

ORDINANCE NUMBER 259

AN ORDINANCE AMENDING ORDINANCE NUMBER 40 ("AN ORDINANCE providing for the regulation and operation of the municipal waterworks system of the Village of Gifford, Champaign County, Illinois, and fixing rates and charges for water and sewer services furnished by said waterworks system")

WHEREAS the Village of Gifford, Champaign County, established a waterworks system by Ordinance number 40, passed and enacted by the Board of Trustees of the Village of Gifford on October 10, 1961, and

WHEREAS the PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GIFFORD are in the process of entering into a loan agreement with the Illinois Environmental Protection Agency to obtain funds to improve their waterworks system. and

WHEREAS, certain amendments of the said Ordinance number 40 are necessary to comply with the requirements of Illinois Compiled Statutes for a municipality to enter into such an agreement, and

WHEREAS, the President and Board of Trustees of the Village of Gifford are desirous of bring ordinance number 40 into compliance for this purpose:

NOW, THEREFORE, be it ordained by the Board of Trustees of the Village of Gifford, Champaign County, Illinois, that Ordinance Number 40, which is An Ordinance providing for the regulation and operation of the municipal waterworks system of the Village of Gifford, Champaign County, Illinois, and fixing rates and charges for water and water services furnished by said waterworks system, shall be and is hereby amended as follows:

SECTION I. A Section 18 is hereby added to said Ordinance Number 40 and shall state as follows:"

"SECTION 18. The adequacy of the water service shall be reviewed, not less often than annually, by Certified Public Accountants for the Village of Gifford in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs."

SECTION II. A Section 19 is hereby added to said Ordinance Number 40 and shall state as follows:"

"SECTION 19. REVENUES: All revues and monies derived from the operation of the water system shall be deposited in the water account of the water fund. All such revenues and monies shall be held by the Village treasurer separate and apart from all other funds of the Village of Gifford. Not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by

the President & Board of Trustees of the Village of Gifford, the Village treasurer shall receive all such revenues from the water system and all other funds and monies incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the A Water Fund of the Village of Gifford. Said treasurer shall administer such fund in ever respect in the manner provided by statute of the Revised Cities and Village Act, effective January, 1942.

ACCOUNTS: The Village treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

1. Flow data showing total gallons received at the water plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.

ACCESS TO RECORDS: The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village of Gifford which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Loan Agreement and Rules of or any State Loan.

SECTION III. A Section 20 shall be added to said Ordinance Number 40 and shall read as follows:

SECTION 20. APPEALS: The method for computation of rates and service charges established for user charges in Article I shall be made available to a user within ___ days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Corporate Authority within ___ days after notification of a formal written appeal outlining the discrepancies.

SECTION IV. A Section 21 shall be added to said Ordinance Number 40 and shall read as follows:

SECTION 21. DEFINITIONS: Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1 Federal Government

"Federal Act" means the Federal 1996 Safe Drinking Water Acts and Amendments thereto.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

Sec. 2 State Government

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"Director" means the Director of the Illinois Environmental Protection Agency.

"State Loan" shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

Sec. 3 Local Government

"Ordinance" means this ordinance.

"Village" means the Village of Gifford, Champaign County, Illinois.

"Approving Authority" means the Superintendent of the Department of Water and Sewer of the Village of Gifford.

Sec. 4 "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Sec. 5 Clarification of word usage: "Shall" is mandatory; "May" is permissible.

Sec. 6 Water and its characteristics:

"PPM" shall mean parts per million by weight.

"Milligrams per Liter" shall mean a unit of concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replace the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

"PH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

Sec. 7 "Curb Cock" shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Service Box" shall mean a valve box used with corporation or curb cock.

Sec. 8 Types of charges:

"Water Service Charge" shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Article II and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.

"User Charge" shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.

"Basic User Charge" shall mean the basic assessment levied on all users of the public water system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

"Capital Improvement Charge" shall mean a charge levied on users to improve, extend or reconstruct the water works.

"Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e., Debt service and capital improvement costs.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Useful Life" shall mean the estimated period during which the water works will be operated.

"Water Fund" is the principal accounting designation for all revenues received in the operation of the water system.

SECTION V. Except as herein provided all other provisions of Ordinance 40 for the Village of Gifford shall remain in full force and effect.

SECTION VI This Ordinance shall be in full force and effect from and after its passage and approval.

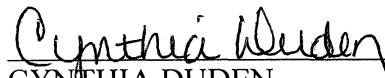
PASSED by the Board of Trustees this 5th day of June, 2003.

APPROVED by the President of the Board of Trustees this 5th day of June, 2003.

APPROVED:

TERRY GLAZIK, President.

ATTEST:


CYNTHIA DUDEN,
Village Clerk