

ORDINANCE

EBROSCO ORDINANCE

AN ORDINANCE AMENDING AND READOPTING ORDINANCE NO. 7853, ADOPTED MAY 15, 1985, AS AMENDED FROM TIME TO TIME PURSUANT TO DULY ADOPTED ORDINANCES, INCLUDING, BUT NOT LIMITED TO, ORDINANCE NO. 11542 AND EBROSCO ORDINANCE 1887, EACH ADOPTED ON AUGUST 25, 1999, AND ORDINANCE NO. 12334 AND EBROSCO ORDINANCE NO. 2068, AND ORDINANCE NO. 12647 AND EBROSCO ORDINANCE NO. 2131, EACH ADOPTED MAY 28, 2003, (COLLECTIVELY, THE "SEWER USER FEE ORDINANCE"), SO AS TO AMEND DEFINITIONS THEREOF AND TO REVISE THE BASE RATE AND VOLUME CHARGE CALCULATIONS FOR THE SEWER USER FEE; AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

WHEREAS, on May 15, 1985, the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge (the "Metropolitan Council"), acting as governing authority of the Parish of East Baton Rouge and City of Baton Rouge, State of Louisiana, adopted Ordinance 7853 for the purpose of placing sewerage service charges or user fees into effect, all in accordance with Article VI, Section 19 of the Louisiana Constitution of 1974, as amended, Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, and in accordance with the findings of the Sewerage Control Commission of East Baton Rouge Parish, which was created and established under the authority of Act 546 of the 1984 Regular Session of the Louisiana Legislature, which sewerage service charges or user fees provide necessary funds to acquire, operate and maintain for the Parish of East Baton Rouge, a comprehensive sewerage system that complies with all applicable environmental quality standards; and

WHEREAS, in accordance with Section 9 of Ordinance 7853, the Metropolitan Council is required to review annually the sewerage service charges or user fees in effect at such time in order to determine whether the sewerage service charges or user fees are sufficient to, at a minimum, pay the actual costs of administration, operation, maintenance, extension, development and improvement, including debt service on any sewer revenue bonds or any other indebtedness payable from the sewerage service charges or user fees, of the comprehensive sewerage system within the Parish of East Baton Rouge, State of Louisiana; and

WHEREAS, the Metropolitan Council has from time to time amended Ordinance No. 7853 pursuant to duly adopted ordinances of the Metropolitan Council, for the purpose of, among other things, adjusting the sewerage service charges or user fees within the Parish of East Baton Rouge, State of Louisiana, including, but not limited to, pursuant to Ordinance No. 11542 and EBROSCO Ordinance 1887, each adopted by the Metropolitan Council on August 25, 1999, and Ordinance No. 12334 and EBROSCO Ordinance No. 2068, each adopted by the Metropolitan Council on June 12, 2002, and Ordinance No. 12647 and EBROSCO Ordinance No. 2131, each adopted by the Metropolitan Council on May 28, 2003, (hereinafter referred to collectively as the "Sewer User Fee Ordinance"); and

WHEREAS, the Metropolitan Council has now determined to amend and readopt Ordinance No. 7853, as amended from time to time pursuant to duly adopted ordinances of the Metropolitan Council, for the purpose of amending certain definitions thereof and to revise the Base Rate (as defined herein) and volume charge calculations for the Sewer User Fee.

NOW, THEREFORE, BE IT ORDAINED by the Metropolitan Council of

the Parish of East Baton Rouge and City of Baton Rouge, acting as governing authority of the Parish of East Baton Rouge, State of Louisiana (the "Parish"), the City of Baton Rouge, State of Louisiana (the "City"), and The Greater Baton Rouge Consolidated Sewerage District (the "District"), and acting as the governing authority of the East Baton Rouge Sewerage Commission ("EBROSCO"), in its capacity as Board of Commissioners thereof, and all in accordance with that certain Intergovernmental Agreement dated October 8, 1986, by and among the Parish, the City and the District, as amended by the Amendatory Intergovernmental Agreement dated as of June 1, 1987, the Second Amendatory Intergovernmental Agreement dated as of September 1, 1987, the Third Amendatory Intergovernmental Agreement dated May 4, 1992, the Fourth Amendatory Intergovernmental Agreement dated January 24, 2002, and the Fifth Amendatory Intergovernmental Agreement dated June 29, 2006 (collectively, the "Local Services Agreement"), that:

Section 1. **Definitions.** The following words and phrases used herein shall have the following meanings:

*"Applicable Meter Reading Period"* means the six-month period during which Water Company Meter Readings are made to compute the Sewer User Fee (as herein defined) from each Contributor. Such six months are designated as October, November, and December of the preceding year and February, March, and April of the current year. The Water Company Meter Readings from these months shall be used to determine the user fee effective July 1<sup>st</sup> of the current year. *For example, the Sewer User Fee effective on July 1, 2022, shall be computed based on the average water consumption for October, November, and December of 2021 and February, March, and April of 2022. When meter readings are determined to be invalid by the Finance Director, the customer average will be used.*

*"Baker Corporate Limits"* means all the territory situated within the corporate limits of the City of Baker, as amended from time to time.

*"Baker-Zachary Corporate Limits"* means all the territory situated within the corporate limits of the Cities of Baker and Zachary, as amended from time to time.

"Base Rate" means the Sewer User Fee rate in effect on January 1, 2021, as increased annually by four percent (4%) on each January 1 thereafter, commencing January 1, 2022, and prior to any adjustment, if so required. Said base rate for the Sewer User Fee shall be based on a cost of service rate analysis.

"Billing and Collecting Agent" or "Agent" means the Water Company, corporation, partnership, individual or other legal entity that has contracted with the Parish to provide the services of the Agent, which Agent shall perform the following services:

(1) receive from the Water Company (who may be the Agent) Water Company Meter Readings for Applicable Meter Reading Period and compute and print each Contributor's monthly User Fee.

(2) mail and/or deliver each Contributor's Monthly User Fee Bill to the correct address insofar as possible.

(3) receive and account for User Fee revenues paid by Contributors and remit such monies on a daily basis, as collected, for deposit in the Revenue Fund with Treasurer, or the East Baton Rouge Parish Fiscal Agent Bank, if directed by the Treasurer.

(4) maintain books and records open for inspection by the Parish during regular business hours at the Service Fee Business Office and/or at the office of the Agent, as provided in the agreement between the Parish and the Agent.

(5) contract with the Parish to assist the Agent in collecting the User Fee through the Service Fee Business Office to be established and maintained by the Parish, and to similarly establish other convenient places of payment, such as banks and department stores, subject to the approval of the Parish and the Agent.

Provided, however, notwithstanding anything set forth herein, it is hereby understood and agreed that the Metropolitan Council may, at any time, contract with any other company or entity for the purpose of acting as Billing and Collecting Agent.

Chief Administrative Officer means the Chief Administrative Officer to the Mayor-President for the City of Baton Rouge and the Parish of East Baton Rouge under the Plan of Government.

"City" means the City of Baton Rouge, Louisiana, with the Mayor-President and Metropolitan Council as the governing authority thereof, under the Plan of Government.

"City-Parish Corporate Limits" means all the territory

situated within the corporate limits of the Parish of East Baton Rouge, including the City of Baton Rouge and the City of Central, and excluding the territory situated within the Baker-Zachary Corporate Limits, as amended from time to time.

"*Contributor*" means an individual or place of business or industry or other entity discharging or required to discharge Wastewater into the Sewerage System.

"*Cycle Billing and Collection Basis*" means the preparation, mailing and collection of the Monthly User Fee Bill commencing on the first business day of each month and continuing on each business day thereafter, as is necessary to economically and efficiently administer the load level of all Contributors in the Parish.

"*Customer Average*" means the volume of Wastewater, as determined by reference to a table or other objective criteria promulgated by the Finance Director, imputed to (1) an Unmetered Contributor, and (2) a Metered Contributor for whom, for any reason, historic Water Company Meter Readings have not been made during the Applicable Meter Reading Period.

"*Director of Environmental Services*" means the Director of Environmental Services for the City of Baton Rouge and the Parish of East Baton Rouge under the Plan of Government.

"*Finance Director*" means the Director of Finance of the Parish of East Baton Rouge, under the Plan of Government.

"*Metered Contributor*" means a Contributor who consumes Water, the volume of which is determined by a water meter or other measuring device during an Applicable Meter Reading Period.

"*Monthly User Fee Bill*" or "*Bill*" means a postcard or sheet of paper, which will be mailed or delivered by the Billing and Collecting Agent to each Contributor once a month, on a Cycle Billing and Collection Basis, and which sets out the amount of the Contributor's User Fee, together with delinquent User Fees, if any, with interest, penalties, disconnection and reconnection charges as may be due under the Regulations.

"*Nonpotable Water*" means untreated water from any source, which is to be discharged into the Sewerage System, or is obligated under law to be discharged into the Sewerage System.

"*Parish*" means the Parish of East Baton Rouge, Louisiana, with the Mayor-President and Metropolitan Council as the governing authority thereof under the Plan of Government.

"*Parish Corporate Limits*" means City-Parish Corporate

Limits and Baker-Zachary Corporate Limits, combined.

"*Plan of Government*" means the Plan of Government of the City and Parish, as now or hereafter amended, which was adopted August 12, 1947, and became effective January 1, 1949.

"*Potable Water*" means pure, fresh water, suitable for consumption by humans.

"*Rate*" means (1) the cost, measured in cents, for each 100 gallons of Wastewater Discharge used in computing the User Fee, and (2) the minimum monthly User Fee. The Rate adopted hereunder consists of the amounts respectively shown in Section 2 hereof.

"*Regulations*" means rules, guidelines and procedures to be developed, coordinated, promulgated and kept up to date by the Finance Director, referred to in Sections 6 and 7 hereof, for the economic and efficient administration of the provisions of this Ordinance.

"*Sewerage Districts*" means, collectively, the Greater Baton Rouge Consolidated Sewerage District, all City and Parish sewerage districts consolidated with the Greater Baton Rouge Consolidated Sewerage District, and any sewerage districts now or hereafter created by the City or the Parish.

"*Sewerage System*" means all Wastewater collection sewers, Wastewater pumping and transmission and Wastewater treatment facilities now existing or hereafter constructed, acquired, owned or operated by the Parish of East Baton Rouge, including all such existing facilities of the City and Sewerage Districts leased to and contracted to be operated, maintained and improved by the Parish hereunder, which Sewerage System is hereby declared to be a combined "revenue-producing public utility" within the meaning of Title 33, Section 4161 of the Louisiana Revised Statutes of 1950, as amended.

"*Treasurer*" means the Treasurer of the Parish of East Baton Rouge, under the Plan of Government.

"*Unmetered Contributor*" means a Contributor who consumes Potable Water and/or Nonpotable Water, the volume of all or any material part of which is not measured by a water meter or other device during an Applicable Meter Reading Period.

"*User Fee*" or "*User Fees*" or "*Sewer User Fees*" means the sewerage service charges or user fees levied and to be collected under the Sewer User Fee Ordinance from each Contributor.

"*Wastewater*" means sewage or other waste effluent required by law to be discharged into the Sewerage

System.

"*Wastewater Discharge*" means the volume of Wastewater imputed to each Contributor for the purpose of computing the User Fee based on (1) Water Company Meter Readings during the Applicable Meter Reading Period, or (2) the Customer Average.

"*Water*" means Potable Water and Nonpotable Water consumed by a Contributor, a portion of which is discharged into or must, under applicable law, be discharged into the Sewerage System.

"*Water Company*" means an individual corporation, partnership or other private legal entity and the Cities of Baker and Zachary, engaged in the business of providing Potable Water and water system services within the Parish Corporate Limits, during any Applicable Meter Reading Period.

"*Water Company Meter Readings*" means water meter readings of volume of Potable Water sold to each Contributor by a Water Company through the use of water meters during an Applicable Meter Reading Period.

"*Zachary Corporate Limits*" means all the territory situated within the corporate limits of the City of Zachary, as amended from time to time.

Section 2. **User Fee.** There is hereby authorized to be collected by the Parish from each Contributor, commencing January 1, 2022, monthly Sewer User Fees to pay the reasonable and necessary costs of administration, operation, maintenance, replacement and improvement of the Sewerage System, as follows:

(a) In the City-Parish Corporate Limits, a User Fee as follows:

1) for the period commencing January 1, 2022, for the first 3,000 gallons (401.07 cu. ft.) or less of Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$25.48 per month. For all Wastewater Discharge in excess of 3,000 gallons (401.07 cu. ft.) per month, a Base Rate of six dollars and one hundred eight-three/one-thousands cents (\$6.183) for each 1,000 gallons of Wastewater Discharge. The Customer Average for the purpose of billing an Unmetered Contributor shall be 8,600 gallons per month.

2) For the period commencing July 1, 2022, for the first 3,000 gallons (401.07 cu. ft.) or less of Wastewater Discharge, a Base Rate or

Minimum Charge (as defined herein) of \$26.46 as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized. For all Wastewater Discharge in excess of 3,000 gallons (401.7 cu. Ft.), a Base Rate of six dollars and one hundred sixty-seven/one-thousands cents (\$6.167) for each 1,000 gallons of Wastewater Discharge as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model. Effective January 1, 2023, and the first day of January of each year thereafter, each Base Rate then in effect in the Cost of Service Rate Formula shall be increased by four percent (4%) of the applicable Base Rate in effect on December 31 of the immediately preceding year to produce individual Cost of Service Rates.

3) On July 1, 2022, the Customer Average for the purpose of billing an Unmetered Customer shall be based on a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model. On October 1 of each year, the aforementioned Customer Average shall be communicated to the Finance Director for the subsequent calendar year (beginning January 1) using the Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model. The Customer Average shall be authorized for wastewater discharge in thousands of gallons. The Finance Director or designee will review the annual calculated Customer Average to determine if the average has materially changed and whether a new Customer Average should be implemented.

4) The Director of Environmental Services or designee shall calculate by September 1 of each calendar year the Cost of Service Rates for customers in the City-Parish Corporate Limits and said rates shall be effective on January 1 of the next calendar year. The Finance Director or designee shall review the proposed Cost of Service Rates for customers in the City-Parish Corporate Limits prior to their October 1 certification date. If the Finance Director or designee disagrees with the calculated rates, the Chief Administrative Officer will make the final determination on rates.

(b) In the City of Baker Corporate Limits, a User Fee as follows:

1) For the period commencing January 1, 2022, for the first 4,000 gallons or less of Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$31.68 per month less a credit of \$5.50 per month which yields \$26.18 per month. For all Wastewater Discharge in excess of 4,000 gallons a Base Rate of six dollars and one hundred eighty-three/one-thousands cents (\$6.183) for each



1,000 gallons of Wastewater Discharge. The Customer Average for the purpose of billing an Unmetered Contributor shall be 8,600 gallons per month.

2) For the period commencing July 1, 2022, for the first 3,000 gallons (401.07 cu. ft.) or less of Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$23.66 as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized for the Transportation and Treatment of Wastewater Discharge. No monthly billing credit shall be granted under this provision. For all Wastewater Discharge in excess of 3,000 gallons (401.7 cu. Ft.), a Base Rate of four dollars and sixty/one-thousands cents (\$4.060) as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized for each 1,000 gallons of Wastewater Discharge. Effective January 1, 2023, and the first day of January of each year thereafter, each Base Rate then in effect in the Cost of Service Rate Formula shall be increased by four percent (4%) of the applicable Base Rate in effect on December 31 of the immediately preceding year to produce individual Cost of Service Rates.

3) On July 1, 2022, the Customer Average for the purpose of billing an Unmetered Customer shall be based on a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model. On October 1 of each year, the aforementioned Customer Average shall be communicated to the Finance Director for the subsequent calendar year (beginning January 1) using the Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model. The Customer Average shall be authorized for wastewater discharge in thousands of gallons. The Finance Director or designee will review the annual calculated Customer Average to determine if the average has materially changed and whether a new Customer Average should be implemented.

4) The Director of Environmental Services or designee shall calculate by September 1 of each calendar year the Cost of Service Rates for customers in the City of Baker Corporate Limits and said rates shall be effective on January 1 of the next calendar year. The Finance Director or designee shall review the Cost of Service Rates for customers in the City of Baker Corporate Limits prior to their October 1 certification date. If the Finance Director or designee disagrees with the calculated rates, the Chief Administrative Officer will make the final determination on rates.

(c) In the City of Zachary Corporate Limits, a

User Fee as follows:

1) For the period commencing January 1, 2022, for the first 6,000 gallons or less of Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$44.06 per month less a credit of \$8.30 per month which yields \$35.76 per month. For all Wastewater Discharge in excess of 6,000 gallons a Base Rate of six dollars and one hundred eighty-three/one-thousands cents (\$6.183) for each 1,000 gallons of Wastewater Discharge. The Customer Average for the purpose of billing an Unmetered Contributor shall be 8,600 gallons per month.

2) For the period commencing July 1, 2022, for the first 3,000 gallons (401.07 cu. ft.) or less Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$24.52 as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized for the Transportation and Treatment of Wastewater Discharge. No monthly billing credit shall be granted under this provision. For all Wastewater Discharge in excess of 3,000 gallons (401.7 cu. Ft.), a Base Rate of four dollars and four hundred sixty-six/one thousands cents (\$4.466) as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized for each 1,000 gallons of Wastewater Discharge. Effective January 1, 2023, and the first day of January of each year thereafter, each Base Rate then in effect in the Cost of Service Rate Formula shall be increased by four percent (4%) of the applicable Base Rate in effect on December 31 of the immediately preceding year to produce individual Cost of Service Rates.

3) On July 1, 2022, the Customer Average for the purpose of billing an Unmetered Customer shall be based on a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model. On October 1 of each year, the aforementioned Customer Average shall be communicated to the Finance Director or designee for the subsequent calendar year (beginning January 1) using the Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model. The Customer Average shall be authorized for wastewater discharge in thousands of gallons. The Finance Director or designee will review the annual calculated Customer Average to determine if the average has materially changed and whether a new Customer Average should be implemented.

4) The Director of Environmental Services or designee shall calculate by September 1 of each calendar year the Cost of Service Rates for customers in the City of Zachary Corporate Limits and said rates shall be effective on January 1 of

the next calendar year. The Finance Director or designee shall review the Cost of Service Rates for customers in the City of Zachary Corporate Limits prior to their October 1 certification date. If the Finance Director or designee disagrees with the calculated rates, the Chief Administrative Officer will make the final determination on rates.

(d) In the Parish Corporate Limits, in addition to the amounts above, the Surcharge referred to in Section 6 (g) hereof, for discharge of Wastewater exceeding the strength of 200 parts per million in biochemical oxygen demand or 250 parts per million in total suspended solids *shall be charged based on a cost of service methodology as prescribed in Ordinance 15224.*

(e) In the Parish Corporate Limits, in addition to the amounts above, the connection charges, reconnection charges and late charges, including interest for nonpayment or late payment of the User Fee.

(f) For Louisiana State University located in Baton Rouge, Louisiana, a User Fee as follows:

- 1) For the period commencing January 1, 2022, for the first 3,000 gallons or less of Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$25.48 per month. For all Wastewater Discharge in excess of 3,000 gallons a Base Rate of six dollars and one hundred eighty-three/one-thousands cents (\$6.183) for each 1,000 gallons of Wastewater Discharge. Louisiana State University shall be allowed a monthly credit of in the amount of \$8,743.07 to be applied to its Sewer User Fee for the campus located in Baton Rouge, Louisiana, where the University maintains its sewer collection lines, pumps, lift stations, etc. However, in no event may the credit allowed exceed the monthly bill to which it is applicable.
- 2) For the period commencing July 1, 2022, for the first 3,000 gallons (401.07 cu. ft.) or less Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$18.64 as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized for the Transportation and Treatment of Wastewater Discharge. No monthly billing credit shall be granted under this provision. The provisions of Ordinance 8657 are hereby repealed. For all Wastewater Discharge in excess of 3,000 gallons (401.7 cu. Ft.), a Base Rate of five dollars and seven hundred forty-seven/one thousands cents (\$5.747) as

calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized for each 1,000 gallons of Wastewater Discharge. Effective January 1, 2023, and the first day of January of each year thereafter, each Base Rate then in effect in the Cost of Service Rate Formula shall be increased by four percent (4%) of the applicable Base Rate in effect on December 31 of the immediately preceding year to produce individual Cost of Service Rates.

- 3) The Director of Environmental Services or designee shall calculate by September 1 of each calendar year the Cost of Service Rates for Louisiana State University and said rates shall be effective on January 1 of the next calendar year. The Finance Director or designee shall review the Cost of Service Rates for Louisiana State University prior to their October 1 certification date. If the Finance Director or designee disagrees with the calculated rates, the Chief Administrative Officer will make the final determination on rates.

(g) For Southern University, a User Fee as follows:

- 1) For the period commencing January 1, 2022, for the first 3,000 gallons or less of Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$25.48 per month. For all Wastewater Discharge in excess of 3,000 gallons a Base Rate of six dollars and one hundred eighty-three/one-thousands cents (\$6.183) for each 1,000 gallons of Wastewater Discharge.
- 2) For the period commencing July 1, 2022, for the first 3,000 gallons (401.07 cu. ft.) or less Wastewater Discharge, a Base Rate or Minimum Charge (as defined herein) of \$19.65 as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized for the Transportation and Treatment of Wastewater Discharge. For all Wastewater Discharge in excess of 3,000 gallons (401.7 cu. Ft.), a Base Rate of three dollars and four hundred seventy-six/one thousands cents (\$3.476) as calculated by a Cost of Service Rate Formula in the City-Parish's Sewer Financial Rate Model shall be authorized for each 1,000 gallons of Wastewater Discharge. Effective January 1, 2023, and the first day of January of each year thereafter, each Base Rate then in effect in the Cost of Service Rate Formula shall be increased by four percent (4%) of the applicable Base Rate in effect on December 31

of the immediately preceding year to produce individual Cost of Service Rates.

- 3) The Director of Environmental Services or designee shall calculate by September 1 of each calendar year the Cost of Service Rates for Southern University and said rates shall be effective on January 1 of the next calendar year. The Finance Director or designee shall review the Cost of Service Rates for Southern University prior to their October 1 certification date. If the Finance Director or designee disagrees with the calculated rates, the Chief Administrative Officer will make the final determination on rates.

Section 3. **Rescission of Section 2 of Ordinance No. 12647 and EBROSCO Ordinance 2131.** The Sewer User Fee Ordinance, specifically Section 2 of Ordinance No. 12647 and EBROSCO Ordinance 2131, adopted May 28, 2003, is hereby amended for the purpose of deleting and rescinding Section 2 of Ordinance No. 12647 and EBROSCO Ordinance 2131 in its entirety so as to revise the Base Rate and Volume Charge calculations for the Sewer User Fee.

Section 4. **Review of Sewer User Fee Ordinance.** Notwithstanding anything contained in the Sewer User Fee Ordinance to the contrary and except as provided hereinbelow, all increases in the Sewer User Fee as authorized by Section 1 of Ordinance No. 11542 and EBROSCO Ordinance 1887 and Section 2 of Ordinance No. 12334 and EBROSCO Ordinance 2068, shall cease and no longer be in full force and effect upon adoption by the Metropolitan Council of the Revised Sewer User Fee Ordinance. At the first regularly scheduled meeting of the Metropolitan Council subsequent to July 1, 2023, the Metropolitan Council will review the Sewer User Fee Ordinance. At such meeting, or at any regularly scheduled meeting of the Metropolitan Council thereafter, the Metropolitan Council is authorized to make adjustments to the Sewer User Fee Ordinance and such Revised Sewer User Fee Ordinance shall establish the Sewer

User Fee to be in effect subsequent to the date of such Metropolitan Council meeting. Provided, however, in no event shall the Metropolitan Council reduce the Sewer User Fee if such reduction will violate any of the covenants or provisions as set forth in General Bond Resolution No. 44893 adopted by the Metropolitan Council on June 28, 2006 and General Bond Resolution No. 7494 adopted by the East Baton Rouge Sewage Commission on June 28, 2006, as the same may be amended from time to time, and pursuant to which the sewer revenue bonds of the East Baton Rouge Sewerage Commission were issued, or which would in any way violate any of the covenants or provisions relating to any other resolution or instrument pursuant to which sewer revenue bonds have been issued. Furthermore, in all cases, the User Fee must at all times be maintained at a level that will produce sufficient revenues to make payments for the cost of administration, operation, maintenance, depreciation, replacement, extension and improvements of the Sewerage System, including any payments required by the provisions of any resolution authorizing the issuance of sewer revenue bonds, or the provisions of any other instrument relating to indebtedness payable from the User Fee. In the event the Metropolitan Council fails to adopt said Revised Sewer User Fee Ordinance, the Sewer User Fee, including all increases in the Sewer User Fee authorized in Section 2 of Ordinance No. 12647 and EBROSCO Ordinance 2131 shall remain in full force and effect until such time as the Metropolitan Council takes formal action with respect to such matter.

Section 5. **Payment Dates.** The Sewer User Fee may be payable in advance on such date as may be provided for in the Monthly User Fee Bill which shall be mailed or delivered on a Cycle Billing and

Collection Basis, and continuing each business day thereafter until the monthly cycle has been completed.

Section 6. **Regulations.** The Finance Director is hereby empowered, authorized and directed to prepare and promulgate Regulations necessary to collect and administer the collection and deposit of the Sewer User Fee authorized by the Sewer User Fee Ordinance, which Regulations shall contain provisions dealing with the following subject matters and be subject to guidelines, as follows:

(a) The Regulations shall define the Customer Average volume of Wastewater on the basis of objective criteria and guidelines, charts and procedures with respect to (1) an Unmetered Contributor, and (2) a Metered Contributor for whom, for any reason, historic Water Company Meter Readings are not available for an Applicable Meter Reading Period.

(b) The User Fee initially adopted herein has been adjusted to reflect the assumption that the average Contributor discharges as Wastewater 85% of Potable Water consumed during the Applicable Meter Reading Period. If a Contributor can demonstrate to the satisfaction of the Finance Director that a lower percentage of Potable Water is discharged to the Sewerage System, the Regulations shall empower the Finance Director to reduce the Wastewater Discharge in computing the User Fee by an appropriate amount. The Finance Director shall maintain a current list of all reductions granted and the reasons supporting such reduction. No reduction will be allowed for lawn watering at residences.

(c) For collection of the User Fee, the Water Company shall supply to the Billing and Collecting Agent (which Agent may be the Water Company) the Water Company Meter Readings for the Applicable Meter Reading Period by no later than June 1<sup>st</sup> of each year. These Water Company Meter Readings shall be used to determine the average consumption of Metered Contributors, which shall be effective July 1<sup>st</sup> of each year.

(d) The Billing and Collecting Agent shall promptly compute each Contributor's proposed User Fee on the basis of the current calendar year's Rate for use by the Parish in determining the need to adjust the Rate as necessary to produce sufficient net sewerage revenues under the capital improvement and operation and maintenance budgets of the Sewerage System. The Sewerage System budgets required hereunder shall be adopted by the Parish pursuant to the same rules and procedures applicable to the adoption of the general fund budgets of the City and the Parish under the Plan of Government. As promptly as possible, the Parish shall certify the User Fee for the next following calendar year. Such

promulgation shall occur no later than October 1<sup>st</sup> of each year. The Parish shall provide such showings and computations as will facilitate the Rate adjustment and annual budgeting process toward the end that the User Fee shall be maintained at the lowest levels possible consistent with good budgetary practice.

(e) The Parish will stipulate the form of the Monthly User Fee Bill.

(f) The Parish shall establish and maintain jointly with the Agent a "Service Fee Business Office" for the public convenience for the purpose of providing services to citizens and customers of the Sewerage System. Such office shall constitute a multiple services office to receive payment of Bills, correct and adjust Bills, answer questions, receive and act on complaints, and, under the Finance Director, be responsible for:

(1) receiving from the Billing and Collecting Agent notices of default in timely payment of the User Fee, and

(2) directing the issuance of an order of condemnation authorizing termination of utility services to designated premises related to a default in the payment of the User Fee.

(g) The Regulations shall provide for a surcharge for discharge of Wastewater exceeding the strength of 200 parts per million in biochemical oxygen demand or 250 parts per million of total suspended solids. The rate of the surcharge applicable to customers shall be determined by a Cost of Service formula in the City-Parish's Sewer Financial Rate Model as defined in Ordinance No. 15224 and EBROSCO Ordinance No. 8840.

(h) The Regulations shall provide that if any Contributor to the Sewerage System fails or neglects to timely pay the User Fee, the Finance Director, through the Service Fee Business Office, shall have authority to order the immediate condemnation of the affected premises and discontinuance of service of one or more utilities to such premises. Any utility discontinuing service shall be entitled to prompt reimbursement from the Revenue Fund, as an operating cost of the Sewerage System, of a disconnection and reconnection fee for the providing of such services to the Sewerage System, said fee to be in an amount to be agreed upon between the utility and the Parish. The Parish shall be entitled to reimbursement in an amount equal to the cost incurred as a result of the disconnection and reconnection of the utility service, which shall be and constitute a part of the User Fee levied and authorized to be collected hereunder.

(i) A schedule of security deposits may be established to assure and secure the timely payment of the User Fee and late charges. Security deposits, late charges and other fees and charges shall not be in excess of amounts customarily



authorized for utility systems in the State of Louisiana.

Section 7. **Refunds.** Regulations promulgated hereunder shall provide for the right of appeal for refund of User Fees paid under protest with respect to any provision, application or effect of the Sewer User Fee Ordinance and said Regulations.

Section 8. **Vehicle Interference.** To provide for the disconnection of water service for non-payment of the sewer user fee where a vehicle is parked in such a manner as to obstruct the water meter thereby making disconnection impossible, the Finance Director may provide for removal as follows:

(a) The Service Fee Business Office shall cause to be placed, either by a representative of that office or the water company, on the interfering vehicle a notice stating that the vehicle is interfering with access to a water meter, giving the owner ten (10) days to move the vehicle, giving a phone number of the employee of the Service Fee Business Office to inform of any special circumstances that might exist, and stating the costs that would be incurred by the resident owner should the vehicle have to be towed or lifted.

(b) In addition to the notice, the Finance Director may order the resident to remove the interfering vehicle through personal service or certified mail. Such order shall include the phone number of an employee of the Service Fee Business Office empowered to cancel any towing or moving directive upon being given reasonable cause for the failure of the resident to move the vehicle and proof that good faith efforts are being made to pay the outstanding balance of the sewer user fee. The order shall further require compliance within ten (10) days from service, and shall provide that, should the resident choose to comply by moving the vehicle, in order to avoid a fee for requiring a visit by the tow truck, the resident must notify the Service Fee Business Office that the vehicle no longer interferes with access to the water meter.

(c) If the resident refuses to comply with the order, after an additional ten (10) days have lapsed from the service of notice and no satisfactory explanation has been received by the Finance Director for the failure of the resident to move the vehicle, the vehicle may be either towed away or, if possible, the vehicle may be moved or lifted to permit access to the water meter, either being at the expense of the resident. The water service of the resident may not be reconnected until all payments, including the towing service, have been paid.

(d) The towing company responsible for the service detailed in this Section shall be selected in accordance with

the Public Bid Law, R.S. 38:2211, et seq.

Section 9. **Local Services Agreement.**

(a) In accordance with Section 10.5 of the Local Services Agreement, it is recognized and understood that all Sewer User Fees and moneys collectible and due and payable under the Sewer User Fee Ordinance shall be deposited and collected to the credit of the East Baton Rouge Sewerage Commission, created and established pursuant to the Local Services Agreement under the authority of La. R.S. 33:1321, et seq., and Article VI, Section 20 of the Louisiana Constitution of 1974, as amended, as set forth in Section 8(b) hereof and in the Local Services Agreement and pursuant to any bond resolutions (including the General Bond Resolution referred to in Section 4 hereof) providing for the issuance of sewer revenue bonds of the East Baton Rouge Sewerage Commission or the Parish, as the case may be.

(b) All revenues derived by the Parish from collection of the User Fee shall be deposited into a special dedicated fund to be known as the "Comprehensive Sewerage System Revenue Fund" or "Revenue Fund." Monies in the Revenue Fund shall be used solely for the making of payments for the cost of administration, operation, maintenance, depreciation, replacement, extension and improvement of the Sewerage System, including any payments required by the provisions of any resolution authorizing the issuance of sewer revenue bonds, or the provisions of any other instrument relating to indebtedness payable from the User Fee.

(c) Monies in the Revenue Fund shall not be available for transfer, appropriation or expenditure by the Parish for any purpose, other than the purposes specified in this Section and in the resolution or resolutions providing for the issuance of sewer revenue bonds, or the provisions of any other instrument relating to indebtedness payable from the User Fee.

(d) Monies on deposit in the Revenue Fund not needed for expenditure shall be invested by the Treasurer in direct obligations of the United States and in other securities authorized by Louisiana law for the deposit of public funds. Monies earned on investment of idle funds shall be credited to the Revenue Fund for the purposes of the Fund. The investments required by this Section shall be carried out by the Treasurer as a part of the central cash management plan of the City and Parish under the Plan of Government.

Section 10. **Exemptions from User Fee.** No free services shall be provided by the Sewerage System to any building, place of residence, facility or other premises, and all Contributors shall be obligated to pay the User Fee provided for herein, without exception or discrimination, including local, state and federal governmental entities and nonprofit and religious corporations or organizations. Consumers of Potable Water who do not discharge Wastewater into the Sewerage System and who are not obligated by local or state law to connect to the Sewerage System for the discharge of Wastewater into the environment are not subject to the User Fee. Any premises which has its own treatment works, such as septic tanks not operated and maintained at public expense, and who may discharge Wastewater into the environment in compliance with all local, state and federal laws and regulations, shall not be subject to the User Fee.

Section 11. **Review of User Fee.** Subject to the provisions of Section 4 hereof, the Rate established herein shall be reviewed annually by the Metropolitan Council and shall be revised to reflect, at a minimum, the cost of administration, operation, maintenance, extension, development and improvement, including debt service on any sewer revenue bonds or other indebtedness relating to the Sewerage System, to the extent not otherwise provided by other financing sources of the Parish.

Section 12. **Severability.** If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 13. ***Outstanding Ordinances.*** All ordinances, resolutions or other actions adopted by or on behalf of the City of Baton Rouge, the Parish of East Baton Rouge, the Greater Baton Rouge Consolidated Sewerage District or the East Baton Rouge Sewerage Commission, in conflict herewith, are hereby repealed.