

**MARCH 10, 2009**

The Warren County Board of Supervisors met on Tuesday March 10, 2009 at 10:07 a.m. with all members present. The purpose of the meeting was to consider passing the Liberty Center Sewer Rate Ordinance. The following business was had to-wit:

**RESOLUTION 09 – 109 CLOSE PUBLIC HEARING**

BE IT RESOLVED THAT, the Warren County Board of Supervisors hereby move to close the public hearing. Carried unanimously.

**RESOLUTION 09 – 110 LIBERTY CENTER SEWER RATE ORDINANCE**

**BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS**

**SECTION 1. RATES FOR SERVICE.** There shall be and there are hereby established sewer service charges for the use of and for the service rendered by the sewer system as follows:

The minimum service charge shall not be less than       \$46.00       per month, which is necessary to retire the indebtedness, to pay operating, maintenance and replacement and to fund reserves necessary for maintaining the sanitary sewer facility.

Service to industrial establishments may be by contract if Warren County Board of Supervisors deems this to be in its best interest.

*(Code of Iowa, Sec 331.465)*

**SECTION 2. SPECIAL RATES** Where in the judgment of the County Sanitarian or the Board of Supervisors, special conditions exist to the extent that the application of the sewer charges provided in Section 1 would be inequitable or unfair to either the County or the customer, a special rate may be proposed and submitted to the Board of Supervisors.

*(Code of Iowa, Sec 331.465)*

**SECTION 3. BILLINGS** Sewer service shall be billed and payable in accordance with the following:

1. Bills Issued. The Board of Supervisors Designee shall prepare and issue bills on or about the 20<sup>th</sup> day of each month.
2. Bills Payable. Bills shall be due and payable at the office of the Board of Supervisors by the 10<sup>th</sup> of the following month.
3. Late Payment Penalty. If any bill remains unpaid 30 days following the due date, the bill shall be considered delinquent. A late payment penalty of \$5.00 shall be added to each delinquent bill. If there is a second notice, an additional late payment penalty of \$5.00 shall be added.

*(Code of Iowa, Sec 331.465)*

**SECTION 4. CONNECTION CHARGE** Applications for sewer service shall be filed with the Warren County Sanitarian upon a form to be supplied by the County Sanitarian. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the system shall be accompanied by a fee in an amount set by resolution of the Board of Supervisors to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be paid a connection charge in an amount set by resolution to reimburse the County for costs borne by the County in making sewer service available to the property served.

*(Code of Iowa, Sec 331.465)*

**SECTION 5. SEWER UTILITY DEPOSIT** The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises. There shall be required from every customer served a sewer utility deposit, in an amount set by resolution of the Board of Supervisors, intended to guarantee the payment of bills for service. The deposit shall be applied to any bill for sewer

service delinquent more than 30 days. Upon disconnection of the sewer service, any balance of such deposit shall be returned to the applicant without interest.

*(Code of Iowa, Sec 331.465)*

**SECTION 6. COLLECTION RESPONSIBILITY** It is hereby made the duty of Warren County Board of Supervisors to collect all money for sewer service and all other charges in connection therewith.

*(Code of Iowa, Sec 331.466)*

**SECTION 7. LIEN FOR NONPAYMENT** The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent, for a period of 90 days, shall constitute a lien upon the premises served and shall be certified to the County Treasurer and shall be collectible in the same manner as property taxes.

*(Code of Iowa, Sec 331.465)*

**SECTION 8. LIEN NOTICE** A lien for delinquent sewer service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a lessee or tenant thereof and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate person by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

*(Code of Iowa, Sec 331.465)*

**SECTION 9. REVENUE FUND** All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the County, separate and apart from all other funds of the County and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the County, shall be deposited in a separate fund designated the LIBERTY CENTER SEWER REVENUE FUND ACCOUNT.

*(Code of Iowa, Sec 331.466)*

**SECTION 10. RECORDS** The County shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Board of Supervisors shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system. The Board of Supervisors shall be required annually to prepare a budget of the Sanitary Sewer System to show the required revenues and expenses. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance and replacement needs, and establish required reserves.

*(Code of Iowa, Sec 331.466)*

**SECTION 11.** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

**SECTION 12.** This Ordinance shall be in full force and effect upon its passage and publication, according to the law of the State of Iowa.

Carried unanimously.

Upon proper motion the meeting was adjourned at 11:18 a.m.

ATTEST: \_\_\_\_\_, AUDITOR  
Traci VanderLinden

\_\_\_\_\_, CHAIR  
G. Kevin Middleswart