

ORDINANCE NO. 569

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING SECTIONS 26, 30, 35 AND 38 OF ORDINANCE NO. 230, AS PREVIOUSLY AMENDED, ESTABLISHING A CONTINGENCY ACCOUNT, PROVIDING FOR COLLECTION AND DEPOSIT OF CONTINGENCY FUNDS, ADOPTING A NEW WATER AND SEWER RATE CALCULATION SHEET, REVISING THE AMOUNT OF LATE FEES TO BE CHARGED ON DELINQUENT ACCOUNTS, AND OTHER RELATED PURPOSES

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation, do now find as follows:

1. That the costs of providing municipal water and sewerage services to the customers of the Combined Waterworks and Sewer Department have now increased and that those increased costs do now require that the water and sewer user fees presently assessed and charged by the City be increased and that the costs of managing and collecting delinquent accounts has increased and the delinquency fees should be increased and set at a flat rate, that such increase is necessary for the general health, welfare, safety and convenience of the citizens of the City of Long Beach and to pay the costs of providing such municipal water and sewerage services.

2. That in order to improve the City's ability to supply necessary water to businesses and residences within the City and to achieve an improved rating of its water system from the Mississippi Department of Health under the Capacity Development Program developed in accordance with the revised Federal Safe Water Drinking Act it is necessary to further increase the water user fees presently assessed and charged by the City by an amount necessary to assure that water system revenues exceed water system expenditures by ten per cent (10%), to be shown on statements for water service as "contingency fund; to establish a special fund to be known as the City of Long Beach Reserve Fund, and to establish separate municipal interest bearing account for such reserve fund, all in accordance with the provisions of MCA §21-35-22, for the deposit of all revenues collected

by such contingency fund levy; that the interest earned on such contingency funds so deposited to be credited to the said municipal reserve fund; and that the expenditures from such reserve fund to be made only as provided by aforesaid MCA §21-35-22

Now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Rate Calculation Sheets.

The User charges for water and sewer service within the corporate limits of the City of Long Beach shall be based upon the formulas and calculation sheets attached hereto as Appendix "A". This Appendix "A" shall replace the equivalent Appendix "A" which was attached to Ordinance No. 550 of the City of Long Beach, which Ordinance No. 550 amended Ordinance No. 230, as previously amended. The user charges calculated according to this new APPENDIX "A" shall be applied to all water and sewer services billed for by the City on and after October 1, 2009.

SECTION 2. Amending Subsection (c), entitled, "Late charge", of Section 35, entitled, "Due date of bills for water and sewer service, of Ordinance No. 230 of the City of Long Beach, Mississippi, as previously amended.

Subsection (c), entitled "Late charge of Section 35 of Ordinance No. 230 of the City of Long Beach, Mississippi, be, and said subsection (c) is hereby amended to read as follows:

"(c) Late charge. If any bill for water and/or sewer service be not paid on or prior to the due date thereof, a late charge of \$10.00 per month shall be added thereto until the same has been paid."

SECTION 3. Amending Section 38, entitled "Disposition of Money Collected by Superintendent" of Ordinance No. 230 of the City of Long Beach, Mississippi, as previously amended.

Section 38, entitled "Disposition of Money Collected by Superintendent" of

Ordinance No. 230 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

“SECTION 38. Disposition of Money Collected by Superintendent.

(A) All monies collected by the superintendent shall be paid over daily to the city treasurer, who shall give his/her receipt for the same and distribute such monies into the proper funds required to be kept by the city under the terms of any outstanding loan agreement, any ordinance providing for the issuance and delivery of revenue bonds in connection with the waterworks and sewer system, and subsection (B) of this section.

(B) There is hereby established the City of Long Beach Reserve Fund, as authorized by MCA §21-35-22, for which fund the City Clerk is directed to open a special interest bearing bank account, into which account all revenues collected by that part of the Water User Charges collected and attributable to that portion of such user charges designated as “Contingency Fund” shall be deposited, and into which account all interest earned on the City’s reserve fund shall be deposited. Expenditures may be made from the City of Long Beach Reserve Fund only as provided by MCA §21-35-22.”

SECTION 4. Severability, Savings Clause.

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining provisions or application of this ordinance which can be given effect without the invalid or constitutional provision or application; and to that end, the provisions of this ordinance are hereby declared to be severable.

SECTION 5. Captions.

The captions and catch phrases to each section or subsection of this Ordinance are

intended solely for easy reading and reference; and such captions and/or catch phrases shall not be construed or interpreted to alter or change the meaning of any provision in any such section or subsection.

SECTION 6. Effective Date.

The City of Long Beach, Mississippi, having heretofore entered into an Interlocal Cooperation Agreement with and the creation of the Harrison County Wastewater Management District and in order to protect the public health and safety of the community and the users of services furnished by the Combined Waterworks and Sewer Department of said City, and in order to comply with clean water standards and rules and regulations of the Environmental Protection Agency of the United States of America concerning the use of water and treatment of wastes as set out in 40 CFR 35.3140 and other applicable regulations, this ordinance shall take effect and be in full force from and after its adoption; all for the immediate preservation of order and of the public health and safety; nevertheless notice of the adoption of this ordinance shall be given and the same enrolled in the Ordinance as provided by law.

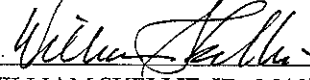
The above and foregoing Ordinance No. 569 was introduced in writing by Alderman Anderson who moved its adoption. Alderman Hammons seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary Ponthieux	voted	Aye
Alderman Kaye Couvillon	voted	Aye
Alderman Carolyn Anderson	voted	Aye
Alderman Leonard Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye

Alderman Ronnie Hammons, Jr. voted Aye

The question having received the Affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and said Ordinance Number 569 adopted and approved this the 18th day of August, 2009.

APPROVED:



WILLIAM SKELLIE, JR., MAYOR

ATTEST:



REBECCA E. SCHRUFF, CITY CLERK

Appendix "A"

CALCULATION OF WATER & SEWER RATES FOR CITY OF LONG BEACH

Revenues/Expenses are from adopted FY 2010 Budget (Does not include Solid Waste)

	TOTAL	WATER	SEWER	STP	DEBT
<u>DISTRIBUTE COSTS:</u>					
PERSONNEL COSTS	43,516	21,758	21,758	0	0
SUPPLIES	92,600	46,300	46,300	0	0
OTHER CHARGES AND SERVICES					
O & M Operating Contract	1,289,680	644,840	644,840	0	0
Utilities	208,920	104,460	104,460	0	0
Administrative Charge	205,000	102,500	102,500	0	0
Engineering Fees	40,000	20,000	20,000	0	0
Vehicle/Equipment & Maintenance	19,734	9,867	9,867	0	0
Water System Maintenance	78,369	78,369	0	0	0
Sewer System Maintenance	101,900	0	101,900	0	0
Miscellaneous Costs	4,000	2,000	2,000	0	0
TOTAL OTHER CHARGES	1,947,603	962,036	985,587	0	0
DEBT SERVICE					
1992B W&S G.O. Bonds (P & I))	43,585	0	0	0	43,585
Pay Agent Fees	1,100	0	0	0	1,100
SRF C280802-01 (REPAY GEN FUND SLS TX)	207,042	0	0	0	207,042
SRF C280802-02 (REPAY GEN FUND SLS TX)	28,250	0	0	0	28,250
SRF C280802-03 (REPAY GEN FUND SLS TX)	62,105	0	0	0	62,105
SRF C280802-04 (REPAY GEN FUND SLS TX)	35,058	0	0	0	35,058
DWI H280 008-03-03 (REPAY GEN FUND SLS T.	18,219	0	0	0	18,219
DWI H280 008-02-03 (REPAY GEN FUND SLS T.	27,545	0	0	0	27,545
DWI H280 008-01-03 (REPAY GEN FUND SLS T.	68,525	0	0	0	68,525
CAP Loan (SE Water Improvements)	55,209	0	0	0	55,209
CAP Loan (Beatline Road Sewer Ext)	17,599				17,599
TOTAL DEBT SERVICE	564,237	0	0	0	564,237
DEFICIT FROM PREVIOUS YEARS	0	0	0	0	0
SEWAGE TREATMENT SYSTEM					
O & M Costs	764,700	0	0	764,700	0
Debt Service Costs	1,049,553	0	0	0	1,049,553
Deficit from Previous Years	0	0	0	0	0
TOTAL STP COST	1,814,253	0	0	764,700	1,049,553
CAPITAL EXPENDITURES:					
Contingency Fund	250,000	125,000	125,000		
Equipment/Fire Hydrants	14,500	8,500	6,000		
	264,500	133,500	131,000		
TOTAL COSTS:	4,726,709	1,163,594	1,184,625	764,700	1,613,790

	TOTAL	WATER	SEWER	STP	DEBT
REVENUE:					
Sales Tax Dedicated to SRF/DWI	446,744	0	n/a*	n/a*	446,744
Beginning Fund Balance	242,438	60,610	60,610	60,610	60,608
Transfer from General Fund	0	0	n/a*	n/a*	0
Industrial Waste Surcharge	0	0	0	0	0
Connection Fees	31,500	18,500	11,500	0	0
Delinquent Charges	54,840	27,420	27,420	0	0
Misc. Revenue	0	0	0	0	0
User Fees	3,951,187	1,215,525	1,189,398	779,994	1,646,066
Less Discounts (1221 x \$5.09 x 12)	(74,579)	(74,579)	0	0	0
TOTAL BILLING REQUIRED:	4,652,130	1,247,476	1,268,928	840,604	2,153,418

* n/a denotes that EPA Regulations prohibit allocation of tax funds for these items

2% UNCOLLECTABLE ALLOWANCE:	(94,534)	(23,272)	(23,693)	(15,294)	(32,276)
TOTAL REVENUE GENERATED:	4,557,596	1,224,204	1,245,235	825,310	2,121,142

BASE FLOW (Reported in 1,000 gal/year)

		ACTUAL	w/ MIN
METERED FLOW			
Water Meter Flow (w/ & wo/ 8,333 gal min)		80,356	138,000
Sewer Meter Flow		0	0
TOTAL METERED FLOW		80,356	138,000
NON-METERED FLOW			
	# UNITS	FLOW	
Residential Water & Sewer	4,112	100	411,200
Water Only	0	100	0
Sewer Only	0	100	0
Senior & Disabled Water & Sewer	1,221	90	109,890
TOTAL UNMETERED FLOW		521,090	521,090
TOTAL ANNUAL BASE FLOW:		601,446	659,090

USER CHARGE RATES:

	WATER	SEWER	STP	DEBT	TOTAL
User Charge Rate = "BILLINGS REQ'D" / "TOTAL ANNUAL BASE FLOW"	1.84	1.94	1.30	2.50	7.58
	8,333 K minimum on water & sewer debt				

FOR UNMETERED CUSTOMERS:

Single Family Residential (per mo.)					
= User Charge Rate x	8,333	\$14.85	\$16.49	\$10.83	\$20.83
Senior & Disabled Class (per mo.)	7,500	\$12.19	\$12.85	\$10.83	\$20.83

SAMPLE CALCULATIONS FOR TYPICAL CUSTOMERS:

	CONSUMP	UNITS	OLD	NEW	% INC	SINC
Non-metered Residential			\$51.00	\$63.00	23.5%	12.00
Minimum Commercial	0	1	\$26.42	\$36.17	36.9%	9.75
Very Small Commercial	3	1	\$31.31	\$45.89	46.6%	14.58
Small Commercial	20	1	\$96.00	\$151.60	57.9%	55.60
Medium Commercial	150	1	\$720.00	\$1,137.00	57.9%	417.00
Large Commercial	382	1	\$1,833.60	\$2,895.56	57.9%	1,061.96
Small Apartment Complex	37	12	\$377.30	\$553.86	46.8%	176.57
Medium Apartment Complex	150	42	\$1,353.96	\$2,004.94	48.1%	650.98
Large Apartment Complex	1,110	200	\$7,092.42	\$10,829.44	52.7%	3,737.02

C E R T I F I C A T E

**STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH**

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #569 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 18th day of August, 2009, as the same appears of record in Ordinance Book #7, pages 446-454, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 18th day of August, 2009.


Rebecca E. Schruff, City Clerk

(SEAL)

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Harrison County, Mississippi personally appeared Crista Laux who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city of Gulfport, in Harrison County, Mississippi, and the publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

- Vol. 125 No., 327 dated 25 day of August, 20 09
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____
- Vol. _____ No., _____ dated _____ day of _____, 20 _____

Affiant further states on oath that said newspaper has been established and published continuously in said country for a period of more than twelve months next prior to the first publication of said notice.

Crista Laux
Clerk

Sworn to and subscribed before me this 26 day of August, A.D., 20 09

KANDI A. BERKLEY
Notary Public, State of Mississippi
Harrison County
My Commission Expires
April 05, 2010

Kandi Berkley
Notary Public

Printer's Fee \$ _____
Furnishing proof of publication \$ _____
TOTAL..... \$ 172.56

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Now therefore, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Rate Calculation Sheets.

The User charges for water and sewer service within the corporate limits of the City of Long Beach shall be based upon the formulas and calculation sheets attached hereto as Appendix "A". This Appendix "A" shall replace the equivalent Appendix "A" which was attached to Ordinance No. 550 of the City of

Long Beach, which Ordinance No. 550 amended Ordinance No. 230, as previously amended. The user charges calculated according to this new APPENDIX "A" shall be applied to all water and sewer services billed for by the City on and after October 1, 2009.

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Section 38, entitled "Disposition of Money Collected by Superintendent" of Ordinance No. 230 of the City of Long Beach, Mississippi, is hereby amended to read as follows:

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(B) There is hereby established the City of Long Beach Reserve Fund, as authorized by MCA Section 21-35-22, for which fund the City Clerk is directed to open a special interest bearing bank account, into which account all revenues collected by that part of the Water User Charges collected and attributable to that portion of such user charges designated as "Contingency Fund" shall be deposited, and into which account all interest earned on the City's reserve fund shall be deposited. Expenditures may be made from the City of Long Beach Reserve Fund only as provided by MCA Section 21-35-22."

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If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance, shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining provisions or application of this ordinance which can be given effect without the invalid or constitutional provision or application; and to that end, the provisions of this ordinance are hereby declared to be severable.

SECTION 5. Captions.

The captions and catch phrases to each section or

Concluded on Back.