

*Alicia*

**RESOLUTION NO. 2007-50**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, ARIZONA ESTABLISHING RATES AND CHARGES OF THE WASTEWATER SYSTEM OF THE CITY.**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLCOX, ARIZONA, AS FOLLOWS:

**Section 1. Findings.**

(a) The City of Willcox, Arizona (the "City") has the requisite statutory authority to acquire, own and maintain a wastewater utility system (the "Wastewater System") for the benefit of the property and users within and without the City's corporate boundaries pursuant to the provision of Arizona Revised Statutes 9-511 et. seq.

(b) The City has caused to be prepared a written report by Economists.com LLC (the "Wastewater Rate Report"), which report concludes that certain increases in rates and charges for use of the Wastewater System are necessary to support the maintenance and development of the Wastewater System.

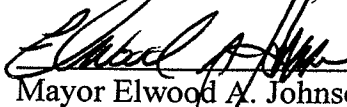
(c) On November 5, 2007, the Mayor and Council passed and adopted Resolution 2007-42 with a notice of intention to increase rates and charges for use of the Wastewater System and on December 17, 2007 conducted a public hearing on the proposed increases in accordance with Arizona Revised Statutes 9-511.01.

**Section 2. Establishment of Increased Rates and Charges.** The rates and charges described in the attached Exhibit A are hereby adopted and established as the rates and charges for the Wastewater System, effective as of February 1, 2008 and February 1, 2009 as shown on the attached Exhibit A and until subsequently changed by this Mayor and Council. Such increased rates and charges, when effective, will supersede previous rates and charges for the Wastewater System pertaining to the specific rates and charges listed on attached Exhibit A.


**Section 3. Other Necessary Actions; Ratification of Past Actions.** All officials, employees, agents or other representatives of the City are hereby authorized and directed to take any and all actions or steps or to sign and deliver any filings, documents or agreements which are in furtherance of this resolution. All actions heretofore taken in furtherance of the intentions of this resolution are hereby ratified, confirmed and approved in all respects.

**PASSED, ADOPTED AND APPROVED**, by the Mayor and Council of the City on December 17, 2007.

CITY OF WILLCOX, ARIZONA

  
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Mayor Elwood A. Johnson

APPROVED AS TO FORM:

  
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City Attorney Héctor M. Figueroa

ATTEST:

  
\_\_\_\_\_  
City Clerk Cristina G. Whelan, CMC

**EXHIBIT A**

**CITY OF WILLCOX, ARIZONA  
WASTEWATER SYSTEM  
RATES AND CHARGES**

Section 1. Availability charges based on size of water service:

	<b><u>Current Rates Plus CPI Adj</u></b>	<b><u>Base Rate Increase</u></b> <b><u>Eff 01/01/08</u></b> <b><u>Eff 01/01/09</u></b>	
	<b>Monthly Service Charges (base rate)</b>		
Single Residential Dwelling Unit			
3/4" meter	\$ 16.67	+\$0.50	+\$0.52
1" meter	\$ 22.67	+\$0.68	+\$0.71
Multiple Dwelling or Commercial Use			
3/4" meter	\$ 24.24	+\$0.73	+\$0.75
1" meter	\$ 30.25	+\$0.92	+\$0.94
1 1/2" meter	\$ 45.38	+\$1.37	+\$1.40
2" meter	\$ 63.50	+\$1.92	+\$1.97
3" meter	\$120.98	+\$3.65	+\$3.75
4" meter	\$196.71	+\$5.93	+\$6.10

Section 2. City Usage Charges:

All customers; price per thousand gallons	\$2.3985	+\$0.07	+\$0.07
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The current rates shown above reflect the rates recommended in the study by Economists.com, plus consumer price index adjustments made since the study was conducted in 2005. The scheduled increases are shown on an incremental basis. An adjustment for the Consumer Price Index will be made each year, as described in Section 3 herein.

The City Usage Charges will be computed based on the customer's average water usage for the preceding winter quarter. The winter quarter is defined as the months of December, January and February. The calculated average usage will remain unchanged throughout the year. Rates can be adjusted in special circumstances, such as if a leak occurs in the winter quarter that has been documented and repaired.

For new residential customers with no usage history, the base rate will be determined by the average usage for such customer's rate group. The wastewater rates for new commercial customers will be calculated by known usage, if available, for the building occupied. If there is no previous history on the building, commercial users with a 3/4" meter will be billed at the

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residential average rate. Larger meters will be billed by the average rate for that meter group for the winter quarter. The accounts will adjust to the actual average during the annual sewer calculation period when the customer's usage history for the winter quarter is available.

Section 3. Consumer Price Index.

The monthly service and usage charges will be adjusted each year to reflect the annual increase (decrease) in the Consumer Price Index for the preceding year.

Section 4. Effective Dates.

The effective dates of such rates and fees shall be as specified above, and shall supersede any rates and fees established by previous council resolutions pertaining to the specific rates and fees listed herein. The service and usage charges will be adjusted on the March billing each year (prepared at the end of the month) to reflect usage adjustments and the annual Consumer Price Index adjustment.

Section 5. Disputed Sewer Charges.

In the event of a dispute with regard to charges for use of the City sewer system, resolution of the issue will be determined by the Director of Public Services and Works, subject to the approval of the City Manager. If such dispute cannot be settled amiably it may be referred, in writing, to the City Council for review and decision. Such decisions shall be final and binding.