

ORDINANCE NO. 4371

**AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 4
BY ADDING NEW PROVISIONS
RELATING TO SANITARY AND STORM SEWER MAINTENANCE CHARGES**

Whereas, The Council conducted a work session at its regular meeting of August 15, 2005 to consider a staff recommendation to impose a sanitary sewer repair and replacement charge as to all property within the City separate and in addition to the similar charge for sanitary sewer maintenance now imposed by the Clean Water Services (CWS) District of Washington County; and

Whereas, CWS, by Resolution and Order No. 05-23, titled Clean Water Services Rates and Charges, imposes a sanitary sewer service charge to all properties within the District. From revenue collected for that charge, the City is allocated a certain portion to operate, maintain and replace the City owned sewer system; and

Whereas, the Council finds that over the last four annual Clean Water Services rate modifications beginning in 2002, the City has seen a steady decline in revenue from collections due to CWS revenue allocation formulas which have reduced City revenue historically shared for both City operations and CIP (Capital Improvements Plan) replacement/renewal program, and with flat sewer service rate levels over the last few years, inflationary pressures have also taken a toll on available revenue allocated by CWS to the City operation, maintenance and replacement of the sewer system; and

Whereas, as a result of declining revenue in the sewer operating fund collected from monthly sewer bills and increasing operation and maintenance costs, available revenue allocated in the CIP for the sewer replacement/renewal program has been declining, and this essential replacement/renewal program and looming exhaustion of Sewer Fund contingency justifies a separate funding source similar to the dedicated charge that was enacted for the Storm Drain Fund's replacement and renewal program; and

Whereas, the Council finds that the facts presented at the work session show that the public health, safety and welfare require the imposition of such a charge to provide sufficient revenue for repair and replacement of that portion of the regional sanitary sewerage system that the City owns and is responsible to maintain, repair and replace and that the charge should be equitably allocated according to the number of equivalent service units that exist on a particular property; and

Whereas, the Council finds that there is a need to stabilize funding for the existing storm drainage replacement/renewal program and proposed sanitary sewer surcharge for replacement/renewal by means of an annual adjustment to those charges that reflects an independent index of construction cost inflation; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Beaverton Code Chapter 4 is amended by adding new provisions to be numbered and to read as follows:

"4.04.060 Sanitary Sewer Repair and Replacement Charge Imposed. The owner or occupant of property within City boundaries that is subject to a charge imposed by the Clean Water Services District for use of the regional sanitary sewerage system, shall pay to the City a charge for City's repair and replacement of the City's system in addition to and not in lieu of any similar sanitary sewer maintenance charge imposed by the District. The charge shall be that amount determined by the Council from time to time to be an equitable share of the City's actual costs to repair and replace that portion of the regional system for which the City owns and is responsible to maintain, the equitable share to be calculated according to the number of dwelling unit equivalents on the property. For definition purposes of this ordinance, "dwelling unit equivalent" has the meaning shown in Clean Water Services' Resolution and Order No. 05-23, titled Clean Water Services Rates and Charges, or current adopted version of same.

"4.04.070 Computation of Charge. The charge shall be \$1 per equivalent dwelling unit from the effective date of this ordinance until January 31, 2007. The charge shall be \$2 per equivalent dwelling unit from February 1, 2007 until January 31, 2008. Effective February 1, 2008 and on February 1 of each calendar year thereafter, the charge shall be adjusted to reflect annual inflation in the cost to construct sanitary sewerage facilities as is shown in the construction cost index for Seattle, Washington, published in the ENR Engineering News-Record in January of each year."

Section 2. Beaverton Code Section 4.06.030 is amended to read as follows, with new provisions underlined and deleted matter ~~struck through~~:

"4.06.030. Computation of Surcharge. The user surcharge for public storm drainage shall be \$2/Month/EDU ~~or such other amount as the Council may determine from time to time.~~ Effective February 1, 2008 and on February 1 of each calendar year thereafter, the charge shall be adjusted to reflect annual inflation in the cost to construct storm drainage facilities as is shown in the construction cost index for Seattle, Washington, published in the ENR Engineering News-Record in January of each year."
Measurement of EDU....."

Section 3. The charges imposed by this Ordinance shall apply to all property on which the charge is imposed effective February 1, 2006.

First reading this ^{24th} day of _____ October _____, 2005.

Passed by the Council this 7th day of _____ November _____, 2005.

Approved by the Mayor this 8th day of NOVEMBER, 2005.

ATTEST: Sue Nelson
SUE NELSON, City Recorder

APPROVED: Rob Drake
ROB DRAKE, Mayor