

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS, AMENDING THE REVISED USER CHARGE SYSTEM FOR
PAYMENT OF OPERATION AND MAINTENANCE COSTS OF THE SANITARY SEWER SYSTEM
OPERATED BY THE JOHNSON COUNTY UNIFIED WASTEWATER DISTRICTS

RESOLUTION NO. WD 02-67

Now on this 5th day of December, 2002, the Board of County Commissioners of Johnson County, Kansas, sitting as the governing body of the Johnson County Unified Wastewater Districts (hereinafter referred to as "Johnson County Wastewater" or "JCW"), met in regular session at the Johnson County Administration Building, 111 South Cherry, Olathe, Kansas, a quorum, being present and participating.

Chair Susie Wolf
Commissioner Gary A. Anderson
Commissioner Annabeth Surbaugh
Commissioner George R. Gross
Commissioner Douglas E. Wood

There came on for consideration before the Board the matter of adopting amendments to the Revised User Charge System for the Payment of Operation and Maintenance Costs of the Sanitary Sewer System that was adopted by the Board on July 11, 2002, under Resolution No. WD 02-35. Upon motion duly made and seconded, the following Resolution was adopted:

WHEREAS, pursuant to the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, and the Administrative Regulations of the United States Environmental Protection Agency (EPA), adopted pursuant thereto, any municipality receiving federal funds from EPA to construct wastewater treatment facilities must have a user charge system for the payment of operation and maintenance costs of the sewerage treatment facilities; and

WHEREAS, the user charge system must be approved by Kansas Department of Health and Environment (KDHE) according to the guidelines and criteria outlined in the Administrative Regulations of EPA; and

WHEREAS, Johnson County Wastewater is the administrative body for the individual sewer districts maintained within the Johnson County Unified Wastewater Districts and as such is the body which operates and maintains the wastewater treatment facilities, including the adoption and implementation of the budgets and payment of the costs of operation and maintenance on behalf of all

individual sewer districts within the Johnson County Unified Wastewater Districts, as authorized by State statute and Charter Resolution No. 29-92; and

WHEREAS, Johnson County Wastewater currently utilizes a user charge system levied in part in the manner of an ad valorem tax for the collection of revenue for the payment of operation and maintenance costs of the Johnson County Unified Wastewater Districts pursuant to Resolution No. S.D. 80-425; and

WHEREAS, following the completion of exhaustive studies of the system currently being utilized, the Board determined that it was in the best interests of the Johnson County Unified Wastewater Districts and its users that a revised user charge system for the payment of operation and maintenance costs be implemented; and

WHEREAS on July 11, 2002, by Resolution No. WD 02-35, the Board adopted the Revised User Charge System for the Payment of Operation and Maintenance Costs of the Sanitary Sewer System (the "Revised User Charge System") that becomes effective on January 1, 2003; and

WHEREAS, it has been determined that certain of the provisions of the Revised Sewer Use Charge System require amendment prior to the effective date;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Johnson County, Kansas, as governing body of the Johnson County Unified Wastewater Districts, that the Revised Sewer Use Charge System adopted July 11, 2002, by Resolution No. WD 02-35 is amended as hereinafter set forth, and the Revised Sewer Use System, as hereinafter amended, from and after its effective date, shall be applicable as the revised user charge system for the collection of revenue for the payment of the operation and maintenance costs of the Johnson County Unified Wastewater Districts:

1. SECTION III: N DEFINITIONS. The following new definition of "Minimum User Charge" is inserted as Section III, subparagraph N, and the remaining subparagraphs of Section III are re-lettered accordingly: "*Minimum User Charge*" shall mean the calculated cost to provide basic sewer service to a user who contributes minimum or no actual volume or strength of

wastewater discharge to the sewerage system and which shall include a basic service charge and the customer service charge.

2. SECTION IX: E WATER DATA RECORDS. The following sentence is added as the last sentence of Section IX.E: *The wastewater districts may share such data and information with the property owner and/or occupant of the property, and shall upon the request of any property owner, provide use data and information related to the property including account status even if the user is not the owner.*

3. SECTION IX: F RECOVERY OF DATA CHARGES. The following new subparagraph is inserted as Section IX.F. and the remaining subparagraphs of Section IX are re-lettered accordingly: RECOVERY OF DATA CHARGES. *In the event that any user shall fail or refuse to keep and provide records as required by subsection E of Section IX of this Resolution or provides false, incomplete or inaccurate data or information related to sewer use, then, in addition to the recovery of charges not assessed and/or collected as a result of such lack of records or such false or inaccurate data, the wastewater districts may assess a recovery fee to the user. The amount of the recovery fee shall be based upon the allocated cost of staff time and expense expended to obtain, correct or verify the data, records and information.*

4. SECTION IX: G USER CHARGES. The following sentence is added as the last sentence of Section IX.G: *In the event that a user in the R-I or R-II bi-monthly classification moves into or out of a dwelling unit during a billing cycle, then the charges will be pro-rated to reflect appropriate days of usage, upon request of the user*

5. SECTION X: B BILLING CYCLE Section X.B. is restated to read as follows:

B. BILLING CYCLE. The user charge provided for in this Resolution shall be billed as follows:

R-I users and R-II shall receive statements on a bi-monthly basis

C-I users shall receive statements on a monthly basis

IC-I users shall receive statements on a monthly basis

S-I users shall receive statements on a monthly basis

EX-I users shall have the option of receiving statements on a monthly basis or at the request of the owner of the real property, the user charge for the year shall be included *as a special assessment* on the current Ad Valorem Real Property Tax Statement.

6. SECTION X: C PAYMENT Section X.C. is restated to read as follows:

- C. PAYMENT. All user charges or other charges assessed under this Resolution, except for those class EX-I users which opt to utilize tax statement billing, shall be due and payable 30 days from the billing date. Users receiving bills on a monthly or bi-monthly basis shall pay the assessed charges in full within thirty (30) days from the date posted on the bill. Failure to timely pay the assessed charges as billed shall be a violation of this Resolution and may result in the assessment of interest, additional delinquency charges or penalties. User charges included *as special assessments* on the Ad Valorem Real Property Tax Statement at the owner's request pursuant to Section X A.4. shall become due and payable and subject to collection in the same manner as Ad Valorem Taxes under State law. The user charge provided for in this Resolution shall be payable by the user to the Johnson County Unified Wastewater Districts and upon receipt thereof, the funds shall be deposited in the operation and maintenance fund of the Johnson County Unified Wastewater Districts.

7. SECTION XIII:A DELINQUENCY SECTION XIII.A. is restated to read as follows:

- A. DELINQUENCY: The account of any user that is not paid in full on the due date shall be considered delinquent and subject to the accrual of interest from the date thereof and may be collected in the same manner that delinquent Ad Valorem Taxes are collected under State law. In addition thereto, the Board of County Commissioners may cause suit to be commenced against any user or subscriber that has failed to make timely payment of the such user charges levied upon such user or subscriber in any Court of competent jurisdiction for

the purpose of collecting the user charge, *and the County shall be entitled to recover all costs of such suit, including reasonable attorneys' fees.*

8. SECTION XIII:B BANK FEES. The following new subparagraph is inserted as Section XIII.B: *BANK FEES.* *The wastewater districts shall charge and be entitled to recover a "bad check" fee, in an amount of \$25.00 or any payment returned by the user's bank at either the user's request or due to insufficient funds or other bank account matters. Any fees imposed by a bank upon the wastewater districts due to either a Stop Payment by the user or Returned Check Fee which exceed the amount of \$25.00 shall be assessed to and paid by the user in addition to the \$25.00 fee imposed by the district.*

9. SECTION XIII:C LATE FEE. The following new subparagraph is inserted as Section XIII.C, and the remaining subparagraphs of Section XIII. are re-lettered accordingly: *LATE FEE.* *The wastewater districts shall impose and collect, in addition to any interest payable on the past due balance, a late payment fee in the amount of Five Dollars (\$5.00) for each late payment. A late payment shall be any amount paid or balance due accruing more than thirty (30) days from the date of the billing statement.*

10. SECTION XIII: D INTEREST ON DELINQUENT USER CHARGES. Section XIII.D. is restated to read as follows: *Any user charge established by or under this Resolution if not paid in full on the due date shall be considered delinquent and subject to the accrual of interest from the date thereof at the same rate interest accrues against delinquent Ad Valorem taxes under State Law.*

11. SECTION XIII: E FEES ON DELINQUENT USER CHARGES. The following new subparagraph is inserted as Section XIII.E: *FEES ON DELINQUENT USER CHARGES.* *In addition to interest and other late penalty charges, the wastewater districts may impose and collect from any user whose user charge payments are delinquent the fees and charges incurred by the wastewater districts for collection of the delinquency, including but not limited to:*

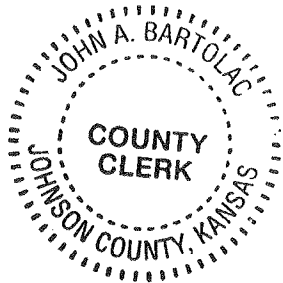
- a. *Any Right Party Contact fees;*
- b. *A lien certification fee in an amount of Two Hundred Dollars (\$200.00); and*
- c. *Reasonable attorneys' fees.*

12. SECTION XIII.K APPLICATION OF PAYMENTS. Section XIII.K. is restated to read as follows: *Any partial payments received after an account becomes delinquent shall first be applied in satisfaction of any outstanding current charges, next in satisfaction of any accrued interest, penalties, fees and other costs associated with collection of the delinquent balance, and last in satisfaction of any remaining principal balance of the delinquent user charges. Payments for current and delinquent user charges, interest, penalties, fees and other costs received prior to their being placed on the real estate tax rolls shall be made by the user to the Johnson County Unified Wastewater Districts and deposited in the operation and maintenance fund of the Johnson County Unified Wastewater Districts. Following the placement of delinquent user charges, interest, penalties, fees and other costs on the real estate tax rolls, all payments for such charges shall be made by the user to the Johnson County Treasurer's Office and shall be subject to the same procedures under which delinquent ad valorem real estate tax payments are accepted, applied and distributed by the Johnson County Treasurer under State Law.*

13. All other provisions of Resolution No. WD 02-35 as adopted by the Board on July 11, 2002, shall remain unaffected by this Resolution.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Johnson County, Kansas, that the attached "Exhibit A" shall be and hereby is approved and adopted establishing the user charge rates for fiscal year 2003; such rates shall be and become effective upon publication of this Resolution and shall be assessed and collected as provided in this Resolution; and the user charge rates shall be established for each future fiscal year by adoption by the Board as part of the Resolution approving and authorizing the annual budget of the County and/or the Unified Wastewater Districts.

This Resolution amending Resolution No. WD 02-35 shall become effective immediately upon its publication in a newspaper of general circulation within Johnson County, Kansas.



The Board of County Commissioners of Johnson County, Kansas, setting as the governing body of the Johnson County Unified Wastewater Districts

Susie Wolf

Susie Wolf, Chair

ATTEST:

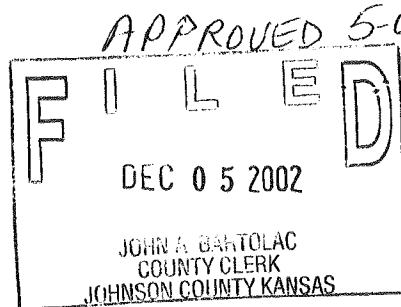
John A. Bartolac

John A. Bartolac, County Clerk
Karen Fitzgerald, Deputy

APPROVED AS TO FORM:

Roger Tarbuton

Roger Tarbuton, Assistant County Counselor



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS, AMENDING THE REVISED USER CHARGE SYSTEM FOR PAYMENT OF OPERATION AND MAINTENANCE COSTS OF THE SANITARY SEWER SYSTEM OPERATED BY THE JOHNSON COUNTY UNIFIED WASTEWATER DISTRICTS

EXHIBIT A

JOHNSON COUNTY WASTEWATER 2003 USER CHARGE RATES

Customer Class		Rates			
Code	Name	Service Charge (1)	Volume (2)	BOD (3)	TSS (3)
R	S.F. Residential	\$5.41	\$0.0014	\$-	\$-
M	M.F. Residential	\$5.41	\$0.0014	\$-	\$-
C	General Commercial	\$5.41	\$0.0014	\$-	\$-
CM	High Strength – Misc. Commercial	\$5.41	\$0.0014	\$-	\$-
CF	High Strength – Food Retailing	\$5.41	\$0.0014	\$-	\$-
CW	High Strength – Car Washes	\$5.41	\$0.0014	\$-	\$-
CL	High Strength – Laundromats	\$5.41	\$0.0014	\$-	\$-
I	General Industrial	\$5.41	\$0.0014	\$-	\$-
IM	High Strength – Misc. Industrial	\$5.41	\$0.00063	\$0.26	\$0.22
EM	Property Tax Exempt (Monthly)	\$5.41	\$0.0014	\$-	\$-
EA	Property Tax Exempt (Tax Bill)	\$5.41	\$0.0014	\$-	\$-
S	Subscriber (Wholesale)	\$5.41	\$0.00063	\$0.26	\$0.22

The Minimum Charge will be \$7.11

(1) Per Statement

(2) Volume rate is per gallon

(3) Biochemical Oxygen Demand (BOD) & Total Suspended Solids (TSS) rates are per LBS