

SEWER USER FEE REGULATIONS

Pursuant to East Baton Rouge Parish Ordinance 7853 passed by the Metropolitan Council on May 15, 1985, and subsequent amendments to the ordinance, the following Sewer User Fee Regulations are promulgated to provide for the administration, collection, and deposit of the user fee authorized.

1. COMPUTATION OF USER FEE

The amount of user fee shall be computed as follows:

A. Metered Contributor

- (1) For those contributors receiving service at the same location during the applicable meter reading period, an arithmetic average of the measured month's usage will be determined using water company records of meter readings, or records of meter readings provided by the sub-meter owners of multi-family residential and mixed-use properties. This average shall be used to calculate the sewer user fee as outlined in Section 2 of the Ordinance.
- (2) For those contributors who were not at their present location during the applicable meter reading period or for any other reason subparagraph (1) above does not apply, the customer average shall be utilized in determining the user fee charge.
- (3) Where sub-meters exist for individual units of multi-family residential and mixed use properties, the master meter will be assessed at least the minimum sewer user fee (4.0 CCF) per unit if one of the following situations exist:
 - a. If records of meter readings are not provided by the sub-meter owners,
 - b. If submitted readings are determined to be invalid,
 - c. If the property owner elects not to provide tenant billing.

B. Unmetered Contributors

For those contributors who are unmetered, the user fee shall be determined by using the customer average or by using data provided by the Director of Public Works, by the U. S. Environmental Protection Agency, the Louisiana Department of Environmental Quality or the City-Parish laws, ordinances and regulations.

2. CHANGE IN THE SERVICE STATUS OF CONTRIBUTORS

- A. New contributors to a water company shall be charged the customer average and will have their first user fee charge prorated in the next billing cycle for any partial month.
- B. If a contributor has been billed for the user fee and terminates water service, a credit or refund may be issued upon request of the contributor. Refunds under these provisions will be limited to three years plus the current year (consecutively), effective January 1, 2007. If a contributor has not been billed for the current month at termination date, the user fee will be prorated through the date of termination.

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- C. A transfer from one location to another with the same servicing water company will transfer the contributor's average consumption and billing to the new address. Any unpaid balance will also be transferred.
- D. If a contributor transfers from one servicing water company to another, the Service Fee Business Office shall transfer any unpaid balance on the closed account to the contributor's active account.

3. CUSTOMER AVERAGE

- A. The customer average represents the monthly average water consumption of a contributor, based on water meter service size. This average is used to calculate the sewer user fee for unmetered customers and new customers, until historical data of at least three months is obtained.

CUSTOMER AVERAGE

Meter Size	100 Cubic Feet	Gallons
5/8" & 3/4"	11.5	8,600
1"	15.0	11,200
1 1/2"	35.0	26,200
2"	59.0	44,100
3"	116.0	86,800
4"	197.0	147,400
6"	591.0	442,100
8"	1416.0	1,059,200

- B. **Single Family Residential Contributor:** Services may be reviewed at the discretion of the City-Parish or at the request of the contributor after three months' water service has been established. If water consumption historical data reveals that the customer average is not a valid indicator of the amount of effluent discharged into the sewer system, the contributor's average consumption billed shall be adjusted and the account shall be credited accordingly. Adjustments made under these provisions will be limited to 12 months from the date of initial contact with the Service Fee Business Office.
- C. **Commercial Contributor or Multi-family Contributor:** Services may be reviewed at the discretion of the City-Parish or at the request of the contributor after three months' water service has been established. If water consumption historical data reveals that the customer average is not a valid indicator of the amount of effluent discharged into the sewer system, the contributor's account can be adjusted accordingly. However, the contributor's average consumption billed cannot be adjusted until 12 month's water service has been established. Adjustments made under these provisions will be limited to 12 months from the date of initial contact with the Service Fee Business Office.

4. ADJUSTMENTS TO THE USER FEE

- A. Any contributor may request that their user fee be adjusted. For an effective review of each case, the contributor shall provide the following information to the Service Fee Business Office when applicable:
 - (1) Name
 - (2) Address and phone number

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- (3) Water company servicing address and phone number
 - (4) Water company account number
 - (5) Description of activity at the using address
 - (6) Average monthly water consumption (cubic feet or gallons) for the past six months
 - (7) Average monthly water discharged into the sewer system (cubic feet or gallons) for the past six months.
 - (8) Disposition of average monthly water consumption not discharged into the sewer system for the past six months. (NOTE: Items (7) and (8) above must total the amount in item (6), and
 - (9) Justification for adjustment, supporting evidence such as historical files, data, etc., and name and phone number of individual to be contacted at using address for more information or a possible site visit.
- B. **Single Family Residential Contributor:** Adjustments shall be made on the basis of water consumption for the six most current months. In order for such an adjustment to be made, the average consumption for these months must be less than the consumption on which the contributor is currently being billed. Adjustments made under these provisions will be limited to 12 months from the date of initial contact with the Service Fee Business Office.
- C. **Commercial Contributor or Multi-family Contributor:** Adjustments shall be made on the basis of water consumption for the 12 most current months. In order for such an adjustment to be made, the average consumption for these months must be less than the consumption on which the contributor is currently being billed. Adjustments made under these provisions will be limited to 12 months from the date of initial contact with the Service Fee Business Office.
- D. Services may be reviewed at any time, and if a contributor who has previously been incorrectly classified as exempt for any reason is found to be actually contributing to the sewer system, the Service Fee Business Office shall back bill the contributor for use of the sewerage system. Adjustments made under this provision shall be limited to 12 months.
- E. The information submitted by the contributor shall be reviewed by the Service Fee Business Office, which may refer the information to their investigator for an on-site inspection. Based on the results of the inspection, the Service Fee Business Office shall determine if an adjustment should be made. If so, the billing agent will be advised by the Service Fee Business Office to correct the sewer user fee charged.
- F. Any contributor who believes that their user fee is incorrect must notify the Service Fee Business Office of the specific nature of their complaint by letter, telephone or personal visit. The Service Fee Business Office shall adjust the bill if the contributor presents sufficient proof that the bill is incorrect. If the Service Fee Business Office is not satisfied that the amount billed is incorrect, the contributor must pay their current bill pending a review/correction or adjustment and file an appeal, as outlined in Section 12. If an adjustment is necessary, the customer may receive a credit, refund, or both. Adjustments made under these provisions shall be limited to three years plus the current year (consecutively), effective January 1, 2007.
- G. Any contributor who believes that their user fee is incorrect because they are not connected to the sewer system or any related facility maintained by City-Parish must notify the Service Fee Business Office of the specific nature of their complaint by letter, telephone or personal visit. The Service Fee Business Office shall coordinate efforts with the DPW Wastewater Collection Division to confirm the contributor is not connected to the sewer system. Upon confirmation, an adjustment will be made and the customer may receive a credit, refund, or both. Adjustments

made under these provisions shall be limited to three years plus the current year (consecutively), effective January 1, 2007.

5. PROVISION OF RECORDS BY WATER COMPANY OR SUB-METER OWNERS

For collection of the User Fee, the Water Company or sub-meter owners shall supply to the Billing and Collecting Agent (which agent may be the Water Company) the water meter readings for the applicable meter reading period by no later than June 1st of each year. These water meter readings shall be used to determine the average consumption of Metered Contributors, which shall be effective July 1st of each year.

6. COMPUTATION OF USER FEES

The Billing and Collecting Agent shall promptly compute each contributor's proposed User Fee on the basis of the current calendar year's Rate for use by the City-Parish in determining the need to adjust the Rate as necessary to produce sufficient net sewerage revenues under the capital improvement and operation and maintenance budgets of the Sewerage System. The Sewerage System budgets required hereunder shall be adopted by the City-Parish pursuant to the same rules and procedures applicable to the adoption of the General Fund budgets of the City and the Parish under the *Plan of Government*. As promptly as possible, the City-Parish shall certify to the Agent the Rate to be applicable in computing the User Fee for the next following calendar year, and when the User Fee is thereby computed, the Agent shall thereupon promptly compute and promulgate to the City-Parish and all interested citizens the User Fee to be applicable in the next following calendar year. Such promulgation shall occur no later than August 1st of each year. The Agent and the City-Parish shall cooperate in providing such showings and computations as will facilitate the Rate adjustment and annual budgeting process toward the end that the User Fee shall be maintained at the lowest levels possible consistent with good budgetary practice.

7. FORM OF BILL

The form of the monthly contributor's bill will be of sufficient size to accommodate all types of billings, including, but not limited to:

Sewer User Fee
Disconnect Fee
Liquid Domestic Waste Fee
Surcharge Fee
NSF Fee
Late Charge Penalty Fee, and
Environmental Permit Fee

8. SERVICE FEE BUSINESS OFFICE

The Service Fee Business Office is located at 1100 Laurel Street, Suite 234, Baton Rouge, Louisiana, 70802. This office shall provide all necessary services to customers, including but not limited to:

- A. Receive payment of user fee bills or arrange for payment of bills through designated post office boxes;
- B. Review, correct, and adjust user fee bills;

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- C. Answer questions, explain the user fee, and explain how individual contributor fees were determined;
- D. Receive complaints on bills and take action to resolve incorrect bills and give credit to the affected contributors;
- E. Receive complaints on sewer service and refer those complaints to the appropriate Department of Public Works Office for inspection and resolution of the complaint;
- F. Receive notices from the billing agents of water companies of contributors who are delinquent in paying the user fee and devise procedures such as reminder notices to make delinquent contributors aware of the consequences of their failure to pay the full user fee in a timely manner;
- G. Devise procedures to terminate any utility services to premises for which contributors have failed to pay their user fees;
- H. Apply or direct the agent to apply payments to the appropriate fund; however, should other user fees be included in the check from the resident, the Service Fee Business Office or the agent shall not honor any preferences from the resident as to which user fee is to be paid by the check; and
- I. Render sewer user fee statements for those contributors not billed by the billing agency.

9. SURCHARGES

- A. Surcharges will be billed for commercial entities whose effluent reveals they are exceeding the strength limits of 200 parts per million (ppm) in Biochemical Oxygen Demand (BOD) or 250 parts per million in Total Suspended Solids (TSS). Information upon which to determine if the strength limits are exceeded will be retrieved from laboratory analyses submitted by the contributor to the City-Parish.
- B. The surcharge rate shall be applicable parish-wide for BOD which exceeds a strength of 200 ppm or TSS exceeding a strength of 250 ppm, whichever is greater. The surcharge rate shall be based on a cost of service methodology utilizing unit costs on a per pound basis, as calculated in the City-Parish's Sewer Financial Rate Model. The Director of Public Works, or his successor or his designee shall certify by October 1st of each calendar year the cost of service surcharge rates for biochemical oxygen demand and total suspended solids that shall be effective on January 1st for the next calendar year.

Sample Calculation Formula for Surcharges:

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<u>Formula Elements:</u>	
Gallons per Month	Amount
Factor to Eliminate Parts per Million (ppm)	1,000,000
Actual BOD or	Amount
Actual TSS	Amount
BOD Threshold	Amount
TSS Threshold	Amount
Excess BOD = Actual BOD - BOD Threshold	Amount
Excess TSS = Actual TSS - TSS Threshold	Amount
Factor to Convert Water Flows to Pounds:	8.34
Current Cost of Service (COS) Dollars per Pound (Sewer Financial Rate Model):	
BOD	\$ Amount /lb
TSS	\$ Amount /lb
<u>Formula:</u>	
Gallons ÷ 1,000,000 (to eliminate ppm) x (Excess BOD or Excess TSS)	
x 8.34 x COS = Surcharge Assessed Per Month	
<u>Example:</u>	
Customer "A"	
Gallons per Month	10,000,000
Factor to Eliminate Parts per Million (ppm)	1,000,000
Actual BOD	1,000
Actual TSS	230
BOD Threshold	200
TSS Threshold	250
Excess BOD = Actual BOD - BOD Threshold	800
Excess TSS = Actual TSS - TSS Threshold	-
Factor to Convert Water Flows to Pounds: 8.34	8.34
Current Cost of Service (COS) Dollars per Pound (Sewer Financial Rate Model):	
BOD (Subject to Annual Change)	\$ 0.25376 /lb
TSS (Subject to Annual Change)	\$ 0.1010 /lb
Gallons ÷ 1,000,000 (to eliminate ppm) x (Excess BOD or Excess TSS)	
x 8.34 x COS = Surcharge Assessed Per Month	
	\$ 16,930.87

10. DEPOSITS, LATE CHARGES, DISCONNECT FEES, NSF FEES, DAMAGE FEES

- A. (1) Deposits may be required for all contributors initiating water service. Deposits shall be \$35.00 for residential contributors and, for commercial contributors, \$75.00 or an amount equal to one month's Sewer User Fee, whichever is greater. The deposit shall be paid before the contributor's water service can be turned on.

- (2) Deposits shall not be required nor collected for pure governmental entities of the United States, the State of Louisiana or the City-Parish of East Baton Rouge.

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- B. Deposits, or additional deposits, may be required from any contributor whose water service is terminated for failure to pay the Sewer User Fee or the Surcharge Fee. The deposit, or additional deposit, shall be in the amount of \$35.00 for residential customers. For commercial customers, the deposit or additional deposit shall be \$75.00 or a dollar amount equal to one month's Sewer User Fee, whichever is greater. The deposit, or additional deposit, must be paid, in addition to any other fees and charges, before water service can be restored. Deposits will be returned to contributors only after they have terminated water service in East Baton Rouge Parish. Deposits will be returned to contributors after all fees, charges, interest or penalties due have been subtracted. Should a contributor transfer from one water company to another within the Parish, all deposits balances, and history will transfer with the customer. A new deposit will not be required because of a transfer nor will a deposit be refunded because of a transfer.
- C. A Late Payment Penalty may be charged to any contributor who fails to pay the Sewer User Fee, Surcharge Fee or any other fees or charges by the date established as the due date on the contributor's bill. The Late Payment Penalty shall be five percent of any charges or fees due except that an additional Late Payment Penalty shall not be charged on any previously charged Late Payment Penalty.
- D. An NSF fee in the amount of \$15.00 shall be charged to each contributor's account whose check or draft will not clear the bank because of insufficient funds or a closed account. If an NSF check is received after a Final Notice has been sent, water service may be terminated to the contributor's premises without further notice to the contributor.
- E. A Disconnect Fee not to exceed \$50.00 shall be charged to contributor's accounts that have had water service terminated because of non-payment of the Sewer User Fee, penalty, interest, charge or Surcharge Fee. Multi-family units and governmental agencies will pay the actual cost to the utility per visit as a disconnect/reconnect fee, but in no case will it be less than ten dollars. This fee covers the administrative costs of processing the account for termination, costs of actually terminating the water service, and the costs of administratively processing the account for resumption of water service. There shall be no fee charged to physically reconnect water service.
- F. Interest at the rate of one and one-quarter percent per month or fractional part thereof may be charged to any contributor who fails to pay the Sewer User Fee or any other fees or charges by the date established as the "due date" on the bill.
- G. Additional Disconnect Fees shall be charged to a contributor who had water service terminated for failure to pay the Sewer User Fee, penalties, interest charges, or Surcharge Fee where a second trip is necessary to lock the meter and/or an additional trip is necessary to remove the meter because one or more of the following conditions exist:
 - (1) Payment has not been made after the water valve was turned off and service is still being received from a water company.
 - (2) A review of water consumption data reveals that the premise is still using water.
 - (3) A visual inspection of the water valve reveals that the valve has been turned back to an "on" position.
 - (4) The City-Parish orders the Billing and Collecting Agent to either lock the water meter or remove the water meter and the Billing and Collecting Agent complies with the City-Parish order.
- H. All Disconnect Fees shall be paid before water service can be restored. Disconnect Fees are part of the Sewer User Fee.

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- I. Some water meters, water valves, or water meter boxes will be secured by a locking device designed to prevent unauthorized reconnection of water service. Should the City-Parish discover that a locking device has been broken, the contributor's account will be charged \$25.00 as reimbursement for the damaged locking device and this charge must be paid before water service can be restored.

11. TERMINATION OF UTILITY SERVICE OR CONDEMNATION OF PREMISES OR BOTH

- A. If any contributor fails or neglects to pay the Sewer User Fee, penalties, interest charges or the Surcharge Fee for a period of 30 days and the arrears are equal to one or more monthly Sewer User Fee or Surcharge billings, the Service Fee Business Office will notify the delinquent contributor in writing of the delinquency and shall advise the contributor of:
 - (1) The amount of fees, penalties, interest, or charges in arrears.
 - (2) The amount of penalties, interest, and security deposits that will be required to be paid before service can be restored if water service is terminated.
 - (3) The amount of any disconnection fee that must be paid before service can be restored if water service is terminated.
 - (4) The date that condemnation proceedings will be instituted, or one or more utility services will be ordered terminated, or both, should payment not be made, which date shall not be less than ten days after the date notice is mailed; and
 - (5) The phone number and address of the Service Fee Business Office.
- B. If the contributor's account is not brought current by the date given in Section 11 (A) (4) above, the Service Fee Business Office shall:
 - (1) Order the agent to terminate and discontinue one or more utilities to the designated premises on or after the date given in Section 11(A) (4); and/or
 - (2) Order the delinquent contributor to show cause, at a hearing to be held before the manager of the Service Fee Business Office, why the immediate condemnation of the affected premises should not be ordered. Notice of the hearing shall be served upon the delinquent contributor at their last known address, or by posting the notice at the affected premises by the Service Fee Business Office. The hearing shall be not less than two nor more than ten days from the date of service or posting of notice. Any such order of immediate condemnation issued by the Service Fee Business Office shall immediately cause the termination or discontinuance of service of one or more utilities to the affected premises. Any appeal taken to the appropriate court shall not serve as an automatic stay of the condemnation.
- C. The Service Fee Business Office may enter into a formal installment payment agreement or other payment arrangement with a contributor for the collection of the past due Sewer User Fees, Surcharge Fees, Environmental Permit Fees, Liquid Domestic Waste Fees or other related fees, when it is in the best interest of the City-Parish to do so.

12. RIGHT TO APPEAL

If, after a contributor complies with Section 4 above, they are dissatisfied with the resolution and they desire to appeal this resolution, they must continue to make timely payments of the full amount of the Sewer User Fee billed and must file a protest with the Service Fee Business Office. The protest must be in writing, signed by the contributor, or their duly authorized agent, which shall be under oath and shall set forth the reasons therefore. After the Service Fee Business Office receives the protest, it will be reviewed, investigated and, if necessary, an on-site inspection conducted. Protest reviews shall be

completed within 45 days. Thereafter, the Service Fee Business Office may make any order confirming, modifying, or vacating the amount of the fixing of the user fee. The filing of any such protest shall not abate any penalty for nonpayment, nor shall it stay the right of the Service Fee Business Office to collect the user fee, nor shall it stay the right of the Service Fee Business Office to order the termination of utility service and/or condemnation of premises, unless the contributor shall furnish security of a kind and in an amount satisfactory to the Service Fee Business Office. Appeals from the decision of the Service Fee Business Office shall be directed to any state, city or federal court of competent jurisdiction. This section shall afford a legal remedy and right of action in any state, city or federal court having jurisdiction of the parties and subject matter for a full and complete adjudication of any and all questions arising in the enforcement of Ordinance 7853 and subsequent amendments to the ordinance, as to the legality of any user fee accrued or accruing, or the method of enforcement thereof. In such actions, service shall be upon the Mayor-President of the City of Baton Rouge and Parish of East Baton Rouge.

13. SERVICE FEE BUSINESS OFFICE

The term "Service Fee Business Office," as it appears within these regulations, is hereby defined as the Service Fee Business Office of the City of Baton Rouge and Parish of East Baton Rouge.

14. BILLING AND COLLECTING AGENT

The term "Billing and Collecting Agent," as it appears within these regulations, is hereby defined as a water company, corporation, partnership, individual or other legal entity that has contracted with the City-Parish to collect user fees on behalf of the City-Parish, and to provide other services as defined in the Ordinance.

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