

City of Carson City
Agenda Report

Item # 28E

Date Submitted: May 22, 2009

Agenda Date Requested: June 4, 2009
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 12.17 Storm Water Service Charges section 12.17.040 Service Charge Rates by increasing the service charge rates by 10% on bills dated on or after July 1, 2009 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: The proposed increase to Storm Water service charges is necessary to meet program debt service obligations for capital projects including Curry Street, Roop Street and other minor drainage projects.

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

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

Recommended Board Action: I move to find that the proposed ordinance amending Title 12 Water, Sewerage and Drainage, Chapter 12.17 Storm Water Service Charges section 12.17.040 Service Charge Rates by increasing the service charge rates by 10% on bills dated on or after July 1, 2009 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 proposed increase to Storm Water service charges is necessary to meet capital program debt service.

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

Fiscal Impact: Increased revenue to Storm Water Account.

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.

Supporting Material: Business Impact Statement

Prepared By: Ken Arnold, Deputy Public Works Director - Operations

Reviewed By:

(Department Head)

Date:

5-26-09

Date:

5/26/09

(City Manager)

(District Attorney)

Date:

5-26-09

Date:

5/26/09

(Finance Director)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of an Ordinance amending Title 12 (Water, Sewerage and Drainage), Chapter 12.17 (Storm Water Service Charges) Section 12.17.040 (Service Charge Rates) by increasing the Service Charge Rates by 10% on bills dated on or after July 1, 2009 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 12.17 of the Carson City Municipal Code regarding an increase to all sewer rates has been presented to the Carson City Area Chamber of Commerce, Builders Association of Western Nevada (BAWN), Manufacturing & Industrial Association and to the public through newspaper advertisements.

Zero (0) objections to the increase in storm water charges 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 all storm water charges a total of 10% effect on bills dated on or after July 1, 2009.

- b. Beneficial effects:

The proposed rate ordinance keeps the rate structure the same and applies a 10% increase effective on bills dated on or after July 1, 2009 to all charges, so that all users more or less are impacted the same. The 10% rate increase requested is to principally support capital program debt service.

- 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 for capital program debt service.

- 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:

The storm water service rates were increased by 5% as of July 1, 2008 to address strictly operational costs. This 10% increase is necessary to meet necessary capital program debt service.

The capital program will primarily address drainage projects along Curry Street and Butti Way Channel and necessary equipment.

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. If there is any cost impact it would be very small.

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

Annual total from monthly charges \$1,175,694. These funds will provide the necessary revenue to fund capital program debt service.

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. The proposed ordinance provides for the necessary revenue requirements to operate, maintain and meet quality standards. 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: