

A RESOLUTION ADOPTING A WATER SERVICE LINE REPAIR PROGRAM, FEE, FUND AND ADMINISTRATIVE CHARGE, AND SETTING FORTH THE APPLICATION OF FUNDS, ANNUAL REVIEW OF PROGRAM, HANDLING OF DELINQUENT ACCOUNTS, COMPLIANCE WITH STANDARDS/REGULATIONS/LAWS, EFFECTIVE DATE OF RESOLUTION, AND FILING OF RESOLUTION AND RATE SCHEDULE.

WHEREAS, city staff have prepared and submitted to the city council a report dated June 9, 1998, and entitled: *Report on Adoption of Water Service Line Repair Program and Fee*; and

WHEREAS, said Report identifies the many benefits to the community in adopting a Water Service Line Repair Program within the corporate city limits as well as sets forth the costs of implementing such a program; and

WHEREAS, it is essential to provide for the timely and cost-effective repair of water service lines, curb valves, and curb boxes in order to protect and minimize damage to the community's infrastructure, such as streets, curbs, gutters, sidewalks, and drive approaches; and

WHEREAS, under Title 69, Chapter 7 of the Montana Code Annotated, and under the terms of City Resolution No. 13585, the City of Billings is authorized to regulate the City's municipal water utility and to change water rates as may be deemed by the City Council to be reasonable and just; and

WHEREAS, it is essential to the public health, welfare, and safety of the inhabitants of the City of Billings to provide for the timely and cost-effective repair of that portion of the customer-owned water service lines located between the city's water mains and the customers' property lines, including the curb valves and curb boxes, and to provide adequate funding to meet the cost of implementing a Water Service Line Repair Program:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:**

1. Adoption of Program: A Water Service Line Repair Program is hereby adopted. The purpose of this program is to minimize damage to public and private property by providing for the timely and cost-effective repair of defective water service lines, curb valves, and curb boxes.

2. Adoption of Fee: The sum of one dollar (\$1.00) per month shall be added to the water service charge of all active, inside-city, metered water accounts. This fee shall not be charged to fire line accounts, temporary accounts, inactive accounts, and all outside-city accounts.

3. Adoption of Fund and Administrative Charge: All money collected on account of the Water Service Line Repair Program and any interest earned thereon shall be deposited in a separate city fund. With the exception of an eight cents per customer per month (\$0.08/customer/month) administrative fee, the water service line repair fund shall be used solely to pay for the repair of that portion of customer-owned water service lines located between the city's water mains and the customers' property lines, including the curb valves and curb boxes. The \$0.08/customer/month administrative fee shall be paid to the Public Utilities Department to help defray the cost of administering the Water Service Line Repair Program. Any increase in the amount of the administrative fee set forth herein must be approved by the City Council prior to its implementation.

4. Application of Funds: Funds collected under this repair program shall be used solely for the payment of repairs for customer-owned water service lines, curb valves, and curb boxes serving property located within the corporate city limits. Water service lines, curb valves, and curb boxes serving property located outside the corporate city limits shall not be eligible for repair under this program. In addition, repair program funds shall not be used to repair fire lines, to repair temporary service lines, to relocate curb valves and boxes, or to upgrade the size of any service lines or fire lines. Furthermore, repair program funds shall not be used to cover flooding or other damage to private property. Finally, this repair program shall not pay for any repairs to defective water service lines, curb valves and/or curb boxes which are under repair notices at the time of adoption of this resolution or are under contract warranties at the time of failure.

5. Annual Review of Fund: The Public Utilities Department shall annually report to the City Council during its budget hearings the current financial status of the Water Service Line Repair Fund.

6. Handling of Delinquent Accounts: The repair program shall not be available to any inside-city, water utility account if the charge for such program is delinquent.

7. Compliance with Standards/Regulations/Laws: All work performed on the repair of water service lines under this repair program shall be done in accordance with the provisions of the City's adopted rules, regulations, resolutions, and ordinances governing such type of work. In addition, any purchasing or bid solicitations associated with the Water Service Line Repair Program shall conform to local and state purchasing/contract laws.

8. Effective Date of Resolution: This resolution shall be immediately filed in the City Clerk's Office, and the decision adopting the Water Service Line Repair Program and Fee shall be final ten (10) days after said filing.

9. Filing Rate Schedule with Public Service Commission: The Public Utilities Department is directed to file a copy of this resolution and the revised water rate schedule with the Public Service Commission within ten (10) days after filing this resolution with the City Clerk.

PASSED by affirmative vote of the City Council of the City of Billings, Montana, on this 24 day of August, 1998.



THE CITY OF BILLINGS:

BY: Charles F. Tooley  
Charles F. Tooley, MAYOR

ATTEST:

BY: Marita Herold  
Marita Herold, CMC/AAE CITY CLERK