



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** November 15, 2018

**Staff Contact:** Ande Engleman, Chair of the Utility Finance Oversight Committee; Gayle Robertson, Carson City Treasurer

**Agenda Title:** For Possible Action: To introduce, on first reading, Bill No. \_\_\_\_, an ordinance repealing the senior citizens assistance program for the payment of sewer use fees and water service and commodity charges and replacing those provisions with the Utility Ratepayer Assistance Program, and to accept the business impact statement as prepared. (Gayle Robertson, grobertson@carson.org; Ande Engleman, andelee@aol.com)

**Staff Summary:** This proposed ordinance repeals in its entirety Chapter 12.04 of Title 12 of the Carson City Municipal Code, which sets forth provisions for applying discounts in certain utility rate payments for senior citizens based on household income. In place of those provisions, a new Chapter 12.035 is proposed to provide all residential ratepayers with payment assistance based on the federal poverty guidelines regardless of age, with such assistance to be made on a first-come, first-served basis and funded by certain charitable donations.

**Agenda Action:** Ordinance - First Reading

**Time Requested:** 30 minutes

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## **Proposed Motion**

I move to introduce, on first reading, Bill No. \_\_\_\_, and accept the business impact statement as prepared.

## **Board's Strategic Goal**

Quality of Life

## **Previous Action**

N/A

## **Background/Issues & Analysis**

Under the existing provisions of Chapter 12.04 of Title 12 of the Carson City Municipal Code (CCMC), senior citizens are eligible for a discount in utility rate payments depending on the level of household income. This proposed ordinance repeals those provisions. In place of Chapter 12.04, a new Chapter 12.035 is established for the purpose of providing assistance for the payment of utility account invoices to all residential ratepayers based on the federal poverty guidelines regardless of age. Instead of a discounted utility invoice, however, the new provisions would establish a method by which utility ratepayers could make charitable contributions for remittance to an account, from which money would be withdrawn on a first-come, first-served basis for credit to the utility account invoices of residential ratepayers whose applications for assistance have been approved.

Additionally, this proposed ordinance establishes provisions concerning: (1) eligibility criteria for assistance; (2) the designation of a Third-Party Administrator to review and approve or deny applications for assistance; (3) the application process; (4) the method and amounts of assistance to be provided; (5) an appeal process; and (6) certain prohibited acts.

This proposed ordinance was conceived by an informal working group comprised of Supervisor Karen Abowd, Supervisor Lori Bagwell, Utility Finance Oversight Committee Chairwoman Ande Engleman and Carson City Treasurer Gayle Robertson, with input from the Carson City Public Works Department and legal guidance and preparation by the District Attorney's Office.

This ordinance, if adopted, does not impose a direct and significant economic burden upon a business, and does not directly restrict the formation, operation or expansion of a business.

**Applicable Statute, Code, Policy, Rule or Regulation**

NRS Chapter 244; Article 2 of the Carson City Charter

**Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact: N/A

**Alternatives**

Introduce the ordinance with additional revisions, or do not introduce the ordinance.

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



## BUSINESS IMPACT STATEMENT

This Business Impact Statement was prepared in accordance with the provisions of NRS (Nevada Revised Statutes) 237.030 to 237.150, inclusive, as a statutory prerequisite to the adoption of any rule\*\*\*, as that term is defined in NRS 237.060, by the Carson City Board of Supervisors.

\*\*\* A "rule" may include an ordinance, or an action taken by the Board, that imposes, increases or changes the basis for the calculation of a fee which is paid in whole or in substantial part by businesses. A "rule" does not include actions that impose, increase or change the basis for the calculation of: (1) special assessments imposed pursuant to NRS chapter 271; (2) impact fees imposed pursuant to NRS chapter 278B; (3) fees for remediation imposed pursuant to NRS chapter 540A; (4) taxes ad valorem; (5) sales and use taxes; or (6) a fee that has been negotiated pursuant to a contract between a business and Carson City. A "rule" also does not include: an action taken by the Board that approves, amends or augments the annual budget of Carson City; an ordinance adopted by the Board pursuant to a provision of NRS chapter 271, 271A, 278, 278A, 278B or 350; an ordinance adopted or action taken by the Board that authorizes or relates to the issuance of bonds or other evidence of debt of Carson City; or any rule for which Carson City does not have the authority to consider less stringent alternatives, including, for example, a rule that Carson City is required to adopt pursuant to a federal or state statute or regulation or to a contract into which Carson City has entered.

### ORDINANCE OR ACTION PROPOSED FOR ADOPTION

AN ORDINANCE RELATING TO UTILITIES; REPEALING TITLE 12 (WATER, SEWERAGE AND DRAINAGE), CHAPTER 12.04 (SENIOR CITIZENS ASSISTANCE) OF THE CARSON CITY MUNICIPAL CODE AND REPLACING WITH A NEW CHAPTER 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) TO ESTABLISH VARIOUS PROVISIONS PERTAINING TO RATEPAYER ASSISTANCE TO DEFRAY COSTS ASSOCIATED WITH CITY UTILITY PAYMENTS; PROVIDING DEFINITIONS; CREATING AN ACCOUNT FOR RATEPAYER ASSISTANCE; ESTABLISHING VARIOUS PROVISIONS FOR THE APPROVAL AND DENIAL OF APPLICATIONS FOR ASSISTANCE; ESTABLISHING AN APPEAL PROCESS; ESTABLISHING PENALTIES; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

1. *The manner in which notice was provided to the applicable trade associations and officers of businesses likely to be affected by the proposed ordinance or action, and a summary of any data, arguments or comments received from those recipients:*

a. Notice

**N/A; notice provided by publication on the agenda for the November 15, 2018 Board of Supervisors meeting. No trade associations or businesses are affected by this proposed ordinance and therefore notice to trade associations or owners and officers of businesses is NOT required under**

**NRS 237.080.**

*b. Summary of comments*

**N/A**

2. *The estimated economic effect of the proposed ordinance or rule on businesses, including both adverse and beneficial effects, and both direct and indirect effects:*

*a. Adverse effects:*

**N/A**

*c. Beneficial effects:*

**N/A**

*d. Direct effects:*

**N/A**

*e. Indirect effects:*

**N/A**

3. *The methods considered by the Carson City Board of Supervisors to reduce the impact of the proposed ordinance or action on businesses and whether any of those methods were used:*

**N/A**

4. *Estimate of the annual cost to Carson City for enforcement of the proposed ordinance or action:*

**N/A**

5. *The total annual amount of money expected to be collected as a result of the new fee or increase in fee proposed by the ordinance or action, and the manner in which the money will be used:*

**N/A**

6. *The proposed ordinance or action [ ] DOES [ X ] DOES NOT include any provisions which duplicate or are more stringent than Federal, State or local standards regulating the same activity.*

7. *The reasons for the conclusions regarding the impact of the proposed ordinance or action:*

**This ordinance does not propose a new fee.**

8. *Based on the information considered, it has been determined that this proposed ordinance or rule:*

DOES  DOES NOT impose a direct and significant economic burden upon a business.

DOES  DOES NOT directly restrict the formation, operation or expansion of a business.

**Pursuant to NRS 237.090(3), this Business Impact Statement was prepared and made available for public inspection by Gayle Robertson, Carson City Treasurer, at the time the agenda notice on which the proposed ordinance or rule described in this statement is included was posted.**

**Pursuant to NRS 237.090(2), I, Nancy Paulson, the Carson City Manager, hereby certify that to the best of my knowledge and belief, the information contained herein was properly prepared and accurate.**

Nancy Paulson  
Signature

11/5/18  
Date

Nancy Paulson  
Printed Name

Summary: An ordinance repealing the senior citizens assistance program for the payment of sewer use fees and water service and commodity charges and replacing those provisions with the Utility Ratepayer Assistance Program.

BILL NO. \_\_\_\_

ORDINANCE NO. 2018-\_\_

AN ORDINANCE RELATING TO UTILITIES; REPEALING TITLE 12 (WATER, SEWERAGE AND DRAINAGE), CHAPTER 12.04 (SENIOR CITIZENS ASSISTANCE) OF THE CARSON CITY MUNICIPAL CODE AND REPLACING WITH A NEW CHAPTER 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) TO ESTABLISH VARIOUS PROVISIONS PERTAINING TO RATEPAYER ASSISTANCE TO DEFRAY COSTS ASSOCIATED WITH CITY UTILITY PAYMENTS; PROVIDING DEFINITIONS; CREATING AN ACCOUNT FOR RATEPAYER ASSISTANCE; ESTABLISHING VARIOUS PROVISIONS FOR THE APPROVAL AND DENIAL OF APPLICATIONS FOR ASSISTANCE; ESTABLISHING AN APPEAL PROCESS; ESTABLISHING PENALTIES; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

That Title 12 (WATER, SEWERAGE AND DRAINAGE) is hereby amended by adding thereto a new chapter (**bold, underlined** text is added, ~~{stricken}~~ text is deleted) as follows:

**Chapter 12.035 – UTILITY RATEPAYER ASSISTANCE PROGRAM**

SECTION II:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, ~~{stricken}~~ text is deleted) as follows:

**12.035.010 – Short Title.**

**This chapter may be cited as the Utility Ratepayer Assistance Program.**

SECTION III:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, [~~stricken~~] text is deleted) as follows:

**12.035.020 – Definitions.**

**As used in this chapter, unless the context otherwise requires, the words and terms defined in this section have the meanings attributed to them in this section:**

**“Applicant” means a person who submits an application for assistance pursuant to this chapter.**

**“Committee” means the Utility Finance Oversight Committee created by the Board pursuant to Resolution No. 2013-R-45A.**

**“Director” means the Director of the Carson City Public Works Department.**

**“Dwelling” means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families. The term includes a manufactured home as that term is defined by NRS 118B.015 and a mobile home as that term is defined by NRS 361.029.**

**“Household” means an association of persons who live in the same dwelling.**

**“Income” has the meaning ascribed to it in NRS 361.7364 and means adjusted gross income, as defined in the Internal Revenue Code, and includes:**

- 1. Tax-free interest;**
- 2. The untaxed portion of a pension or annuity;**
- 3. Railroad retirement benefits;**
- 4. Veterans’ pensions and compensation;**
- 5. Payments received pursuant to the federal Social Security Act, including supplemental security income, but excluding hospital and medical insurance benefits for the aged and disabled;**
- 6. Public welfare payments, including allowances for shelter;**
- 7. Unemployment insurance benefits;**

8. Payments for lost time;
9. Payments received from disability insurance;
10. Disability payments received pursuant to workers' compensation insurance;
11. Alimony;
12. Support payments;
13. Allowances received by dependents of servicemen and servicewomen;
14. The amount of recognized capital gains and losses excluded from adjusted gross income;
15. Life insurance proceeds in excess of \$5,000;
16. Bequests and inheritances; and
17. Gifts of cash of more than \$300 not between household members and such other kinds of cash received by a household as the Department of Taxation specifies by regulation.

"Residential ratepayer" means an end-use customer who purchases for his or her dwelling one or more utility services from Carson City.

"Third-Party Administrator" means the entity designated pursuant to CCMC 12.035.060.

#### SECTION IV:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

#### 12.035.030 – Purpose and Policy.

The Board finds and declares that:

1. Certain persons reside in Carson City on limited and fixed incomes, and those persons often have little to no opportunity to supplement such income.



2. Certain costs required to be paid by such persons, including costs which are charged to residential ratepayers to fund essential utility services provided by the City, continue to rise and have a disproportionate impact on those persons.

3. It is therefore declared to be the public policy of the City to make available certain levels of assistance, based on annual household income, to persons who reside in the City as a means to defray a portion of the costs associated with City utility services, which in turn will contribute to the health and well-being of the community.

SECTION V:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, [~~stricken~~] text is deleted) as follows:

12.035.040 – Account for Ratepayer Assistance.

1. There is hereby created the Account for Ratepayer Assistance within the Grant Fund, which must be used only for the purpose set forth in this chapter.

2. The Account must be funded by charitable contributions. To facilitate such contributions, the Director or his or her designee must include on each City utility account invoice that is issued to a residential ratepayer a statement that a monetary donation of any denomination may be made in addition to the utility payment that is regularly due for purposes of funding the Account. The statement:

(a) Must be clear and conspicuous and specifically indicate that any donation amount may be made together with the utility payment for credit to the Account, or separately in person by remitting payment directly to the Carson City Treasurer; and

(b) May include suggested donation amounts.

3. All donation amounts received must be remitted to the Account by the Carson City Treasurer in accordance with regular accounting procedures.

4. All money from the Account must be withdrawn on a first-come, first-served basis for residential ratepayers whose applications for assistance have been approved in accordance with the provisions of this chapter. Each month, the Carson City Treasurer shall credit any remaining money in the Account to the applicable City utility account invoices in ascending order of priority based on the report required to be provided by the Third-Party Administrator pursuant to CCMC 12.035.070.

5. The Account must not be supplemented by any other fund of the City. The interest earned on the money in the Account, if any, must be credited to the Account after deducting any applicable charges.

**6. The creation of the Account shall not be construed to create a continuing obligation of the City to provide residential ratepayer assistance, and does not establish any right or entitlement of a residential ratepayer to any money from the Account.**

SECTION VI:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, [~~stricken~~] text is deleted) as follows:

**12.035.050 – Eligibility for Assistance.**

**1. A residential ratepayer may, in accordance with CCMC 12.035.080, apply for assistance to defray a portion of charges payable to an existing City utility account if, at a minimum, he or she:**

**(a) Is the person under whose name the City utility account is open;**

**(b) Has continuously resided in Carson City for not less than twelve months immediately preceding the date on which he or she submits an application for assistance pursuant to CCMC 12.035.080;**

**(c) Has an annual household income in an amount which does not exceed 200 percent of the federal poverty rate; and**

**(d) Has not violated any provision of CCMC 12.035.100.**

**2. A residential ratepayer who satisfies the eligibility criteria established by subsection 1 and whose application for assistance has been approved pursuant to CCMC 12.035.080 may be eligible for assistance based on his or her annual household income from the year immediately preceding the next fiscal year in which assistance may be provided.**

SECTION VII:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, [~~stricken~~] text is deleted) as follows:

**12.035.060 – Designation of Third-Party Administrator.**

**1. A Third-Party Administrator must be designated by majority vote of the Committee during a regularly scheduled meeting for the purpose of reviewing applications for assistance and such other purposes related to the provisions of this chapter. Such designation may be made pursuant to any policy or procedure deemed reasonable by the**

Committee. In making its designation, the Committee must consider the qualifications of the Third-Party Administrator, including without limitation:

(a) The experience of the Third-Party Administrator in functions incident to the administration, operation or oversight of programs for ratepayer assistance or any other charitable program; and

(b) The internal control measures, or the ability to implement such measures, of the Third-Party Administrator such that applications for assistance submitted pursuant to this chapter may be properly and timely reviewed for approval or denial.

2. A Third-Party Administrator designated by the Committee must enter into a contract with the City for the provision of services to carry out the purpose of this chapter before it may accept any applications for assistance. The contract must include, without limitation:

(a) A description of the services to be provided by the Third-Party Administrator;

(b) A provision that limits compensation for any services provided by the Third-Party Administrator to not more than five percent of the money collected in the Account created pursuant to CCMC 12.035.040; and

(c) A provision establishing that the City may terminate the contract at any time upon written notice, with or without cause, and without penalty to the City.

3. If a contract for the provision of services by a Third-Party Administrator is terminated, the Committee must designate a new Third-Party Administrator in accordance with this section as soon as reasonably practicable.

4. Immediately after designation by the Committee, the Third-Party Administrator must prepare a form by which a residential ratepayer may submit an application for assistance. The form must require the information described in CCMC 12.035.070 and be approved by the Committee.

5. A Third-Party Administrator designated pursuant to this section must be duly organized under the laws of Nevada as a charitable organization and which the Secretary of Treasury has determined to be tax exempt pursuant to the provisions of 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

#### SECTION VIII:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, ~~stricken~~ text is deleted) as follows:

12.035.070 – Application for Assistance.

1. An application for assistance must be made in writing, under oath and on the form prescribed by the Third-Party Administrator pursuant to CCMC 12.035.060. The application must include:

(a) The name and telephone number of the applicant under whose name the City utility account is open;

(b) The address of the property that is associated with the City utility account;

(c) A true and correct copy of the most recent City utility account invoice payable by the applicant;

(d) An attestation that the applicant currently resides at the property associated with the City utility account as his or her primary place of residence;

(e) An attestation that the applicant has been a resident of Carson City for not less than twelve months immediately preceding the date of the application; and

(f) Any additional information required by the Third-Party Administrator as approved by the Committee.

2. Each application for assistance must be submitted to the Third-Party Administrator. An application may not be accepted by the Third-Party Administrator before February 1 or after April 30 of the year immediately preceding the next fiscal year for which the assistance will apply.

3. The Third-Party Administrator shall:

(a) Keep and maintain every application it receives for a period of three years from the date of submission; and

(b) Allow the City and its designees to inspect submitted applications and any other book or record that is kept in the regular course of business which relate to the provision of services pursuant to this section.

#### SECTION IX:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, ~~{stricken}~~ text is deleted) as follows:

12.035.080 – Approval or Denial of Applications; Amounts of Assistance.

1. The Third-Party Administrator shall examine each application submitted within the prescribed time period pursuant to CCMC 12.035.070 and determine the eligibility of the applicant based on the information provided. If the Third-Party Administrator:

(a) Approves the application, the Third-Party Administrator must notify the applicant in writing of the approval. The notice must indicate the percentage amount of assistance for which the applicant has been approved and clearly explain that such assistance is conditioned on the balance of money available in the Account created pursuant to CCMC 12.035.040 and the assistance may therefore be discontinued at any time without further notice.

(b) Denies the application, the Third-Party Administrator must notify the applicant in writing, along with an explanation for the denial.

2. Assistance may be credited to eligible City utility account invoices by the Carson City Treasurer beginning from the month of July of the next immediate fiscal year following the approval of applications. Any assistance expires at the end of the applicable fiscal year for which it was approved and a new application for assistance must be submitted by residential ratepayers requesting assistance for the next fiscal year.

3. All applications for assistance received by the Third-Party Administrator must be reviewed for approval or denial in time for inclusion in a report of approved applications to be provided to the Carson City Treasurer on or before June 1 of the year immediately preceding the next fiscal year in which the assistance would apply. The report must identify the name of the residential ratepayer, the property address and the dollar amount of assistance to be credited to each corresponding City utility account invoice.

4. The percentage and dollar amounts of assistance that may be credited to a City utility account invoice must be calculated by the Third-Party Administrator and made in accordance with the federal poverty guidelines for households as published each year by the federal government. For a residential ratepayer whose annual household income is between:

(a) 100 and 125 percent of the federal poverty rate, assistance of not more than 80 percent may be credited to his or her City utility account invoice.

(b) 126 and 150 percent of the federal poverty rate, assistance of not more than 60 percent may be credited to his or her City utility account invoice.

(c) 151 and 200 percent of the federal poverty rate, assistance of not more than 40 percent may be credited to his or her City utility account invoice.

5. In addition to the report required to be provided pursuant to subsection 3, the Third-Party Administrator must also annually provide to the Committee a separate report and recommendation with regard to an upward or downward adjustment in the rate of assistance for the next fiscal year.

6. Notwithstanding any other provision of this section, the Director may immediately discontinue any assistance if he or she has reasonable cause to determine that a residential ratepayer has wasted water in violation of CCMC 12.01.120 or violated any provision governing the limitation on irrigation in violation of CCMC 12.01.130. The discontinuation of assistance by the Director must be made in writing and provided to the retail ratepayer by deposit for first-class mail or other commercially reasonable delivery method.

SECTION X:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, ~~[strieken]~~ text is deleted) as follows:

12.035.090 – Appeals.

1. An applicant whose application for assistance has been denied by the Third-Party Administrator pursuant to subsection 1 of CCMC 12.035.080, or a residential ratepayer whose assistance has been discontinued by the Director pursuant to subsection 6 of CCMC 12.035.080, may appeal the denial or discontinuance to the Board.

2. An appeal must be made in writing and submitted to the Director not more than 15 days after the date of denial or discontinuance. Upon receipt of the appeal, the Director must fix a time and place for a hearing on the appeal before the Board, which must be held not later than 60 days from the date of receipt of the appeal.

3. Notice of the hearing must be made in writing and provided to the person making the appeal not less than 10 days before the date of the hearing, by deposit for first-class mail or other commercially reasonable delivery method.

SECTION XI:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), new Chapter 12.035 (UTILITY RATEPAYER ASSISTANCE PROGRAM) is hereby amended by adding thereto a new section (**bold, underlined** text is added, ~~[strieken]~~ text is deleted) as follows:

12.035.100 – Prohibited Acts; Penalties.

Any person who knowingly obtains or attempts to obtain assistance pursuant to this chapter to which he or she is not eligible through the submission of false or fraudulent statements or documents:

1. Is guilty of a misdemeanor;

**2. Shall repay any amount of assistance obtained through the submission of such statements or documents, together with a ten percent penalty; and**

**3. Shall forfeit eligibility for any assistance in the remainder of the fiscal year.**

SECTION XII:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), Chapter 12.04 (SENIOR CITIZENS ASSISTANCE) is hereby repealed (**bold, underlined** text is added, ~~striken~~ text is deleted) with reservation of the chapter as follows:

~~[Chapter 12.04 – SENIOR CITIZENS ASSISTANCE–~~

**Sections:] Reserved.**

SECTION XIII:

That Title 12 (WATER, SEWERAGE AND DRAINAGE), Chapter 12.04 (SENIOR CITIZENS ASSISTANCE), Sections 12.04.010 (Purpose), 12.04.020 (Definitions), 12.04.030 (Discount), 12.04.040 (Filing applications), 12.04.050 (Applying the Discount), 12.04.060 (Appeals), 12.04.070 (Fraudulent practices – Penalties) are hereby repealed (**bold, underlined** text is added, ~~striken~~ text is deleted) with reservation of the section numbers as follows:

12.04.010~~[-Purpose.]~~ **Reserved.**

12.04.020 ~~[-Definitions.]~~ **Reserved.**

12.04.030 ~~[-Discount.]~~ **Reserved.**

12.04.040 ~~[-Filing applications.]~~ **Reserved.**

12.04.050 ~~[-Applying the Discount.]~~ **Reserved.**

12.04.060 ~~[-Appeals.]~~ **Reserved.**

12.04.070 ~~[-Fraudulent practices – Penalties.]~~ **Reserved.**

SECTION XIV:

That no other provisions of Title 12 of the Carson City Municipal Code are affected by this ordinance.

SECTION XV:

This ordinance becomes effective:

1. Upon adoption after second reading for the purpose of performing any preparatory administrative tasks to carry out the provisions of this ordinance; and
2. On February 1, 2019, for all other purposes.

PROPOSED on \_\_\_\_\_, 2018.

PROPOSED BY Supervisor \_\_\_\_\_

PASSED \_\_\_\_\_, 2018.

VOTE:

AYES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS:

\_\_\_\_\_

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
ROBERT L. CROWELL, Mayor

ATTEST:

\_\_\_\_\_  
SUSAN MERRIWETHER, Clerk-Recorder

\_\_\_\_\_  
TEXT OF REPEALED SECTIONS  
\_\_\_\_\_



~~[12.04.010 – Purpose.]~~

- ~~1. The board finds that:
  - a. Certain senior citizens of this city live, as a rule, on limited retirement incomes which remain fixed, and often face no opportunities to supplement such income.
  - b. Costs, including those that fund essential city services, rise causing the diversion of portions of income.~~
- ~~2. The board declares that:
  - a. It is the public policy of the city to provide some assistance to senior citizens.
  - b. It is the purpose of these sections to provide some relief from the rates that must be charged for sewer and water services provided by the city through a system of discounts.]~~

~~[12.04.020 – Definitions.]~~

- ~~1. "Application" means an application for senior citizens assistance, and an "applicant" is a person who files such an application. When 2 members of a household are able to meet the qualifications for an applicant, they may determine between themselves who is to be the applicant. Only 1 application may be filed for any household.~~
- ~~2. "Director" means the public works director or his/her designee.~~
- ~~3. "Home" means residential living quarters located in Carson City in which an applicant actually resides on a full time basis. The quarters may consist of a single dwelling unit, or a unit which is an integral part of a larger complex such as a multi-dwelling or multi-purpose building providing that it is served by its own meter.
  - a. The term "home" includes a mobilehome or dwelling which the applicant possesses under a contract of sale, deed of trust, life estate, joint tenancy or tenancy in common.~~
- ~~4. "Household" means an applicant and spouse.~~
- ~~5. "Household income" means the income received by an applicant plus the income received by the applicant's spouse.~~
- ~~6. "Income" means adjusted gross income, as defined in the U.S. Internal Revenue Code, plus the following items: tax free interest; the untaxed portion of pensions and compensations; payments received under the Federal Social Security Act, including supplemental security income but excluding hospital and medical insurance benefits for the aged and disabled; public welfare payments, including shelter allowances; unemployment insurance benefits; all "loss of time" and disability insurance payments; disability payments under Workmen's Compensation laws; alimony; support payments; allowances received by dependents of servicemen; the amount of recognized capital gains and losses excluded from adjusted gross income; life insurance proceeds; bequests and inheritances; cash gifts over \$300.00 not between household members and such other kinds of cash flow into a household as the director specifies by regulation.~~

7.—"Senior citizen" means any person who is domiciled in Carson City and will attain the age of 62 years on or before the last day of June of the year in which the application is filed.]

**[12.04.030—Discount.**

1.—A senior citizen who pays user charges to a sewer utility account and monthly service and commodity charges to a water utility account in his or her name, resides in the home, and whose household income is within an income range for which a discount is allowed, is entitled to a discount of sewer use fees and water service and commodity charges actually charged by Carson City during that following fiscal year beginning July 1 to the extent determined by the percentage shown opposite the household income range on the schedule below:

<del>If the Amount of Applicant's Household Income Is Over</del>	<del>But Not Over</del>	<del>Percent of Sewer Monthly User Charges and Water Monthly Service and Commodity Charges Paid to Be Discounted to the Applicant</del>
<del>\$0</del>	<del>\$15,776</del>	<del>90</del>
<del>\$15,777</del>	<del>\$18,387</del>	<del>80</del>
<del>\$18,388</del>	<del>\$21,120</del>	<del>50</del>
<del>\$21,121</del>	<del>\$23,730</del>	<del>25</del>
<del>\$23,731</del>	<del>\$26,714</del>	<del>10</del>

]

**[12.04.040—Filing applications.**

Between January 15th and April 30th, an application for a discount for the following fiscal year beginning July 1 may be filed with the Carson City assessor's office, under oath, upon forms provided by the assessor.]

**[12.04.050—Applying the Discount.**

The assessor shall examine each application and determine the eligibility of the applicant and the appropriate discount. The assessor will then forward the application to the public works director. All capitalization charges and user charges from the sewer utility account and monthly service and commodity charges from the water utility accounts shall be discounted by the appropriate amount beginning the month of July of the year in which the application is determined to be eligible. The discount shall be applied for a 12 month period. Application for discounts shall be required to be filed each year.

The public works director may discontinue any discount to any applicant who is determined to waste water pursuant to Carson City Municipal Code Section 12.01.120, waste of water prohibited, or to violate the limitations on irrigation pursuant to Carson City Municipal Code 12.01.130, limitations on irrigation.]

~~[12.04.060 – Appeals.]~~

- ~~1. Any applicant whose application is rejected or not approved by the utilities director may appeal that action to the board by notifying the city manager in writing on or before July 31st of the year the application was filed.~~
- ~~2. The appellant shall be required to provide proof of eligibility for the discount offered at a hearing before the board.~~
- ~~3. The hearing shall be conducted and the matter determined on or before August 31st of the year the application was filed.]~~

~~[12.04.070 – Fraudulent practices – Penalties.]~~

~~Any person who shall knowingly obtain or attempt to obtain a discount under Sections 12.04.010 through 12.04.070 to which he or she is not entitled or in an amount greater than the entitlement through the submission of false or fraudulent statements or proof shall:~~

- ~~1. Repay any discount received together with a 10 percent penalty;~~
- ~~2. Forfeit eligibility for any discount in that year; and~~
- ~~3. Be punished for a misdemeanor.]~~