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ORDINANCE NO. 2017-01

**AN ORDINANCE OF THE OTTER ROCK WATER DISTRICT, UPDATING AND
CLARIFYING CURRENT RATES, FEES AND CHARGES CONSISTENT WITH THE
ADOPTED 2016-2017 BUDGET; AUTHORIZING FUTURE RATES, FEES, AND
CHARGES TO BE ADJUSTED BY RESOLUTION AND DECLARING AN
EMERGENCY**

Annotated to show deletions and additions to the code sections being modified. Deletions are bold lined through and additions are bold underlined.

WHEREAS, the Otter Rock Water District (hereinafter "District") is a properly formed Domestic Water Supply District created under ORS Chapter 264; and

WHEREAS, the District is expressly authorized by Oregon Revised Statutes Chapter 264 to adopt regulations, rates, fees and charges concerning the provision of water service; and

WHEREAS, the District complied with the water rate notice and hearing requirements of ORS 264.312 when setting, updating, and clarifying the rates referred to and compiled in this Ordinance; and

WHEREAS, on December 13, 2016, pursuant to published notice, the District conducted and approved First Reading of Ordinance 2016-01 and continued Second Reading of the Ordinance to January 10, 2017; staff was instructed to renumber the Ordinance, make corrections, and solicit public input consistent with ORS 264.312 on current and proposed rates and charges; and

WHEREAS, on January 10, 2017, the District considered written comments and testimony provided at the time set for public hearing/comment and after due deliberation and reading of changes to the Ordinance, conducted and approved Second Reading and adopted the Ordinance as an emergency enactment;

THE OTTER ROCK WATER DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. Current rates, fees and charges of the Otter Rock Water District. Subject to Section 3 below, the current rates, fees, and charges of the Otter Rock Water District as contemplated and described in the 2016-2017 adopted District budget or as otherwise provided, are hereby compiled, modified and ratified as set forth in Exhibit A attached hereto and made a part hereof by this reference.

SECTION 2. Inconsistent rates, fees and charges. Any rates, fees and charges whether previously set by Ordinance or Resolution which directly conflict with, or cannot be reconciled with, the rates, fees and charges established in accordance with ORS 264.312 and set forth in Exhibit A, shall be ineffective.

FILED

FEB 02 2017

1 **SECTION 3. Resolution setting rates, fees and charges.** The rates, fees and charges set
2 forth in Exhibit A may be modified by the Otter Rock Water District by Resolution after
3 compliance with the notice and hearing requirements of ORS 264.312.
4

5 **SECTION 4 Findings Adopted.** The findings contained in the Whereas Clauses of this
6 ordinance together with the competent substantial evidence in the record of this legislative
7 proceeding are incorporated into this section by reference as if fully set forth herein, and are
8 adopted in support of this legislative action.
9


10 **SECTION 5. Severability.** The sections, subsections, paragraphs and clauses of
11 this ordinance are severable. The invalidity of one section, subsection, paragraph,
12 or clause shall not affect the validity of the remaining sections, subsections,
13 paragraphs and clauses.
14

15 **SECTION 6. Ordinance Effective Date / Emergency.**


16 Inconsistent Ordinances and Resolutions concerning rates and charges must be made
17 consistent with the rates lawfully established during the budget process and otherwise in
18 accordance with notice and hearing procedures of ORS 264.312. Accordingly, an emergency
19 is declared in order that this Ordinance may be in force and effect from and after passage by
20 the Governing Body. Notice shall be provided of the emergency enactment as provided in
21 Chapter ORS 198.
22

23 Following a motion to be read by Title only, the foregoing ordinance was distinctly read by
24 Title only in accordance with Oregon Revised Statutes on the 13th day of December, 2016
25 (First Reading). and after changes were fully read and a motion for Declaration of an
26 Emergency, the Ordinance was distinctly read by Title a second time on the 10th day of
27 January 2017(Second Reading).
28

29 PASSED AND ADOPTED by the Board of Commissioners of the Otter Rock Water District
30 this 10th day of January, 2017.
31

32  1/10/2017
33 ROD ZAWALSKI, DATE
34 BOARD PRESIDENT
35

36 ATTEST:

37 
38 Travis Bradley
39 BOARD SECRETARY, DATE 1/10/17
40
41

Ordinance 2017-01: EXHIBIT A

1 COMPILATION AND DESCRIPTION OF CURRENT RATES, FEES, AND CHARGES ESTABLISHED
2 DURING BUDGET PROCESS WITH CHANGES AFTER COMPLIANCE WITH ORS 264.312
3

4 Summary to clarify Budget Year 2016/2017 rates and charges with changes:

5 1. All single family residential service accounts are flat rate \$30.00 per month (3/4 inch minimum
6 service); no overage charges are currently applied when the single family dwelling has its own service.
7

8 2. Water Meter rate is \$4.00 per 1000 gallon for overages over base. Overage charges above base
9 apply to all accounts except single family residential above. Base Gallons by meter size for calculation
10 of metered overage charges are as follows:
11

12	• <u>Meter Size</u>	<u>Base Gal</u>
13	• 3/4 inch	6,500
14	• 1 inch	10,500
15	• 1 1/2 inch	18,500
16	• 2 inch	26,500

17
18 3. All single family residential service accounts with rented accessory dwelling unit(s). Rates:
19 • \$30.00 per month plus \$30.00 for each rented accessory dwelling unit(3/4 inch minimum
20 service)
21

22 4 All multi-unit residential [regardless of whether it is a residential long term rental or
23 commercial tourist accommodation] shall be metered. Rates:
24 • \$30.00 per month per unit (3/4 inch service to 2 inch service)
25

26 5. All commercial users shall be metered. Rates:

27	• Meter Size	Base Gal	Minimum charge
28	• 3/4 inch	6,500	\$37.50
29	• 1 inch	10,500	\$45.00
30	• 1 1/2 inch	18,500	\$75.00
31	• 2 inch	26,500	\$90.00 single commercial bldg.
32			Multi-unit commercial rate:
33			\$30.00 per month <u>per unit</u>
34			

35 6. Government Facility shall be metered. Rates:

36	o 3/4 inch	6,500	\$30.00
37	o 2 inch	26,500	\$30.00 per bathroom or 38 shower.

39
40 7. Turn on and Turn Off charges for replacement/repair of shut off valves and lines: subsidized at
41 \$50.00 turn on. \$50.00 turn off. All other On or Off service charges set at \$500.00 per service.
42

43 8. New water service application/connection fee:

- 44 • \$5650.00 (plus cost of line installation and water meter)

45



OTTER ROCK WATER DISTRICT
6515 Gladys Ave.
Otter Rock, OR 97369
541-765-2660
orwdoffice@gmail.com

January 19, 2017

FILED

FEB 02 2017

Lincoln County Clerk
Dana W Jenkins
225 West Olive Street, Room 201
Newport, Oregon 97365-3869

AT _____ O'CLOCK _____ M
DANA W. JENKINS, COUNTY CLERK
BY _____
DEPUTY

Mr. Jenkins:

Pursuant to ORS 198.560(2), enclosed please find a certified copy of Otter Rock Water District Ordinance 2017-01 for your records.

Sincerely,



Whitney Erskine

