

ORDINANCE NO. 905

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR AN
AMENDMENT OF CHAPTER 15 OF THE CODE OF THE FOX METRO
WATER RECLAMATION DISTRICT, KANE, KENDALL, WILL AND DUPAGE
COUNTIES, ILLINOIS**

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
FOX METRO WATER RECLAMATION DISTRICT, KANE, KENDALL,
WILL AND DU PAGE COUNTIES, ILLINOIS AS FOLLOWS:

Section I. Findings. It is found, determined and declared as follows:

(a) The District has heretofore adopted Ordinances pursuant to Chapter 15 of the Fox Metro Water Reclamation District Code which comply with federal and state laws and regulations providing for the collection of user charges sufficient to produce necessary revenues for the operation, maintenance, replacement, debt, and capital costs of the System. The District Code sets forth the method of determining the rate of that charge from time to time.

(b) Pursuant to the provisions of the federal and state laws and regulations and District Ordinances, the District is required to review the user charge rate periodically and revise the charge to reflect a change in the costs as set forth herein, and that pursuant thereto the District has made a review.

(c) That the Fox Metro Water Reclamation District serves many different municipalities and users which are not a consistent, uniform billing cycle, and the legislative intent of this Board is to apply the increase as specified herein below to all Users, irrespective of the billing cycles in which said User exists and irrespective of whether usage of this system has occurred prior to the effective date of the increases and before the next billing cycle.

(d) That the need for the increases as hereinafter provided has been established by a 2021 Rate Study recently submitted to the District on July 19, 2021 by Sikich, LLP. Operating principles, ILEPA agreements, and other loan covenants requires the rate increases to maintain a solvent sewer user charge system.

Section 2: User rate established. Chapter 15 of the Fox Metro Water Reclamation District Code is hereby amended to read as follows:

"Sec. 15.33. User rate established.

(a) There shall be and there is hereby established and imposed upon all users of the District's wastewater facilities and sewerage system a User Charge of **\$7.14** per 1,000 gallons of water consumption to be computed as set forth herein and in other applicable District Ordinances, said charge to become effective **January 1, 2022**, and to continue until **May 31, 2023**, at which time the User Charge shall be **\$7.50** per 1,000 gallons of water consumption to be computed as set forth herein and in other applicable District Ordinances, said charge to become effective **June 1, 2023** and to continue until **May 31, 2024** at which time the User Charge shall be **\$7.87** per 1,000 gallons of water consumption to be computed as set forth herein and in other applicable District Ordinances, said charge to become effective **June 1, 2024**, and to continue until **May 31, 2025** at which time the User Charge shall be **\$8.26** per 1,000 gallons of water consumption to be computed as set forth herein and in other applicable District Ordinances, said charge to become effective through **May 31, 2026** until otherwise changed. Each of the foregoing rate increases shall be applied to the billing cycle, which occurs on or after the effective date of the increase. The foregoing rates shall be reviewed biannually in the rate study.

Section 3: Severability. This Ordinance is severable and the invalidity or unconstitutionality of any portion thereof shall not affect the remaining portions thereof.

Section 4: Effective date. This Ordinance shall be in full force and effect upon its adoption.

ADOPTED BY THE BOARD OF TRUSTEES OF THE FOX METRO WATER RECLAMATION DISTRICT, this 22nd day of September, 2021 by a roll call vote as follows:

	Aye	Nay	Absent	Abstain
Judith S. Sotir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael C. Funkey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christopher F. Childress	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Krahn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Randall Brown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



 President of the Board of Trustees of the
 Fox Metro Water Reclamation District

ATTEST: Thomas A. Muth
 Assistant Clerk of the Board of Trustees of the
 Fox Metro Water Reclamation District

(SEAL)



STATE OF ILLINOIS)
)
COUNTY OF KENDALL)

CERTIFICATION

I, Thomas F. Muth, DO HEREBY CERTIFY that I am the duly qualified and now acting Assistant Clerk of the Board of Trustees of FOX METRO WATER RECLAMATION DISTRICT, of Kane, Kendall, DuPage and Will Counties, Illinois, and that as such Clerk, I am the keeper of the records and files of the Board of Trustees of said Fox Metro Water Reclamation District.

I DO FURTHER CERTIFY that I have the care and custody of all official records, and that the foregoing is a true and correct copy of "AN ORDINANCE OF THE BOARD OF TRUSTEES OF FOX METRO WATER RECLAMATION DISTRICT, KANE, KENDALL, DU PAGE AND WILL COUNTIES FOR AN AMENDMENT OF CHAPTER 15 OF THE CODE OF THE FOX METRO WATER RECLAMATION DISTRICT, KANE, KENDALL, WILL AND DU PAGE COUNTIES, ILLINOIS", duly adopted by the Fox Metro Water Reclamation District at a Regular Board meeting held on the 22nd day of September 2021.

IN WITNESS WHEREOF, I have hereunto affixed my hand and the official seal of said Fox Metro Water Reclamation District, this 22nd day of September 2021.

ATTEST:

Thomas A. Muth

Assistant Clerk of the Board of Trustees of the
Fox Metro Water Reclamation District

(SEAL)



PREPARED BY:
INGEMUNSON LAW OFFICES, LTD.
759 John Street- Suite A
Yorkville, IL 60560
630-553-5622