

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON FIXING SEWER RATES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.80.010 and chapter 35.92 RCW, the City Council of the City of Millwood ("City Council") is authorized to fix the rates and charges for sewer system services provided by the City; and

WHEREAS, RCW 35.92.020 sets forth a number of factors the City Council may, in its discretion, consider in fixing rates and charges that are uniform for the same class of customers or sewer system services, including: The difference in cost of service and facilities to customers; location of customers within and without the City; the difference in cost of maintenance, operation, repair, and replacement of the parts of the system; the different character of the service and facilities furnished to customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, plants, sites or other facilities, including, but not limited to, assessments; the nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and any other factors that present a reasonable difference as a ground for distinction; and

WHEREAS, chapter 13.16 Millwood Municipal Code ("MMC") provides for the fixing of rates for sewer system service; and

WHEREAS, MMC 13.16.020 provides that the City Council may fix the sewer rates by resolution; and

WHEREAS, the City Council engaged the services of a Washington-licensed professional engineer to perform a study regarding sewer rates in order to charge equitable rates for sewer service, receive sewer revenues to sustain the City's Sewer Fund, and provide for depreciation funding for future improvements to the public sewer system of the City; and

WHEREAS, the City Council conducted a duly noticed public hearing on November 12, 2014, to examine the results of such sewer rate study and receive public comment regarding proposed sewer rates for the City, to which no public comment was received; and

WHEREAS, the City Council has determined it is in the best interest of the City to implement residential and nonresidential sewer rates pursuant to MMC 13.16.060 in order to charge equitable rates for sewer service and to receive sewer revenues to sustain the City's Sewer Fund, and provide for depreciation funding for future improvements to the public sewer system of the City; and

WHEREAS, the City Council has determined, after consideration of the factors sets forth in RCW 35.92.020 and Title 13 MMC that the City's sewer rates shall be fixed as set forth in this resolution; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

Section 1. City Sewer Service Rate: The following sewer service rates and Wastewater Treatment Plant Charge shall be effective January 1, 2015:

A. Residential Service. The sewer service rate imposed by the City for those residential customers served by the public sewer system of the City shall be decreased to \$17.15.

B. Nonresidential Service. The sewer service rate imposed by the City for those nonresidential customers served by the public sewer system of the City shall be as follows:

1. Pursuant to MMC 13.16.060, the sewer service for nonresidential customers shall be based on estimated wastewater flow volume contributed by the customer. The City shall estimate the wastewater flow volume of a nonresidential customer by the metered water volume provided to the customer during the nonirrigating season, by actual wastewater flow measurements, or by any other method of estimating wastewater flow deemed appropriate by the City.

2. The sewer service rate for those nonresidential customers served by the public sewer system of the City shall be as follows:

a. Monthly service, including the first 800 cu. ft. of wastewater flow volume per month, shall be charged a rate of \$17.15 per month.

b. Wastewater flow volume more than 800 cubic feet per month shall be charged at the rate of \$1.80 per 100 cubic feet.

Section 2. Spokane County Wastewater Treatment Plant Charge: In addition to the sewer service charge of the City, all residential and nonresidential customers of the City have historically paid and shall continue to pay a Wastewater Treatment Plant Charge imposed or assessed by Spokane County. The Spokane County Wastewater Treatment Plant Charge may be changed, revised or amended by Spokane County without notice to the City or approval by the City Council. As of the date of this resolution, the Wastewater Treatment Plant Charge is \$14.43. The Wastewater Treatment Plant Charge shall be separately identified on all bills or billing statements for service by the public sewer system of the City.

Section 3. Severability: If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.

Section 4. Repeal: All ordinances and resolutions, laws, and regulations, or parts thereof in conflict with this Ordinance are, to the extent of said conflict, hereby repealed.

Section 5. Effective Date: This Resolution shall be in full force and effect upon adoption by the Council.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 9TH DAY OF DECEMBER, 2014.

  
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KEVIN FREEMAN, MAYOR

Attest:

  
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THOMAS G. RICHARDSON, CITY CLERK