

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 7, 2024 AGENDA

Subject:	Type:	Submitted By:
SARPY COUNTY AND CITIES WASTEWATER AGENCY – REVISED SEWER USER RATES AND CONNECTION FEE SCHEDULE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared approving the Sarpy County and Cities Wastewater Agency revised Sewer User Rate and Connection Fee Schedule.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The City of La Vista is a party to an agreement entered into pursuant to the Interlocal Cooperation Act set out in Neb. Rev. Stat. §13-801 et. Seq. by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the “Members”), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”).

Pursuant to Section V(A)(3) of the Formation Interlocal, the Agency has the power and authority to “[e]stablish just and equitable rates, fees, or charges for the use of or connection to the Unified SSWS, any property or equipment associate therewith, or any services proved in connection with [the Unified SSWS]”. Which shall be presented to and subject to approval of the individual governing body of each Member.

A copy of the Agency resolution with the revised Sewer User Rates and Connection Fees Schedule is attached.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A REVISED SEWER USER RATES AND CONNECTION FEES SCHEDULE FOR THE SARPY COUNTY AND CITIES WASTEWATER AGENCY (SCCWVA)

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. Section 13-801 et. seq., Sarpy County and the Cities of Papillion, Bellevue, Springfield, Gretna, and La Vista (each a "Member") entered into an agreement (as amended, the "Formation Interlocal"), and formed an interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board; and

WHEREAS, the Agency Board approved a revised Sewer User Rates and Connections Fee Schedule, attached as EXHIBIT A (the "SCCWVA Rate and Fee Schedule"); and

WHEREAS, certain actions of the Agency Board require approval of the Members and the Agency Board has submitted the revised Sewer User Rates and Connections Fee Schedule to the Members for approval.

NOW, THEREFORE, BE IT RESOLVED by the City of La Vista City Council that the revised Sewer User Rates and Connections Fee Schedule are approved.

BE IT FURTHER RESOLVED that neither the revised Sewer User Rates and Connections Fee Schedule nor the 2020 Rate and Fee Policies, nor any part thereof, shall apply to or within the City of La Vista or any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista, as such corporate boundaries or jurisdiction from time to time may be adjusted.

BE IT FURTHER RESOLVED that recitals above and attached exhibits are incorporated into this Resolution by reference.

PASSED AND APPROVED THIS 7TH DAY OF MAY 2024.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk

RESOLUTION ADOPTING A REVISED SEWER USER RATES AND CONNECTION FEES SCHEDULE FOR THE UNIFIED SSWS

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. 13-801, *et seq.* (the “Act”), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into an agreement (as amended, the “Formation Interlocal”), and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”) (all capitalized terms not otherwise expressly defined herein shall have the same meanings as provided in the Formation Interlocal);

WHEREAS, the Agency is a separate body corporate and politic under the Act;

WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board;

WHEREAS, pursuant to Section V(A)(3) of the Formation Interlocal, the Agency has the power and authority to “[e]stablish just and equitable rates, fees, or charges for the use of or connection to the Unified SSWS, any property or equipment associated therewith, or any services provided in connection with [the Unified SSWS]”;

WHEREAS, pursuant to Agency Resolution No. 2019-013 and in accordance with the Formation Interlocal, the Agency approved and established user rates and connection fees for land development within the Agency’s Jurisdiction (the “2019 Rate and Fee Schedule”);

WHEREAS, pursuant to Agency Resolution No. 2020-014, the Agency Board revoked and replaced the 2019 Rate and Fee Schedule with a revised sewer user rates and connection fees schedule (the “2020 Rate and Fee Schedule”), and also established related policies and procedures with respect to the calculation, payment and collection of the user rates and connection fees set forth in the 2020 Rate and Fee Schedule (the “2020 Rate and Fee Policies”);

WHEREAS, pursuant to Agency Resolution No. 2020-014, the Agency Board reserved the right to amend, revise, supplement and revoke at any time the 2020 Rate and Fee Schedule;

WHEREAS, pursuant to Section 1 of the 2020 Rate and Fees Policies, the Agency is required to conduct a cost-of-service study to determine whether this 2020 Rate and Fee Schedule is sufficient to support the Agency’s financial obligations and, if necessary, to modify the same accordingly;

WHEREAS, pursuant to Agency Resolution No. 2023-005, the Agency Board retained Carollo Engineers, Inc. (“Carollo”) to conduct a cost-of-service study and to recommend potential changes to the Agency’s 2020 Rate and Fee Schedule;

WHEREAS, Carollo completed its cost-of-service study and reported to the Agency Board its findings and recommendations with respect to the Agency’s connection fee and user rates structure;

WHEREAS, Carollo recommended to the Agency Board that the connection fees set forth in the 2020 Rate and Fee Schedule be modified and supplemented so the Agency can satisfy its long-term development plans, operations, maintenance, and debt service obligations. Specifically, Carollo recommended the connection fees increase by 25% for Agency FY2024-2025, and by 5% each year thereafter; Carollo did not recommend any changes to the annual increases for the wholesale user rates, which will continue to increase by 5% per year;

WHEREAS, in addition to Carollo's wholesale user rate recommendation, Agency staff also recommended that the Agency Board adopt a separate "Service Agreement" user rate applicable to wastewater flows from users connected to existing Member sewer systems within and subject to the Agency's Jurisdiction and subject to a service agreement between the Agency and each such Member;

WHEREAS, the Agency Board has reviewed the revised rate schedule attached hereto as **Exhibit A** setting forth the updated user rates and connection fees which will be applicable to the land subject to the Agency's Jurisdiction (hereinafter the "SCCWWA Rate and Fee Schedule");

WHEREAS, the Agency Board deems it appropriate and advisable to approve the attached SCCWWA Rate and Fee Schedule, and finds that the fees and charges set forth therein are reasonable, fair, just and equitable and the revenue generated from such charges and fees will be used for maintenance and operation of the Unified SSWS, for payment of Agency bonds and debt service, and toward reserve funds for future sewer maintenance or construction of the Unified SSWS; and

WHEREAS, the Members shall submit the attached SCCWWA Rate and Fee Schedule to their respective governing bodies and planning and zoning boards (or related bodies) for review, approval and incorporation into their respective comprehensive development and land use plans or similar instruments so that development occurring within each Member's zoning jurisdiction and the Agency's Jurisdiction shall be subject to the SCCWWA Rate and Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD, that the attached SCCWWA Rate and Fee Schedule is hereby approved and established over the Agency's Jurisdiction, and, from and after the date hereof, the Agency shall charge and assess the applicable user rates and connection fees for the applicable services within the Agency's Jurisdiction in the amounts set forth on the attached SCCWWA Rate and Fee Schedule regardless of whether the Unified SSWS is completed, operational, or servicing each Member's jurisdiction;

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD, that the Members agree to submit the attached SCCWWA Rate and Fee Schedule to their respective governing bodies and planning and zoning boards (or related bodies) for review, approval and incorporation into their respective comprehensive development and land use plans or similar instruments so that the development occurring within each Member's zoning jurisdiction and the Agency's Jurisdiction shall be subject to the attached SCCWWA Rate and Fee Schedule; the effective date of the attached SCCWWA Rate and Fee Schedule and SCCWWA Rate and Fee Policies shall be the date that all governing bodies of the Members approve the SCCWWA Rate and Fee Schedule and SCCWWA Rate and Fees Policies;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD THAT the Agency's adoption of the attached SCCWWA Rate Fee Schedule does not in any manner restrict, limit, or control either Gretna's, Springfield's, Sarpy County's or Papillion's sole authority to own, operate, maintain, design, construct, extend, and collect revenue from their Existing Sewer Systems located within the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, and Papillion Sewer Service Area, respectively, pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield (as the same may be amended from time to time) and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019 and the sewer systems therein that are not connected to the Unified SSWS (as defined in the Formation Interlocal);

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD, that the 2020 Rate and Fee Schedule is hereby revoked and replaced in its entirety with the SCCWWA Rate and Fee Schedule attached hereto, but the 2020 Rate and Fee Policies shall remain in full force and effect, it being in the intent of the Agency Board that the 2020 Rate and Fee Policies shall apply to the calculation, payment and collection of user rates and connection fees established by the attached SCCWWA Rate and Fee Schedule and to any other rates, fees and charges established by the Agency in the future;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD, that prior to the end of FY 2025-2026, the Agency staff shall review and update the current Carollo rate study to determine whether the attached SCCWWA Rate and Fee Schedule continues to support the Agency's current and projected operation and maintenance costs and Agency financial obligations and, if necessary, whether to amend, revise, supplement and/or revoke all or portions of such schedule; and

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD, that the SCCWWA Rate and Fee Schedule may be amended, revised, supplemented and revoked at any time in the Agency Board's sole and absolute discretion.

The above Resolutions were approved by a vote of the Sarpy County and Cities Wastewater Agency Board at a public meeting duly held in accordance with applicable law on the 24th day of April, 2024.

ATTEST:

Lisa A. Hain

Sarpy County and Cities
Wastewater Agency Secretary



David R. Kelly

Sarpy County and Cities Wastewater
Agency Board Chair

Note: the effective date of the attached SCCWWA Rate and Fee Schedule shall be the date that all governing bodies of the Members approve the same.

SCCWWA Rate and Fee Schedule Adopted by Agency Board:	[4/24], 2024
SCCWWA Rate and Fee Schedule Adopted by Sarpy County Governing Body:	[], 2024
SCCWWA Rate and Fee Schedule Adopted by Bellevue Governing Body:	[], 2024
SCCWWA Rate and Fee Schedule Adopted by Gretna Governing Body:	[], 2024
SCCWWA Rate and Fee Schedule Adopted by La Vista Governing Body:	[], 2024
SCCWWA Rate and Fee Schedule Adopted by Papillion Governing Body:	[], 2024
SCCWWA Rate and Fee Schedule Adopted by Springfield Governing Body:	[], 2024

EXHIBIT A***Effective: August 26, 2020******Adopted by Sarpy County and Cities Wastewater Agency on August 26, 2020, pursuant to Resolution No. 2020-014******Amended on April 24, 2024, pursuant to Resolution No. 2024-012*****SCCWWA Rate and Fee Schedule****USER RATES¹ (per 1,000 gallons)**

Wholesale User Rates. The below Wholesale User Rates shall apply to wastewater flows from (a) Member sewer systems connected to the Unified SSWS under a connection and wastewater service agreement between the Agency and such Member(s); and (b) users connected to the Unified SSWS under a wastewater service or connection agreement between the Agency and such user(s). Wholesale User Rates shall be computed based on actual wastewater flows measured by flow meters at connection points to the Unified SSWS or as otherwise set forth in such wastewater service or connection agreement between the Agency and the Member (or other user, as applicable).

Property Use	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-2027	FY 2027-2028
Residential	\$10.21				
Commercial/Civic/Multifamily	\$10.21	\$10.81	\$11.36	\$11.95	\$12.58
Industrial	\$15.32				

Service Agreement User Rate. The below Service Agreement User Rate shall apply to wastewater flows from users and developments connected to existing Member sewer systems within and subject to the Agency's Jurisdiction and subject to a service agreement between the Agency and each such Member. Unless otherwise set forth in a separate service agreement or connection and wastewater service agreement between the applicable Member and the Agency, the Service Agreement User Rate will be computed based on the water consumption calculated and billed by each Member's water service provider. The Members' calculation of water consumption may be based on actual consumption, average consumption, or a combination thereof.

Property Use	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-2027	FY 2027-2028
All uses	\$6.38	\$6.79	\$7.16	\$7.57	\$8.01

¹ The User Rates reflect a 5% increase over the prior year rate.

CONNECTION FEES²

Property Use	FY 2023-2024	FY 2024-2025	FY 2025-2026	FY 2026-2027	FY 2027-2028
Single-family Residential lots located in the Urban Reserve Zone (“URZ”) ³ consisting of three acres or less, and approved for development through applicable Member build-through or similar type zoning and/or subdivision regulations	\$4,571 per parcel/tract/lot	\$5,714 per parcel/tract/lot	\$6,000 per parcel/tract/lot	\$6,300 per parcel/tract/lot	\$6,615 per parcel/tract/lot
Single-family Residential parcel/tract/ lots located in the URZ consisting of twenty acres or more, and approved for development through applicable Member large-lot or similar type zoning and/or subdivision regulations	\$4,571 per parcel/tract/lot	\$5,714 per parcel/tract/lot	\$6,000 per parcel/tract/lot	\$6,300 per parcel/tract/lot	\$6,615 per parcel/tract/lot
All other uses that do not fall within the residential uses described in the two rows immediately above including, without limitation, all other Residential, Commercial, Industrial, Civic and Multifamily uses	\$22,845 per acre	\$28,556 per acre	\$29,984 per acre	\$31,484 per acre	\$32,059 per acre

* Single-family residential lots located in the URZ consisting of (i) three acres or less and approved for development through applicable Member build-through or similar type zoning and/or subdivision regulations, or (ii) twenty acres or more and approved for development through applicable Member large lot or similar type zoning and/or subdivision regulations shall pay a flat connection fee in accordance with the schedule above.

² The Connection Fees for FY 2024-2025 reflect a 25% increase to the Connection Fees for FY2023-2024. The Connection Fees for FY 2025-2026, and for each fiscal year thereafter, reflect a 5% increase over the prior year fee.

³ As defined pursuant to the Agency’s Growth Management Plan initially adopted by the Agency on June 26, 2019, pursuant to Resolution No. 2019-004, as amended from time to time, with the most-recent amendment adopted by the Agency Board on June 28, 2023, pursuant to Resolution No. 2023-019.