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MAY 20 2021

BY: RA

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2075

**A AN ORDINANCE AMENDING SECTION 38-4-11 AND SECTION 38-4-12 OF THE
REVISED CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS
REGARDING RATES AND CHARGES OF THE CITY WATER SYSTEM**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF NOKOMIS, ILLINOIS
THIS 24th DAY OF MAY, 2021**

Published in pamphlet form by authority of the City Council of the City of
Nokomis, Montgomery County, Illinois, this 24th day of May, 2021.

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2075

**AN ORDINANCE AMENDING SECTION 38-4-11 AND SECTION 38-4-12 OF THE
REVISED CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS
REGARDING RATES AND CHARGES OF THE CITY WATER SYSTEM**

WHEREAS, the City of Nokomis, Illinois (the "City") is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the City of Nokomis operates a combined water and sewer system within the City (hereinafter, the "Nokomis Water System") and has previously established rates for the usage of the Nokomis Water System; and

WHEREAS, the Mayor and City Council of the City of Nokomis, Illinois have determined that the current water and sewer rates do not provide adequate funding for capital improvements for long-term sustainability of infrastructure and equipment and that the current rates charged cannot adequately provide for increases in costs for routine operations and maintenance of the Nokomis Water System; and

WHEREAS, to cover fixed costs associated with the Nokomis Water System and variable costs associated with operating and maintaining the water service and system; to ensure sufficient funds are available to repay a low interest loan from the Illinois Environmental Protection Agency for Water System Improvements, the water rates for the customers of Nokomis shall be adjusted; and

WHEREAS, the Mayor and City Council of the City of Nokomis, Illinois have determined that it is in the best interest of the City of Nokomis and the customers of the Nokomis Water System to amend certain provisions of the City Code, to adjust the rates charged for waterworks and sewerage utility services, and to provide for a capital improvements surcharge.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Nokomis, Montgomery County, Illinois, as follows:

SECTION 1: The above recitals are incorporated herein and made a part hereof.

SECTION 2: Section 38-4-11 of the Revised Code of Ordinances of Nokomis, Illinois is hereby amended to read as follows:

38-4-11 RATES ESTABLISHED. There shall be established the following rates and charges for the use of the waterworks system of the City, as follows:

(A) **Base Rate.** All users of the waterworks distribution system shall pay a minimum monthly bill of **Eight Dollars Seventy-Five Cents (\$8.75)** service charge per billing period for users inside the City limits and **Eighteen Dollars Seventy-Five Cents (\$18.75)** service charge per billing period for users outside the City limits (the "Base Rate"), per connection to the system. All users of the water distribution system will be increased incrementally in a three (3) phase rate increase to the Base Rate per connection, as follows:

Phase 1 – Effective **June 1, 2021** on bills having a due date of **August 15, 2021**: **Ten Dollars Seventy-Five Cents (\$10.75)** for users inside the City limits and **Twenty Dollars Seventy-Five Cents (\$20.75)** for users outside the City limits.

Phase 2 – Effective **May 1, 2022** on bills having a due date of **June 15, 2022**: **Thirteen Dollars Seventy-Five Cents (\$13.75)** for users inside the City limits and **Twenty-Three Dollars Seventy-Five Cents (\$23.75)** for users outside the City limits.

Phase 3 – Effective **September 1, 2022** on bills having a due date of **November 15, 2022**: **Seventeen Dollars (\$17.00)** for users inside the City limits and **Twenty-Seven Dollars (\$27.00)** for users outside the City limits.

(B) **Variable Use Rate.** The following rates are established, in addition to the Base Rate, based upon the amount of water consumed:

- (1) **Water Rates Inside City Limits.**
\$7.05 for each 1,000 gallons per month

Effective **June 1, 2021** on bills having a due date of **August 15, 2021**: \$7.19 for each 1,000 gallons per month

Effective **May 1, 2022** on bills having a due date of **July 15, 2022**: \$7.33 for each 1,000 gallons per month

Effective **September 1, 2022** on bills having a due date of **November 15, 2022**: \$7.48 for each 1,000 gallons per month

- (2) **Water Rates Outside City Limits.**
\$10.27 for each 1,000 gallons per month

Effective **June 1, 2021** on bills having a due date of **August 15, 2021**: \$10.48 for each 1,000 gallons per month

Effective **May 1, 2022** on bills having a due date of **July 15, 2022**: \$10.68 for each 1,000 gallons per month

Effective **September 1, 2022** on bills having a due date of **November 15, 2022**: \$10.90 for each 1,000 gallons per month

(3) **Annual Adjustment.** Beginning May 1, 2023, and each year thereafter, the Variable Use Rate applied to water rates per 1,000 gallons for customers both inside and outside city limits shall be automatically adjusted upwards by applying to the previous rates an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on in the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent January 1st.

(C) Capital Improvements Surcharge.

(1) **Surcharge Established.** There shall be and there is hereby established a capital improvements surcharge which shall be assessed on all users of the waterworks system and added to each water bill when rendered.

(2) **Rate of Surcharge Imposed.** Each user of the waterworks system shall be assessed the sum of **Six Dollars (\$6.00)** for each month of service provided by the waterworks system. Said surcharge shall be in addition to any and all other charges imposed for waterworks service. Said surcharge shall not apply to "Bulk Water Sales".

(3) User Defined. For the purposes of this section, “user” shall be defined as any residence, each unit of a multiunit commercial or residential building, and each user within another entity using the City of Nokomis water treatment or distribution system.

(4) Effective Date of Surcharge. The capital improvements surcharge shall be effective, and shall be included, for all bills rendered on or after **June 1, 2021** and having a due date of **August 15, 2021**.

(5) Itemization of Surcharge. The capital improvements surcharge shall be included on all bills for waterworks service rendered and shall be separately itemized on each such billing.

(6) Creation of Account. In addition to any and all accounts maintained by the City Treasurer for the combined waterworks and sewerage system, there is hereby established a “capital water improvements surcharge account” on the books and records of the City. All proceeds of the capital improvements surcharge collected by the City Treasurer shall be credited to said account.

(7) Partial Payments of Bills. In the event that a bill including the capital improvements surcharge is paid in part by a user, the City Treasurer shall first credit the funds received to the “capital improvements surcharge account” then credit the remainder to the combined waterworks and sewerage system.

(8) Use of Surcharge Funds. Funds credited to the “capital improvements surcharge account” shall be used only for the construction, improvements, extension, and rehabilitation of the combined waterworks and sewerage system. In connection therewith, the City may pay with funds credited to the account the principal of and interest on any bonds or other evidence of indebtedness the proceeds of which are to be used for any or all of such purposes. The City Council may authorize the use of funds credited to the account for engineering and planning services necessary to determine the design, cost, or need of construction, improvements, extension, and rehabilitation of the combined waterworks and sewerage system. The City Council may authorize the use of funds credited to the account for payment of the cost of repairs to the combined waterworks and sewerage system when it determines that such repairs are necessary to maintain the proper functioning of the combined waterworks and sewerage system or any component thereof.

(D) Bulk Water Sales.

(1) **WATER RATES BY TANK LOADS.** \$0.75 per 100 gallons

(2) **VILLAGE OF COALTON.** In the absence of a written intergovernmental agreement approved by and between the Village of Coalton (the "Village") and the City, the following rates are established:

\$5.66 for each 1,000 gallons per month

Effective **June 1, 2021:** \$7.00 for each 1,000 gallons per month

Effective **May 1, 2022:** \$8.00 for each 1,000 gallons per month

Effective **September 1, 2022:** \$9.00 for each 1,000 gallons per month

Beginning May 1, 2023, and each year thereafter, the water rate per 1,000 gallons to the Village shall be automatically adjusted upwards by applying to the previous rate an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on in the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent January 1st.

SECTION 3: Section 38-4-12 of the Revised Code of Ordinances of Nokomis, Illinois is hereby amended to read as follows:

38-4-12 REQUESTED SHUT-OFF. If water service is shut off at a user's request, there shall be a **Twenty Dollar (\$20.00)** fee to restore water service within the City limits and a **Thirty Dollar (\$30.00)** fee to restore water service outside the City limits.

SECTION 4: A copy of this Ordinance, properly certified by the City Clerk, shall be filed in the office of the Recorder of Deeds of Montgomery County, Illinois and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the combined waterworks and sewerage system of the City of Nokomis, Illinois on their properties.

SECTION 5: All ordinances, resolutions, motions, or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby superseded to the extent that they may conflict.

SECTION 6: If any section, clause, paragraph, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

SECTION 8: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 9: The Clerk shall publish this Ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the Code of Ordinances.

PASSED this 24th day of May, 2021 by roll call votes as follows:

AYE: 5
NAY: _____
ABSENT: _____
PRESENT: 5

APPROVED by the Mayor of the City of Nokomis, Illinois this day 24th of May, 2021.

Mike Holliday
MAYOR

ATTEST:
Rosene Kim
CITY CLERK

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CITY CLERK'S CERTIFICATE

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2075 of said City and that said Ordinance, which is:

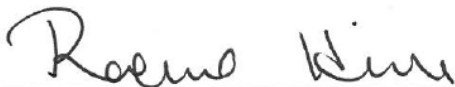
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was passed and approved by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 24th day of May, 2021; that said Ordinance was signed by the Mayor on the 24th day of May, 2021 and was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of Ordinance No. 2075, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 25th day of May, 2021, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 25th day of May, A.D., 2021.

(SEAL)



City Clerk

RECEIVED ✓
MAY 20 2021
BY: *RA*

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WHEREAS, the City of Nokomis operates a combined water and sewer system within the City (hereinafter, the "Nokomis Water System") and has previously established rates for the usage of the Nokomis Water System; and

WHEREAS, the Mayor and City Council of the City of Nokomis, Illinois have determined that the current water and sewer rates do not provide adequate funding for capital improvements for long-term sustainability of infrastructure and equipment and that the current rates charged cannot adequately provide for increases in costs for routine operations and maintenance of the Nokomis Water System; and

WHEREAS, to cover fixed costs associated with the Nokomis Water System and variable costs associated with operating and maintaining the water service and system;-to ensure sufficient funds are available to repay a low interest loan from the Illinois Environmental Protection Agency for Water System Improvements, the water rates for the customers of Nokomis shall be adjusted; and

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(D) Bulk Water Sales.

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(2) **VILLAGE OF COALTON.** In the absence of a written intergovernmental agreement approved by and between the Village of Coalton (the "Village") and the City, the following rates are established:

\$5.66 for each 1,000 gallons per month

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Effective **May 1, 2022:** \$8.00 for each 1,000 gallons per month

Effective **September 1, 2022:** \$9.00 for each 1,000 gallons per month

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SECTION 3: Section 38-4-12 of the Revised Code of Ordinances of Nokomis, Illinois is hereby amended to read as follows:

38-4-12 REQUESTED SHUT-OFF. If water service is shut off at a user's request, there shall be a **Twenty Dollar (\$20.00)** fee to restore water service within the City limits and a **Thirty Dollar (\$30.00)** fee to restore water service outside the City limits.

SECTION 4: A copy of this Ordinance, properly certified by the City Clerk, shall be filed in the office of the Recorder of Deeds of Montgomery County, Illinois and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the combined waterworks and sewerage system of the City of Nokomis, Illinois on their properties.

SECTION 5: All ordinances, resolutions, motions, or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby superseded to the extent that they may conflict.

SECTION 6: If any section, clause, paragraph, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

SECTION 8: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 9: The Clerk shall publish this Ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the Code of Ordinances.

PASSED this 24th day of May, 2021 by roll call votes as follows:

AYE: 5
NAY: _____
ABSENT: _____
PRESENT: 5

APPROVED by the Mayor of the City of Nokomis, Illinois this day 24th of May, 2021.

ATTEST:

Rachel Din
CITY CLERK

Mike Holliday
MAYOR

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) ss.
CITY OF NOKOMIS)

CITY CLERK'S CERTIFICATE

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2075 of said City and that said Ordinance, which is:

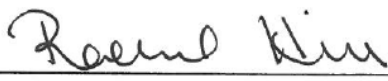
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I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of Ordinance No. 2075, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 25th day of May, 2021, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 25th day of May, A.D., 2021.

(SEAL)



City Clerk