



## AGENDA

### CLEAN WATER SERVICES BOARD OF DIRECTORS

**Agenda Category:** Public Hearing CPO All

**Agenda Title:** **HOLD PUBLIC HEARING AND ADOPT RATES AND CHARGES  
RESOLUTION AND ORDER FOR FISCAL YEAR 2016-17 TO  
IMPLEMENT THE AMENDMENT TO THE  
INTERGOVERNMENTAL AGREEMENT**

**Presented by:** Bill Gaffi, General Manager (kbl)

#### SUMMARY

Since 1970, Clean Water Services (District) has been responsible for conveying and treating wastewater throughout its service territory, which includes all of urban Washington County and each of its cities. To accomplish this, the District and its member cities entered into Intergovernmental Agreements (IGAs) to cooperatively manage the sanitary system. In 1989, stormwater management requirements were added to the District's responsibilities and the cities consented to the expansion of the District's authority.

The IGAs set forth the roles of the District and the larger cities of Washington County (Beaverton, Cornelius, Hillsboro, Forest Grove, Sherwood, Tigard and Tualatin, collectively "Cities") necessary to operate the sanitary sewer and stormwater programs. Several Cities are considering or have enacted ordinances to add a charge for rights of way (ROW) maintenance.

(continued)

Attachments: Resolution and Order  
Appendix B (Rates and Charges)

#### REQUESTED ACTION

Hold a public hearing, and after considering the testimony received, adopt the attached Resolution and Order with a new Appendix B which contains the District rate and any Right of Way fees that each City may charge.

Agenda Item No.	<u>5.a.</u>
Date:	<u>03/07/17</u>

**HOLD PUBLIC HEARING AND ADOPT RATES AND CHARGES RESOLUTION AND ORDER FOR FISCAL YEAR 2016-17 TO IMPLEMENT THE AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT**

**03/07/17**

Upon learning of the Cities' intent to charge a ROW fee, District requested to meet with and began discussion with the Cities. Issues included determining the intent and nature of the fee, how the fee would be calculated and what the collection process would entail. The result of these discussions is contained in the form of Amendment to the IGA which is before the District Board as a companion item.

The Amendment to the IGA requires CWS to adopt a District rate with an allowance for up to a 5% Rights of Way fee to recognize changes Cities may make to their local rate.

1 BEFORE THE BOARD OF DIRECTORS OF CLEAN WATER SERVICES

2 In the Matter of Adopting a Revised Schedule of )  
3 Charges, Rates and Fees Relating to the Sanitary ) RESOLUTION AND ORDER  
4 and Storm and Surface Water Management )  
5 Systems and Related Services of Clean Water ) NO. \_\_\_\_\_  
6 Services; Adopting Revised Administrative )  
7 Provisions; Superseding Resolution and Order No. )  
8 15-10; Pursuant to Ordinance Nos. 28, 29, 40 and )  
9 41; Direct Publication of Notice Pursuant to ORS )  
10 305.583(8); and Declaring an Effective Date of )  
11 March 20, 2017. )

9 The above entitled matter came before the Board of Directors for Clean Water Services'  
10 (Board) at its regular meeting of March 7, 2017; and

11 It appearing to the Board that it did adopt Clean Water Services (District) Ordinance Nos.  
12 28, 29, 40 and 41, which authorize adoption of certain charges, rates, and fees relating to the  
13 District systems, and for services provided by the District; and that certain of the existing District  
14 provisions contained in Resolution and Order No. 15-10 are now in need of amendment; and

15 It appearing to the Board that the proposed charges and rates contained in Appendix B,  
16 attached hereto and by this reference incorporated herein, carry out the standards and objectives  
17 contained in the above-referenced Ordinances; and

18 It appearing to the Board that the Amendment to the Intergovernmental Agreements (IGAs)  
19 with the cities of Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard, and Tualatin,  
20 requires a new Appendix B which contains the District rate and any Rights of Way fees that each  
21 City may charge; and

22 It appearing to the Board that notice of this public hearing was published in accordance with  
23 the aforesaid Ordinances, that it has on this date conducted a public hearing regarding the adoption  
24 of these rules and regulations, and that any person affected by them has had an opportunity to  
25 testify; and

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1 It appearing to the Board that it is appropriate to adopt the rates contained in Appendix B,  
2 which provide for the charges, rates, and fees relating to the sanitary sewerage and storm and  
3 surface water management systems and for services provided by the District, and the Board having  
4 considered all public testimony, and being fully advised in the premises; it is, therefore,

5 RESOLVED AND ORDERED that:

6 Section 1. Based upon the above findings, the Board determines that adjustments to the  
7 Rates & Charges are appropriate to comply with state or federal permits, laws or regulations and  
8 because the Amendment to the IGA with the cities of Beaverton, Cornelius, Forest Grove,  
9 Hillsboro, Sherwood, Tigard, and Tualatin, a new Appendix B which contains the District rate and  
10 any Rights of Way fees that each City may charge is necessary.

11 Section 2. The Board does hereby adopt and promulgate the revisions to the Resolution and  
12 Order 16-7 contained in Appendix B attached hereto.

13 Section 3. The General Manager is hereby authorized and directed to make available this  
14 Resolution and Order in the office of the District and to provide copies to cities within or served by  
15 the District. The General Manager is further authorized to compile and publish one or more  
16 schedules of District rates, charges, and fees for the convenience of the public.

17 Section 4. The charges and fees set forth in this Resolution and Order are classified as not  
18 subject to the limitations of Section 11 or 11.b, Article XI of the Oregon Constitution. The General  
19 Manager is hereby directed to publish notice of adoption of this Resolution and Order as provided  
20 in ORS 305.583(9).

21 Section 5. If any section, subsection, provision, clause or paragraph of this Resolution and  
22 Order shall be adjudged or declared to be invalid or unconstitutional by any court of competent  
23 jurisdiction, such judgment shall not affect the validity of the remaining portions of this Resolution  
24 and Order, which shall remain in effect.

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**APPENDIX B**

**DISTRICT RATES AND CHARGES TO CITIES**

**For the Cities of Forest Grove, Cornelius, Hillsboro, Beaverton, Tigard, Tualatin, Sherwood  
Sanitary Sewer Fee & Charge**

**Service Charge**

Monthly Sanitary Sewer Charges per DU

	District Rate		City Right of Way Fee (0 to 5%)		Total \$
	Variable	Fixed	Variable	Fixed	
Base	N/A	\$22.94	N/A	\$0.00 to 1.15	\$22.94 to 24.09
Use	\$1.52/ccf avg winter water usage	N/A	\$0.00 to 0.08/ccf avg winter water usage	N/A	\$1.52 to 1.60/cc winter water us

**Storm and Surface Water Fee and & Charge**

**Service Charge**

Monthly Storm and Surface Water Service Charges per DU

	District Rate	City Right of Way Fee (0 to 5%)	Total \$
Base	\$1.94	\$0.00 to 0.10	\$1.94 to 2.04

**Rates and charges for the cities of Banks, Durham, Gaston, King City and North Plains will be collected an individual Intergovernmental Agreements.**