

**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, Food Establishments, Chapter 9.05 – Food Establishments, updating the language of the section to update inspection frequencies and by amending the number of inspections and by updating mobile unit requirements, and other matters properly related thereto, does not 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 Supervisor consider updating the inspection frequencies of food establishments and allowing Mobile Units to stay in one (1) location for up to four (4) hours. This change in the ordinance will not cause a significant burden to food establishments. In 2001 Staff presented Bill No. 103 to update the inspection frequencies of our permitted food establishments, and it passed. In late 2001, Bill No. 123 passed, that used old language that was not from Bill No. 103, and changed the inspection frequencies back to current language. Since 2001, staff from the Environmental Health program has been conducting inspections based on the original Bill No. 103. By updating the Mobile Unit requirements, it would align with how the Mobile Units are dealt with currently. This update would also allow for Mobile Units to stay at a location for four (4) hours, this would be consistent with surrounding jurisdictions, and would allow for new business to operate in our jurisdiction, which could not operate on such a strict time constraint of 30 minutes.

**Type of Action Requested:** (check one)

Resolution

Ordinance-First Reading

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, Food Establishments, Chapter 9.05 – Food Establishments, updating the language of the section to update inspection frequencies and by amending the number of inspections and by updating mobile unit requirements, and other matters properly related thereto, does not 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:** Risk based inspections allow for the Environmental Health Program to concentrate on the establishments that serve and prepare food items that are at a higher risk to result in a foodborne illness, this would also align with current practice by staff. The ordinance will still be in complete compliance with state law. Allowing mobile units to stay in a location for four (4) hours would allow for this type of business to expand in our jurisdiction.

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

**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

**Funding Source:** Fees paid by permit holders, general fund.


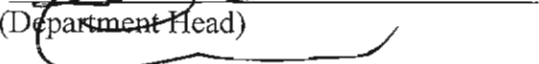

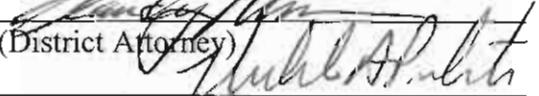
**Alternatives:**

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

<b>Reviewed By:</b> 	Date: <u>5/7/13</u>
(Department Head)	
	Date: <u>5/7/13</u>
(City Manager)	
	Date: <u>5/7/13</u>
(District Attorney)	
	Date: <u>5/7/13</u>
(Finance Director)	

**Board Action Taken:**

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

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

Aye/Nay

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_  
(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 9.05-Food Establishments.
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 about the proposed changes. 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](http://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, 2013.*

B. Summary of Comments

*Comments were open until March 22, 2013.  
No comments were received in regards to these changes.*

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: No comments were received, so we are unable to express any adverse effects.*

*Beneficial effects: It is anticipated that the proposed changes in Title 9 will allow*

*new business's to be established in our community. The proposed changes to inspections frequencies will align with current practice.*

*Direct effects: The passage of these amendments will allow the Environmental Health Program to align the ordinance with current practice.*

*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:

*Permitted establishments will not face any changes in fees with the changes proposed to the ordinance. For current permit holders who are limited to 30 minutes at one location, would be allowed to extend their stay to four (4) hours, once this ordinance is passed.*

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 ordinance*

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

*None, as the fees for permitted establishments will not change, with the passage of this ordinance.*

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.*

### **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:



**CARSON CITY, NEVADA**  
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

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](mailto:cchhsinfo@carson.org), with your questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Dustin Boothe".

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

Encl.

**Carson City Health & Human Services**

900 East Long Street • Carson City, Nevada 89706 • (775) 887-2190 • Hearing Impaired-Use 711

Clinic Services (775) 887-2195 Fax: (775) 887-2192	Public Health Preparedness (775) 887-2190 Fax: (775) 887-2248	Human Services (775) 887-2110 Fax: (775) 887-2539	Disease Prevention & Health Promotion (775) 887-2190 Fax: (775) 887-2248	Animal Services 3770 Butti Way, CC 89701 (775) 887-2171 Fax: (775) 887-2128
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*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 it 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 the 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 the 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**

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**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

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**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 losing 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 our 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](mailto:dboothe@carson.org)

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

Hello 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