

item #140

**City of Carson City
Agenda Report**

Date Submitted: March 7, 2008

Agenda Date Requested: March 20, 2008

Time Requested: 5 minutes

To: Mayor and Supervisors

From: Public Works Department

Subject Title: 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 increasing out-of-county rates 25 percent for compacted and uncompact municipal solid waste and Class III waste, increasing in-county tonnage rates for compacted and uncompact municipal solid waste and Class III waste by 4.82 percent and increasing in-county minimums by \$1.00 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.

Staff Summary: Staff recommends that the Board of Supervisors consider an increase in landfill rates fees to support general fund operations and capital requirements, with a 25% increase to all out-of-county rates for MSW compacted and uncompact and Class III (construction/demolition) wastes, a \$1.00 increase to the in-county minimums (\$5 vs \$4), and a 4.82% CPI increase to in-county tonnage fees for compacted and uncompact MSW and Class III waste.

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 increasing out-of-county rates 25 percent for compacted and uncompact municipal solid waste and Class III waste, increasing in-county tonnage rates for compacted and uncompact municipal solid waste and Class III waste by 4.82 percent and increasing in-county minimums by \$1.00 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 an increase to specific items in the landfill rate structure as follows: a 25% increase to all out-of-county rates for MSW compacted and uncompact and Class III (construction/demolition) wastes, a \$1.00 increase to the in-county minimums (\$5 vs \$4) and a 4.82% CPI increase to in-county tonnage fees for compacted and uncompact MSW and Class III waste. The revenues generated from this rate increase will support general fund operational costs and capital requirements.

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.

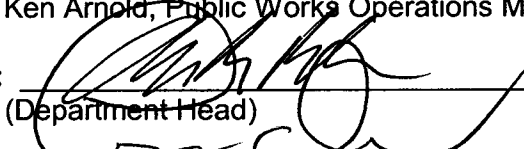
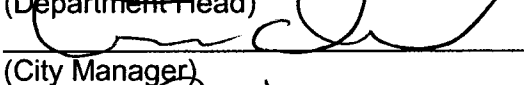
Fiscal Impact: N/A

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, Public Works Operations Manager

Reviewed By:  Date: 3/11/08
(Department Head)
 Date: 3/11/08
(City Manager)
Melanie Bukatta Date: 3-12-08
(District Attorney)
Mark Brundant Date: 3-11-08
(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 increasing out-of-county rates 25 percent for compacted and uncompact municipal solid waste and Class III waste, increasing in-county tonnage rates for compacted and uncompact municipal solid waste and Class III waste by 4.82 percent and increasing in-county minimums by \$1.00 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 sewer charges, fees and use rates 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 include a 25% increase for: out-of-county commercial and residential customers for compacted and uncompact Municipal Solid Waste (MSW) and Construction and Demolition Waste (C&D) waste; a \$1.00 increase to in-county minimums (\$5 vs \$4); and a 4.82% CPI increase to in-county tonnages for compacted and uncompact MSW and C&D, to become effective as of May 1, 2008.

- b. Beneficial effects:

The proposed rate ordinance keeps the rate structure the same and applies a 25% increase for: out-of-county commercial and residential customers for compacted and uncompact MSW and C&D waste; a \$1.00 increase to in-county minimums (\$5 vs \$4); and a 4.82% CPI increase to in-county tonnages for compacted and uncompact MSW and C&D. The additional revenue will support general fund operations (\$320,000) and capital requirements (\$180,000).

c. Direct effects:

The approval of this ordinance will increase fees. The additional revenue will go directly to and provide for the necessary revenue requirements to proceed with the 2008, Landfill operations and maintenance, Landfill capital requirements and General Fund operating requirements, which will require a 25% increase for: out-of-county commercial and residential customers for compacted and uncompact MSW and C&D waste, a \$1.00 increase to in-county minimums (\$5 vs \$4); and a 4.82% CPI increase to in-county tonnages for compacted and uncompact MSW and C&D. The additional revenue will support general fund operations (\$320,000) and capital requirements (\$180,000).

d. Indirect effects:

The passing of this ordinance is sure to have indirect effects, however at this time, those effects can not 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 50 years as of 2007. Prior to 2001 Carson City residents and businesses were faced with the potential for tonnage fees as high as \$40. Landfill rates, including these proposed increases, remains far below our neighboring counties.

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 fees and the total annual amount expected to be collected is:

Annual total of monthly charges, approximately \$500,000.

The additional revenue will go directly to and provide for the necessary revenue requirements to proceed with the 2008, Landfill operations and maintenance, Landfill capital requirements and General Fund operating requirements, which will require a 25% increase for: out-of-county commercial and residential customers for compacted and uncompact MSW and C&D waste, a \$1.00 increase to in-county minimums (\$5 vs \$4); and a 4.82% CPI increase to in-county tonnages for compacted and uncompact MSW and C&D. The additional revenue will support general fund operations (\$320,000) and capital requirements (\$180,000).

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 the Northgate Complex, 2621 Northgate Lane, Suite 56, Carson City, NV 89706.
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 2621 Northgate Lane, Suite #56, Carson City, Nevada 89706, 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
_____ City, _____ County, _____ State

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: