

**City of Elko
Business Impact Statement**

Notice of Public Hearing for the Adoption of Ordinance No. 716 and Resolution No. 22-10

The City of Elko will hold a public hearing on September 28, 2010 commencing at 6:00 p.m. at Elko City Council Chambers, Elko City Hall, 1751 College Avenue, Elko, Nevada. The City of Elko will receive testimony from all interested persons and consider and take action on the following proposed resolution. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the City of Elko may proceed to immediately act upon any written submissions:

Ordinance / Resolution Title:

- **Ordinance No. 716, an Ordinance Adding Title 9, Chapter 6, Section 19 to the Elko City Code Entitled “Storm Water Management Utility Fee on all Residential and Commercial Utility Customers.**
- **Resolution No. 22-10, a Resolution Establishing the Rates for Storm Water Management Utility Fees, Pursuant to Elko City Code, Title 9, Chapter 6, Section 19, effective October 1, 2010.**

Description of the subjects and issues involved:

The City of Elko is proposing to establish a fee for the operation, maintenance and replacements of the City’s storm water conveyance system and to provide for the monitoring of storm water quality.

Estimated economic effect of the proposed regulation on the business:

Adverse and beneficial effects:

The adverse effects of this rule will be all commercial utility bill customers in the city will have a minimum increase in their monthly water / sewer utility bill of \$1.00. That fee could be more if any specific business has more than 50 sewer fixture units.

The beneficial effects of this rule provide a funding source for the operation, maintenance, improvement and monitoring of the City’s storm water conveyance system.

Estimated cost of enforcement of the proposed rule:

There are no costs associated with this proposed rule.

Estimated revenues expected to be generated by the proposed rule and the manner in which the money is to be used:

The expected revenues are estimated to be \$100,000.00 per year to be deposited to the General Fund of the City. The funds will be used for the operation, maintenance and replacement of the City's storm water conveyance system and provide for the monitoring of the storm water quality. **Determination as to whether the provisions of the rule are duplicative, or more stringent than existing local, state or federal standards.**

The rules are not duplicative or more stringent than existing local, state or federal standards.

Description of the manner in which comments regarding the proposed rule were gathered, and a summary of those responses.

Pursuant to NRS 237.080, the City of Elko notified trade associations or owners and officers of businesses which may be affected by the proposed resolution. Responses were due to the City by 5:00 pm on Friday, August 13, 2010 and were provided to the City Council prior to the City Council meeting.

The City sent out approximately 700 proposed rule notifications to businesses and trade associations.

The City received four responses regarding the proposed resolution establishing storm water management utility fees. The responses are summarized as follows.

1. *Jim Meeks, Vogue Laundry, 175 Fifth Street, Elko, NV 89801.*
 - a. *Mr. Meeks wanted to know what the impact would be to his business in comparison to some other local businesses.*
2. *Pinion Road Clinic, 1780 Browning Way, Elko, NV 89801.*
 - a. *They wanted to know what the impact would be to their business.*
3. *Craig Burrows, Bullion Mobile Home Park, PO Box 2532, West Wendover, NV 89883.*
 - a. *Mr. Burrows wanted to know what the monthly impact would be to his mobile home park. He indicated that he may have to increase his space rent to offset the increase.*
4. *Doug Snyder, Terraces Business Center, 1250 Lamoille Highway, Unit 104, Elko, NV 89801.*
 - a. *Mr. Snyder felt that this was an arbitrary assessment which has no relation to the storm water drainage system. In addition, he felt that this rule was more about raising taxes than about recovering costs associated with the storm water system.*

Description of the methods used to reduce the impact of the rule:

The City Council voted unanimously that the rule does not impose a significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business. Therefore, reductions of the impact of the rule are not being considered.

A business that is aggrieved by a resolution or ordinance adopted by the City Council may object to all or part of the resolution or ordinance by filing a petition with the Elko City Clerk within 30 days after the date on which the rule was adopted. Any petition filed must be based on the following grounds:

1. The City of Elko failed to prepare a business impact statement.

2. The business impact statement prepared did not consider or significantly underestimated the economic effect of the rule on business.

After receiving a petition filed by an aggrieved business, the Elko City Council shall determine whether the petition has merit.

If the governing body determines that the petition has merit, the Council may take action to amend the rule to which the business objected.

If the City Council finds that the petition does not have merit, the Council will take no action to amend the ordinance, resolution or regulation and such ordinance, resolution or regulation will remain in effect.

City of Elko

Proposed Rule Notification

Pursuant to NRS 237.080, the City of Elko is notifying trade associations or owners and officers of businesses which are likely to be affected by the following proposed rule:

AN ORDINANCE ADDING TITLE 9, CHAPTER 6, SECTION 19 TO THE ELKO CITY CODE ENTITLED “STORM WATER MANAGEMENT UTILITY FEE” IMPOSING A STORM WATER MANAGEMENT UTILITY FEE ON ALL RESIDENTIAL AND COMMERCIAL UTILITY CUSTOMERS, AND OTHER MATTERS APPROPRIATELY RELATED THERETO.

A RESOLUTION ESTABLISHING THE RATES FOR STORM WATER MANAGEMENT UTILITY FEES PURSUANT TO ELKO CITY CODE, TITLE 9, CHAPTER 6, SECTION 19

The City of Elko is proposing the adoption of an ordinance and resolution establishing a fee for the operation, maintenance and replacements of the City’s storm water conveyance system and to provide for the monitoring of storm water quality. The proposed fee will be \$1.00 per month for all existing and future residential customers. The proposed fee for all existing and future commercial customers will be \$1.00 per month for customers with a sewer fixture unit count of 50 units or less. For those existing and future commercial customers with more than 50 sewer fixture units, the fee will be based on a graduated scale noted in Resolution 22-10 (attached).

For specific fee information relating to commercial accounts with greater than 50 sewer fixture units, please contact Dawn Stout at (775) 777-7140 or Lorraine Martinez at (775) 777-7141.

Trade associations or owners and officers of businesses may submit data or arguments to the City of Elko as to whether the proposed rule will:

1. Impose a direct and significant economic burden upon a business; or
2. Directly restrict the formation, operation or expansion of a business.

Responses shall be utilized by the Elko City Council to determine if the proposed rule is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

After making a determination regarding the proposed rule, the Elko City Council shall prepare a business impact statement which will be considered during a subsequent public hearing. The business impact statement will be available for public inspection at the time the agenda is first posted.

All responses shall be due no later than 5:00 p.m. on August 13, 2010. Responses must be submitted to:

Elko City Clerk
1751 College Avenue
Elko, NV 89801

Publish: July 23, 2010
Elko Daily Free Press

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Upon introduction and motion by Councilman _____ and seconded by Councilman _____, the following Resolution and Order was passed and adopted:

**CITY OF ELKO
RESOLUTION NO. 22-10**

**A RESOLUTION ESTABLISHING THE RATES FOR
STORM WATER MANAGEMENT UTILITY FEES
PURSUANT TO ELKO CITY CODE, TITLE 9, CHAPTER 6, SECTION 19**

WHEREAS, the Elko City Code Section 9-6-19 provides that the Elko City Council may, by resolution, set the rates for storm water management utility fees; and

WHEREAS, the Elko City Council has determined that it is necessary to establish a storm water management utility fee to better fund improvements, maintenance and repairs to the City’s storm water conveyance system; and

WHEREAS, it was determined that this utility charge shall be based on the number of Sewer Fixture units;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Elko that the City shall establish a monthly storm water management utility fee based on the following:

Residential	
50 SFU (minimum)	\$1.00
Commercial	
1 to 50 SFU (minimum)	\$1.00
51 to 500 SFU	\$0.02/per SFU
501 to 3,000 SFU	\$0.01/per SFU
3,001 or more	\$0.005/per SFU

IT IS FURTHER RESOLVED, that upon adoption of this Resolution by the City Council, it shall be signed by the Mayor and attested to by the City Clerk and shall be in full force and effect October 1, 2010.

PASSED AND ADOPTED this _____ day of _____, 2010.

CITY OF ELKO

MICHAEL J. FRANZOIA, Mayor

ATTEST:

SHANELL OWEN, City Clerk

AYES:
NAYS:
ABSENT:
ABSTAIN:

DRAFT

**CITY OF ELKO
ORDINANCE NO. 716**

DRAFT

AN ORDINANCE ADDING TITLE 9, CHAPTER 6, SECTION 19 TO THE ELKO CITY CODE ENTITLED “STORM WATER MANAGEMENT UTILITY FEE” IMPOSING A STORM WATER MANAGEMENT UTILITY FEE ON ALL RESIDENTIAL AND COMMERCIAL UTILITY CUSTOMERS, AND OTHER MATTERS APPROPRIATELY RELATED THERETO.

WHEREAS, the City desires to add Title 9, Chapter 6, Section 19 of the Elko City Code to allow for storm water management utility fees on all residential and commercial utility customers of the city.

THE CITY COUNCIL OF THE CITY OF ELKO DOES ORDAIN AS FOLLOWS:

For amendment purposes, amended, added and omitted matters are so indicated. Text which is bold and underlined is added to existing code and text which is bold and lined through is deleted from existing code.

SECTION 1: Title 9, Chapter 6, Section 19 is amended to add to read as follows:

9-6-19: STORM WATER MANAGEMENT UTILITY FEES:

The storm water management utility fee for the billing period established by the City shall be as follows:

A. Storm Water Management Utility Fee:

1. **A fee levied to cover the operation, maintenance and replacement of the City’s storm water conveyance system and to provide for the monitoring of storm water quality.**
2. **Storm water management utility fees shall be based upon the following sewer fixture units and shall be set by resolution.**

Residential

50 SFU (Minimum)

\$1.00

Commercial

1 to 50 SFU (Minimum)

\$1.00

51 to 500 SFU

\$0.02/per SFU

501 to 3,000 SFU

\$0.01/per SFU

3,001 or more

\$0.005/per SFU

SECTION 2: All ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

SECTION 3: If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, the invalidity, unenforceability or unconstitutionality of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.

SECTION 4: That upon adoption, the City Clerk of the City of Elko is hereby directed to have this Ordinance published, by title only, together with the Councilmen voting for or against its passage, in the Elko Daily Free Press newspaper, a newspaper printed and published in the City of Elko, for at least one publication.

SECTION 5: This Ordinance shall be effective upon the publication mentioned in Section 4.

PASSED AND ADOPTED this day of by the following vote of the Elko City Council.

AYES :

NAYS:

ABSENT:

ABSTAIN:

APPROVED this day of .

CITY OF ELKO

By: _____
MICHAEL FRANZOIA, Mayor

ATTEST:

SHANELL OWEN, City Clerk

**CITY OF ELKO
NOTICE OF PUBLIC HEARINGS**

The City of Elko will hold public hearings on September 28, 2010, commencing at 6:00 p.m. in the City Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada for Business Impact Statements pertaining to the adoption of the following Ordinance and Resolution:

- **An Ordinance Adding Title 9, Chapter 6, Section 19 to the Elko City Code Entitled “Storm Water Management Utility Fee on all Residential and Commercial Utility Customers, and other Matters Appropriately Related Thereto.**
- **A Resolution Establishing the Rates for Storm Water Management Utility Fees, Pursuant to Elko City Code, Title 9, Chapter 6, Section 19, and Matters Related Thereto.**

The City of Elko will receive testimony from all interested persons and consider and take action on the proposed ordinance and resolution. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the City of Elko may proceed to immediately act upon any written submissions.

**Shanell Owen, MMC
City Clerk**

Publish: September 17, 2010