

**City of Carson City  
Agenda Report**

**Date Submitted:** July 22, 2011

**Agenda Date Requested:** August 4, 2011

**Time Requested:** 5 minutes

**To:** Mayor and Supervisors

**From:** Public Works Department

**Subject Title:** For Possible Action; Action to find that the proposed ordinance amending Title 12, Water, Sewerage and Drainage, Chapter 12.12, Solid Waste Management, Section 12.12.047, Landfill Rates and Fees, by consolidating and modifying rate classes, increasing out-of-county rates for compacted, uncompacted municipal solid waste and Class III waste, increasing in-county rates for compacted, uncompacted municipal solid waste and Class III waste, effective September 1, 2011, and other matters properly related thereto, does impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business, that a business impact statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the act have been met.  
(Andrew Burnham)

**Staff Summary:** Staff recommends that the Board of Supervisors consider an increase in landfill rates and fees to support general fund and operational requirements by increasing out-of-county rates for compacted, uncompacted municipal solid waste and Class III waste, increasing in-county rates for compacted, uncompacted municipal solid waste and Class III waste. The additional fees will provide funding to further reduce the quantity of waste disposed at the landfill through recycling by an additional 30% in a two year period.

**Type of Action Requested:** (check one)  
 Resolution                       Ordinance  
 Formal Action/Motion    Other (Specify)

**Does This Action Require A Business Impact Statement:**       Yes (    ) No

**Recommended Board Action:** I move to find that the proposed ordinance amending Title 12, Water, Sewerage and Drainage, Chapter 12.12, Solid Waste Management, Section 12.12.047, Landfill Rates and Fees, by consolidating and modifying rate classes, increasing out-of-county rates for compacted, uncompacted municipal solid waste and Class III waste, increasing in-county rates for compacted, uncompacted municipal solid waste and Class III waste, effective September 1, 2011, and other matters properly related thereto, does impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business, that a business impact statement has been prepared, accepted and is on file with the Board of Supervisors and that the requirements of the act have been met.

**Explanation for Recommended Board Action:** The City's landfill rates are below market averages. Staff recommends that the Board of Supervisors consider an increase in landfill rates to support general fund and operational requirements by increasing out-of-county rates for compacted, uncompacted municipal solid waste and Class III waste, increasing in-county rates for compacted, uncompacted municipal solid waste and Class III waste as indicated in the attached revised ordinance. The revenues generated from this rate increase will support general fund operational costs and provide funding to further reduce the quantity of waste disposed at the landfill through recycling by an additional 30% in a two year period.

Staff has provided the appropriate notice, Business Impact Statement and proposed ordinance revisions to BAWN, the Chamber of Commerce, Waste Management, Inc., and other in-county waste haulers. Notice to the public was also provided through the Nevada Appeal. To date, staff has not received any comments or objections.

**Applicable Statue, Code, Policy, Rule or Regulation:** NRS 237 regarding business impact statements.

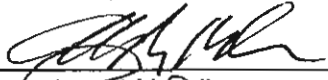
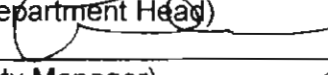
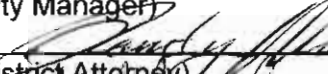
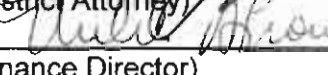
**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:** Make the finding that the proposed ordinance does not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

**Prepared By:** Ken Arnold, Environmental Manager

**Reviewed By:**  Date: 7/26/11  
(Department Head)  
 Date: 7/26/11  
(City Manager)  
 Date: 7/26/11  
(District Attorney)  
 Date: 7/26/11  
(Finance Director)

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

## BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.080 to address the proposed impact of an Ordinance amending Title 12, Water, Sewerage and Drainage, Chapter 12.12, Solid Waste Management, Section 12.12.047, Landfill Rates and Fees, by consolidating and modifying rate classes, increasing out-of-county rates for compacted, uncompacted municipal solid waste and Class III waste, increasing in-county rates for compacted, uncompacted municipal solid waste and Class III waste and other matters properly related thereto.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The proposed ordinance amending Chapter 12.12 of the Carson City Municipal Code regarding an increase to certain landfill rates has been presented to the Carson City Area Chamber of Commerce, Builders Association of Western Nevada (BAWN), and to the public through newspaper advertisements.

\_\_\_\_\_ objections to the increase in landfill rates and fees have been received to date. A copy of this Business Impact Statement is available at the Carson City Public Works Department at 3505 Butti Way, Carson City, Nevada 89701.

2. The estimated economic effect of the proposed rule on businesses including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

- a. Adverse effects:

The proposed rate increases for out-of-county rates for compacted, uncompacted municipal solid waste and Class III waste, increasing in-county rates for compacted, uncompacted municipal solid waste and Class III waste will become effective as of September 1, 2011.

- b. Beneficial effects:

The proposed rate ordinance consolidates the rate structure categories and increases out-of-county rates for compacted, uncompacted municipal solid waste and Class III waste and increases in-county rates for compacted, uncompacted municipal solid waste and Class III waste. The additional revenue will support increased costs for improving recycling and waste diversion.

- c. Direct effects:

The approval of this ordinance will increase rates. The additional revenue will provide funding to reduce the quantity of waste disposed at the landfill through recycling by an additional 30% in a two year period.

- d. Indirect effects:

The passing of this ordinance may have indirect effects, however at this time, those effects cannot be quantified.

3. The following constitutes a description of the methods that the governing body of the

local government considered to reduce the impact of the proposed ordinance on businesses and a statement regarding whether any, and if so which, of these methods were used:

Carson City took control of the operation of the Carson City Landfill in 2001 in an effort to prolong the life of the landfill and to ensure that rates remained reasonable. The lifespan of the landfill went from a projected 8 years as of 2000 to approximately 46 years as of today. Prior to 2001 Carson City residents and businesses were faced with the potential for tonnage fees as high as \$40 or higher. Landfill rates, including these proposed increases, remains far below our neighboring counties. As a result of a contract with Recology Environmental Solutions, Inc., the recycling and waste diversion efforts will be dramatically increased extending the life of the landfill even more.

4. The governing body estimates that the annual cost to the local government for enforcement of the proposed ordinance is:

There should be no increase in costs, as the City already has a billing operation in place and they deal with rates and customer charges everyday.

5. The proposed ordinance increases the existing landfill rates and the total annual amount expected to be collected is:

Annual total charges, approximately \$1,000,000 additional revenue.

The additional revenue will provide funding to further reduce the quantity of waste disposed at the landfill through recycling by an additional 30%.

6. The proposed ordinance includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity. The following explains why such duplicative or more stringent provisions are necessary.

There are none. It is not duplicative, or more stringent than existing federal, state or local standards.

## OBJECTION PROCESS

1. If a business believes it is aggrieved by a rule (as defined in NRS 237.060) adopted by the governing body, the business may object by filing a petition in writing with the clerk/secretary of the local government at 201 North Carson Street, Ste. 1, Carson City, Nevada, 89701.
2. The governing body will accept such petitions for a period of thirty (30) days following approval of the subject Rule for one of the following reasons:
  - a. The governing body failed to prepare a business impact statement as required pursuant to NRS Chapter 237; or
  - b. The business impact statement prepared by the governing body did not consider or significantly underestimated the economic effect of the ordinance or rule on business.
3. Upon receipt of the petition, the clerk/secretary will forward a copy to the local government's attorney, the department/agency that generated the Rule and the local government's manager/chief executive.
4. Staff will consider the merits of the petition and forward a recommendation to the governing body.
5. The governing body will determine if the petition has merit and direct staff accordingly.
6. A sample petition is attached.

**PETITION OBJECTING TO ADOPTION OF RULE**

NRS 237.100 provides that a business that is aggrieved by an ordinance, regulation, resolution or other type of instrument through which a governing body exercises legislative powers, except pursuant to Chapter 271, 278,278A and 278B of NRS (herein a "Rule") adopted by the governing body may object to all or a part of the Rule by filing a petition. This petition form is provided to assist those who wish to object. The petition must be filed with the clerk/secretary of the local government at **201 North Carson Street, Carson City, Nevada 89701**, within 30 days after the date on which the Rule was adopted.

Petitioner's name (Include name of the business or proposed business and whether it is a corporation, partnership, sole proprietorship, fictitious name):

Petitioner's type of business:

Petitioner's business location:

\_\_\_\_\_ Street  
\_\_\_\_\_ County \_\_\_\_\_ State  
City

Petitioner's mailing address (If different from above):

Petitioner's phone number: (\_\_\_\_) \_\_\_\_\_ -

Petitioner is objecting to the following:

(Identify the Rule to which Petitioner is objecting and state whether it is an ordinance, resolution, regulation or other instrument. Please give number if known)

The basis of Petitioner's objection is as follows:

\_\_\_\_\_ The governing body failed to prepare a business impact statement; or  
\_\_\_\_\_ The business impact statement did not consider or significantly underestimated the economic effect of the adopted Rule.

The nature of the impact of the above Rule on Petitioner's business is as follows (Attach additional sheets if necessary):

By signing below, the signor of this Petition certifies it as a duly authorized representative of the business identified above and has been authorized by that Business to file this Petition on behalf of the business.

Business Name

By:

Title of Signor: