

ORDINANCE NO. 1496

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to surface water management rates, amending DMMC 11.12.020 to revise the annual inflation index calculation to a minimum rate increase of zero percent.

WHEREAS, from year to year, the combined CCI/CPI inflation index used to calculate the annual rate adjustment for surface water drainage may be in the negative,

WHEREAS, although the CCI/CPI inflation index may be negative, the operational and employee costs for the City to provide necessary services does not decrease,

WHEREAS, the City Council having considered this issue, recognizes the need to maintain the annual inflation adjustment to a minimum of zero percent; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 11.12.020 and section 2 of Ordinance No. 860 as amended by section 1 of Ordinance No. 927 as amended by section 1 of Ordinance No. 990 as amended by section 1 of Ordinance No. 1065 as amended by section 1 of Ordinance 1083 as amended by section 1 of Ordinance 1173 as amended by section 1 of Ordinance No. 1220-A as amended by section 2 of Ordinance No. 1246 as amended by section 1 of Ordinance No. 1368 as amended by section 1 of Ordinance No. 1437 are each amended to read as follows:

Service charge established for surface water service. There is established a system of service charges for surface water drainage service against all developed properties in the City.

(1) Monthly surface water utility rates shall be established on the basis of whether the developed property is used for a single-family unit, multifamily units, commercial properties, or nonprofit properties. Rates for all other surface water goods and services shall be established by executive order of the City Manager and published at the office of the Planning, Building, and Public Works Department.

(2) The rates for surface water drainage service shall be as reflected on Appendix "A" attached to the ordinance codified in this section, which is incorporated herein by this reference. The baseline rates contained in Appendix "A" shall take effect January 1, 2009. Effective January 1, 2010 and January 1 of each succeeding year thereafter, rates for surface water drainage service shall be established by, first, taking the rate service charge for the previous year (this figure is hereinafter referenced as the "base sum"); second, multiplying the base sum by a combination index of the Engineering News Record (ENR) Construction Cost Index (CCI) for the City of Seattle on March 31st of the current year and the Seattle Consumer Price Index (CPI-Urban Consumers), as measured

for the twelve (12) month period ending in June of the previous year as published by the U.S. Bureau of Labor and Statistics. The applicable index shall be calculated for the upcoming year as thirty percent (30%) of the ENR CCI for Seattle plus seventy (70%) percent of the Seattle CPI; and, third, adding the results to the base sum. Beginning January 1, 2010, and on January 1 of each succeeding year, the rates shall be established by applying updated CCI, CPI, and the end figures in like manner to the rates of the previous year. Beginning January 1, 2011, and on each succeeding year, should the combined CCI/CPI inflation index as calculated above be less than zero, then the base sum shall remain the same as the previous year.

(3) The monthly surface water service charge as applied to new development activity resulting in 500 square feet or more impervious area shall become effective on the date the land was cleared, graded or modified for the development as documented by the public works director. For new subdivisions, the effective date shall be approval date of the plat.

Sec. 2. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 3. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 18thth day of November, 2010 and signed in authentication thereof this 18thth day of November, 2010.


M A Y O R

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: December 2, 2010

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1496, Adopted November 18, 2010.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to surface water management rates, amends DMMC 11.12.020 to revise the annual inflation index calculation to a minimum rate increase of zero percent.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: December 2, 2010