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

AUTHORITY: □ ID Code ___________ □ IAR ___________ □ City Ordinance/Code ___________ (IFAPPLICABLE)

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

<table>
<thead>
<tr>
<th>Budget Line Item #</th>
<th>YTD Line Item Balance $</th>
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<td>Estimated Hours Spent to Date:</td>
<td>Estimated Completion Date:</td>
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<td>Staff Contact:</td>
<td>Phone #</td>
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<td>Comments:</td>
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ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

- City Administrator
- City Attorney
- City Clerk
- Building
- Engineer
- Fire Dept.
- Library
- Mayor
- Planning
- Police
- Public Works, Parks
- P & Z Commission
- Safety Committee
- Streets
- Treasurer

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 ____________________________

City Clerk _________________________

FOLLOW-UP:
*Ord./Res./Agmt./Order Originals: Record  *Additional/Exceptional Originals to: ______________
Copies (all info.): 
Instrument #  
Copies (AIS only)
HAILEY ORDINANCE NO. _____

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 New 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 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 (4) 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 User shall have maintained current payment of water and Wastewater service fees for a period of two (2) 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 Water or Wastewater User fees will be charged against the property for which where the City Private Water or Wastewater Service line 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 (4) 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 (6) 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.

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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.

ATTEST:

Richard L. Davis, Mayor City of Hailey

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


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.


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.

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

   b. **Commercial**
      
      | Gallons                             | Rate  |
      |-------------------------------------|-------|
      | up to 30,000 gallons                | $0.20 |
      | 31,000 to 40,000 gallons            | $0.50 |
      | 41,000 to 50,000 gallons            | $0.75 |
      | 51,000 to 60,000 gallons            | $1.25 |
      | 61,000 to 70,000 gallons            | $1.75 |
      | 71,000 to 80,000 gallons            | $2.00 |
      | 81,000 to 90,000 gallons            | $2.25 |
      | 91,000 to 100,000 gallons           | $2.50 |
      | 101,000 to 150,000 gallons          | $2.75 |
      | 151,000 and above                   | $3.00 |

   c. **Multi-Family (Per Unit)**
      
      | Gallons                             | Rate  |
      |-------------------------------------|-------|
      | up to 30,000 gallons                | $0.20 |
      | 31,000 to 40,000 gallons            | $0.50 |
      | 41,000 to 50,000 gallons            | $0.75 |
      | 51,000 to 60,000 gallons            | $1.25 |
      | 61,000 to 70,000 gallons            | $1.75 |
      | 71,000 to 80,000 gallons            | $2.00 |
      | 81,000 to 90,000 gallons            | $2.25 |
      | 91,000 to 100,000 gallons           | $2.50 |
      | 101,000 to 150,000 gallons          | $2.75 |
      | 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). The Wastewater use metered charge shall be as follows:

   a. Single Family Residence
      Rate per 1,000 gallons $3.24

   c. Commercial
      Rate per 1,000 gallons $3.24

   c. Multi-Family
      Rate per 1,000 gallons $3.24


   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.


    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.


    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 _____ day of September, 2011.

________________________________________
Rick Davis, Mayor, City of Hailey

ATTEST:

________________________________________
Mary Cone, City Clerk