

★ **Roll Call Number**

Agenda Item Number

34

Date March 26, 2012

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, as heretofore amended, by amending Sections 118-149 and 118-275, and by repealing Section 118-289, relating to the volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties",

which was considered and voted upon under Roll Call No. 12- 0406 of March 12, 2012; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED APPROVED

_____ Mayor

_____ 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, as heretofore amended, by amending Sections 118-149 and 118-275, and by repealing Section 118-289, relating to the volume charge and customer service charge for sewer services and 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, as heretofore amended, is hereby amended by amending Sections 118-149 and 118-275, and by repealing Section 118-289, relating to the volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties, as follows:

Sec. 118-149. Sewer service charges--Volume charge and customer service charge.

- (a) Every customer shall pay to the city the rates and charges as hereinafter established and specified for the purpose of contributing toward the costs of construction, maintenance and operation of the wastewater treatment system.
- (b) Except as hereinafter provided, each customer whose property lies within the corporate limits of the city shall pay to the city, either directly or, at the direction of the city manager, through its collection agent at the agent's office, at the same time payment for city water service is made, a volume charge for domestic wastewater contribution. The volume charge shall be calculated as follows: (1) for the period ending June 30, 2005, the volume charge shall be calculated on the basis of \$2.97 for each 1,000 gallons of water; (2) for the period July 1, 2005 through June 30, 2006, the volume charge shall be calculated on the basis of \$3.21 for each 1,000 gallons of water; (3) for the period July 1, 2006 through June 30, 2007, the volume charge shall be calculated on the basis of \$3.46 for each 1,000 gallons of water; and (4) for the period July 1, 2007 through June 30, 2008, the volume charge shall be calculated on the basis of \$3.74 for each

1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (5) for the period July 1, 2008 through June 30, 2009, the volume charge shall be calculated on the basis of \$3.96 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (6) for the period July 1, 2009 through June 30, 2010, the volume charge shall be calculated on the basis of \$4.20 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (7) for the period July 1, 2010 and thereafter through June 30, 2012, the volume charge shall be calculated on the basis of \$4.45 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (8) for the period July 1, 2012 through June 30, 2013, the volume charge shall be calculated on the basis of \$4.85 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (9) for the period July 1, 2013 through June 30, 2014, the volume charge shall be calculated on the basis of \$5.29 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (10) for the period July 1, 2014 through June 30, 2015, the volume charge shall be calculated on the basis of \$5.76 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month; and (11) for the period July 1, 2015 and thereafter, the volume charge shall be calculated on the basis of \$6.28 for each 1,000 gallons of water, or fraction thereof, consumed by each customer each month. The volume charge assessed monthly to all such customers shall be in addition to those charges specified in subsection (c) of this section, and in addition to the charges, surcharges, and penalties provided in section 118-151.

- (c) Except as hereinafter provided, each customer whose property lies within the corporate limits of the city shall pay to the city, either directly or, at the direction of the city manager, through its collection agent at the agent's office, at the same time payment for city water service is made, a monthly customer service charge of \$4.40. The customer service charge assessed monthly to all such customers shall be in addition to those charges specified in subsection (b) of this section, and in addition to the charges, surcharges, and penalties provided in section 118-151.
- (d) The director shall periodically review the volume charge and the customer service charge in conjunction with the preparation of the budget for the city sanitary sewer system. If at any time the director determines that the volume charge, the customer service charge, and/or the budget for the city sanitary sewer 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 volume charge or the customer service charge by adoption of an ordinance amending this section, and may at any time adjust

the budget for the city sanitary sewer system by adoption of an appropriate resolution.

- (e) Contributors whose properties lie outside the corporate limits of the city and which are served or otherwise provided sewer service pursuant to contract with the city, shall pay to the city a fee as set forth in section 118-154(d).

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 January 1, 2010 through December 31, 2010, the ERU rate shall be \$7.87;
 - (2) for the period January 1, 2011 through December 31, 2011, the ERU rate shall be \$8.50; and
 - (3) for the period January 1, 2012 through December 31, 2012, the ERU rate shall be \$8.84; and
 - (4) for the period January 1, 2013 through ~~December 31~~June 30, 2013, the ERU rate shall be \$9.19; and
 - (5) for the period July 1, 2013 through June 30, 2014, the ERU rate shall be \$9.74; and
 - (6) for the period July 1, 2014 through June 30, 2015, the ERU rate shall be \$10.33; and
 - (7) for the period July 1, 2015 through June 30, 2016, the ERU rate shall be \$10.95.

Said rate shall remain in effect until adjusted as hereafter provided. As to all fiscal years subsequent to ~~FY2013-2014~~FY2015-2016, 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.

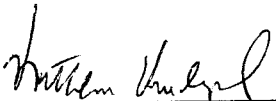
Sec. 118-289. Repealed by Ord. No. 15, ---.Termination.

~~—The stormwater management utility created by this division shall terminate the capital project portion of the stormwater management charge no later than June 30, 2024, and no obligation payable from the revenues of the utility shall be issued with a maturity after that date. However, the capital project portion of the stormwater management charge shall remain in existence for such additional time as shall be required to pay or make full and~~

~~adequate provision for payment of all obligations then payable from revenues of the utility. All funds in the possession of or being held to the credit of the stormwater management utility as of the date of termination of the utility, which funds were generated from stormwater management charges collected pursuant to this division, shall thereafter be expended for stormwater management utility purposes as provided in this division.~~

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

FORM APPROVED:



Kathleen Vanderpool
Deputy City Attorney