

**RESOLUTION NO. 16-2013**

**ESTABLISHING SEWER RATES; REGULATING DISCHARGE; REQUIRING THE IMPOSITION OF A 10 PERCENT FEE FOR EACH OVERDUE MONTHLY FEE CHARGED FOR SEWER SERVICES RENDERED BY CHEROKEE COUNTY SEWER DISTRICT 1 OR CHEROKEE COUNTY SEWER DISTRICT 2.**

**BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:**

A Resolution establishing a user charge system in Sewer Districts Number One and Two, County of Cherokee, and State of Kansas, to provide funds needed to pay for operation and maintenance of all expenses associated with the County's wastewater treatment works

Whereas, the Kansas Statutes Annotated, Article 27 of Chapter 19, permits the Board of Commissioners of Cherokee County, Kansas, to impose fees and charges related to the provision of sewer district services in sewer districts created by the Board.

Whereas, the Board of Commissioners of Cherokee County, Kansas, finds that regular and timely monthly payments by sewer district customers for sewer district services rendered should be made and that a penalty for each overdue payment of such fees should be required to assure the payment of such fees.

WHEREAS, Cherokee County, Kansas, has constructed wastewater treatment works; and

WHEREAS, the County must pay the operation and maintenance and all expenses associated with said treatment works and charge the users of said treatment works accordingly;

NOW, THEREFORE, BE IT RESOLVED BY THE Commission of Cherokee County, Kansas, that the following user charge system be established:

#### ARTICLE I

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the County to collect charges from all users who contribute wastewater to the County's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt and paying other operating expenses for such public wastewater treatment works.

#### ARTICLE II

Unless the context specifically indicates otherwise, the meaning of terms used in this Resolution shall be as follows:

Section 1: "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter (mg/l).

Section 2: "Typical Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 400 mg/l, a total suspended solids concentration of not more than 400 mg/l and a phosphorous concentration of not more than 12 mg/l.

Section 3: "Operation and Maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

Section 4: "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Section 5: "Residential Contributor" shall mean any contributor to the County's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

Section 6: "Shall" is mandatory; "May" is permissive.

Section 7: "SS" (denoting Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Section 8: "Treatment Works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Section 9: "Useful Life" shall mean the estimated period during which a treatment works will be operated.

Section 10: "User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

Section 11: "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by water systems or furnished and/or installed by a user.

### ARTICLE III

Section 1: The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the County may by Resolution designate to be paid by the user charge system.

### ARTICLE IV

Section 1: Each user shall pay for the services provided by the Sewer Districts Number One and Two based on his use of the treatment works as determined by sewer meter(s) acceptable to the County.

Section 2: For residential contributors, monthly user charges will be based on a fixed monthly fee. For industrial and commercial contributors, user charges shall be based on a fixed monthly fee.

Section 3: The charge per month for normal domestic sewage shall be: \$15.00 per tap.

Section 4: Any user which discharges BOD and/or TSS in excess of 800 mg/l and/or Phosphorous in excess of 20 mg/l shall have sewer services terminated. In addition, any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the County's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge of each such user shall be as determined by the responsible plant operating personnel and approved by the County Commission.

Section 6: The user charge rates established in this article apply to all users, regardless of their location.

## ARTICLE V

Section 1: All users shall be billed monthly. Billings for any particular month shall be made within fifteen days after the end of that month. Payments are due when the billings are made. Any payment not received within fifteen days after the billing is made shall be delinquent.

Section 2: A late payment penalty of 10 percent of the user charge bill will be added to each delinquent bill, and an additional late penalty of 10 percent of the user charge bill shall be imposed for each additional thirty day delinquency in the payment of such bill. When any bill is thirty days in default, rendition of sewer service to such premises shall be discontinued until such bill is paid.

## ARTICLE VI

Section 1: The County will review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Section 2: The County will notify each user by public notice, in the form of notice in the official County newspaper, of the rate being charged for operation and maintenance of the sewer districts, including replacement of the treatment works, when changes to the rate are made.

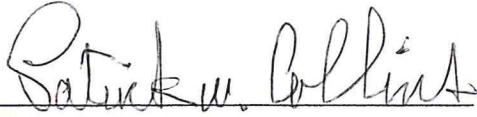
## ARTICLE VII

Resolution 1-2009 is hereby repealed.

## ARTICLE VII

This Resolution shall be in full force and effect from and after its passage and publication in the Official County Newspaper.

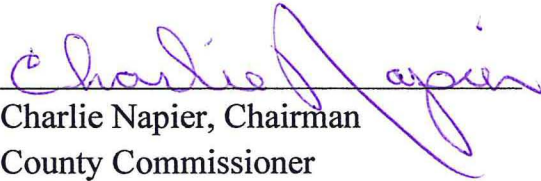
PASSED AND APPROVED this <sup>17th</sup> 18th day of June, 2013.



Patrick W. Collins  
County Commissioner



Richard J. Hilderbrand, Chairman  
County Commissioner



Charlie Napier, Chairman  
County Commissioner

ATTEST:



Rod Edmondson  
County Clerk of Cherokee County,  
Kansas  
Resolution No. 16- 2013

Prepared by:  
Kevin Cure, Attorney