

ORDINANCE NO. 1437

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to surface water management, amending DMMC 11.12.020 to adjust surface water drainage service charges, to revise the annual inflation index calculation, and to specify an effective date for applying the drainage service charges to new development.

**WHEREAS**, the City Council of the City of Des Moines first established surface water utility rates and charges in Ordinance No. 860, enacted October 11, 1990, and

**WHEREAS**, Ordinance No. 860 was amended by Ordinance No. 990, enacted November 19, 1992, to apply a cost of living increase of approximately 3.15 percent, effective in 1993, and

**WHEREAS**, Ordinance No. 990 was amended by Ordinance No. 1065, enacted November 18, 1993, to apply a cost of operation increase of approximately 2 percent, effective in 1994, and

**WHEREAS**, Ordinance No. 1065 was amended by Ordinance No. 1173, enacted November 21, 1996, to apply a cost of operation increase of approximately five percent (5%), effective in 1997, and

**WHEREAS**, Ordinance No. 1173 was amended by Ordinance No. 1220-A, enacted October 29, 1998, to apply a cost of operation adjustment to charges for surface water drainage services to be consistent with the Surface Water Management Financial Forecast, and

**WHEREAS**, Ordinance No. 1220-A was amended by Ordinance No. 1246, enacted November 18, 1999, to apply a cost of operation adjustment to charges for surface water drainage services and to add participation charges for new development permits, and

**WHEREAS**, on October 13, 2005, the City Council of the City of Des Moines considered the findings and recommendations of the Surface Water Management Rate Study presented by John Ghilarducci of Financial Consulting Solutions Group, Inc., and

**WHEREAS**, Ordinance No. 1368 was enacted on November 13, 2005, to adjust surface water drainage service charges, to amend participation charges for development permits, and to apply an inflation adjustment, and

**WHEREAS**, the City Council finds that surface water management is an essential service of the City of Des Moines, and

**WHEREAS**, the City Council having considered the financial status, related operations, and capital needs of the surface water utility, now finds that the public interest in stewardship of the surface water management utility, considered together with fairness to the ratepayers, require a phased-in increase in charges for both surface water drainage services, and participation charges for development permits, in order to recover the actual costs of operations and necessary

reinvestment costs to meet "moderate level of service" goals, and

**WHEREAS,** the City Council having considered the need to increase rates for operation costs for implementing the City's national Pollution Discharge Elimination System (NPDES) permit, and further to revise the inflation index calculation to reflect the actual Consumer Price Index (CPI) rather than the projected CPI, and further to revise the proportion of the CPI Index applied to the rate adjustment from sixty percent (60%) to seventy percent (70%) and Construction Cost Index (CCI) from forty percent (40%) to thirty percent (30%) to match the proportion of rate funds contributed to the Surface Water Management Operation and Capital Improvement Program accounts, and

**WHEREAS,** the City Council having considered the immediate impacts caused by runoff from new development has established an effective date for applying the service charge against newly developed property; 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 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

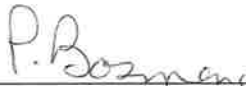


**Sec. 3. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 25th day of September, 2008 and signed in authentication thereof this 25th day of September, 2008.

  
M A Y O R

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published:           October 1, 2008

Effective Date:       October 25, 2008

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1437, Adopted September 25, 2008.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to surface water management, amending DMMC 11.12.020 to adjust surface water drainage service charges, revising the annual inflation index calculation, and specifying an effective date for applying the drainage service charges to new development.

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

Denis Staab  
City Clerk

Published:   October 1, 2008

Appendix "A"

Ordinance No. 1437

Effective January 1, 2009, the following baseline rates shall be charged for goods and services provided by the utility for the City of Des Moines:

(1) Single-family Developed Properties. All single-family developed properties are considered as receiving equal storm drainage service and are charged the same monthly service charge. Such charge is \$9.12 per property per month for water quantity services plus \$2.43 per property per month for water quality services.

(2) Multi-family Properties.

(a) The monthly service charge for multi-family properties is computed on the basis of \$2.43 per month per dwelling unit for water quality services and facilities, a monthly charge for water quantity services and facilities is based on the impervious area formula described in this subsection. The monthly charge for water quantity services and facilities is computed to the nearest 0.01 Equivalent Billing Unit (EBU) with a minimum monthly charge of \$9.12.

(b) Multi-family properties are charged for water quantity services and facilities on the basis of the amount of impervious area on the property in accordance with the following formula:

$$\begin{array}{r} \text{Water Quantity Monthly} \\ \text{Service Charge} = \end{array} \frac{\$9.12 \times \text{Square Footage of} \\ \text{Impervious Area}}{2,400 \text{ sq. ft.}}$$

(3) Commercial Properties. The monthly service charge for all commercial properties is computed on the basis of combination water quantity/quality charge (\$2.43 per month water quality and \$9.12 per month water quantity) that is based on the impervious area formula described in this subsection. These monthly charges are computed to the nearest 0.01 EBU, with a minimum monthly charge of \$11.55 (\$2.43 water quality and \$9.12 water quantity).

$$\begin{array}{r} \text{Water Quality/Quantity} \\ \text{Monthly Service} \\ \text{Charge} = \end{array} \frac{\$11.55 \times \text{Square Footage of} \\ \text{Impervious Area}}{2,400 \text{ sq. ft.}}$$

(4) Nonprofit Properties. The monthly service charge for all nonprofit properties is computed on the basis of a combination water quantity/quality charge (\$2.43 per month water quality and \$9.12 per month water quantity) that is based on the impervious area formula described in this subsection. These monthly charges are computed to the nearest 0.01 EBU, with a minimum monthly charge of \$11.55 (\$2.43 water quality and \$9.12 water quantity).

Water Quality/Quantity Monthly Service Charge =	\$11.55 x Square Footage of Impervious Area
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	2,400 sq. ft.