

ORDINANCE 2024-06

AN ORDINANCE ADJUSTING SEWER RATES BY AMENDING SECTIONS 13.44.025, 13.44.030, 13.44.040 AND 13.44.045 OF THE TOPPENISH MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS the City of Toppenish has delayed the three-year utility rate study for the sewer fund based on the recommendation by FCS Group during its Study Session on June 6, 2022, and

WHEREAS the City Council declined to increase the City’s revenues in 2023 and 2024 to provide the funding necessary for the increasing expenses and capital costs as documented by FCS Group in 2022, and

WHEREAS the sewer fund will see a significant increase in expenses due to debt service for capital improvements proposed in the General Sewer Plan adopted in 2017, as noted in the FCS Group utility rate study, and

WHEREAS the FCS Group suggested that the City include all expenses of the utility within the rate to be charged, some of which have been decreased as noted in Ordinance 2022-18, and that the said rate be increased by five percent effective July 1, 2024, by amending Sections 13.44.025, 13.44.030, 13.44.040 and 13.44.045 of the Toppenish Municipal Code,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1: Sections 13.44.025, 13.44.030, 13.44.040 and 13.44.045 of the Toppenish Municipal Code are amended as follows:

13.44.025 Fixed rates.

The rates to be charged for residential premises, including single-family units, duplexes and apartments, shall be as follows:

	Rate Effective January 1, 2020	Rate Effective January 1, 2021	Rate Effective January 1, 2022	<u>Rate Effective July 1, 2024</u>
Residences, Duplexes (per unit)	<u>\$92.00</u>	\$95.68	\$99.51	<u>\$104.49</u>
Multi-Family (per unit)	<u>\$82.80</u>	\$86.11	\$89.56	<u>\$94.04</u>

13.44.030 Consumption less than 2,000 cubic feet per month per unit.

For sewer service to commercial premises where water consumption in the six winter months (November through April) averages less than 2,000 cubic feet per month per unit:

	Rate Effective January 1, 2020	Rate Effective January 1, 2021	Rate Effective January 1, 2022	<u>Rate Effective July 1, 2024</u>
Non-Residential Fixed Charge	\$80.67	\$83.90	\$87.25	<u>\$91.61</u>
Plus rate per 100 cubic feet of consumption	\$1.01	\$1.05	\$1.09	<u>\$1.14</u>

13.44.040 Consumption of 2,000 cubic feet or more per month per unit.

For sewer service to commercial premises where water consumption in the six winter months (November through April) averages 2,000 cubic feet or more per month per unit, the rate of charge shall be as determined by taking the average water consumption for the previous six winter months to establish the rate of charge for the following 12 months and using the rate listed below. This shall only be applied where water consumption can be measured and this consumption is a reasonable means of determining sewer use.

	Rate Effective January 1, 2020	Rate Effective January 1, 2021	Rate Effective January 1, 2022	<u>Rate Effective July 1, 2024</u>
Base Rate	\$80.67	\$83.90	\$87.25	<u>\$91.61</u>
Plus rate per 100 cubic feet of consumption	\$3.58	\$3.72	\$3.87	<u>\$4.06</u>

13.44.045 Determination of consumption by other methods.

For sewer service to premises where water consumption cannot be measured, or where the measure of water consumption will not provide a reasonable measure of sewer use, then the director of public works shall make a determination of use based upon EPA 625/1-77-009 Process Design Manual or other reasonably accurate methods. If no reasonably accurate method can be determined and if the use is estimated to be more than 15,000 gallons per day (2,005 cubic feet per day), metering of sewage may be required as determined by the director of public works. The following methods of determining sewer use shall be utilized for the following classes of users:

A. Processing Plants Where Separate Waste Treatment Is Being Provided. Charges for sewer service shall be determined by multiplying the average number of workers employed in the preceding year times the base rate listed below to determine the monthly charge.

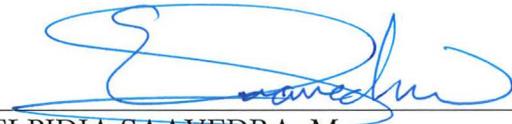
	Rate Effective January 1, 2020	Rate Effective January 1, 2021	Rate Effective January 1, 2022	Rate Effective July 1, 2024
Base Rate per Employee	\$10.95	\$11.39	\$11.84	<u>\$12.43</u>

Section 2. Severability: If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful 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 ordinance.

Section 3. Corrections: The city clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the corrections of scribes/clerical errors, and any references thereto.

Section 4. Effective Date: This ordinance shall become effective on July 1, 2024, which is more than five (5) days after publication of a summary thereof.

PASSED by the Toppenish City Council at its regular meeting held on April 22, 2024.



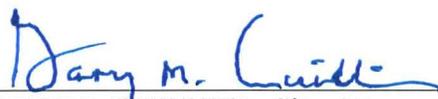
 ELPIDIA SAAVEDRA, Mayor

ATTEST:



 HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:



 GARY M. CUILLIER, City Attorney

CITY OF TOPPENISH

21 West First Avenue
Toppenish, WA 98948

"Where the West Still Lives"

CLERK'S CERTIFICATION

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Toppenish, Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance 2024-06 (herein called the "Ordinance") is a true and correct copy of an Ordinance of the City, as finally passed at a meeting of the Council held on the 22nd day of April, 2024, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Toppenish, Washington, this 23rd day of April, 2024.



Heidi Riojas, CMC, City Clerk

Official Newspaper: *Sunnyside Sun*

Published: May 1, 2024

Effective: July 1, 2024