City of Carson City
Agenda Report

Date Submitted: April 30, 2013 **Agenda Date Requested:** May 16, 2013
Time Requested: 5 min

To: Carson City Board of Supervisors
From: Health & Human Services (Marena Works)

Subject Title: For Possible Action: To find that the proposed ordinance amending Title 9 Section 9.04.040 – Permits, Approvals And Other Requirements, To Clarify Language Update, Update Fee Language, Add Fees From Title 12 Into Title 9, 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 fees for permits issued by Carson City Health and Human Services Environmental Health Program to support general fund by charging for each permit issued by the Environmental Health Program. Permits have historically been calculated based on the whole facility, and not the individual permitted area. This update would allow for all permits issued by Carson City Health and Human Services Environmental Health Program to be charged for, and would be a consistent methodology with surrounding health authorities. These updates also add charges for plan reviews of commercial and residential building permits. The fees for residential well and septic are in other chapters of Carson City Municipal Code; this update would bring all the fees charged by Carson City Health and Human Services, Environmental Health Program into one chapter. New fees that would be charged would include Invasive Body Decoration and Child Care Facilities. Historically these types of permitted establishments have not been charged a fee for the permit issued by the Environmental Health Program.

An internal comparison study of the fees included fees charged by the State of Nevada, Washoe County District Health Department and Southern Nevada Health District. Fees that would be charged with this change would be lower than the surrounding health authorities in Nevada.

Type of Action Requested: (check one)
(____) Resolution (_) Ordinance-First Reading
(X) Formal Action/Motion (__) Other (Specify) Information Only

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

Recommended Board Action: I move to find that the proposed ordinance amending Title 9 Section 9.04.040 – Permits, Approvals And Other Requirements, To Clarify Language Update,

Update Fee Language, Add Fees From Title 12 Into Title 9, 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: Charging fees for individual permits issued by the Environmental Health Program would create a consistent methodology of charging fees for all permits issued by the Program. Adding all currently charged Environmental Health Program fees to one Chapter will establish one complete fee schedule for the Program to use.

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:

1. Not approve
2. Refer back to staff for further review

Supporting Material:

1. Business Impact Statement
2. Informational meeting notice
3. Notes from informational meeting
4. Comments received from permit holders

Prepared By: Dustin Boothe, MPH, REHS

Reviewed By: _____ Date: 5/7/13
(Department Head)

_____ Date: 5/7/13
(City Manager)

_____ Date: 5/7/13
(District Attorney)

Michael Rubert Date: 5/7/13

(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay

2) _____

_____

_____

_____

_____

_____

_____

(Vote Recorded By)

Consolidated Municipality of Carson City
BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the proposed impact of adopting:

(a) An amendment to Carson City Municipal Code Title 9, Health and Welfare, Chapter 9.04-Health Division Permits and Fee Schedule.

1. The following constitutes a description of the manner in which comment was solicited from affected businesses and an explanation of the manner in which other interested persons may obtain a copy of the proposed changes, and a copy of the Business Impact Statement; the Consolidated Municipality of Carson City received multiple responses in relation to the proposed rule. The summary of the question received is also provided in this section.

   A. Notice
   A notice was mailed to all permit holders about the proposed fee changes. The notice included a letter inviting the permit holders to a meeting at the Community Center, on March 7, 2013; the notice also included a copy of the proposed changes to Carson City Municipal Code Title 9. In addition, the notice also provided information to the permit holder on how to contact Carson City Health and Human Services if they were not able to attend the informational meeting. The notice and supporting materials were also sent to Carson City Chamber of Commerce. The Chamber sent out the notice and supporting materials via email to all of their members on several occasions. Carson City Health and Human Services also posted on their website www.gethealthycarsoncity.org a copy of the notice and supporting materials. Carson City Health and Human Services also deployed an online survey to capture comments for the Business Impact Statement. A copy of the notice and the supporting materials were also sent to the Nevada Appeal. Nevada Appeal produced two articles about the proposed fee changes, one on March 2, 2013, the other on March 9, 2012.

   B. Summary of Comments
   Comments were open until March 22, 2013.
   Common concerns expressed by permit holders were: How much would my new fees total?; Could the number of permits currently issued be fine-tuned?; When would the new fees be implemented?; and How are seats in common areas counted towards the total number of seats in the permitted establishment?

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

effects:

Adverse effects: The increase in fees would have a financial impact on some businesses.

Beneficial effects: It is anticipated that the proposed changes in Title 9 will establish a fair methodology of charging for permits issued by the Environmental Health Program.

Direct effects: The passage of these amendments will allow the Environmental Health Program to charge more appropriately for the number of permits issued by the program.

Indirect effects: The passing of this measure 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 rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

   Staff recommends that existing permit holders to be billed for the new fees at their next billing cycle, to reduce the immediate impact of any increase in health permit fee. This provides businesses the ability to plan their budgets at least 6 months before the increase. If passed, new permits issued would be charged according to the new methodology.

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

   There will be limited impact to the governing body in the implementation of the new fee schedule. Currently all permit holders receive a bill; however, the billing documents would need to be updated to reflect the proposed changes.

5. The governing body estimates the total amount of new fees collected to be:

   Staff estimates that the new fees collected would approximately amount to $51,000. These fees would go to the general fund; the same fund to which the current fees collected go.

6. The proposed rule 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.

The proposed change is not duplicative; however, it will assist in recuperating some of the costs related to services provided by the Consolidated Municipality of Carson City that are required as a direct impact of the businesses that are regulated by the proposed rule.

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

_____, _____, _____

City County State

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

(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 the Business to file this Petition on behalf of the business.

Business Name:
By:
Title of Signor:

February 25, 2013

RE: Carson City Health and Human Services, Environmental Health Program meeting regarding business impacts due to upcoming changes to the present food code and health permit fees.

Dear Carson City Health Permit Holders:

You are cordially invited to an informational session presented by Carson City Health and Human Services, Environmental Health Program regarding the upcoming changes to the present food code and permit fees for licensed establishments.

The meeting will be held on March 7, 2013, from 6:30 p.m. to 8:30 p.m. at the Carson City Community Center's Bonanza Room located at 851 E. Williams Street, Carson City, Nevada.

Discussion topics will include:

- The proposed food code changes are to update inspection frequencies, to correct errors in the current code and mobile unit requirements.
- The proposed new fee structure will be in line with the total number of permits held by each establishment.

We encourage you to attend this meeting and share your thoughts regarding the changes. The proposed changes currently are being planned to be brought to the Board of Supervisors late March or early April, 2013.

If you are not able to attend the meeting on March 7, 2013, please contact me at (775) 887-2190 or email me at cchhsinfo@carson.org, with your questions or concerns.

Sincerely,

Dustin Boothe, MPH, REHS
Division Manager, Disease Prevention and Control

Encl.

Public Meeting Regarding Inspections March 7, 2013

11 members of the public appeared

Question/Comment 1:
Asked to define inventory

Question/Comment 2:
Question regarding fees taking in vs costs to run the office; she is wondering if fees are being raised to support the cost to run the office?

Question/Comment 3:
Washoe County only inspects her once so why is Carson wanting to do more inspections than the other Counties do?

Question/Comment 4:
Are the fees of a permitted establishment's temporary events going to go up?

Question/Comment 5:
Will these be voted on by the BOS and when?

Question/Comment 6:
So the money received from this increase will go toward the budget for Health and Human Services and it will relieve the general fund?

Question/Comment 7:
How much extra money will be generated off the proposal?

Question/Comment 8:
If you pull a permit from Casino X they will simply pull the stuff from that place to another place in the casino, but simply move it from one place to the other place.

Question/Comment 9:
The spots in our facility don't just belong to us, so we are getting charged for seats that are not ours. The seats belong to the Mall not to our facility. The tables in the Mall are used by people in the Mall not all people from our restaurant.

Question/Comment 10:
Catering questions. What constitutes catering? LCB requires catering license, but we don't go off sight to cook etc. What is catering vs delivery?

Question/Comment 11:

It is not the fault of the businesses that fees have not been raised since the 1980s. Just say it is fair and equitable. Just say this is what it takes for manpower to do this.

Question/Comment 12:
The casinos are the ones being hit the hardest of all. Some are going down, but some of the bigger ones are being charged a whole lot of money for not the right reason.

Question/Comment 13:
Casino X doesn't mind seeing that they need to pay more, but a gradual increase would have been better than this huge increase.

Question/Comment 14:
Businesses are suffering; state furloughs and Gotschalks closing cost one restaurant at the Mall approximately 30% of its profits. It would not take much to tax them out of business.

Question/Comment 15:
Sometimes the reaction to mailings and increases like this is: it is going to happen anyway, we cannot stop it or affect is so why even try.

Question/Comment 16:
Given the lack of people here, the raise seems to be a non-issue

Question/Comment 17:
Some of the definitions and looking at what people are actually doing (delivery vs catering) may make this more palatable for small businesses.

Question/Comment 18:
The ordinance is a bit overwhelming. What are the changes to RV Parks, Pool/Spas, etc.?

Question/Comment 19:
Is there a difference in the detail of work between corporations vs a local restaurant? Would corporations be inspected more or less than a local restaurant? Is man-power time different when inspect these two?

Question/Comment 20:
They would like for the inspectors to look at the true impact/true food prep being done at the store to determine if you need to go do re-inspections.

Question/Comment 21:
Temporary events should be charged more. They would like the places that events that take more time to be charged more than those shops that do not ever have violations or have minimal impact on time.

Question/Comment 22:
The Agency is doing a good job, but the person would like just the costs to be bore by the people that take the inspector's time.

Question/Comment 23:
The lack of food born illness is due to how great Carson City does in inspecting and staying on top of things.

Question/Comment 24:
Look at this raise as something which is necessary for the health and safety of the citizens and our tourists

Question/Comment 25:
When they see the health inspector coming, they do not change anything and do not get upset, they just expect the inspector to do what they do.

Notes received from permit holders about the changes.

3.1.13

Spoke to owner from Cracker Box. He stated he had no problem with the changes. I told him he fee would not be going up.

3.1.13

Received a call from a permit holder that they could not attend the meeting.

3.4.13

Received an email from a permit holder about the changes in the fees. I replied to him, he replied back, and stated he had no problem with the fee increase. The owner also stated that he appreciated the work we did. (see attached email)

3.4.13

Received a call from a permit holder that they could not attend the meeting.

3.5.13

Received a call from a permit holder that they could not attend the meeting.

Received an email from a permit holder. They did not agree with the increase of fees. (see attached email)

3.8.13

Spoke to a manager from Carson City Toyota. He stated he had no problem with the changes. I told him he fee would not be going up.

Received a call from a permit holder that they could not attend the meeting, and asked for the notes from the meeting, once they were done.

Dustin Boothe

From: Jan Baldwin <janbrealty@ableweb.net>
Sent: Tuesday, March 05, 2013 4:42 PM
To: CCHHSInfo
Subject: BUSINESS IMPACT MEETING MARCH 7, 2013

DEAR DUSTIN,
PER YOU LETTER DATED FEB. 25, 2013, CONCERNING INPUT FROM PERMIT HOLDERS. I MANAGE SANDY ACRE MOBILE HOME PARK @ 2820 AIRPORT RD., CARSON CITY. THE PARK HAS 13 SPACES OF WHICH AT THIS TIME ONLY 12 ARE OCCUPIED. IF THE ONLY CHANGE THAT I SEE IS CHANGING YOUR YEARLY RATE FEE FROM $35.00 TO $75.00 I AND MY OWNERS ARE AGAINST IT.
SINCE THEY HAVE NOT RAISED THEIR RENTS IN THREE YEARS AND HAVE LOST A TENANT. DUE TO THE ECONOMY MANY PARKS HAVE VACANT UNITS IN THEIR PARKS AND EMPTY SPACES. WE KNOW IT IS STATE LAW THAT THE PARKS MUST BE INSPECTED YEARLY, BUT FOR THE OWNERS TO HAVE THE CITY DRIVE-BY AND SEND A FORM IS ALREADY AN UNNECESSARY EXPENSE. THE HOMES HAVE CITY WATER AND CITY SEWER, SO WE REALLY DON'T UNDERSTAND WHY THERE IS A YEARLY INSPECTION ANYWAY. DO YOU DRIVE BY STICKBUILT HOMES AND DO A YEARLY INSPECTION ON THEM??
SO WE ARE AGAINST THE PERMIT FEE HIKE.
THANK YOU,
JAN BALDWIN, MANGER FOR
SANDRA & DONALD GARRETT, OWNERS OF ANDY ACRE MOBILE HOME PARK

Dustin Boothe

From: barritoneschools@charter.net
Sent: Tuesday, March 05, 2013 8:58 PM
To: CCHHSInfo
Subject: RE: Mar 7 meeting

Hi Justin,

I do not have any issue with the increase. I know that the county is hurting just like everyone else.
The extra $150.00 won't kill me and the extra funds may save one of your people from having to take a leave or worse loosing their employment
You have always been a fair and good person to me and my business in Carson and I respect the long term of or relationship.
I will back this raise in revenue, every one needs to step up and help everyone else.

Tony

On Tue, Mar 5, 2013 at 5:14 PM, CCHHSInfo wrote:

Tony:

Thank you for your response.
With the code change we propose to charge for each permit, based on the number of seats for that permit.
0-50 $75
51-100 $125
You currently have 3 permits with us. (Kitchen, Sushi bar, Oyster bar)
You currently pay $75 for the health permit only.
The proposed change your fee would now be $225.

Please let me know if you have any more questions.

Dustin Boothe, MPH, REHS
Carson City Health and Human Services
900 E. Long St.
Carson City, NV 89706
(775) 887-2190 ext. 7220

dboothe@carson.org

From: barritoneschools@charter.net [mailto:barritoneschools@charter.net]
Sent: Sunday, March 03, 2013 1:13 AM
To: CCHHSInfo
Subject: Mar 7 meeting

Hell-O Dustin,

Thank you for the invitation to the code hearing.

Unfortunately, I will be in Las Vegas on that date.

Would you be so kind as to send me any information that might effect my business?

I appreciate it.

Thank You

Antonio (Tony) Pastini FMP