

10/10/11

AGENDA ITEM SUMMARY

DATE: September 26, 2011

DEPARTMENT: Finance

DEPT. HEAD SIGNATURE: MHC and TH

SUBJECT: Proposed Ordinance and Resolution regarding annual 2011-2012 Water and Wastewater fees and Administrative fees

2nd Reading

Ord. 1091

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The proposed water and wastewater rates were introduced to the city council at the July 25, 2011 council meeting. Those rates have been slightly revised based upon the final city budget. The wastewater base rate has increased from \$11.09 to \$11.24 and the rate per 1,000 gallons increased from \$3.22 to \$3.24. The water base rate decreased from \$7.45 to \$7.33. All other rates, including the sliding scale for water use, remain as presented in July.

Proposed Ordinance changes are summarized here:

13.04.150(G)

- New waiver option for owners regarding the collection of tenant deposit
- Changed the average deposit amount to 3 months & added winter water usage to the fee calculation
- Clarified written request from depositor to initiate the refund process
- Removed language regarding turning off water (as we do not do this step)
- Last sentence stricken - we will be following the state unclaimed property laws where applicable.

13.04.150(D)

- Changed 45 days to 10 days for delinquent account process to begin
- Changed administration to discontinuance
- Changed 4 months to 3 months and added winter water usage to the fee calculation
- Clarified written request from depositor to initiate the refund process
- Changed good payment history timeframe from 2 years to 1 year – shut off deposit may be requested by depositor after 1 year of good payment history. This is consistent with the proposed administrative fee policy in the resolution.

Proposed Resolution:

- Revised the administrative NSF fee waiver from 5 years to 1 year – good payment history.
- Added language regarding temporary turn on/off for plumbing repairs or inspections.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS

Case # _____

Budget Line Item # _____

YTD Line Item Balance \$ _____

Estimated Hours Spent to Date: _____

Estimated Completion Date: _____

Staff Contact: _____

Phone # _____

Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Library | <input type="checkbox"/> Safety Committee |
| <input checked="" type="checkbox"/> City Attorney | <input type="checkbox"/> Mayor | <input type="checkbox"/> Streets |
| <input checked="" type="checkbox"/> City Clerk | <input type="checkbox"/> Planning | <input checked="" type="checkbox"/> Treasurer |
| <input type="checkbox"/> Building | <input type="checkbox"/> Police | _____ |
| <input checked="" type="checkbox"/> Engineer | <input type="checkbox"/> Public Works, Parks | _____ |
| <input type="checkbox"/> Fire Dept. | <input type="checkbox"/> P & Z Commission | _____ |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct the second reading of Ordinance 1047

ADMINISTRATIVE COMMENTS/APPROVAL:

Discuss proposed changes, suggest revisions if warranted and make a motion to approve with amendments or approve as shown in packet.

City Administrator _____ Dept. Head Attend Meeting (circle one) Yes No

ACTION OF THE CITY COUNCIL:

Date 9/24 - Council approved ordinance & resolution
Mayor conducted 1st reading by title only

City Clerk 2nd Reading Ord. 10/10
3rd Reading Ord. 10/24 & Publish Ord. 10/26/11

FOLLOW-UP:

*Ord./Res./Agmt./Order Originals: Record
Copies (all info.): _____
Instrument # _____

*Additional/Exceptional Originals to: _____
Copies (AIS only)

Heather Dawson

From: Blake Eagle <blake@e4innovations.com>
Sent: Monday, October 03, 2011 10:21 PM
To: Heather Dawson; Robin Crotty; Carol Brown; burkefamily203@cox.net; Don Keirn; Elizabeth; Fritz Haemmerle; Tom Hellen
Subject: City services

Hello All,

I am writing this in response to a bill I received based on unused sewer service. It seems that if you connect the water and sewer during construction the owner is charged for this service with no regard to usage. I am fine with the water utility portion of the fee because we are using the water from a frost free yard hydrant, but not the sewer usage fee. We are only beginning to rough in plumbing this week. The ground work plumbing was done before concrete slabs were poured. There is nothing going down the drain as they are capped off. I am currently building the first new home that complies with the Build Better program within Hailey city limits. It will be the first house on the West coast that is using an innovative industrial hemp/lime wall system. It will also be Energy Star certified and water sense appliances will be installed, thus being less of a burden on the city's infrastructure for potable water and sewer service for years to come.

Since we are in the framing stage with all plumbing capped off and have no appliances or fixtures installed, it is not right for us to be charged for a service that is not being used. We did hook up to the water and sewer during the excavation in order to avoid undermining the footings to keep the home on solid ground as required from a durability standpoint for construction. It is very difficult to get the same compaction of the soil if you are trying to do this after concrete is poured.

If this truly is an enforced city ordinance it needs revisiting. This is along the same lines as having to buy a water meter from the city in order to be charged for the service as well. The other utility companies are providing the meter so they can bill us their service as well. (Power/Gas)

If a home is under construction and a service is not being put to use, how can the city charge the customer for it? I was told that it was hard for the city to keep track of when a home was finished and the owner occupied the space. It seems to make sense that when an owner obtained their certificate of occupancy, the building official would simply communicate to the billing dept. and then the charges for service used would be applied. Again, it is not fair to be charged for a service that is not in use.

Thank you for your time and I look forward to your response.

Blake

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e4innovations

Blake Eagle-Owner
PO BOX 5325
Ketchum, ID 83340
208-720-6043
blake@e4innovations.com
e4innovations.com

Heather Dawson

From: Judith McQueen <mcq@judithmcqueen.com>
Sent: Wednesday, September 28, 2011 11:08 AM
To: Heather Dawson
Subject: Re: Deposits held on utility accounts

Hi Heather,
Well done! This ordinance is exactly what I think makes sense. My sincere appreciation.
Judith McQueen

----- Original Message -----

From: Heather Dawson
To: mcq@judithmcqueen.com
Sent: Monday, September 26, 2011 8:14 PM
Subject: FW: Deposits held on utility accounts

Hi Judith -

Tonight the city council read the first reading of an ordinance which was drafted following our conversation on September 7, 2011. The ordinance does several things of specific interest to you:

1. it allows landlords to waive (in writing) their tenant's deposit requirement.
2. establishes a "good payment history period" of 1 year. If a customer is required to put a deposit on an account due to non-payment, that can be refunded (following written request) after 1 year of good payment history.

The ordinance will still go through a second and third reading, and, barring no objections, shall become law on October 28, 2011. If you have any comments about the ordinance revisions, you are welcome to call me, make comments to the council in writing, or attend the next meeting to make comments in person.

If I remember our discussion correctly, these changes may enable you to get some of your deposits refunded to you in November!

Heather Dawson
Hailey City Administrator

115 South Main Street
Hailey, ID 83333
208-788-4221 ext 18

From: Heather Dawson
Sent: Wednesday, September 07, 2011 11:17 AM
To: Mary Cone; Tom Hellen; Becky Stokes
Cc: 'mcq@judithmcqueen.com'
Subject: Deposits held on utility accounts

Hello -

I've had a request from a customer to review our utilities deposits policies, both in terms of their legality and in terms of not penalizing customers in good standing. As this follows the same concepts as our other policy rewrites, let's loop this into our work this week.

Thanks.

Heather Dawson
Hailey City Administrator

115 South Main Street
Hailey, ID 83333

HAILEY ORDINANCE NO. 1091

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 13 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 13.04.130(B)(3) TO CLARIFY THAT NEW WASTEWATER USER ACCOUNTS SHALL BE BASED ON A WATER USE OF 6000 GALLONS PER MONTH; BY AMENDING SECTION 13.04.150(D) TO REVISE TIME PERIODS AND TO CLARIFY OTHER PROVISIONS RELATING TO DISCONTINUANCE OF WATER AND WASTEWATER SERVICES AND RELATED PROCEDURES; BY AMENDING SECTION 13.04.150(G) TO REVISE TIME PERIODS AND TO CLARIFY OTHER PROVISIONS RELATING TO LANDLORD/TENANT AGREEMENTS FOR WATER AND WASTEWATER SERVICES AND RELATED PROCEDURES; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City desires to clarify that new wastewater user accounts shall be based on a water use of 6000 gallons per month;

WHEREAS, the City desires to revise certain time periods relating to discontinuance of water and wastewater service and landlord/tenant agreements for water and wastewater service, to allow an owner of property to waive the need for a deposit under a landlord/tenant agreement for water and wastewater service, and to clarify other provisions relating to discontinuance of water and wastewater service and landlord/tenant agreements for water and wastewater service and related procedures; and

WHEREAS, the Mayor and City Council find that the amendments to the Chapter will further the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 13.04.130(B)(3) of the Hailey Municipal Code is hereby amended by the addition of the following underlined language and the deletion of the following stricken language:

3. Non-Metered Account Fee. ~~The Nnew construction~~ Wastewater user accounts, where an average winter water use has not been established, shall pay a set monthly charge for water usage of 6000 gallons per month ~~to cover all fixed and variable costs of the Municipal Wastewater System.~~

Section 2. Section 13.04.150(D) of the Hailey Municipal Code is hereby amended by the addition of the following underlined language and the deletion of the following stricken language:

D. Discontinuance of Water/Wastewater Service for Default. All bills for ~~w~~Water and Wastewater User fees not paid within ~~forty five~~ ten(4510) days after the due date shall authorize

the City, in addition to its rights and remedies set forth herein, to discontinue the water service to any such defaulting customer after fifteen (15) days written notice sent by U.S. Mail to the customer. If a customer fails to pay all delinquent fees within the fifteen (15) day period, the City shall be authorized to disconnect the water service for the customer without further notice and shall assess an administration discontinuance fee as established by resolution against the defaulting customer. Recommencement of water service shall be made following the payment of the administration discontinuance fee, a recommencement fee as established by resolution, delinquent water and/or Wastewater fees due, and a deposit in a sum equal to ~~four~~ three months' average winter Water and Wastewater User Fees (User Base Fee and Metered Water Fee) ~~minimum water and Wastewater User base and bond payment fees~~. All such deposits shall be kept in a separate fund of the City and shall be refunded to the user forty-five (45) days following termination of water and Wastewater services and upon application written request by customer for deposit refund of the deposit. If any sums are due or to become due to the City for any services or if any delinquencies exist, then the deposit shall be used in payment of the user's account and any balance thereof shall be paid to the user within the normal accounts payable process. In the event a Water and Wastewater uUser shall have maintained current payment of water and Wastewater service fees for a period of ~~two~~ one (1) years without delinquency, then upon application written request of the user to the City, the deposit shall be refunded to the user.

Section 3. Section 13.04.150(G) of the Hailey Municipal Code is hereby amended by the addition of the following underlined language and the deletion of the following stricken language:

G. Landlord/Tenant Agreements. All monthly ~~w~~Water or Wastewater User fees will be charged against the property ~~for which where~~ the City Private wWater or Wastewater sService HLine is installed, except that Owners or their authorized agents may, by written request, authorize the City Clerk to charge Water or Wastewater User fees against an occupant, tenant, or contract purchaser of specific Property and shall require a deposit equal to ~~four~~ three months' minimum average winter Water and Wastewater User Fees (User Base Fee and Metered Water Fee) ~~monthly Water and Wastewater User base and bond payment fees for specific Property~~. If the Owner or Owner's authorized agent chooses to waive the deposit, then this designation must be in writing. If a deposit is made, these deposits will be refundable to the depositor, or his agent at the termination of occupancy with satisfactory identification and upon written request, upon termination of occupancy. Any outstanding charges (applicable discontinuance or recommencement fee and delinquent water and/or Wastewater fees due up to the date of termination) owed by the tenant will be deducted from the deposit and the balance refunded to the depositor. by the payment of any applicable discontinuance or recommencement fee and delinquent Water and/or Wastewater fees due up to the date of termination. The deposit shall be refunded within the normal accounts payable process. The service will be turned off and not turned on again until proper written request is made by the Owner. If the occupant moves without notice, and the deposit is inadequate to pay the balance owing, the City Clerk will continue to pursue collection of the balance owing. In the event a depositor leaves an unclaimed balance in his account, that amount shall be kept for six months after which time it shall revert to the Water and Wastewater fund of the City.

Section 4. Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 5. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this ___ day of October, 2011.

Richard L. Davis, Mayor City of Hailey

ATTEST:

Mary Cone, City Clerk

HAILEY RESOLUTION NO. 2011-36

A RESOLUTION OF THE HAILEY CITY COUNCIL APPROVING RATE ADJUSTMENTS FOR WATER AND SEWER USER FEES AND WATER AND SEWER CONNECTION FEES PURSUANT TO CHAPTER 13.04, HAILEY MUNICIPAL CODE

WHEREAS, the Mayor and the City Council of the City of Hailey have determined water conservation is a desired goal for the City of Hailey Water Department;

WHEREAS, the Mayor and the City Council of the City of Hailey have determined that establishing methods for metering water usage will assist the goal of water conservation;

WHEREAS, the Mayor and the City Council of the City of Hailey have amended Chapter 13.04 of the Hailey Municipal Code, Water and Sewer Systems, to establish procedures for determining both water and sewer user fees, and connection fees, establish new procedures and revised fees, and authorize a cross connection program;

WHEREAS, the construction and maintenance of municipal water and wastewater systems are valid proprietary functions of the City of Hailey;

WHEREAS, the mandatory connection to the municipal water and wastewater systems is a valid exercise of the police powers of the City of Hailey;

WHEREAS, the fees imposed by this resolution are segregated into separate funds and are not placed into the general fund for the City of Hailey;

WHEREAS, the connection fees imposed by this resolution are to be used for the replacement and depreciation of the water and wastewater systems, while the user fees imposed by this resolution are to be used to pay for indebtedness and general operating costs of the systems;

WHEREAS, the fees imposed by this resolution have been studied and recommended by the City Engineer and are intended to be reasonably related to the benefit conveyed to the residents of the City of Hailey;

WHEREAS, the user fees, including the meter rates, imposed by this resolution are intended to make the systems self-supporting, produce revenues for the payment of indebtedness and encourage the conservation of water;

WHEREAS, Hailey's Municipal Code Chapter 13 requires that the Hailey City Council review, and make appropriate adjustments to Hailey's water and sewer user fees, administrative fees and connection fees; and

WHEREAS, the Hailey City Council has reviewed the engineer's calculations which provide the rational basis for the establishment of water and sewer user fees and connection fees, which are established in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAILEY AS FOLLOWS:

Section 1. Adoption of Fees. The City Council of the City of Hailey hereby adopts the following fee schedule:

**SCHEDULE OF FEES & CHARGES
WATER & WASTEWATER**

1. Connection Fees – §13.04-140.

Water Department: Water connection fees shall be \$3,971 per equivalent connection.

Wastewater Department: Wastewater connection fees shall be \$3,407 per equivalent connection.

2. Service Connection Inspection Fee.

Water Department: The inspection fee for a new water service connection shall be \$50.00.

Wastewater Department: The inspection fee for a new wastewater service connection shall be \$50.00.

3. Water Department User Base Monthly Charges- §13.04.130(A)1 & §13.04.130(A)3.

Water user base monthly charge shall be \$11.80 per month, a set fee established by the Hailey City Council. The portion of that fee collected for bond reserve purposes shall be \$4.35 per connection per month. The portion of that fee for maintenance and operation shall be \$7.45 per connection per month.

4. Water Department User Monthly Charge – Non-Metered Accounts

Water user non-metered account monthly charge shall be \$46.35 per month, a set fee established by the Hailey City Council. The portion of that fee collected for bond reserve purposes shall be \$4.35 per connection per month. The portion of that fee for maintenance and operation shall be \$42.00 per connection per month.

5. Wastewater Department User Base Monthly Charges – Metered Accounts – §13.04.130(B)1 & §13.04.130(B)4.

Wastewater user monthly charges shall total \$17.67 per month, a set fee established by the Hailey City Council. The portion of that fee collected for bond retirement purposes shall be \$6.43 per connection per month. The portion of that fee for system maintenance and operation shall be \$11.24 per connection per month.

6. Wastewater Department User Base Monthly Charges – Residential Non-Metered Accounts – §13.04.130.B.3.

New construction residential Wastewater user monthly charges shall total \$36.84 per month, a set fee established by the Hailey City Council. The portion of that fee collected for bond retirement purposes shall be \$6.43 per connection per month. The portion of that fee for system maintenance and operation shall be \$30.41 per connection per month.

7. Metered Charge – Water – §13.04.130(A)2. The Water user metered charge shall be as follows:

a. Single Family Residence

Base Rate per 1,000 gallons up to 30,000 gallons	\$0.20
Rate per 1,000 gallons, 31,000 to 40,000 gallons	\$0.50
Rate per 1,000 gallons, 41,000 to 50,000 gallons	\$0.75
Rate per 1,000 gallons, 51,000 to 60,000 gallons	\$1.25
Rate per 1,000 gallons, 61,000 to 70,000 gallons	\$1.75
Rate per 1,000 gallons, 71,000 to 80,000 gallons	\$2.00
Rate per 1,000 gallons, 81,000 to 90,000 gallons	\$2.25
Rate per 1,000 gallons, 91,000 to 100,000 gallons	\$2.50
Rate per 1,000 gallons, 101,000 to 150,000 gallons	\$2.75
Rate per 1,000 gallons, 151,000 and above	\$3.00

b. Commercial

Base Rate per 1,000 gallons up to 30,000 gallons	\$0.20
Rate per 1,000 gallons, 31,000 to 40,000 gallons	\$0.50
Rate per 1,000 gallons, 41,000 to 50,000 gallons	\$0.75
Rate per 1,000 gallons, 51,000 to 60,000 gallons	\$1.25
Rate per 1,000 gallons, 61,000 to 70,000 gallons	\$1.75
Rate per 1,000 gallons, 71,000 to 80,000 gallons	\$2.00
Rate per 1,000 gallons, 81,000 to 90,000 gallons	\$2.25
Rate per 1,000 gallons, 91,000 to 100,000 gallons	\$2.50
Rate per 1,000 gallons, 101,000 to 150,000 gallons	\$2.75
Rate per 1,000 gallons, 151,000 and above	\$3.00

c. Multi-Family (Per Unit)

Base Rate per 1,000 gallons up to 30,000 gallons	\$0.20
Rate per 1,000 gallons, 31,000 to 40,000 gallons	\$0.50
Rate per 1,000 gallons, 41,000 to 50,000 gallons	\$0.75
Rate per 1,000 gallons, 51,000 to 60,000 gallons	\$1.25
Rate per 1,000 gallons, 61,000 to 70,000 gallons	\$1.75
Rate per 1,000 gallons, 71,000 to 80,000 gallons	\$2.00
Rate per 1,000 gallons, 81,000 to 90,000 gallons	\$2.25
Rate per 1,000 gallons, 91,000 to 100,000 gallons	\$2.50
Rate per 1,000 gallons, 101,000 to 150,000 gallons	\$2.75
Rate per 1,000 gallons, 151,000 and above	\$3.00

d. Irrigation Charge (For separate irrigation accounts):

Base Rate per 1,000 gallons up to 30,000 gallons	\$0.20
Rate per 1,000 gallons, 31,000 to 40,000 gallons	\$0.50
Rate per 1,000 gallons, 41,000 to 50,000 gallons	\$0.75
Rate per 1,000 gallons, 51,000 to 60,000 gallons	\$1.25
Rate per 1,000 gallons, 61,000 to 70,000 gallons	\$1.75
Rate per 1,000 gallons, 71,000 to 80,000 gallons	\$2.00
Rate per 1,000 gallons, 81,000 to 90,000 gallons	\$2.25
Rate per 1,000 gallons, 91,000 to 100,000 gallons	\$2.50
Rate per 1,000 gallons, 101,000 to 150,000 gallons	\$2.75
Rate per 1,000 gallons, 151,000 and above	\$3.00

8. Metered Charge – Wastewater – §13.04.130(B)2. The Wastewater use metered charge shall be as follows:

a. <u>Single Family Residence</u>	
Rate per 1,000 gallons	\$3.24
c. <u>Commercial</u>	
Rate per 1,000 gallons	\$3.24
c. <u>Multi-Family</u>	
Rate per 1,000 gallons	\$3.24

9. Reduction in Water and Wastewater User Base Charges- §13.04.130(C).

Water Charges: Water user base charge for persons qualifying under Hailey Municipal Code Section 13.04.130(C) shall be \$7.33 per month. The portion of that fee collected for bond reserve purposes shall be \$4.35 per month and for maintenance and operation shall be \$2.98 per month.

Wastewater Charges: Wastewater user base charge for persons qualifying under Hailey Municipal Code Section 13.04.130(C) shall be \$10.93 per month. The portion of that fee collected for bond retirement purposes shall be \$6.43 per month. The portion of that fee for system maintenance and operation shall be \$4.50 per month.

10. Private Water and Wastewater System Inspection Fee – §13.04.160.

Water Department: The inspection fee for a new private water system shall be \$50.00.

Wastewater Department: The inspection fee for a new private wastewater system shall be \$50.00.

11. Administrative Fees – §13.04.150(D).

Discontinuance Administrative Fee – Non-payment: The Administrative fee for a discontinuance notice shall be \$37.50.

Recommencement Fee – Non-payment: The Recommencement fee for recommencing a service terminated for non-payment shall be \$37.50.

§13.04.150(F)

Owner Requested Discontinuance Fee: The fee for an owner requested discontinuance of service shall be \$37.50.

Owner Requested Recommencement Fee: The fee for an owner requested recommencement of service shall be \$37.50.

Water Conservation Violation Discontinuance Fee: The discontinuance fee for violating Hailey Municipal Code Section 13.08.010 shall be \$50.00.

Water Conservation Violation Recommencement Fee: The recommencement fee for violating Hailey Municipal Code Section 13.08.010 shall be \$50.00.

Insufficient Funds Fee: The insufficient funds fee for a utility payment shall be \$20.00.

12. Administrative Waiver of Fees

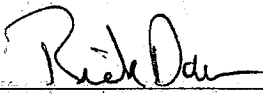
Customers, who in the last one (1) year have had no late payments delinquent account notices, or insufficient fund fees, may request and administrative staff may approve a reversal of a one-time insufficient funds fee.

Temporary turn on/off –

Owners may temporarily ask that the water be turned on for 24 hours to do a home inspection or plumbing repair for a sale or foreclosure. This 24 hour turn on/off does not require the commencement/discontinuance form to be completed.


Section 2. Effective Date. The fees adopted by this Resolution shall be effective on September 28, 2011.

Passed this 26th day of September, 2011.



Rick Davis, Mayor, City of Hailey

ATTEST:



Mary Cone, City Clerk

