

ORDINANCE NUMBER 2013-02

AN ORDINANCE AMENDING ORDINANCE NUMBER 2012-01 ESTABLISHING RATES, FEES AND CHARGES IN CONNECTION WITH THE USE OF THE WATERWORKS, WASTEWATER RECLAMATION AND REUSE SYSTEMS OWNED OR OPERATED BY, OR LOCATED WITHIN THE BOUNDARIES OF, THE MILL CREEK WATER RECLAMATION DISTRICT

WHEREAS, the Board of Trustees (the "Board of Trustees") of the Mill Creek Water Reclamation District (the "District") previously adopted Ordinance Number 2012-01 on January 17, 2012 ("2012 Rate Ordinance") establishing certain rules, regulations, requirements, fees and charges ("User Charges") in connection with the connection to and use of the wastewater reclamation and reuse system (the "Wastewater System") and the water supply and distribution system (the "Water Supply System") owned and operated by and located within the boundaries of, the District (collectively, the "Systems"); and

WHEREAS, Section 8 of the 2012 Rate Ordinance provides that the Board of Trustees will annually review the rates, regulations, fees and charges of the Systems; and

WHEREAS, Section 4(e) of the 2012 Rate Ordinance established a monthly depreciation reserve charge upon all users of the District's Systems in an amount equal to \$8.00 per unit, provided that the charge would terminate on January 31, 2013 ; and

WHEREAS, the Board of Trustees has reviewed the rates, regulations fees and charges of the System in relation to the financial condition of the District, including the depreciation reserve charge, and finds that it is necessary and in the best interest of the District to continue the imposition of all of the rates, fees and charges under the 2012 Rate Ordinance, including the monthly depreciation reserve charge of \$8.00 per unit, in order to maintain viable systems and future needs of the District depreciation reserve for capital expenditures.

NOW, THEREFORE, be it and it is hereby ordained by the Board of Trustees of the Mill Creek Water Reclamation District, Kane County, Illinois, as follows:

**SECTION 1: Monthly Depreciation Reserve Charge.** That Section 4(e) of Ordinance Number 2012-01 is hereby deleted and the following is substituted therefor, *instanter*:

**"SECTION 4(e). In addition, a monthly depreciation reserve charge shall be charged to all users of the District's Systems in an amount equal to \$8.00 per unit. The monthly depreciation reserve charge will be reviewed by the Board of Trustees on an annual basis."**

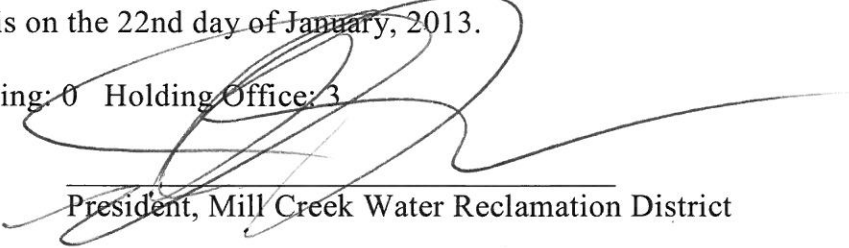
**SECTION 2. Conflict.** All ordinances or parts of ordinances or other rules and regulations of the District, which are in conflict herewith, are hereby repealed.

**SECTION 3. Severability.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts. In the event that any part of this Ordinance shall be deemed to be illegal, invalid, or unenforceable, such portion of this Ordinance shall be deemed severed from this Ordinance and shall not affect the remaining portions of the Ordinance which shall be given their full force and effect.

**SECTION 4. Ordinance in Force.** Except as hereby amended by this Ordinance, Ordinance Number 2012-01 shall remain in full force and effect. This Ordinance shall be effective and in full force from and after its passage, approval, and publication as provided by law.

Passed and adopted by the Board of Trustees of the Mill Creek Water Reclamation District of the County of Kane, State of Illinois on the 22nd day of January, 2013.

Ayes: 3 Nays: 0 Absent: 0 Abstaining: 0 Holding Office: 3



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President, Mill Creek Water Reclamation District

Publication Date: \_\_ January 23, 2013 \_\_\_\_\_