



NEVADA FIREARMS COALITION

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November 3, 2013

Clark County Board of County Commissioners
Steve Sisolak, Chair
Larry Brown, Vice Chair
Tom Collins
Lawrence Weekly
Chris Giunchigliani
Susan Brager
Mary Beth Scow

Re: BCC JOINT MEETING REGULAR, November 5, 2013, Agenda Item 82 "Receive a report on the Clark County Shooting Complex and take any action deemed appropriate."

Dear Chair Sisolak and County Commissioners:

The Nevada Firearms Coalition is dedicated to the safe use of firearms for self-defense, competition, recreation and hunting. We are a Nevada grassroots organization representing the firearms owners of Nevada. We are the State Association for the National Rifle Association, and a member of the National Shooting Sports Foundation.

We are requesting that this letter be placed in the official record as our input to the above referenced agenda item.

The Clark County Shooting Complex (CCSC) was developed after years of public input and demand from the recreational public shooting community. Prior to the development of the CCSC, county residents had three locations to enjoy their sport. 1. Private ranges which are expensive and shooting is generally limited to restricted indoor distances. 2. Private Outdoor Gun Clubs, there are two in Clark County, membership is expensive and access is restrictive. 3. Shooting in the desert, which has issues with trash and safety. As an example, a Metro Police officer, while off duty was killed by a desert target shooter. These locations were severely restricted when County Code 12.04.230 closed thousands of acres to recreation shooting.

A brief history of the development of the Clark County Shooting Park/Complex is presented in order to fully understand and make pertinent comments about the agenda issue. The following were completed as the CCSC developed.

- In 2000 the BCC established a Clark County Regional Sport Shooting Park Citizen Advisory Committee which was chartered by BCC and answerable to BCC. Staff support was provided the County Department of Parks and Recreation. Annual progress reports were made to the BCC.
- On December 17, 2002, Public Law 107-350 was passed by the US Congress; it was supported by a resolution of the Nevada State Legislature and sponsored by all of the Nevada Congressional and Senatorial delegation. This law reads in part:
The Congress finds that....there is a need to designate a centralize location in the Las Vegas Valley where target shooters can practice safely.....to provide the public with opportunities for education and recreation...a location for competitive events and marksmanship training...the parcels of land conveyed under subsection (c)...shall be used by Clark County for the purposes described in subsection (b) only and shall not be disposed of by the county....If Clark County ceases to use any parcel for the purposes described in subsection (b)...title to the parcel shall revert to the United States.....Clark County, Nevada shall be responsible for any reclamation necessary to revert the parcel to the United States.
- In July 2003, the county hired a nationally recognized shooting range development and operations consultant to work with the advisory committee to develop the master plan, business/financial/and marketing plans. The consultant worked with the Parks Department and with the Citizen Advisory Board for 2003 and 2004.
- On October 2003, the BCC received the Master Plan for the CCSC. This plan detailed the full build out and included recommendations for the operation and management of the CCSC. Recommendations included:
- On November 7, 2003, Clark County received \$500,000 of Southern Nevada Public Lands Management Act (SNPLMA), Parks, Trails and Natural Areas (PTNA) for Round 3. These funds paid for survey and administration costs to transfer title to the county and provide an Environmental Site Assessment.
- On November 26, 2003 the land was patented to Clark County Nevada (Patent N-76647) by the United States. The patent contained the stipulations enumerated in PL 107-350 as summarized above.
- In 2003 at the request of the BCC, the Economic Research Associates prepared a preliminary Feasibility Analysis which was presented to the BCC.
- On June 6 2004, in order to continue to receive SNPLMA funds, Clark County entered into a revised Implementation Agreement per PL 105-2653 and PL 106-248. Page 66 of this agreement states in part:
A. PTNA Project Perpetual Ownership, Management: *In addition to perpetual ownership of acquired land and interests in land, the SNPLMA Assistance Agreements/Cooperative Agreements between the BLM and the local and regional governmental entities require that the governmental entities own and maintain in*

perpetuity and facilities, trails, or other features which are constructed using SNPLMA funds.....Commercial, for-profit entities may not operate facilities funded by SNPLMA.....

- In 2004 the Advisory Committee submitted the Financial/Business/Marketing Plan to the BCC (2004 Annual Report).
- In July 2004, Clark County submitted an application through the Nevada Department of Wildlife for a shooting range grant to hire a full time project manager, which also included a **hunter education center at the CCSC**. Excerpts included the following:
*Developing a world-class sport shooting park is an enormous, complex, multi-year project and requires oversight by a full-time employee with specialized skills and shooting park development experience. This full-time employee will be retained to perform project management for the development phases of the park and to oversee operational management of the facility once built. Specifically, responsibilities for this employee will include coordinating and expediting the pre-engineering and engineering tasks for all three phases of the project. **The Clark County Sport Shooting Park will serve the general public residing in the Clark County and the Las Vegas metropolitan area, such as the casual day shooter, shooting enthusiasts or hunters, youth in the Scouts or other organizations, and residents interested in rifle, pistol or archery practice or instruction.** ERA estimated that the Las Vegas metropolitan area supports 16 organized gun clubs, most of which do not have their own shooting facilities, relying on ranges open to the public or using public lands in undeveloped areas to shoot. **Shooting enthusiasts are vocal in their support of the County's project and are eager to see the Park become a reality. Residents taking Hunter Education Safety classes will be served by a state-of-the-art facility that will combine classroom instruction and range practice.** The Park will serve visitors and tourists interested in sport shooting or specialty shooting as well as participants in shooting events, exhibitions, conferences or trade shows. The master conceptual plan includes facilities suitable for law enforcement or other security agencies to use for training or certification exercises.*
- On June 3, 2005 Clark County received \$17,424,000 in Round 5 of SNPLMA to begin development of the CCSC
- *On October 19, 2005 Clark County requested \$42,160,000 in Round 6 of SNPLMA for the CCSC*
- On March 1, 2005, the BCC passed a Resolution requesting that SNPLMA fund the Clark County Shooting Park. Wording included the following:
WHEREAS, In 1998, Congress passed the Southern Nevada Public Lands Management Act, Public Law 105-263, which allowed the U.S. Department of Interior, Bureau of Land Management to sell certain federal lands in Clark County to the private-sector for development purposes; and
WHEREAS, Under the provision of the Act, 5 percent of the profits from the land sales is allocated to fund education in Nevada, 10 percent is allocated for Southern Nevada Water Authority water delivery projects, and the remaining 85 percent is deposited in an

account for the federal acquisition of environmentally sensitive land, to develop a Multi-species Habitat Conservation Plan for federally listed threatened and endangered species, for capital projects on federal Bureau of Land Management, National Park Service, and Forest Service Lands, and to develop parks, trails and natural areas in Clark County; and

WHEREAS, Additional legislation has amended the Act to include conservation initiatives on Federal Lands, federal environmental restoration projects at Lake Tahoe and authorize certain revenues to be set aside for other specific purposes; and

WHEREAS, The Las Vegas Valley is the fastest growing metropolitan area in the United States, and the Act was passed in response to that growth in an effort to offset growing recreational and environmental impacts on Federal Land surrounding the Las Vegas Valley, as well as to provide recreational amenities within the Las Vegas Valley; and

WHEREAS, The public of Clark County enjoys and utilizes the right to own and use firearms, and it is estimated that every third household owns firearms and they have expressed a continuous and strong desire to develop a safe and affordable public sport shooting park; and

WHEREAS, The Las Vegas Valley has limited public shooting opportunities, and there are no public shooting parks in the Las Vegas Valley forcing citizens use Federal Lands to practice with their firearms which results in illegal shooting, environmental damage and public safety issues; and

WHEREAS, The law enforcement, security industry, and local military units have also expressed a desire to have a shooting park to meet training and Home Land Defense needs; and

WHEREAS, This need has been acknowledged by the Federal Government, and the U.S. Congress in January of 2002 passed H.R.2937 which was signed into law by President George W. Bush, which subsequently transferred 2,880 acres of Federal Land to Clark County, Nevada for the purposes of constructing and providing a public sport shooting park; and

WHEREAS, The Clark County Board of Commissioners has directed the Department of Parks and Community Services, and has appointed a Citizen Advisory Committee to accomplish this project; and

WHEREAS, the Citizen Advisory Committee has made conceptual plan recommendations for a comprehensive, safe, affordable and self-sustaining sport shooting park to meet the public needs, and

WHEREAS, This project enjoys strong support from citizens of the Las Vegas Valley; and

WHEREAS, The Southern Nevada Public Lands Management Act has already funded Phase 1 of this project, and

WHEREAS, The County Staff proposed \$42,160,000 to the Parks, Trails and Natural Areas Sub Group to complete the remainder of the Sport Shooting Park Development (Phases 2 and 3).....

- On March 24, 2005, a Nevada Joint Senate Resolution was sent to the President of the United States requesting full funding of the Clark County Sport Shooting Park.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY,

That the members of the 73rd Session of the Nevada Legislature hereby urge President Bush to direct the Secretary of the Interior to provide full funding for the Clark County Sport Shooting Park; and be it further

RESOLVED, That the members of the 73rd Session of the Nevada Legislature support the resolutions adopted by the Clark County Board of Commissioners on March 1, 2005, concerning the Southern Nevada Public Lands Management Act of 1998; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

- During this same time period, Sunset Park and Wetlands Park received approximately \$65,000,000 of SNPLMA funds each to redevelop and develop both these regional parks.
- On June 20, 2006, Clark County received \$42,160,000 in Round 6 of SNPLMA to complete Phase One, the Public Module.
- Official ground breaking ceremony was held on October 2006
- In January 2007, The BCC received the “Financial and Operations Project Report” (2007 Annual report) which included the establishment of the enterprise fund, Economic Research Associates Pro Forma and other recommendations for operation and management of CCSC.
- Effective July 1, 2007 , NRS 244.364 was amended to read in part:
*If the board of county commissioners sells naming rights in accordance with the procedures adopted pursuant to subsection 1, **the board shall create and enterprise fund exclusively for the proceeds of the sale of all such naming rights, for fees or charges, for use of the shooting range and for any gifts, grants, donations, bequest, devices or money from any other source received for the shooting range.** Any interest or other income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. **Money that remains in the fund at the end of the fiscal year does not revert to the county general fund and the balance in the fund must be carried forward to the next fiscal year. The money in the fund may be used to pay for expenses directly related to the shooting range.***

Please note that contrary to comments that were allegedly made at the last Advisory Committee Meeting by a member of upper management, the state law does not require that the enterprise fund earns a profit. In fact the enterprise fund for the CCSC is in complete accordance with NRS 354.553 which states:

Enterprise fund means a fund established to account for operations which are financed and conducted in a manner similar to the operations of private business enterprises, where the intent of the governing body is to have the expenses (including depreciation) of

providing goods and services on a continuing basis to the general public, financed or recovered primarily through charges to the users; or For which the governing body has decided that a periodic determination of revenues earned, expenses incurred and net income is consistent with public policy and is appropriate for capital maintenance, management control, accountability or other purposes.

- At the July 2008 commission meeting, the BCC amended Clark County Ordinance 19 to allow for the sale of naming rights for the Clark County Shooting Park. This action therefore implemented NRS 244.364.
- In 2007 a marketing specialist was requested for implementing marketing programs per the 2007 plan, but Clark County Human Resources did not have a marketing position established so substituted a Public Information Officer position instead. The PIO's did not have the marketing skills necessary for a startup of a complex operation.
- October 2007 a formal Marketing Plan based on committee recommendations and the 2004 annual report was completed. Recommendations included the following objectives: *Models do not exist for marketing a shooting venue of the size of CCSP. A number of factors must be considered as the marketing plan is implemented. CCSP will be the largest public facility of its type in the county at completion. Services will be provided to Clark County residents as well as its thousands of annual visitors. CCSP will play host to local, state, regional, national and international events. This will encompass the walk-in public, Registered User Groups, shows and events. Within those markets, specific categories of shooting and archery will be identified and targeted. New customer markets will have focus marketing activities, specifically women and youth programs. In summary, the objectives of this marketing plan capture and satisfy the goals and achievement milestones for this broad range of unique markets. Objectives to accomplish this plan include:*
 - To develop and implement marketing strategies and activities to attract and support walk-in public shooters for the Public Rifle-Pistol Center, Shotgun Center (ranges 1-4) and Archery Center*
 - To develop and implement marketing strategies and programs for Registered User Groups and events at Shotgun Center (ranges 5 - 24) and Hunter Education Center*
 - To develop and implement marketing strategies and activities for corporate organizations for programs and events at Shotgun Center (ranges 5 – 24) and Hunter Education Center*
 - To develop and implement future marketing strategies and events for future Event and Services Modules*
 - To develop, implement and administer marketing strategies and activities to feature the CCSP and CCSP programs and events to a universal audience*
- May 2008 Environmental Stewardship Plan completed meeting EPA requirements for lead management.

- November 2009: Merchandising Plan Completed based on 2004 Annual Report, recommendations included:
 - Clark County Fiscal Directive #6 must be amended to allow for CCSP to utilize open purchase orders.
 - In order to ensure a successful return on purchases and resale, CCSP must be authorized to purchase from wholesalers with open Purchase Orders. Purchasing from retail vendors does not allow for competitive pricing to maximize return on expense.
 - When the shotgun center was designed, CCSP was going to operate the cafeteria. Its transfer to BEN created an afterhours security problem in that the retail area is open to cafeteria patrons. It is recommended that the pro shop of the shotgun center be reconfigured. This would be accomplished by filling in the entrance to the restrooms with a wall, and moving the entrance to the west side where the observation glass is now located. Once this occurs, a moveable security gate should be installed between the bathroom entrance and the corner of the pro shop. When this occurs it will no longer be necessary to staff the pro shop when the cafeteria is offering after hour events.
- Three major programs were presented to County Management that would have generated significant revenues for completion of CCSC.

Range Grading Project: There are tons of processed materials on the CCSC that were left behind from construction. It was proposed that the county put a scale on the property and sell the processed materials at market costs. No action on this recommendation.

It was recommended that a company be given a bid to rough grade the entire master planned ranges from east to west, store the materials on property and be given 10 years to move it off the property with royalties going to the CCSC enterprise fund. No results from this recommendation. It was estimated that this project would have saved 120 million in costs.

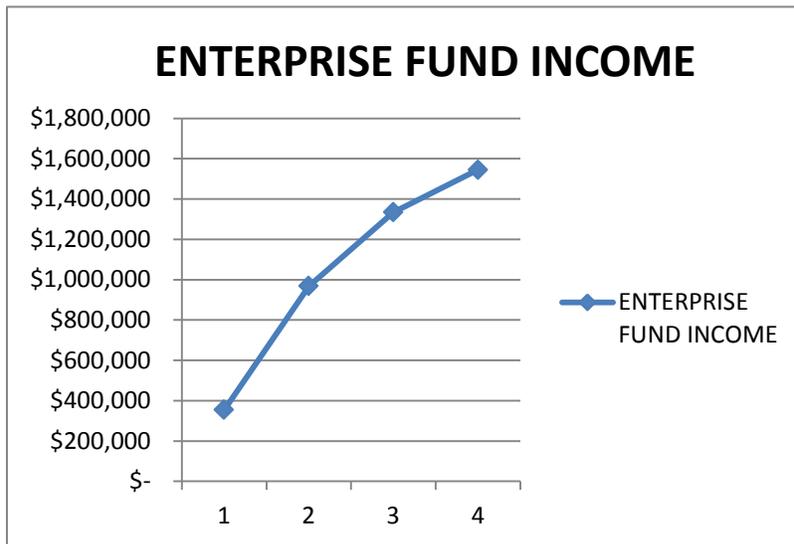
Naming Rights Project: The legislature gave Clark County legal authority to sell naming rights of features on CCSC. A brochure and program was developed and never approved nor implemented by county management. This is another significant loss of revenue.

Commercial leases: According to the patent and information from Senator Reid's offices, uses of the CCSC land for commercial leases supporting the CCSC would be allowed. A proposal to obtain a cell phone tower and monthly royalties was never approved.

Much has been made of the fact that the CCSC is not "making money" and is costing the county significant funds. This discussion was started by one Commissioner within six months of initial operation. Most major business startups take at least five years to be in the black. The current presentation does not analyze the trends of revenue and expenses. Enterprise funds by law are considered revenue. When collected they are required to be reinvested into the operating costs of the next yearly budget cycle. As CCSC brings in more annual revenue, the % of county funds necessary to meet the expenses declines.

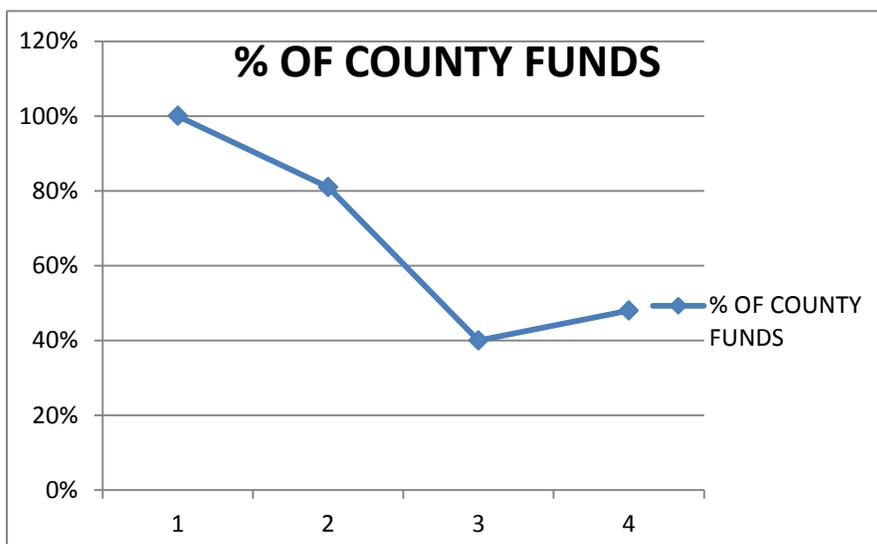
According to figures supplied by Clark County, CCSC has received \$4,201,156 in revenue (enterprise fund income) since operations began in December 2009. This represents 3.5 years of

operations. Data also shows that the amount is increasing yearly. The chart below shows the trend of rising income for the 3.5 years of revenue. As you can see, the trend is upward.



Trend: Enterprise Funds used to operate CCSC

As Enterprise Funds are reinvested in the CCSC operations for the next fiscal year, the % of County Funds to make up the difference between income and expenses is generally declining. The chart below displays the % of county funds to balance the operations necessary for the 3.5 years of operation. The trend is downward.



Trend: % of county funds used to operate CCSC

Consequently, as revenues go up and county fund participation goes down, anyone can see that the CCSC is on a path to success. The challenge is to increase revenue. This can be done by

county management becoming more aggressive in approving and implementing recommended programs.

The bottom line, however, IS NOT revenue. The bottom line IS recreational use days (the use by the public). What service is CCSC providing to the public? None of the data presented by county management has shown the numbers of citizens using the CCSC. This number should be constantly increasing.

We apologize for the length of this document. Because of recent newspaper articles, television stories and knowledge that certain private retail gun ranges have approached a Commissioner or Commissioners about eliminating or privatizing the CCSC, we feel that a background of history was in order to be able to make the following points.

We would like to know why the CCSC being treated differently than the other SNPLMA funded parks, such as Sunset and Wetlands. There had been no news reports or Commissioner interviews about their failure to break even in operational costs, or their ability to raise revenue.

As the statewide organization for firearms owners, we are concerned that there may be an anti-gun agenda being pursued in this discussion. We would welcome evidence to the contrary, but when only one facility which has received the same amount of funding is targeted for this level of public and Commission scrutiny we have our doubts.

The CCSC was developed to provide public recreational shooting opportunities. It was developed per "best management practices" of the shooting range industry to provide safe and quality public shooting opportunities and received the industry "five star rating." Documents prove that the CCSC was designed and was proposed to be managed and operated as a quality public shooting complex.

According to Federal law, State Law and County agreements, the CCSC must be operated and managed as a public owned and operated enterprise funded facility. If this does not occur, the county must pay for the restoration of the site. It also reneges on its SNPMLA agreements which exposes the county to the liability of repaying all SNPMLA grant money received. Consequently the discussion of eliminating the CCSC or turning it over to a private operator is not only imprudent, but contrary to thirteen years of history, public promises and exposure to massive legal ramifications.

Instead the discussion about CCSC should be focused on the best future and significant operation and management practices of the facility. CCSC is a unique complex and it cannot be successful if it is managed like "another park" or managed as a "typical shooting range." It is neither, and it was designed to take advantage of the tremendous Las Vegas market.

It is also known that the CCSC "administrator" does not have authority to implement programs. Program implementation rests with upper management of Clark County. Very few, if any, of the recommended programs have been approved or implemented since December 2009 when the CCSC opened for operations. The failure and denial of upper management to approve or begin implementation of BCC presented operations and management recommendations was the

primary reason for the resignation of the first complex administrator, who had been involved with CCSC since inception.

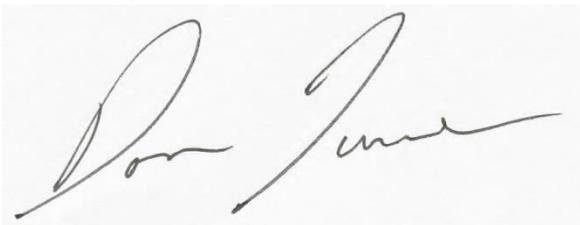
As examples of major lost opportunities, the range grading program was not implemented, not one shovel of gravel was sold. The naming rights program was not implemented despite development of the program and BCC approved resolutions. Marketing and merchandising plans and proposals were denied and were not implemented, as well as other plans ignored and not implemented. Public Information Specialists were substituted for marketing personnel creating loss of revenue and program time.

Consequently, if there is any failure to develop CCSC to provide more public shooting opportunities, it is a failure of upper management to move forward with recommended programs.

Clark County has gotten in the way of the success of this venture. Consequently, Clark County management, or lack thereof, should be the focus of the discussion about the success of CCSC. It is not the failure of the CCSC to meet its planned objectives; it is a failure of management, and those who are in the authority chain to oversee the success or failure of this public service. They should be held accountable by the BCC to ensure that the CCSC implements its plans and meets its objectives. Until that happens, this story will be repeated over and over again.

The NVFAC is committed to have public shooting opportunities in Nevada. We appreciate the opportunity to comment on this critical issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Turner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Don Turner, President
Nevada Firearms Coalition

cc:
NRA
NSSF
NVFAC Membership