

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-824-3388 FORM NO. 80043

2023-46

Ordinance No. _____

Passed 7-24, 2023

AN ORDINANCE AMENDING AND REPLACING CODIFIED ORDINANCE SECTION 1044.04(C), AS AMENDED, OF THE CODIFIED ORDINANCES OF THE CITY OF VERMILION, TO ESTABLISH NEW WASTEWATER (SEWER) RATES; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Vermilion has nominated improvements to the Bio Solids Dewatering Facilities at the City's Wastewater Treatment Plant (WWTP) for a Water Pollution Control Loan Fund (WPCLF) loan through the Ohio Environmental Protection Agency (OEPA); and

WHEREAS, the City of Vermilion, in order to finance the new debt service created by the WPCLF loan anticipated to upgrade its existing wastewater facilities, to finance existing sewer system debt service and existing sewer system O,M&R, has determined the need to amend its wastewater rates; and, rates approved in this action are based on current estimates for updating the plant, any may vary based on final project costs and financing terms; and

WHEREAS, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation which indicates the City's ability to secure the debt service created by the WPCLF loan to upgrade its wastewater facilities, together with other existing sewer system debt service and sewer system O,M&R to which the City has committed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vermilion, the Counties of Erie and Lorain , and the State of Ohio:

SECTION 1. That Codified Ordinance Section 1044.04(c), as amended, is hereby amended, and replaced as follows:

Effective with the billing generated on or after January 1, 2023 the wastewater **rate per 100 cubic feet** shall be as follows:

<u>Rate Category</u>	<u>Rate</u>
Inside City	\$7.22
Outside City	\$8.73
West Lake	\$8.73
Sewer East	\$7.91
Erie County	\$8.255

Effective with the billing generated on or after January 1, 2024 the wastewater **rate per 100 cubic feet** shall be as follows:

<u>Rate Category</u>	<u>Rate</u>
Inside City	\$11.033
Outside City	\$13.346
West Lake	\$13.346
Sewer East	\$12.087
Erie County	\$ 8.255

Effective with the billing generated on or after January 1, 2025 the wastewater **rate per 100 cubic feet** shall be as follows:

<u>Rate Category</u>	<u>Rate</u>
Inside City	\$16.439
Outside City	\$19.886
West Lake	\$19.886
Sewer East	\$18.010
Erie County	\$ 8.255

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

Effective with the billing generated on or after January 1, 2026 the wastewater **rate per 100 cubic feet** shall be as follows:

<u>Rate Category</u>	<u>Rate</u>
Inside City	\$24.36
Outside City	\$29.47
West Lake	\$29.47
Sewer East	\$26.69
Erie County	\$8.255

This is the total rate, including operation, maintenance, and replacement (OM&R), and debt increment (capital). The minimum charge per account in each rate category shall be five dollars (\$5.00) per month per account. The minimum charge shall be levied against each account, regardless of suspension of service, for each month for which service is available to the account

The definition of rate categories above shall be as follows:

Inside City shall mean that area within the corporate limits of the City of Vermilion as described in Chapter 206 of the Codified Ordinances of this City, with the exception of the East Liberty Avenue Sewer District (Sewer East).

Outside City shall mean any area outside the corporate limits of the City serviced by the City's sanitary sewer system not otherwise defined herein.

West Lake shall mean that area contiguous to the westerly corporate limits of the City of Vermilion, within Vermilion Twp., Erie County, bounded on the north by Lake Erie, extending from said westerly corporate limits westerly along the Lake Erie shoreline to Joppa Road; southerly along the easterly side of Joppa Road to a point on the northerly side of SR 2; and easterly along SR 2 on a line roughly parallel to the Lake Erie shoreline to a point in the westerly corporate limits of the City of Vermilion, thence northerly along said westerly corporate limits to above said Lake Erie.

East Liberty (Sewer East) shall mean that area of the City of Vermilion bounded as described in "Exhibit A" attached to City of Vermilion Ordinance No. 95-4, passed March 6, 1995, by KS Associates and referred to in said ordinance and description as "East Liberty Avenue Sewer District".

Erie County shall mean that area contiguous to the southerly corporate limits of the City of Vermilion, bounded as described in Exhibit "A" – Legal Description Vermilion Area Sewer Subdistrict in the East Erie County Sewer and Water District, as authorized in the City of Vermilion Ordinance No. 89-88, passed December 4, 1989. The current agreement with Erie County ends December 31, 2026, and these factors will be considered in any future contract rates and terms.

SECTION 2. That the wastewater rates established by this ordinance for the City of Vermilion as part of a dedicated source of repayment to the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, through the Water Pollution Control Loan Fund, shall be reviewed on an annual basis on a schedule established by the Director of Public Service and the Director of Finance to address the sufficiency of such rates to meet new sewer system debt service, existing sewer system debt service and operation, maintenance and replacement costs (O,M&R) for the City's wastewater facilities and the Director of Finance to address the sufficiency of such rates to meet new sewer system debt service, existing sewer system debt service and operation, maintenance and replacement costs (O,M&R) for the City's wastewater facilities.

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

SECTION 3. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any committees that resulted in those formal actions were in meetings open to the public and in compliance with all requirements, including Section 121.11 of the Ohio Revised Code.

SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City; for reason that it is immediately necessary that we comply with the City Charter and statutory law in order to perpetuate the position and authenticate Vermilion City Council; and for the further reason of the need to meet the funding schedule as established by the Ohio EPA; and provided it receives the affirmative majority vote of two-thirds or more of those members elected or appointed to City Council, it shall take effect and go into full force immediately after its adoption and its approval by the Mayor; otherwise, it shall take effect at the earliest period allowed by law.

PASSED: 7/24, 2023


John E. Gabriel, President of Council

ATTEST: 7/24, 2023


Gwen E. Fisher, Certified Municipal Clerk

APPROVED: 7/24, 2023


Jim Forthofer, Mayor

Amended rates submitted by Amy Hendricks, Finance Director

Ordinance prepared by: Gwen Fisher, Certified Municipal Clerk – July 5, 2023