

★ Roll Call Number

Agenda Item Number

51

Date..... October 13, 2008

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 14,194 passed December 18, 2002 by amending Section 118-275 of Chapter 118, Utilities, thereof, relating to the ERU rate to be applied to residential and nonresidential properties",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Ann DiDonato
Assistant City Attorney

(Council Communication No. 08-600)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

.....
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 14,194 passed December 18, 2002 by amending Section 118-275 of Chapter 118, Utilities, thereof, relating to the ERU rate to be applied to residential and nonresidential properties.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance 14,194 passed December 18, 2002 is hereby amended by amending Section 118-275 of Chapter 118, Utilities, thereof, relating to the ERU rate to be applied to residential and nonresidential properties, as follows:

Sec. 118-275. Establishment of ERU, ERU rate and stormwater management charge; establishment of policy regarding expenditure of utility revenues.

- (a) For purposes of this division, an ERU shall be equivalent to 2,349 square feet of impervious property.
- (b) Except as provided in this division, every contributor owning or occupying a single-family residential property, a multifamily residential property, an unclassified residential property, or a nonresidential property, other than exempt property, shall pay to the city at the office of the city's collection agent, at the same time payment is made for water service, a stormwater management charge to be determined and billed as provided in this division. In the event the owner and the occupant of a particular property are not the same, the liability for payment of the stormwater management charge attributable to that property shall be joint and several as to the owner and occupant. The stormwater management charge shall be a monthly service charge and shall be determined by this division and the ERU and ERU rate which is established in this division and from time to time adjusted as provided in this division.

- (c) The stormwater management charges provided in sections 118-276 through 118-279 of this division shall be applied and computed for each contributor during the customary billing periods as to all bills mailed by the city's collection agent, and such charges shall thereafter be paid and collected as provided in this division.
- (d) The ERU rate to be applied to residential and nonresidential properties shall be as follows:

- (1) for the period ~~July~~January 1, ~~2003~~2009 through June 30, ~~2004~~2009, the ERU rate shall be ~~\$5.29~~7.29;
- (2) for the period July 1, ~~2004~~2009 through June 30, ~~2005~~2010, the ERU rate shall be ~~\$5.55~~7.87;
- (3) for the period July 1, ~~2005~~2010 through June 30, ~~2006~~2011, the ERU rate shall be ~~\$5.83~~8.50;
- (4) for the period July 1, ~~2006~~2011 through June 30, ~~2007~~2012, the ERU rate shall be ~~\$6.12~~9.18; and
- (5) for the period July 1, ~~2007~~2012 through June 30, ~~2008~~2013, the ERU rate shall be ~~\$6.43~~9.91;
- ~~(6) for the period July 1, 2008 through June 30, 2009, the ERU rate shall be \$6.75;~~
- ~~(7) for the period July 1, 2009 through June 30, 2010, the ERU rate shall be \$7.09;~~
- ~~(8) for the period July 1, 2010 through June 30, 2011, the ERU rate shall be \$7.44.~~

Said rate shall remain in effect until adjusted as hereafter provided. As to all fiscal years subsequent to ~~FY2010-11~~FY2012-13, the director shall determine the ERU rate to be applied to residential and nonresidential properties within the city on or before March 15 of each year and shall certify the same promptly thereafter to the city manager. The city manager shall inform the city council of the rate so calculated at the time that the budget for the stormwater management utility is submitted to the council for its review and approval. If it is determined that the ERU rate is to be adjusted, the city manager shall thereafter publish said adjusted rate once in a newspaper of general circulation, shall give notice thereof to contributors if and as required by applicable state or federal law, and shall, in the absence of council enactment of an ordinance not later than May 1 directing the imposition of a different rate, proceed to impose and collect the adjusted rate from and after July 1 of that year.

- (e) If at any time the director determines that the ERU rate and/or the budget for the stormwater management utility system requires adjustment, the director shall report such

determination to the city manager and city council. The city council may at any time adjust the ERU rate by adoption of an ordinance amending this section, and may at any time adjust the budget for the stormwater management utility system by adoption of an appropriate resolution.

(f) The city council hereby establishes a formal policy regarding the expenditure of stormwater management utility revenues as follows:

- (1) The city manager shall develop and implement a cost accounting system, capable of accurately recording and segregating charges to the system by all departments of the city, to include the cost of personnel, machinery, contract equipment and construction, supplies, depreciation, and any and all miscellaneous expenses and purchases. A year-end audit of all expenses shall be prepared by the finance department and provided to the city manager and city council.
- (2) No revenues generated by the stormwater utility user fee shall be used for any purpose other than stormwater expenses.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney