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PIMA CO CLERK OF THE BOARD

PICKUP



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ORDINANCE 2009-14

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA
 COUNTY, ARIZONA; RELATING TO WASTEWATER; AMENDING
 PIMA COUNTY CODE, TITLE 13, CHAPTER 24, SANITARY SEWER
 USER FEES**

BE IT ORDAINED BY THE PIMA COUNTY BOARD OF SUPERVISORS:

SECTION 1. Amendment. The Pima County Code, Title 13, Chapter 24, is hereby amended as follows:

13.24.030

Fee calculation.

A. A monthly fee shall be levied and collected from all users for the service of sanitary sewage collection, treatment and disposal provided through the wastewater system. User fees are calculated according to the following rate formulas for all customers:

$$\text{Residential Monthly User Fee} = (F \times R) + A$$

$$\text{High Strength Class Monthly User Fee} =$$

$$F \times (R \times HS) + A$$

Where F = Monthly wastewater flow contribution to the public sanitary sewer equal to:

- One hundred percent of the metered monthly water consumption; or
- The user class average flow for contributors whose water consumption is not metered; or
- One hundred percent of the wastewater flow measured by:
 - Direct meter reading, or
 - The difference in direct wastewater flow meter readings, or
 - A combination of direct wastewater flow meter readings and metered monthly water consumption, or
 - Other acceptable methods.

Where wastewater flow contribution is based on metered monthly water consumption or user class average flow, this amount shall not exceed the average amount of the months of December, January, and February, computed in the same manner.

HS = High Strength Factor determined and based on the wastewater strength of a given class relative to residential wastewater strength as defined in this chapter.

A = ~~\$5.728.32~~* Flat Standard service fee for all users.

R = User fee basic volume rate.

1. From the effective date of the Ordinance through ~~December 31, 2007~~June 30, 2009, the user fee basic volume rate (R) per one hundred cubic feet (ccf) of monthly residential wastewater flow contributions = ~~\$1.4061.893~~, The user fee basic volume rate will rise to ~~\$1.5332.134~~ on ~~January 1, 2008~~July 1, 2009 and will rise to ~~\$1.6792.407~~ on ~~July 1, 2008~~January 1, 2010.

* Staff note: This number will rise to ~~\$6.239.82~~ effective January 1, ~~2008~~10 and will rise to ~~\$6.82~~ effective July 1, 2008.

B. The monthly volume of discharge for all users served by a private water company is presumed to be one hundred percent of the average water use as reflected by the billings for the months of December, January and February.

C. If neither direct metered wastewater flow data nor metered water use data is available for a user, the discharge shall be estimated using the average unit discharge associated with that user's class.

D. Consistent with governing regulations of the United States Environmental Protection Agency, the Director has determined that certain classes of users discharge wastewater that contains higher concentrations of chemical oxygen demand or suspended solids or both when compared to the composite strength of wastewater discharge from all residential users, and that accordingly impose additional costs on the operation and maintenance of the system.

1. A user found to discharge wastewater containing a higher concentration of chemical oxygen demand or suspended solids or both when compared to the composite strength of wastewater discharges from residential users and who is currently not assigned to a user class will be assessed a rate based on the concentrations of chemical oxygen demand and suspended solids as these rates are defined in 13.24.180.

E. In addition to any user fees established by this chapter, a user who is detected discharging any toxic wastes into the sanitary sewerage system in violation of Chapter 13.36 of the Pima County Code shall be subject to the increased cost of the treatment of the prohibited substance. This provision shall not preclude the director from imposing the additional penalties provided in Chapter 13.36 of the Pima County Code.

SECTION 2. Amendment. The Pima County Code, Title 13, Chapter 24, is hereby amended as follows:

13.24.040

Rate schedule.

A. The user fee rate for customers identified with each user class shall be as shown in the rate schedule codified at the end of this chapter. Each user fee rate was determined in accordance with Section 13.24.030 and is based on the following:

1. The projected annual expenses for the wastewater system for fiscal year 2007-2008 are \$121,335,773 (including operations and maintenance (\$72,791,971), debt service (\$20,386,502), capitalized purchases (\$4,211,208), and depreciation (\$23,946,092); the portion to be financed with collected user fees is \$77,107,236.

B. A flat service fee, codified in the service fee schedule at the end of this chapter, shall be levied upon each sewer account to recover fixed system costs and costs not proportional to flow. This standard service fee shall be \$5.728.32 per month until December 31, 2009. On January 1, 2010, the service fee will rise to \$9.82.

C. The above-referenced rates and charges shall be reflected in sewer user bills beginning with the first billing cycle after the effective date of the ordinance.

SECTION 3. Amendment. The Pima County Code, Title 13, Chapter 24, is hereby amended as follows:

13.24.180

Volume Rate and Service Fee schedules-Tables.

A. Volume Rate

The volumetric portions of Monthly bills are computed and charged to wastewater customers by user class as set forth in the table below, and are based on the average wastewater strengths shown:

Class	Class Name	High-Strength Factor	Jul. 1, 2007 March 20, 2009 Rate (dollars per ccf)	Jan. 1, 2008 July 1, 2009 Rate (dollars per ccf)	Jul. 1, 2008 Jan. 1, 2010 Rate (dollars per ccf)
1	Residential/All other customer classes	1.00	\$1.4061.893	\$1.5332.134	\$1.6792.406
1A	Residential/All	1.00	0.3520.473	0.3840.533	0.4200.602

	other customer classes				
1B	Residential/All other customer classes	1.00	<u>0.7030.945</u>	<u>0.7661.066</u>	<u>0.8391.202</u>
1C	Residential/All other customer classes	1.00	<u>4.0551.419</u>	<u>4.1501.600</u>	<u>4.2591.804</u>
3C	Auto body and fender repair	2.10	<u>2.9533.975</u>	<u>3.2194.482</u>	<u>3.5265.053</u>
3K	Mortuary	1.09	<u>4.5332.063</u>	<u>4.6712.326</u>	<u>4.8302.623</u>
3N	Laundromat	1.09	<u>4.5332.063</u>	<u>4.6712.326</u>	<u>4.8302.623</u>
4E	Pet clinic	1.20	<u>4.6872.271</u>	<u>4.8402.561</u>	<u>2.0152.888</u>
4G	Restaurant, with seating and china	2.03	<u>2.8543.842</u>	<u>3.1124.332</u>	<u>3.4084.884</u>
4H	Restaurant, fast food	2.32	<u>3.2624.391</u>	<u>3.5574.951</u>	<u>3.8955.582</u>
5A	Car wash, self-service	1.19	<u>4.6732.252</u>	<u>4.8242.539</u>	<u>4.9982.863</u>
5C	Bottling company	1.68	<u>2.3623.180</u>	<u>2.5753.586</u>	<u>2.8214.043</u>
5F	Printing; copying	1.01	<u>4.4201.912</u>	<u>4.5482.156</u>	<u>4.6962.430</u>
5G	Electrical component manufacturer	1.14	<u>4.6032.158</u>	<u>4.7482.433</u>	<u>4.9142.743</u>
5I	Industrial laundry	1.06	<u>4.4902.006</u>	<u>4.6252.262</u>	<u>4.7802.551</u>
5J	Bakery	3.63	<u>5.1046.872</u>	<u>5.5657.748</u>	<u>6.0958.736</u>
5K	Miscellaneous food processor	2.33	<u>3.2764.410</u>	<u>3.5724.973</u>	<u>3.9125.607</u>
5L	Chemical, Pharmaceutical	1.25	<u>4.7582.366</u>	<u>4.9162.668</u>	<u>2.0993.008</u>
5M	Meat packing	2.38	<u>3.3464.505</u>	<u>3.6495.079</u>	<u>3.9965.727</u>
5S	Car wash, full service	1.23	<u>4.7292.328</u>	<u>4.8862.625</u>	<u>2.0652.959</u>

B. Service Fee

The service fee added to each monthly bill is charged to wastewater customers by user class as set forth in the table below:

<u>Class</u>	<u>Class Name</u>	<u>Service Fee effective March 20, 2009</u>	<u>Service Fee effective January 1, 2010</u>
<u>1</u>	<u>Residential/All other customer classes</u>	<u>\$8.32</u>	<u>\$9.82</u>
<u>1A</u>	<u>Residential/All other customer classes</u>	<u>2.08</u>	<u>2.45</u>
<u>1B</u>	<u>Residential/All other customer classes</u>	<u>4.16</u>	<u>4.91</u>
<u>1C</u>	<u>Residential/All other customer classes</u>	<u>6.24</u>	<u>7.36</u>
<u>3C</u>	<u>Auto body and fender repair</u>	<u>8.32</u>	<u>9.82</u>
<u>3K</u>	<u>Mortuary</u>	<u>8.32</u>	<u>9.82</u>
<u>3N</u>	<u>Laundromat</u>	<u>8.32</u>	<u>9.82</u>
<u>4E</u>	<u>Pet clinic</u>	<u>8.32</u>	<u>9.82</u>
<u>4G</u>	<u>Restaurant, with seating and china</u>	<u>8.32</u>	<u>9.82</u>
<u>4H</u>	<u>Restaurant, fast food</u>	<u>8.32</u>	<u>9.82</u>
<u>5A</u>	<u>Car wash, self- service</u>	<u>8.32</u>	<u>9.82</u>
<u>5C</u>	<u>Bottling company</u>	<u>8.32</u>	<u>9.82</u>
<u>5F</u>	<u>Printing; copying</u>	<u>8.32</u>	<u>9.82</u>
<u>5G</u>	<u>Electrical component manufacturer</u>	<u>8.32</u>	<u>9.82</u>
<u>5I</u>	<u>Industrial laundry</u>	<u>8.32</u>	<u>9.82</u>
<u>5J</u>	<u>Bakery</u>	<u>8.32</u>	<u>9.82</u>
<u>5K</u>	<u>Miscellaneous food processor</u>	<u>8.32</u>	<u>9.82</u>
<u>5L</u>	<u>Chemical, Pharmaceutical</u>	<u>8.32</u>	<u>9.82</u>
<u>5M</u>	<u>Meat packing</u>	<u>8.32</u>	<u>9.82</u>
<u>5S</u>	<u>Car wash, full service</u>	<u>8.32</u>	<u>9.82</u>

SECTION 4. *Amendment.* The Pima County Code, Title 13, Chapter 24, is hereby amended as follows:

13.24.185

Residential Rates and Service Fees.

A. Each residential wastewater customer shall use the Class 1 user fee rate and service fee unless the Director has approved an alternate residential user fee rate and service fee for that customer pursuant to this section.

B. Any residential wastewater customer whose current household income is at one hundred percent (100%) or less of the federal poverty guidelines may apply to the Director for approval to be billed at the Class 1A user fee rates and service fee.

C. Any residential wastewater customer whose current household income is greater than one hundred percent (100%) but is less than or equal to one hundred and twenty-five percent (125%) of the federal poverty guidelines may apply to the Director for approval to be billed at the Class 1B user fee rates and service fee.

D. Any residential wastewater customer whose current household income is greater than one hundred and twenty-five percent (125%) but less than or equal to one hundred and fifty percent (150%) of the federal poverty guidelines may apply to the Director for approval to be billed at the Class 1C user fee rates and service fee.

E. Each residential user fee Class change shall be valid for one year following approval by the Director.

F. There is no limit on the number of years a residential user may apply for approval for a reduced residential user fee rate.

SECTION 5. *Severability.* If any provision of this Ordinance, or the application of any provision thereof is determined by a court of law to be invalid, the invalidity of that provision shall not affect other provisions or the application of this ordinance which can be given effect without the provision determined to be invalid, and to this end the provisions of this Ordinance are severable.

SECTION 6. *County Officers and Employees.* The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 7. Effective Date. This Ordinance shall become effective 31 days after it is adopted by the Board of Supervisors.

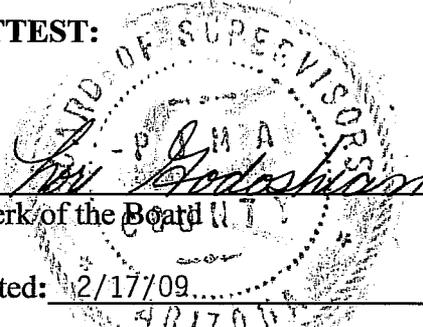
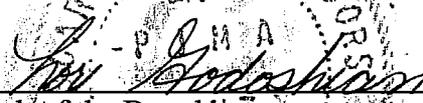
PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA.

PIMA COUNTY BOARD OF SUPERVISORS


Chairman

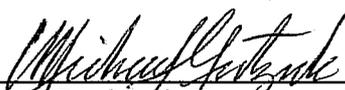
Dated: 2/17/09

ATTEST:



Clerk of the Board

Dated: 2/17/09

APPROVED AS TO CONTENT:


Director, Regional Wastewater Reclamation Department

Dated: 1/29/09

APPROVED AS TO FORM:


Deputy County Attorney

Dated: 1-29-09