE CITY OF LAS VEGAS, NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

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

WHEREAS, the City Council of the City (the "Council") desires to construct a project (the "Project") consisting of real or personal property suitable for retail, tourism, or entertainment purposes and any real or personal property necessary, useful or desirable in connection with any of the projects set forth in NRS 271A.050, to be located in the District as further described in the report entitled "*New Vegas Immersive District, Preponderance Study & Related Analysis*," dated April 2024 prepared by C.H. Johnson Consulting, Inc. (the "Report") which is on file with the City Clerk of the City; and

WHEREAS, the Tourism Act requires, among other things, that before the District may be created, the Council must make a written finding at a public hearing, based upon reports from independent consultants, as to whether the Project and the financing thereof will have a positive fiscal effect on the provision of local governmental services (the "Fiscal Effect Finding"), after considering:

- A. the amount of proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the District; and
- B. the use of any money proposed to be pledged pursuant to the Tourism Act; and
- C. any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the Project and the development of land within the District; and
- D. estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the District and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the District; and

WHEREAS, pursuant to the Tourism Act, at least forty-five (45) days before making the Fiscal Effect Finding, the Council provided to the Board of County Commissioners of Clark County, written notice of the time and place of the meeting at which the Council will consider making the Fiscal Effect Finding and each analysis prepared by or for or presented to the Council regarding the fiscal effect of the Project and the use of any money proposed to be pledged pursuant to the Tourism Act on the provision of local governmental services, including education; and

WHEREAS, the City commissioned the Report regarding, among other things, the fiscal effect on the provision of local governmental services and the estimated amount and source of sales and use taxes generated in the District; and

WHEREAS, the Report is the only analysis prepared by or for or presented to the Council regarding the fiscal effect of the Project and the use of any money proposed to be pledged pursuant to the

Tourism Act on the provision of local governmental services, after considering the factors described in NRS 271A.080(3); and

WHEREAS, the City provided at least fifteen (15) days' notice of a public hearing held on August 21, 2024 pursuant to NRS 271A.080(5); and

WHEREAS, the Council held a public hearing on August 21, 2024 and pursuant to a resolution adopted on August 21, 2024 at the public hearing, the Council made written findings pursuant to NRS 271A.080(2), (3) and (5), including the Fiscal Effect Finding; and

WHEREAS, the City provided materials to the Nevada Commission on pursuant to NRS 271A.080(5); and

WHEREAS, on September 11, 2024, the Commission on Tourism made the determination pursuant to NRS 271A.080(6) that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to NRS 271A.080(6) will be attributable to transactions with tourists who are not residents of this State and approved the use of monies under NRS 360.855(3); and

WHEREAS, no portion of any of the Property in the District is also included within any boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650; and

WHEREAS, having met all of the prerequisites to creation of the District pursuant to NRS 271A.080, the Council desires to create the District; and

WHEREAS, the City staff has presented to the Council a description and a map of the boundaries of the District; and

WHEREAS, the Council has reviewed the documents submitted for the District; and

WHEREAS, the Council and officers of the City have done all things necessary and preliminary to the creation of the District, and the Council desires now to create the District by this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN:

Section 1. This Ordinance shall be known as, and may be cited by, the short title "New Vegas Immersive Tourism Improvement District Creation Ordinance" (the "Ordinance"). All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers of the City (not inconsistent with the provisions of this Ordinance) concerning the District and the Project hereby are, ratified, approved, and confirmed.

Section 2. The Council has heretofore determined and does hereby determine:

A. No retailers will have maintained or will be maintaining a fixed place of business within the District on or within one-hundred and twenty (120) days immediately preceding the date of adoption of this Ordinance; and

B. The District is located entirely within the boundaries of the City.

Section 3. There shall be, and hereby is, created in the City the District being a tourism improvement district designated as the "New Vegas Immersive Tourism Improvement District" for the purpose of acquiring the Project. The boundaries of the District are as further described as parcels adjacent to and generally bounded by Kings Way and Teddy Drive to the north, Rancho Drive to the east, Wyandotte Street and Rigel Avenue to the west, and Sirius Avenue to the South; and as more particularly described in the Report.

Section 4. Pursuant to NRS 360.855(3) the City Council hereby approves and authorizes 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 under any agreements made pursuant to NRS 271A.120) to make prepayments of any amounts due under any agreements entered into pursuant to NRS 271A.120 with respect to the District.

Section 5. The Project, which is a permitted project under NRS Chapter 271A, is hereby ordered to be acquired, improved, equipped, operated, and maintained within the boundaries of the District.

Section 6. For the purposes of carrying out the acquisition, improvement, equipment, operation, and maintenance of the Project within the District as more specifically described herein and the financing of the Project, the City hereby determines to pledge and hereby pledges seventy-five percent (75%) of:

A. An amount equal to the proceeds of the taxes imposed pursuant to NRS 372.105 and 372.185 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the District during a fiscal year, after the deduction of a sum equal to one and three-quarter percent (1.75%) of the amount of those proceeds;

B. The amount of the proceeds of the tax imposed pursuant to NRS 377.030 with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the District during a fiscal year, after the deduction of one and three-quarter percent (1.75%) percent of the amount of those proceeds.

Section 7. Pursuant to NRS 271A.090, the determinations and written findings made by the Council in this Ordinance are conclusive in the absence of fraud or gross abuse of discretion.

Section 8. After adoption of this Ordinance, City staff is hereby authorized to negotiate with the State of Nevada Department of Taxation the terms of an agreement specifying the dates and procedure for distribution to the City of any money pledged pursuant to Section 6 of this Ordinance and to provide such agreement to the Council for its approval at a duly notice meeting of the City Council.

Section 9. When first proposed, this Ordinance must be read to the Council by title, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least ten (10) days before the adoption of the Ordinance, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

BILL NO. 2024-38

ORDINANCE NO. _____

AN ORDINANCE CREATING THE NEW VEGAS IMMERSIVE TOURISM IMPROVEMENT DISTRICT IN THE CITY OF LAS VEGAS, NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 495 S. Main Street, Las Vegas, Nevada, and that such Ordinance was proposed October 2, 2024, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on October 16, 2024.

/s/ LuAnn D. Holmes

Dr. LuAnn D. Holmes, MMC,
City Clerk

[End of Form of Publication of Notice of Filing of an Ordinance]

Section 11. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having a general circulation in the City, such publication to be in substantially the following form:

This Ordinance shall be in full force and effect from and after the _____ day of October, 2024, i.e., the day after the publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

DATED this October 16, 2024.

/s/ Carolyn G. Goodman
Carolyn G. Goodman
Mayor

Attest:

/s/ LuAnn D. Holmes
Dr. LuAnn D. Holmes, MMC
City Clerk

[End of Form of Publication]

Section 12. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 13. If any section, paragraph, clause, or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

PASSED, ADOPTED AND APPROVED THIS OCTOBER 16, 2024.

Carolyn G. Goodman, Mayor

Attest:

Dr. LuAnn D. Holmes, MMC, City Clerk

Approved as to Form:

John S. Ridilla *9/23/24*

John S. Ridilla
Assistant City Attorney

Date

This Ordinance shall be in full force and effect from and after October _____, 2024, i.e., the date after the publication of such ordinance by its title.

STATE OF NEVADA)
)
CITY OF LAS VEGAS)

I, Dr. LuAnn D. Holmes, MMC, am the duly chosen and qualified City Clerk of the city of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete, and compared copy of an ordinance which was introduced at the meeting of the Council on October 2, 2024, and finally adopted and approved on October 16, 2024.

2. The attendance of members of the Council at the October 2, 2024 Council meeting was as follows:

Present: _____

Absent: _____

3. The foregoing Ordinance was first proposed and read by title to the City Council on October 2, 2024, and referred to a committee for recommendation; thereafter the said committee reported favorably on said Ordinance on October 16, 2024, which was a regular meeting of said Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The presence of members of the City Council and their votes upon the adoption of the Ordinance were as follows:

Present: _____

Voting Aye: _____

Voting Nay: _____

Absent: _____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself as the City Clerk, and sealed with the seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the Council were given due and proper notice of the meetings held on October 2, 2024 and October 16, 2024. Pursuant to Section 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings including in the notice the time, place, location, and agenda of the meeting:

A. By posting a copy of the notice at least three working days before the meeting on the City's website, at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, on the official website of the State of Nevada pursuant to NRS 232.2175, and at the following additional separate, prominent places within the jurisdiction of the Council, to wit:

- (i) Principal office of the Council☺
City Hall
495 S. Main Street
Las Vegas, Nevada
- (ii) City of Las Vegas website:
www.lasvegasnevada.gov
- (iii) Additional Posting:
Las Vegas Municipal Court
100 E. Clark Avenue
Las Vegas, Nevada

B. Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

6. A copy of such notice so given of the meeting of the Council on October 2, 2024 is attached to this certificate as **Exhibit A** and a copy of the notice so given of the meeting of the Council on October 16, 2024 is attached to this certificate as **Exhibit B**.

7. A copy of the notice of each meeting was posted on the City's website no later than 9:00 a.m. on the third working day prior to each meeting.

8. A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as **Exhibit C**. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as **Exhibit D**.

9. Upon request, the Council, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the Council for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on October 16, 2024.

Dr. LuAnn D. Holmes, MMC, City Clerk

EXHIBIT A

[ATTACH COPY OF NOTICE OF MEETING ON OCTOBER 2, 2024]

EXHIBIT B

[ATTACH COPY OF NOTICE OF OCTOBER 16, 2024 MEETING]

EXHIBIT C

[ATTACH AFFIDAVIT OF PUBLICATION OF
NOTICE OF DEPOSIT OF CREATION ORDINANCE]

EXHIBIT D

[ATTACH AFFIDAVIT OF PUBLICATION OF ADOPTION OF CREATION ORDINANCE]