

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-298

**AN ORDINANCE AMENDING CHAPTER 40, ARTICLE III, SECTIONS 40-201
AND 40-202 OF THE CODE OF THE INCORPORATED COUNTY OF
LOS ALAMOS PERTAINING TO THE SEWAGE SERVICE RATE SCHEDULE
AND DETERMINATION OF CHARGES**

WHEREAS, the Incorporated County of Los Alamos, New Mexico ("County") operates a Department of Public Utilities to provide utility services to its citizens; and

WHEREAS, County utilizes a Board of Public Utilities ("BPU") to oversee the Department of Public Utilities; and

WHEREAS, among the responsibilities of the BPU is ensuring that the proper utilization of existing operating funds, capital and personnel resources in order to maintain an acceptable level of service; and

WHEREAS, the BPU is also charged with identifying and planning any needed expansion and extensions of the existing utility system; and

WHEREAS, the BPU must further ensure the effective and harmonious operation of the Utilities Department using County resources; and

WHEREAS, it is the further duty of the BPU to prepare a plan for routine operations, capital expansion of the systems and replacement activities; and

WHEREAS, while engaging in this planning activity, the BPU has recognized routine operating cost increases resulting from inflationary pressures that must be covered through revenues in order to maintain appropriate levels of service to the citizens of the County; and

WHEREAS, while engaging in this planning activity, the BPU has also come to realize that County must engage in capital upgrades to the sanitary sewer system in order to maintain appropriate levels of service to the citizens of the County.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
INCORPORATED COUNTY OF LOS ALAMOS, as follows:**

Section 1. Section 40-201 of the Los Alamos County Code of Ordinances is amended to read as follows:

Sec. 40-201. - Sewage service rate schedules.

(a) Residential rate service schedule 6-A is applicable only for normal domestic sewer service for individual residences, dwelling units and ~~individual~~ apartments, where each unit is individually metered for water.

(b) Residential rate service schedule 6-G is applicable only for normal domestic sewer service for multi-family dwelling units, ~~individual~~ apartments, and subdivisions or residential complexes where each unit is not individually metered by the county for water.

(c) Commercial rate service schedule 6-K is applicable to all nonresidential sewer services.

(d) Customer charges. Each account shall be billed a customer charge of ~~\$11.09~~ \$11.76 per month per account for billings processed through September 30, 2020; \$12.11 per month per account for billings processed after September 30, 2020; and \$12.35 per month per account for billings processed after September 30, 2021.

(e) Fixed charges.

(1) To each customer billed under rate service schedule 6-A, ~~\$40.15~~ \$42.56 per month per dwelling unit for billings processed through September 30, 2020; \$43.84 per month per dwelling unit for billings processed after September 30, 2020; and \$44.72 per month per dwelling unit for billings processed after September 30, 2021.

(2) To each customer billed under rate service schedule 6-G ~~\$33.45~~ \$35.46 per month per dwelling unit for billings processed through September 30, 2020; \$36.52 per month per dwelling unit for billings processed after September 30, 2020; and \$37.25 per month per dwelling unit for billings processed after September 30, 2021.

(3) To each customer billed under rate service schedule 6-K:

Water Meter Size	Service Charge Per Month
Under 2 inch	Reserved
2 inch	Reserved
3 inch	Reserved
4 inch	Reserved
6 inch	Reserved

(f) Variable rate. The variable rate shall be applicable to customers billed under rate service schedule 6-K. The variable rate shall be ~~\$18.90~~ \$20.03 per 1,000 gallons for billings processed through September 30, 2020; \$20.63 per 1,000 gallons for billings processed after September 30, 2020; and \$21.04 per 1,000 gallons for billings processed after September 30, 2021.

Section 2. Section 40-202 of the Los Alamos County Code of Ordinances is amended to read as follows:

Sec. 40-202. - Determination of charges.

(a) Residential customers will be billed for sewer service the customer charge pursuant to section 40-201 (d) plus the fixed charge applicable pursuant to section 40-201 (e) plus, if applicable, charges under section 40-203. For calculation of charges under section 40-203 the volume measurement for residential customers will be 1,000 gallons multiplied by the number of occupants of the residence.

(b) Commercial customers will be billed for sewer service the customer charge applicable pursuant to section 40-201 (d) plus, if applicable, charges under section 40-203, plus an amount equal to the variable rate multiplied by the customer's adjusted monthly average usage of potable water, as metered during the previous winter measuring period or other measuring period as determined appropriate by the department of public utilities based on seasonal or other nontraditional water usage pattern. The minimum variable amount shall be 2,000 gallons.

(c) Adjustment factor. ~~An adjustment factor to convert the expected billing volume to the volume expected to be treated shall be added to all volume based billings. This factor shall be eight percent.~~ Reserved.

(d) The winter measuring period is defined as the three consecutive billing periods beginning with the first billing period with a billing date in the month of December. The monthly average usage of potable water metered during the winter measuring period shall apply for a 12-month period beginning on the first day of the billing cycle that falls in the month of April of the year in which the winter measuring period ends.

(e) In the event the customer's water usage was initiated after the commencement of the previous winter measuring period, the monthly average usage of potable water shall be deemed to be equal to the average monthly usage of potable water for other comparable customers within the same class in the county.

Section 3. Effective Date. This ordinance shall become effective upon adoption with the amended rates being applied at the next billing following the effective date of the ordinance.

Section 4. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 26th day of November, 2019.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

Sara C. Scott
Council Chair

ATTEST: (SEAL)

Naomi D. Maestas
Los Alamos County Clerk