

CITY OF BEDFORD, OHIO

ORDINANCE NO. 9899-21

AN ORDINANCE REPLACING ORDINANCE NO. 7780-05 RELATING TO WATER RATES [§911.01 (e)] AND DECLARING AN EMERGENCY

WHEREAS, the City of Bedford, Ohio (the "City of Bedford" or "City") has, for many years, owned and operated a water system (the "Water System") for the benefit of its residents and certain non-residents; and

WHEREAS, the City charges users of its Water System reasonable rates designed to cover the costs of purchasing water and operating, maintaining, and improving the Water System; and

WHEREAS, the City devotes all revenues derived from charges for the use of water from its System to the operation, maintenance, and improvement of its Water System; and

WHEREAS, the City purchases water for its Water System from the City of Cleveland and is billed for the water purchased at rates fixed by the Council of the City of Cleveland; and

WHEREAS, the Council of the City of Bedford by the passage of **Ordinance No. 7780-05** on **December 19, 2005** provided for increases to the rates at which users of the Water System are charged for the purchase of water in order to provide funds to pay the increased cost of purchasing water from the City of Cleveland and to pay the costs of improvements to the Water System, including the debt charges on bonds and notes of the City the proceeds of which paid or will pay the costs of such improvements; and

WHEREAS, this Council now desires to replace **Ordinance No. 7780-05** in order to increase the rates at which users of the Water System are charged for the purchase of water in order to provide funds to pay the increased cost of purchasing water from the City of Cleveland in subsequent years and to pay the costs of improvements to the Water System, including the debt charges on bonds and notes of the City the proceeds of which paid or will pay the costs of such improvements;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bedford, County of Cuyahoga, State of Ohio:

Section 1. That **Ordinance No. 7780-05** is hereby **amended and repealed as follows**:

Section 2. The Director of Finance has determined that an annual 3 percent (3%) increase in water rates is necessary to maintain the viability of our water fund. The 3 percent (3%) annual increase is needed to pay the increasing costs of purchasing water from the City of Cleveland, the labor costs and expenses of the Water Department, and the debt charges on bonds and notes the proceeds of which paid for or will pay for capital improvements to the water system. This increase shall be in addition to any rate adjustments made by the City of Cleveland, Division of Water.

Section 3. Council for the City of Bedford hereby declares that water rates shall increase annually by the greater of 3 percent (3%) or the annual percentage change in the Midwest Urban

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Consumer Price Index as measured from October to October of each calendar year. Said increase shall take effect January 1 of each and every year. This increase shall be in addition to any rate adjustments made by the City of Cleveland, Division of Water.

Section 4. No later than December 15th of every year, commencing in the year **2019**, the Director of Finance shall determine the applicable water rates in accordance with the provisions of this ordinance. After the rate is determined, it shall become effective January 1st of the subsequent year. **The City of Cleveland has passed a Master Meter Water Increase to \$35.05 for 2019 and \$36.69 from the current rate of \$33.35 a corresponding 5.0975% for 2019 and 4.6790% increase for 2020. City Council is hereby, increasing the water rates in the amount of .0975% for the year 2019. Council is hereby waiving the 3% increase per Section(A) below.**

Section 5. The new water rate as determined by the Director of Finance shall be kept on file with the Clerk of Council for public inspection.

Section 6. The minimum monthly water service charge (“base rate”) shall be paid by each and every customer supplied with water by the City of Bedford.

Commencing on **January 1, 2019 and continuing through December 31, 2022**, the base rate for customer having meters of the following sizes was established:

		<u>2021 Current Minimum Monthly Charge</u>	<u>2022 Charge</u>
5/8" or 3/4"	meter	\$28.47	\$28.47
1"	meter	39.06	39.06
1-1/4"	meter	45.35	45.35
1-1/2"	meter	57.81	57.81
2"	meter	70.31	70.31
3"	meter	132.82	132.82
4"	meter	195.28	195.28
6"	meter	429.61	429.61
8"	meter	570.25	570.25

In addition, each customer supplied with water by the City of Bedford, for water in excess of 300 cubic feet used during each month, as measured by the water meter reading with respect to each such month, shall pay (i) for each cubic foot of the first 100 cubic feet of water in excess of such 300 cubic feet, a charge of **four and forty-seven one hundredths cents (\$0.0447)**, and (ii) for each cubic foot of water in excess of such first 100 cubic feet described in the immediately preceding item (i), a charge of **six and seventy one-hundredths cents (\$0.0670)**.

- (A) All of the aforementioned water rates shall be increased on an annual basis commencing in the year **2019-2022**. All of the water rates mentioned shall be adjusted by the Director of Finance by December 15th of each year to reflect either a 3 percent increase or the annual increase in the Midwest Urban Consumer Price Index as described in Section 3 of this ordinance, whichever is greater. This

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increase shall be in addition to any rate adjustments made by the City of Cleveland, Division of Water. The new base rates as certified by the Director of Finance shall become effective January 1st of the subsequent year.

Section 7. Notwithstanding the previous provisions of this ordinance relating to water rates, each eligible senior citizen of the City of Bedford supplied with water by the City of Bedford was charged a base rate of **\$19.91** for the year **2019-2022**. In addition,

- (A) In addition, for water in excess of 300 cubic feet used during each month, as measured by the water meter reading with respect to each such month, (i) for each cubic foot of the first 100 cubic feet of water in excess of such 300 cubic feet, a charge of **three and forty-four one-hundredths cents (\$0.0344)**, and (ii) for each cubic foot of water in excess of such first 100 cubic feet described in the immediately preceding item (i), a charge of **five and eighteen one-hundredths cents (\$0.0518)**.

All eligible senior citizens shall be subject to the same annual water rate increases as described in Section 6 (A) of this ordinance.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including the City's Charter and Codified Ordinances and Section §121.22 of the Ohio Revised Code.

Section 9. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare in that loss of water revenues as described in the recitals of this ordinance must be curtailed at the earliest possible time in order to maintain the financial stability of the Water System and, provided it receives the affirmative vote of at least five (5) members elected to Council, this ordinance shall be in full force and effect immediately upon its passage; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st Rdg. September 20, 2021

2nd Rdg. October, 4, 2021

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Stanley C. Koci, Mayor – President of Council

Tracy M. Simons, Clerk of Council

Prepared and approved as to legal content by: _____
John J. Montello, Law Director

PASSED: October 4, 2021
[§911.01 (e)]