

ORDINANCE NO. 13,653

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,700, passed July 29, 1991, and amended by Ordinance No 11,843, passed June 22, 1992, and amended by Ordinance No. 11,996, passed May 21, 1993, and amended by Ordinance No. 13,349, passed June 17, 1996, by repealing Sections 21-38, 21-40 and 21-41 thereof and enacting new Sections 21-38, 21-40 and 21-41, providing for adjustments to the basic sewer charge, the demand charge, and the customer charge at any time upon adoption of an ordinance amending those code sections.

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

Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,700, passed July 29, 1991, and amended by Ordinance No 11,843, passed June 22, 1992, and amended by Ordinance No. 11,996, passed May 21, 1993, and amended by Ordinance No. 13,349, passed June 17, 1996, by repealing Sections 21-38, 21-40 and 21-41 thereof and enacting new Sections 21-38, 21-40 and 21-41, providing for adjustments to the basic sewer charge, the demand charge, and the customer charge at any time upon adoption of an ordinance amending those code sections, as follows:

21-38. BASIC SEWER CHARGE.

(a) Except as hereinafter noted, each contributor 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 basic charge for domestic wastewater contribution, calculated on a per 1,000 gallon basis of water consumption by the contributor. The basic charge shall be assessed to all such contributors on the basis of monthly water usage and shall be determined annually by the director, utilizing budgeted expense and revenue amounts for the next fiscal year and wastewater flow data for the preceding calendar year, in accordance with the following formula:

$$\text{Des Moines} = \frac{A + B + C + D + J}{E} \times 1000$$

BASIC SEWER CHARGE X

PER 1,000 GALLONS

OF WATER USE

Where: A is the budgeted amount of the operation and maintenance costs for the Des Moines sanitary sewer system; and

B is the city's share of the operation, maintenance and replacement costs for WRA sewers, including flow metering, which shall be allocated based on the city's share of total sewer flow contributed into each segment of sewer pipe; and

C is the city's share of the operation and maintenance costs for the wastewater treatment plant processes, which shall be allocated based on the city's share of the total sewer flow contributed into the wastewater treatment plant; and

D is the city's share of the industrial pretreatment costs for the wastewater treatment plant, which shall be allocated based on the city's share of the industrial flows contributed to the wastewater treatment plant; and

E is non-operating revenue of the wastewater treatment system, which shall be allocated based on the city's share of the total sewer flow contributed to the wastewater treatment plant; and

J is the city's share of WRA general administration costs, which shall be allocated based on the city's share of total sewer flow contributed to the wastewater treatment plant; and

X is the total number of billable gallons of water consumed by contributors within the city or under contract with the city during the preceding calendar year.

The director shall determine the basic sewer charge 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 wastewater treatment system is submitted to the council for its review and approval. If it is determined that the basic sewer charge 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 June 30 of that year.

If at any time the director determines that the basic sewer charge and/or the budget for the 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 rate of the basic sewer charge by adoption of an ordinance amending this section, and may at any time adjust the budget for the sanitary sewer system by adoption of an appropriate resolution.

(b) Contributors whose properties lie outside the corporate limits of the city and which are served or otherwise provided sewer service pursuant to the terms of the ICA Agreement, namely those contributors residing or located within the WRA Constituent Communities, shall pay such rates and charges for basic sewer services as may be determined and lawfully imposed by the appropriate WRA Constituent Community. To facilitate the imposition of rates and charges that reflect the actual use of the wastewater treatment system, the director shall annually determine a basic monthly cost allocation for the benefit of each WRA Constituent Community in determining appropriate rates and charges for such service utilizing budgeted expense and revenue amounts for the next fiscal year and wastewater flow data for the preceding calendar year, which allocation shall be determined according to the following formula:

WRA COMMUNITY

BASIC MONTHLY COST

$$\text{ALLOCATION} = \underline{(\text{J} + \text{K} + \text{L} + \text{M} + \text{N} + \text{P}) - \text{Q}}$$

(Other than Des Moines) 12

Where: J is the particular WRA Community's share of WRA general administration costs, which shall be allocated based on the particular WRA Community's share of the total sewer flow contributed to the wastewater treatment plant;

K is the particular WRA Community's share of the operation and maintenance costs for the ICA sewers, including flow metering, which shall be allocated based on the particular WRA Community's share of the total sewer flow contributed into each segment of WRA sewer pipe; and

L is the particular WRA Community's share of the industrial pretreatment costs for the wastewater treatment plant, which shall be allocated based on the particular WRA Community's share of the industrial flows contributed to the wastewater treatment plant; and

M is the particular WRA Community's share of the operation and maintenance costs for the wastewater treatment plant processes, which shall be allocated based on the particular WRA Community's share of the total sewer flow contributed to the wastewater treatment plant; and

N is the particular WRA Community's share of the WRA debt service; and

P is the particular WRA Community's share of the renewal and replacement costs for the WRA facilities, which shall be allocated based on the particular WRA Community's share of the total sewer flow contributed to the wastewater treatment plant; and

Q is non-operating revenue of the wastewater treatment system which is allocated based on the particular WRA Community's metered wastewater flow data.

The director shall notify each WRA Community in writing, on or before February 15 of each year, of the amount calculated to be the basic monthly allocation, including the amount of each element or unit of the formula resulting in the basic monthly allocation, for that WRA Community, and for all other WRA Communities including the city, and shall provide reasonable supporting documentation for such allocation.

(c) 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 21-42(c).

21-40. DEMAND CHARGE - WRA DEBT SERVICE.

(a) Except as hereinafter noted, each contributor 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 demand charge for WRA debt service calculated on a per 1,000 gallon basis of water consumption by the contributor. Such charge shall be in addition to those charges specified in section 21-38 and the surcharges specified in section 21-39 and shall be computed as follows:

Des Moines = $\frac{R}{X} \times 1000$

DEMAND CHARGE X

PER 1000 GALLONS

OF WATER USE.

Where: R is the city's share of the total annual WRA project debt service payments; and

X is the total number of billable gallons consumed by contributors within the city or under contract with the city during the preceding calendar year.

(b) Funds derived from the demand charge shall be expended to retire principal and interest on bonds, notes or other obligations issued in connection with the construction and operation of the wastewater treatment plant.

(c) The director shall determine the demand charge 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 wastewater treatment system is submitted to the council for its review and approval. If it is determined that the demand charge 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 that imposition of a different rate, proceed to impose and collect the adjusted rate from and after June 30 of that year.

(d) If at any time the director determines that the demand charge requires adjustment, the director shall report such determination to the city manager and city council. The city council may at any time adjust the rate of the demand charge by adoption of an ordinance amending this section.

21-41. CUSTOMER SERVICE CHARGE; EXEMPTION FOR LOW INCOME CONTRIBUTORS.

(a) Except as hereinafter noted, each contributor 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. The customer service charge shall be in addition to those charges specified in section 21-38 and 21-40 and the charges, surcharges, and penalties provided in section 21-39. The customer service charge will be determined annually by the director

utilizing budgeted expense and revenue amounts for the next fiscal year and wastewater flow data for the preceding calendar year, according to the following formula:

$$\text{Des Moines} = \underline{S + T + U}$$

CUSTOMER SERVICE CHARGE W

Where: S is the annual cost of billing, collecting and general utility administration costs for the city's sanitary sewer system and the city's share of utility administration costs for the WRA system; and

T is the city's share of the annual renewal and replacement fund for WRA facilities, which shall be allocated based on city's share of the total sewer flow contributed to the wastewater treatment plant; and

U is the annual renewal and replacement fund for the city's sanitary sewer system; and

W is the total number of sewer bills issued to city sewer users for the preceding calendar year.

(b) The director shall determine the monthly customer service charge 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 wastewater treatment system is submitted to the council for its review and approval. If it is determined that the customer service charge 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 June 30 of that year.

(c) If at any time the director determines that the customer service charge requires adjustment, the director shall report such determination to the city manager and city council. The city council may at any time adjust the rate of the customer service charge by adoption of an ordinance amending this section.

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

FORM APPROVED:

Terrence L. Timmins, City Solicitor