VILLAGE OF BRADLEY

ORDINANCE NO. O-3-18-4

AN ORDINANCE AMENDING CHAPTERS 18 AND 54 OF THE BRADLEY VILLAGE CODE REGARDING SEWER AND SEWAGE TREATMENT FEES.

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 9 DAY OF April, 2018

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 9 day of April, 2018

ORDINANCE NO. O-3-18-4

AN ORDINANCE AMENDING CHAPTERS 18 AND 54 OF THE BRADLEY VILLAGE CODE REGARDING SEWER AND SEWAGE TREATMENT FEES.

WHEREAS, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village provides sewer services to its residents; and

WHEREAS, the Village further provides sewage treatment services to its citizens through the Kankakee Regional Metropolitan Authority ("KRMA") via an intergovernmental agreement between the Village and KRMA; and

WHEREAS, over the course of recent years, KRMA has raised the service costs it charges to its member municipalities, including the Village, but the Village has not raised the corresponding sewer fees it charges its citizens; and

WHEREAS, the Village currently subsidizes part of the costs associated with the Village's sewer and sewage treatment service system (the "System") with a property tax levy for that purpose, but wishes to reduce said System's reliance upon tax revenues; and

WHEREAS, the Village has consulted with outside experts to determine the extent to which its fee schedule must be raised and amended in order to accomplish the goal of making the System self-sufficient; and

WHEREAS, in order for the Village to provide sufficient wastewater collection and treatment services to its citizens while also meeting its monetary obligations pursuant to its agreement with KRMA and without relying on tax revenues, it is necessary to raise the rate of usage fees that the Village charges all users of its System; and

WHEREAS, in order to ensure that the Village's sewer infrastructure is sufficiently maintained and capable of replacement, it is necessary that the Village establish a Capital Maintenance and Replacement Fee that the Village will charge all users of its System; and

WHEREAS, the fee structure previously used by the Village was unnecessarily complicated without providing the Village with any particularized, concrete benefit; and

WHEREAS, A simplified fee structure will increase sewer fee transparency while allowing the Village to ensure that the System is appropriately self-sufficient; and

WHEREAS, the Village President and Board of Trustees have determined that it is in the best interests of the Village and its citizens to raise the sewer usage fee rates and establish a capital maintenance and replacement fee, as set forth herein; and

WHEREAS, the Village President and Board of Trustees have determined that it is in the best interests of the Village and its citizens to simplify the Village's sewer fee structure.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. That Chapter 54 (Utilities), Article III (Sewer Service), Division 5 (User Charge System, Rates and Additional Charges), Section 54-204 (Charges to be imposed) is hereby modified and replaced with the following:

Sec. 54-204. - Charges to be imposed.

(a) Pursuant to the Federal Sewage and Sewage Treatment Act, as amended, federal rules, regulations and guidelines promulgated pursuant to such act, and pursuant to section 46 of the Illinois Environmental Protection Act, 415 ILCS 5/7.2, there is hereby imposed and levied upon all users of the village treatment works such charges as are fixed in this division to be utilized by the village to pay for the treatment works operation, maintenance, replacement, and debt service costs.

(b) A Usage Fee shall be charged to all Users that discharge wastewater to the village treatment works to cover each User's proportionate share of the village's operational costs associated with the village treatment works.

(c) A Capital Maintenance and Replacement Fee shall further be charged to all Users that discharge wastewater to the village treatment works to cover each User's proportionate share of the village's maintenance, replacement, and debt service costs, as the case may be.

(d) A user surcharge shall be charged to all Users that discharge wastewater to the village treatment works in excess of 200 milligrams per liter of BOD and/or 250 milligrams per liter of suspended solids. This surcharge is designed to offset each such User's proportionate contribution to the additional load on the village's treatment works.

    (1) The BOD surcharge shall be the sum of the O, M and R unit charge for BOD and the debt service unit charge for BOD times the number of pounds of BOD in excess of 200 mg/l.

    (2) The SS surcharge shall be the sum of the O, M and R unit charge for SS and the debt service unit charge for SS times the number of pounds of SS in excess of 250 mg/l.

(e) The User Charge for each User of the village's treatment works shall be a monthly charge levied by the village that is equal to the sum of the applicable Usage Fee (the base Usage Fee rate per 100 cubic feet (ccf) times the user's billable flow) plus the Capital Maintenance

and Replacement Fee plus any applicable user surcharges as defined in subsection (d) of this section.

(f) All users of the village's treatment works not having a water meter or other acceptable device for determining billable flow shall be subject to a fixed user charge in an amount determined by the village to be equal to those charges imposed on users having similar water use and wastewater characteristics. The village, at the direction and discretion of the superintendent, may require a user receiving all or part of his water from a private well or other source not metered by the village or other public or private supplier of potable water to install at the user's expense an appropriate metering device for the purpose of determining billable flow.

(g) Annual estimates of costs and review of user charge rates.

(1) The superintendent, not less than annually, shall prepare an estimate of treatment works cost components for operation, maintenance, replacement and debt service for the forthcoming fiscal year. These estimated cost components shall be reviewed no less than annually by the village and approved by the village board of trustees.

(2) An estimate shall also be prepared by the superintendent of the total billable flow, billable pounds of BOD and billable pounds of SS for the forthcoming fiscal year. This estimate of costs, including each respective billable load, shall be used to derive the user charge rate for the forthcoming fiscal year.

(3) User charge rates shall be reviewed annually by the superintendent to determine if the rates will provide sufficient revenues to pay the future costs of operation, maintenance, replacement and debt service. If the present revenues are not sufficient or do not maintain proportionality, as determined by the superintendent, a new user charge rate, as calculated in the superintendent's review, shall be enacted by the village to replace the rates then in effect. User charge rates so enacted by the village by ordinance shall remain in effect until modified or rescinded by a subsequent duly passed ordinance.

(h) In conjunction with a regular bill, all users shall be notified annually by the village of the user charge rate and surcharges, if any, which are attributable to the village treatment works operation, maintenance, replacement and debt service.

(i) Moneys for replacement shall be sufficient to replace any treatment works equipment (personal property) owned by the village necessary to ensure its continued efficient performance and to maintain the treatment works capacity for which it was designed and constructed. The service life for personal property shall be established by the village in accordance with the actual experience of the village, federal guidelines and accepted accounting procedures. Should personal property be acquired by the village, it shall maintain a depreciation replacement schedule of all personal property, including residual asset value, estimated remaining service life and the total annual replacement costs; and such estimated costs shall be included in the above rate determination. This schedule shall be evaluated annually.

SECTION 3. That Chapter 54 (Utilities), Article III (Sewer Service), Division 5 (User Charge System, Rates and Additional Charges), Section 54-205 (User Charge Rates) is hereby modified and replaced with the following:

Sec. 54-205. - User charge rates.

(a) The following User Charge Rates are hereby established and shall be charged each and every user connected to the village treatment works:

(1) **Usage Fee:** A Usage Fee shall be charged to all users who discharge wastewater to the village treatment works and shall be charged at the following rates per 100 cubic feet (ccf) of billable flow:

Village Fiscal Year	2019	2020	2021	2022	2023
Rate/100ccf	$5.15	$5.30	$5.46	$5.63	$5.80

(2) **Capital Maintenance and Replacement Fee:** A Capital Maintenance and Replacement Fee shall be charged to all users who discharge wastewater to the village treatment works and shall be at the following rates per month:

Village Fiscal Year	2019	2020	2021	2022	2023
Rate/Month	$13.00	$13.39	$13.79	$14.21	$14.63

(3) **User Surcharge:** A User Surcharge shall be charged to all nondomestic users who discharge wastewater with a strength greater than domestic wastewater, in addition to the Usage Fee and Capital Maintenance Fee, as set forth above. The rate of the User Surcharge shall be as follows: the sum of the O, M and R unit BOD charge plus the debt service unit BOD charge for BOD and/or the sum of the O, M and R unit SS charge plus the debt service unit SS charge for SS as provided in the village fee schedule in section 18-1.

(b) The user charge for all domestic village treatment works users not having a water meter shall be the median charges (Usage Fee + Capital Maintenance and Replacement Fee) for all other residential users.

(c) Every May 1, water consumed during the previous billing period shall be computed based on the monthly average from the previous period of months from and including the previous November through and including the previous April. All User Charges shall be based on a monthly usage; however, the monthly usage shall be determined to be the average figure as computed in this section.

SECTION4. That Chapter 18 (Fees and Other Charges), Section 18-1 (Fees) is hereby modified to remove the stricken text and add the underlined text:

~~54-205(1)~~	~~Base user charge rates—discharge wastewater~~	
	~~Base O, M and R charge~~	~~3.43/100 ccf~~
	~~Base debt service charge~~	~~0.00/100 ccf~~
	~~Base user charge rate~~	~~3.43/100 ccf~~
54-205(3)~~(2)~~	Base user charge rates—surcharge	
	O, M and R unit BOD charge	0.15 per lb
	Debt service unit BOD charge	0.00 per lb
	BOD surcharge	0.15 per lb
	O, M and R unit SS charge	0.19 per lb
	Debt service unit SS charge	0.00 per lb
	SS surcharge	0.19 per lb
~~54-205(3)~~	~~Base user charge rates—fixed monthly charge~~	~~Median residential charge~~

SECTION 5. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 6. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 7. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 8. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the _____ day of _____, 2018.

TRUSTEES:

GERALD BALTHAZOR	Aye – ✓	Nay – ____	Absent – ____
ROBERT REDMOND	Aye – ✓	Nay – ____	Absent – ____
LORI GADBOIS	Aye – ✓	Nay – ✓	Absent – ____
MICHAEL WATSON	Aye – ✓	Nay – ✓	Absent – ____
DON BARBER	Aye – ✓	Nay – ✓	Absent – ____
NICK ALLEN	Aye – ✓	Nay – ____	Absent – ____

VILLAGE PRESIDENT:

BRUCE ADAMS	Aye – ____	Nay – ____	Absent – ____
TOTALS:	Aye – 5	Nay – 1	Absent – 0

ATTEST:

MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 9 day of April, 2018.

BRUCE ADAMS, VILLAGE PRESIDENT

ATTEST:

MICHAEL J. LAGESSE, VILLAGE CLERK

STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Michael J. LaGesse, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number O-3-18-4, "AN ORDINANCE AMENDING CHAPTERS 18 AND 54 OF THE BRADLEY VILLAGE CODE REGARDING SEWER AND SEWAGE TREATMENT FEES," which was adopted by the Village President and Board of Trustees at a meeting held on the 9 day of April, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 9 day of April, 2018.

MICHAEL J. LAGESSE, VILLAGE CLERK

(SEAL)