

ORIGINAL

RESOLUTION 2009- 77

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AMENDING
STORM WATER RATE SETTING
CITIZENS ADVISORY COMMITTEE CHARTER**

WHEREAS, Resolution 2009-34 was approved by the City Council on April 13, 2009, establishing a Storm Water Rate Setting Citizens Advisory Committee and Charter and,

WHEREAS, the City Council desires to amend Storm Water Rate Setting Citizens Advisory Committee Charter to better serve the interests of the City and the Committee's purposes;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1: The Storm Water Rate Setting Citizens Advisory Committee Charter is hereby amended to read as provided in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall be effective upon passage and signatures hereon in accordance with law.

PASSED this 14th day of September, 2009.



PABLO GARCIA, MAYOR

ATTEST:


DEBROAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:

MENKE JACKSON BEYER EHLIS AND
HARPER, LLP, ATTORNEYS AT LAW

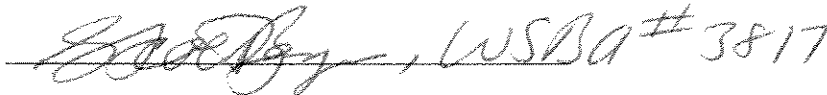

_____, WSBA # 3817

EXHIBIT "A"

Storm water Rate Setting Citizens Advisory Committee Charter

Composition

- The committee ~~may~~ **will** be comprised of representatives representing the broad variety of interests affected by decisions related to the rate formulation.
 - One small residential property owner (less than .5 acre)
 - One medium residential property owner (between .5 and 1 acre in size)
 - One large residential property owner (1 acre or greater)
 - One downtown commercial property owner
 - One Yakima Valley Highway property owner
 - One large industrial/commercial property owner (10+ acres)
 - One non-profit/religious/fraternal property owner
 - One agricultural property owner
 - ~~Council representation~~

Stormwater Budget

- The City Council with input from City Manager & Staff will make a decision as to the minimum expenditure level needed to comply with the NPDES requirements in 2010 and beyond.
- The final expenditure level will then be provided to the Citizens Advisory Committee for use in establishing the methodology and formulae to determine stormwater fee rate for 2010 and beyond.

Principles for Decision making

- Rates should be cost-based and set at a level such that they meet the full revenue requirements of the utility.
- Rates should be easy to understand and administer.
- Fees and the process of allocating costs should conform to "generally accepted" fee setting techniques.
- Rates should be stable, in their ability to provide adequate revenues to meet the utility's financial, operational and regulatory requirements.
- Rate levels should be relatively stable from year to year from the customer's perception.
- Rates should be fair and equitable to customers.
- Rates should be legally defensible.

Ground Rules

- Must appoint a Chair, Vice-Chair and Secretary from committee members
- All meetings, discussions, communications of all sorts must conform to the Open Public Meetings Act – any interpretation questions on what this means will be raised in advance to the City Attorney for a final decision as to the legalities involved.
- All meetings will be recorded using Granicus audio and made available on-line.

- Action minutes will be taken by the Secretary and approved by the Committee and recorded with the City Clerk. Any questions about the applicability, legality and/or procedure to comply with this will be raised in advance to the City Clerk for a final decision as to the appropriate course of action.
- Each meeting will have an agenda and a discussion that is intended to last no longer than 1 ½ hours in length.
- All meetings will be open to the public.
- All committee members are expected to attend all the meetings and be prepared for discussion for each meeting.

Committee Process

- The Committee shall be responsible for recommending to Council the following:
 - The methodology and formulae used to determine stormwater fees for 2010
- All recommendations must accommodate best practices, including:
 - Using automation to the greatest extent practicable, if any of the methods, data, collection methods, formulae have an impact on staffing, resources or service levels– the City Manager shall provide the committee with any added costs needed to accommodate such practices – which will be added to the minimum expenditure level established by Council and collected through the rate structure.
 - Must be legal and not unduly or unacceptably expose the City to litigation risk – The City Attorney and City Manager will determine what constitutes undue or unacceptable legal risk for the Committee.
 - Result in compliance with the City’s NPDES stormwater permit and permit requirements.
 - All models, costs, analysis will be prepared by staff in consultation with the committee for a decision.
 - Must comply with the principles for decision-making listed above.
- Time is critical. A written report is due to Council within 90 days of the Committee’s first meeting.

Appointment Process

- The committee members should be appointed by the Mayor with input from council

Term

The committee will conclude upon acceptance of a final report from Council – but no later than November 30 ~~October 4~~, 2009