

STAFF REPORT

Date: August 23, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Approval of Agreement for consulting services with Fennemore Craig P.C. to assist in the revision of Reno Municipal Code Title 4 - Business License Code and Title 5 - Privileged Licenses, Permits and Franchises in an amount not to exceed \$62,500. (General Fund)

From: Lance Ferrato, Director of Business Licensing

Department: Business Licensing

Summary:

This report provides information relative to Council's direction to proceed with a rewrite of Reno Municipal Code ("RMC") Title 4 - Business License Code and Title 5 - Privileged Licenses, Permits and Franchises ("Titles 4 and 5").

As previously discussed with Council, staff has determined that in order to produce the best possible product, a consultant should be enlisted. Consequently, staff met with multiple firms and ultimately selected Fennemore Craig P.C. ("Fennemore") to assist in the code revision.

This item is being brought to Council to address that Fennemore would be serving in an advisory role for the City, not acting in a legal capacity. Staff asks that Council acknowledge that this role does not give rise to any conflicts with the City that Fennemore may have in their legal representation of business in the community.

Staff recommends Council approve the agreement for consulting services and authorize the City Manager to sign the engagement letter.

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

March 29, 2023 – Council heard a staff presentation regarding the need for a significant update to Titles 4 and 5 and gave direction to proceed with drafting ordinances, gathering public

feedback, and returning with a draft.

Background:

The majority of Titles 4 and 5 were last revised in July of 1997. Since then, chapters and sections have been adopted, repealed, and amended, but the general framework has remained intact. As noted by Council, staff, and constituents many times, the majority of these titles are outdated, inconsistent, and/or unclear. Consequently, based on Council's direction, staff will be undertaking a complete rewrite of Titles 4 and 5 which will bring about more consistent interpretation and application of the business licensing regulations. As required, a robust effort will be made to gather as much public feedback as possible; however, construction of the new framework will require outside assistance.

This item is being brought to Council to address that Fennemore would be serving in an advisory role for the City, not acting in a legal capacity. Staff asks that Council acknowledge that this role does not give rise to any conflicts with the City that Fennemore may have in their legal representation of business in the community.

Discussion:

In order to assist in the code revision, staff reached out to multiple firms. Three competitive proposals were reviewed and Fennemore was chosen as the consultant. Under the terms of engagement (Exhibit A), staff will identify topics and provide information based on community outreach, internal analysis, and historical knowledge, which Fennemore will use to provide an updated draft of Titles 4 and 5. Fennemore and staff will also evaluate business licensing codes used by other Nevada and similarly sized municipalities to identify best practices and possible innovative administrative systems that will support modernization of the RMC licensing scheme.

Fennemore expects the project to take approximately 75 to 90 days from the time they are instructed to proceed and anticipates that the project will not exceed \$62,500. Once staff is able to gather enough feedback through community engagement, the consultant will begin. As the document evolves, staff will continually involve the community in revisions which will ultimately come back to Council for consideration.

Financial Implications:

The professional services contract is not to exceed \$62,500.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council approve the agreement for consulting services and authorize the City Manager to sign the engagement letter.

Proposed Motion:

I move to approve staff recommendation.

Attachments:

Exhibit A – Engagement Letter