

Special Council Meeting

Nutter Fort

June 3, 2014

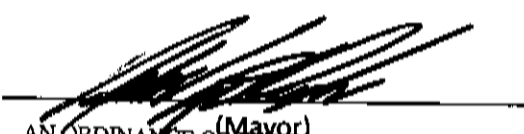
A special council meeting of Nutter Fort was held, Tuesday, June 3, 2014, with the following members present; William Benincosa, Donald Webster, Karen Phillips, Bruce Kidd, and Recorder Sam Maxson. Absent were; Mayor Nathan Rohrbough and Councilor Stephen Korn. Also present were Treasurer Julia Foley and Data Technician Leslie Cummings. Guests were Leanna Spornak, Twyla Snodgrass, Linda Griffith, Charlene Louk, and Janet Conrad.

The meeting was called to order at 7:30PM by Recorder Maxson with Councilor Benincosa asking prayer, followed by the pledge of allegiance.

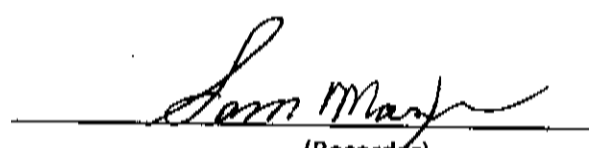
Considerable discussion was held concerning the proposed ordinances (attached) that would provide for a significant raise in sewer and water rates. Treasurer Foley will contact the WV Public Service Commission concerning the possibility of "spreading" this rate increase over the next year.

- Bruce Kidd motioned to approve, on the first reading, both the ordinance increasing the water and the ordinance increasing the sewer rates (see attached). After a second by Donald Webster, the motion was approved by unanimous vote.

The meeting was adjourned at 8:31PM after a motion by Bruce Kidd and a second by Karen Phillips.



(Mayor)



(Recorder)

AN ORDINANCE OF THE TOWN OF NUTTER FORT, WEST VIRGINIA, AMENDING THE SCHEDULE OF RATES AND CHARGES FOR THE SERVICES AND FACILITIES FURNISHED FOR THE CUSTOMERS OF THE WATER DISTRIBUTION SYSTEM OF THE TOWN OF NUTTER FORT BY INCREASING THE RATES AND CHARGES BY THE ESTABLISHMENT OF NEW RATES AND CHARGES

NOW, THEREFORE, BE IT HEREBY ENACTED BY THE TOWN COUNCIL OF NUTTER FORT, WEST VIRGINIA, AS FOLLOWS:

WHEREAS, Chapter 24, Article 2, Section 4b of the West Virginia State Code 1931, as amended, authorizes the fixing of all rates and charges of municipally operated utilities by the adoption of appropriate ordinances; and

WHEREAS, the Town of Nutter Fort provides potable water to its customers in the Town of Nutter Fort and to Greater Harrison Public Service District; and

WHEREAS, the present water rates or tariffs of the Town of Nutter Fort were established by that certain order of the Public Service Commission of West Virginia in P.S.C. W.VA. Tariff No. 25, issued by the Public Service Commission of West Virginia Tariff Office on October 1, 2010, for service rendered by the Town of Nutter Fort on or after October 1, 2010; and

WHEREAS, the Town of Nutter Fort has one source for the purchase of its water, that being the City of Clarksburg; and

WHEREAS, the City of Clarksburg has increased the rate at which Nutter Fort purchases its water by a tiered increase of approximately 5% annually from 2011 thru 2014; and

WHEREAS, the Town of Nutter Fort is adopting the proposed rates due to the City of Clarksburg increasing the rate by which Nutter Fort purchases water annually over the past four years; and

WHEREAS, the Town of Nutter Fort cannot continue to absorb the increases in purchased water costs; and

WHEREAS, the Town of Nutter Fort finds it necessary to increase its rates due to the past four year annual increases in purchased water costs from the City of Clarksburg.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE TOWN OF NUTTER FORT:

That the water rate schedules for customers of the water distribution system of the Town of Nutter Fort be amended to reflect the following new rates:

SECTION THREE: SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this ordinance are separable, and if any clause, provision or section hereof shall be held void or unenforceable by the Public Service Commission of West Virginia or any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date hereof, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, and to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR: STATUTORY NOTICE AND PUBLIC HEARING

Following the first passage of this Ordinance, the Town Clerk shall cause to be published a Notice of Proposed Ordinance and Public Hearing in the *Exponent-Telegram*, a qualified newspaper of general circulation in Harrison County, West Virginia, and said notice shall state that this Ordinance has been introduced, and that any person interested may appear before the City Council on Monday, June 16, 2014, at 7:30 p.m., which date is not less than five (5) days after the date of the publication of the Ordinance and notice, and present any comment or protest thereto, following which hearing, Council shall take such action as it shall deem proper. Copies of this Ordinance shall be available to the public for inspection at the office of the Town Clerk, Town of Nutter Fort, Nutter Fort, West Virginia.

Passed by Council of the Town of Nutter Fort on FIRST READING on the 3rd day of June, 2014.

Passed by Council of the Town of Nutter Fort on SECOND and FINAL READING on this 16th day of June, 2014.

NATHAN ROHRBOUGH, MAYOR

ATTEST:

RECORDER

AN ORDINANCE OF THE TOWN OF NUTTER FORT, WEST VIRGINIA, AMENDING THE SCHEDULE OF RATES AND CHARGES FOR THE SERVICES AND FACILITIES FURNISHED FOR THE CUSTOMERS OF THE SEWERAGE SYSTEM OF THE TOWN OF NUTTER FORT BY INCREASING THE RATES AND CHARGES BY THE ESTABLISHMENT OF NEW RATES AND CHARGES

NOW, THEREFORE, BE IT HEREBY ENACTED BY THE TOWN COUNCIL OF NUTTER FORT, WEST VIRGINIA, AS FOLLOWS:

WHEREAS, Chapter 24, Article 2, Section 4b of the West Virginia State Code 1931, as amended, authorizes the fixing of all rates and charges of municipally operated utilities by the adoption of appropriate ordinances; and

WHEREAS, the Town of Nutter Fort provides sewerage services to its customers in the Town of Nutter Fort; and

WHEREAS, the present sewerage rates or tariffs of the Town of Nutter Fort were established by that certain order of the Public Service Commission of West Virginia in P.S.C. W.VA. Tariff No. 15, issued by the Public Service Commission of West Virginia Tariff Office on January 28, 2011, for service rendered by the Town of Nutter Fort on or after January 28, 2011; and

WHEREAS, the Town of Nutter Fort collects sewerage from its customers and transports it to the City of Clarksburg for treatment and Clarksburg charges Nutter Fort for the treatment of its sewerage; and

WHEREAS, the City of Clarksburg has increased the rate it charges Nutter Fort for treating Nutter Fort's sewerage five (5) times in the four (4) year period from 2011 thru 2014, which includes an increase that will be effective July 1, 2014; and

WHEREAS, the Town of Nutter Fort is adopting the proposed rates due to the City of Clarksburg increasing the rate it charges Nutter Fort for treating its sewerage five times over the past four years; and

WHEREAS, the Town of Nutter Fort cannot continue to absorb the increases in sewerage treatment costs; and

WHEREAS, the Town of Nutter Fort finds it necessary to increase its rates due to the past four year annual increases in sewerage treatment costs from the City of Clarksburg.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE TOWN OF NUTTER FORT:

That the sewerage rate schedules for customers of the sewerage system of the Town of Nutter Fort be amended to reflect the following new rates:

governing body is not required to return the deposit until the time the tenant discontinues service with the municipality.

SECTION TWO: EFFECTIVE DATE

This Ordinance shall be effective forty five (45) days after final passage.

SECTION THREE: SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this ordinance are separable, and if any clause, provision or section hereof shall be held void or unenforceable by the Public Service Commission of West Virginia or any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date here to all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, and to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts there to the same shall remain in full force and effect.

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