

ORDINANCE NO. _____, SERIES 2017

AN ORDINANCE APPROVING THE RATES, RENTALS AND CHARGES FOR WASTEWATER AND DRAINAGE SERVICES SET FORTH IN THE RESOLUTION OF THE BOARD OF THE LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (HEREINAFTER "THE DISTRICT") WHICH AMENDS THE DISTRICT'S SCHEDULE OF RATES, RENTALS AND CHARGES FOR WASTEWATER AND DRAINAGE SERVICES PURSUANT TO KENTUCKY REVISED STATUTES CHAPTER 76 AND APPROVING THE PLANS FOR THE PROJECTS TO BE PERFORMED.

SPONSORED BY: SPONSORSHIPS WITHDRAWN

WHEREAS, pursuant to Chapter 76 of the Kentucky Revised Statutes, the Louisville and Jefferson County Metropolitan Sewer District (hereinafter "the District" or "MSD") has been created and organized as a public body corporate, and is a valid political subdivision in good standing under the law of the Commonwealth of Kentucky;

WHEREAS, pursuant to Chapter 76 of the Kentucky Revised Statutes, the District is empowered: to have jurisdiction, control, possession, and supervision of the existing sewer and drainage system of the Louisville/Jefferson County Metro Government; to maintain, operate, reconstruct and improve the sewer and drainage system; and to make additions, betterments and improvements to the sewer and drainage system, with the power and authority to set its rates, rentals and charges for wastewater and drainage services;

WHEREAS, on the 10th day of May, 1947, by Resolution of its Board, the District adopted and established a schedule of rates, rentals and charges for its services and thereafter has amended said schedule from time to time;

WHEREAS, the District's current schedule of rates, rentals, and charges (wastewater and drainage service charges) will not continue to generate sufficient

revenue for the proper operation and maintenance of the existing sewerage and drainage system and for the retirement of the District's outstanding debt and, therefore, will not be in compliance with the Kentucky Revised Statutes, the District's Bond Authorizing Resolutions and relevant ordinances;

WHEREAS, the District must maintain a schedule of wastewater and drainage service charges that will proportionally charge operation and maintenance costs to all users of the District's wastewater and drainage collection and treatment system and that will generate sufficient revenue to offset the cost of all operation and maintenance in order to comply with the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, both codified at 33 U.S.C. §1251, *et. seq.*, and United States Environmental Protection Agency (EPA) rules and regulations;

WHEREAS, pursuant to KRS Chapter 76, the Board of Aldermen of the City of Louisville, by Ordinance No. 152, Series 1979, as amended by Ordinance No. 388, Series 1986, and the Fiscal Court of Jefferson County, by Ordinance No. 25, Series 1979, as amended by Ordinance No. 32, Series 1986, and Louisville Metro Council Ordinance No. 62, Series 2003, which ratified the aforementioned ordinances, approved a schedule of wastewater and drainage service charges for the District, and included a debt service adjustments provision, which is set forth in Louisville Metro Code of Ordinances ("LMCO") § 50.24;

WHEREAS, the District identifies several major capital projects in its FY2018 Capital Budget, which will address Louisville Metro's aging wastewater and drainage infrastructure, and recommends a rate increase due to the above quoted debt service adjustment requirement set forth in LMCO § 50.24;

WHEREAS, the preliminary Resolution by the Board of the District amending the schedule of wastewater and drainage rates, rentals, and charges was approved by the Board of the District on May 22, 2017 (the “Preliminary Resolution”) with notice of the resolution published on June 2, 2017 pursuant to Kentucky Revised Statutes Chapter 424;

WHEREAS, the Preliminary Resolution expands the current Wastewater Rate Assistance Program to include certain qualifying low income households;

WHEREAS, the Board of the District is scheduled to meet on July 24, 2017 to adopt the proposed rate increase; and

WHEREAS, approval of this Ordinance satisfies the requirement that the Louisville/Jefferson County Metro Government approves MSD’s Schedule of Rates, Rentals and Charges as provided for in KRS Chapter 76, and as approved for in Ordinance No. 25, Series 1979 as amended by Ordinance No. 32, Series 1986; and Ordinance No. 152, Series 1979 as amended by Ordinance No. 388, Series 1986.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE “COUNCIL”) AS FOLLOWS:

SECTION 1. That the amended schedule of wastewater and drainage rates, rentals, and charges set forth in the Preliminary Resolution adopted by the Board of the District on May 22, 2017, and the plans for the Projects are hereby approved.

SECTION 2. That the recitals contained in this Ordinance are hereby adopted as a finding of fact and incorporated herein as if adopted and the Projects are approved.

SECTION 3. That previous ordinances relating to the District’s Debt Service Adjustment provisions continue to be in full force and effect.

SECTION 4. That this Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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