

ORDINANCE #10-20
REPLACING ORDINANCE #05-19
SOLID WASTE ORDINANCE #01-9
SECTION 9-2-10 SERVICES, RATES AND CHARGES

AN ORDINANCE REPLACING THE ABOVE MENTIONED SECTION OF THE CITY OF LAS VEGAS SOLID WASTE ORDINANCE #01-9

WHEREAS, the Solid Waste Fund is currently in need of increased revenue to offset additional expenses related to loan repayment, landfill closure, capital improvements, and other operational and maintenance costs.

WHEREAS, in order to ensure the continued financial viability of the City's Solid Waste fund, Red Oak Consulting provided recommended rate adjustments based on a rate study published on June 18, 2010.

WHEREAS, an initial 15 percent increase is recommended to cover fiscal year 2011 budget deficit.

WHEREAS, a subsequent 42.6 percent increase is recommended to be phased in beginning February 1, 2011 to allow for a 10 year bond issuance to finance capital expenditures, recycling program, and additional operating and maintenance related to providing for continued operation of the solid waste department.

WHEREAS, four subsequent annual 5 percent increases are recommended to fully implement the rate study recommendations.

WHEREAS, the portion of the rate increase associated with the 10 year bond issuance to finance capital expenditures will revert back once the 10 year bond funding period is complete.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO, THAT SOLID WASTE ORDINANCE 01-9, AMENDING ORDINANCE 05-19. SECTION 9-2-10 BE AMENDED AS FOLLOWS:

The existing Section 9-2-10 of this Ordinance shall be eliminated in its entirety and replaced with a new Section 9-2-10 as shown below.

9-2-10 SERVICES, RATES AND CHARGES

The rates, charges and services of the City's solid waste Utility shall be as described and defined below for customers receiving solid waste service inside the City limits.

A: Residential Service: Residences are defined as single –family dwellings, each apartment unit of any apartment complex, and each mobile home occupied as a place of residence whether located within or outside a so-called trailer or mobile –home park. Each such residence shall pay the rates listed in the attached “Rate Schedule 1” for the use of a single cart which shall be emptied by the City once per week. Each additional cart provided to the same residence shall result in charges according to rates listed in the attached “Rate Schedule 1”. Each residence shall be limited to the use of two carts. The occupant and the owner of the residence shall be responsible for the cart, which remains the property of the City. The account holder shall pay \$75.00 for cart replacement due to damage or theft as listed in the attached “Rate Schedule 3”.

In the event that the City deems that the area around an residential container must be cleaned, the City shall perform this service for a charge according to rates listed in the attached “Rate Schedule 3”.

Any residential customer of the City's Solid Waste Utility requiring special pick-up of solid waste shall be billed an additional amount according to rates listed in the attached "Rate Schedule 3".

Note: Residential pick up fees shall include an automatic 42.6 increase on February 1, 2011 and subsequent 5% yearly increases for fiscal year 2012 - 2015. The adjustment shall be reflected in an update to the attached "Rate Schedule 1".

B. Exemption: A person who owns or rents a residence shall receive a \$5.00 per month exemption from the residential container charge if the following criteria are met:

1. The person shall complete an exemption application annually and submit it to the City's Finance Department. The exemption shall be reviewed and revised if a name change is requested for that residence. The exemption application shall be maintained at the Finance Department; and,
2. The applicant shall present a valid Medicare or Medicaid Card and evidence that he/she is a senior citizen 55 years or older; and,
3. The applicant shall present evidence that he/she is the titled owner and is the full-time occupant of the residence where service is being provided; or the applicant shall present a rental or lease agreement signed by the owner of the property in which the applicant is residing showing the applicant to be the legal tenant. The applicant shall also provide evidence that he/she is the full-time occupant of the property; and,
4. In the event that the applicant fails to pay any charge for Solid Waste Utility service throughout the exemption period, the exemption shall be nullified and regular charges for services shall be assessed for the exemption period.

C. Commercial Service: Monthly charges for Commercial services are based on container size and frequency of pick up listed in the attached "Rate Schedule 2":

Note: Commercial pick up fees shall include an automatic 42.6 increase on February 1, 2011 and subsequent 5% yearly increases for fiscal year 2012 - 2015. The adjustment shall be reflected in an update to the attached "Rate Schedule 1".

D. Additional Conditions

1. Mixed Residential/Commercial Use: Commercial establishments which contain on the premises a residence in which the owner or operator of the commercial establishment maintains his/her residence shall be assessed commercial charges only. However, in the event the residence is occupied by persons other than the owner or operator of the commercial establishment, the charges made for Solid Waste Utility services shall be based on both residential and commercial rates. Charges shall be determined by the waste service(s) provided to the premises and the business license.
2. Compulsory Collection and Services Fees: Except as otherwise provided, every person owning or controlling real property with a structure on said property within the City shall pay the solid waste collection or disposal fees established and provided for by the Ordinance.
3. Payment of Fees: The billing and collection of charges for container and other related Solid Waste Utility services provided by this ordinance shall be done by the City's Billing

department. Services provided at the Transfer Station may be billed through the Billing department or may be paid in cash at the Transfer Station.

4. Responsibility for Payment of Charges: If a Landlord does not wish to be responsible for specific, or any utilities incurred on their rental property(ies), they must submit a notarized Landlord Waiver of Responsibility form to the City of Las Vegas Utilities Department, located at 905 12th Street.

If such form is not submitted, Landlord is responsible for any charges accrued, pursuant to NMSA 1978 3-23-6, and if utility charges are not paid to the City within (6) months after the initial billing date, a lien against the property shall be filed according to New Mexico State Statute 3-36-1 NMSA 1978. Landlord shall submit Landlord Utilities Waiver of Responsibility Form only once for each rental property involving said waiver of utility payment.

Additional Requirements:

- a. Landlord Standby Utilities Agreement: Landlord must enter into a Landlord Standby Utilities Agreement with the city to have those services provided by the City Utilities Department. Provision of standby utilities services are optional, and will be provided only to those landlords requesting said standby services.
 - b. Landlord/Tenant Filing System: The City of Las Vegas Utilities Department shall maintain a comprehensive filing system that will contain any and all agreements, waivers, and forms requesting utility service covered in this Ordinance. A separate file will be maintained for each Landlord and each utility service address.
5. Automatic Rate Adjustment: Annual automatic adjustments to the rates and charges of the Solid Waste Utility may be made through application of the Consumer Price Index (CPI-U) which is maintained by the U.S. Government. Adjustments. The adjustment shall be authorized by the City Manager only after examination of the financial performance of the Utility in the past fiscal year.
 6. Emergency Adjustments to Rates and Charges: Due to the nature of the operations of the Solid Waste Utility, the City recognizes that there may be unforeseen or emergency situations that would require rapid adjustment of the rates and charges of the Utility. The City shall implement such emergency rate adjustments, provided the following conditions are met:
 - a. The issue requiring an emergency rate adjustment shall be presented to the City's Utility and Finance Committees. Concurrence for the action by these two Committees is required to implement the emergency rate adjustment.
 - b. An emergency rate adjustment shall be considered only an interim action. In the event this Ordinance is not amended to permanently change the rates and charges or the Solid Waste Utility within (90) days of the implementation of the emergency adjustment, the rates and charges shall revert back to those in effect prior to the implementation of the emergency adjustment.

E. Coincident Monthly Billing: Billing for normal monthly services from all of the City's utilities shall be contained on one Monthly Bill issued to each Customer of the City's utilities

F. Late Payment Fee: All amounts billed for Solid Waste service or other charges specified in this Ordinance shall be due and payable when the bill is issued, and shall become subject to a late Payment Fee in the event the Customer fails to pay any amount due at the time of the issuance of the next bill. The

City shall assess a fee of 1.5% per month to amounts which have not been paid at the time of the issuance of the next bill. The fee shall be compounded for each month for which amounts remain unpaid.

PASSED, APPROVED, AND ADOPTED THIS 28 DAY OF July 2010.


Alfonso E. Ortiz Jr., Mayor

ATTEST:


Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY


Dave Romero Jr., City Attorney