

**BOARD OF SARPY COUNTY AND CITIES WASTEWATER AGENCY**

**RESOLUTION ADOPTING A REVISED SEWER USER RATES AND CONNECTION FEES SCHEDULE AND ESTABLISHING RELATED POLICIES AND PROCEDURES FOR THE UNIFIED SSWS FOR LAND DEVELOPMENT WITHIN THE AGENCY'S JURISDICTION**

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq. (the "Act"), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into an agreement (as amended, the "Formation Interlocal"), and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency") (all capitalized terms not otherwise expressly defined herein shall have the same meanings as provided in the Formation Interlocal);

WHEREAS, the Agency is a separate body corporate and politic under the Act;

WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board;

WHEREAS, pursuant to Section V(A)(3) of the Formation Interlocal, the Agency has the power and authority to "[e]stablish just and equitable rates, fees, or charges for the use of or connection to the Unified SSWS, any property or equipment associated therewith, or any services provided in connection with [the Unified SSWS]";

WHEREAS, pursuant to Agency Board Resolution 2019-013 and in accordance with the Formation Interlocal, the Agency approved and established user rates and connection fees for land development within the Agency's Jurisdiction (the "2019 Rate and Fee Schedule");

WHEREAS, pursuant to Agency Resolution 2019-013, the Agency Board reserved the right to amend, revise, supplement and revoke at any time the 2019 Rate and Fee Schedule;

WHEREAS, the Agency's advisors have recommended to the Agency Board that the 2019 Rate and Fee Schedule be modified and supplemented to clarify ambiguities in the rate structure and include additional policies and procedures with the respect to the payment and collection of the rates and fees paid thereunder;

WHEREAS, the Agency Board has reviewed the revised rate schedule attached hereto as **Exhibit A** setting forth the proposed user rates and connection fees for the development of land within the Agency's Jurisdiction ("2020 Rate and Fee Schedule");

WHEREAS, the Agency Board also reviewed the related policies and procedures attached hereto as **Exhibit B** setting forth the Agency's policies and procedures with respect to the payment and collection of the rates and fees set by the 2020 Rate and Fee Schedule (the "2020 Rate and Fee Policies"); and

WHEREAS, the Agency Board deems it appropriate and advisable to approve the 2020 Rate and Fee Schedule and the 2020 Rate and Fee Policies, and the Members agree to submit the same to their respective governing bodies and planning and zoning boards (or related bodies) for review, approval and incorporation into their respective comprehensive development and land use plans or similar instruments so that the development occurring within each Member's zoning jurisdiction and the Agency's Jurisdiction shall be subject to the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD, that the 2020 Rate and Fee Schedule and the 2020 Rate and Fee Policies are hereby approved and established over the Agency's Jurisdiction, and, from and after the date hereof, the Agency shall charge and assess the applicable user rates and connection fees for the applicable services within the Agency's Jurisdiction in the amounts set forth on the attached 2020 Rate and Fee Schedule and in accordance with the attached 2020 Rate and Fee Policies;

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD, that the Members agree to submit the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies to their respective governing bodies and planning and zoning boards (or related bodies) for review, approval and incorporation into their respective comprehensive development and land use plans or similar instruments so that the development occurring within each Member's zoning jurisdiction and the Agency's Jurisdiction shall be subject to the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD THAT the Agency's adoption of the 2020 Rate Fee Schedule and the 2020 Rate and Fee Policies do not in any manner restrict, limit, or control either Gretna's, Springfield's, Sarpy County's or Papillion's sole authority to own, operate, maintain, design, construct, extend, and collect revenue from their Existing Sewer Systems located within the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, and Papillion Sewer Service Area, respectively, pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019 and the sewer systems therein that are not connected to the Agency's System;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD, that the 2019 Rate and Fee Schedule is hereby revoked and replaced in its entirety with the 2020 Rate and Fee Schedule attached hereto; and

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD, that the 2020 Rate and Fee Schedule and/or the 2020 Rate and Fee Policies may be amended, revised, supplemented and revoked at any time in the Agency Board's sole and absolute discretion.

The above Resolutions were approved by a vote of the Sarpy County and Cities Wastewater Agency Board at a public meeting duly held in accordance with applicable law on the 26th day of August, 2020.

Attest:

*Lisa A. Haine*

Sarpy County and Cities Wastewater  
Agency Secretary



*David R. Kelly*

Sarpy County and Cities Wastewater  
Agency Board Chairman

2020 Rate and Fee Schedule/Policies Adopted by Agency Board:	August 26, 2020
2020 Rate and Fee Schedule/Policies Adopted by Sarpy County Governing Body:	December 8, 2020
2020 Rate and Fee Schedule/Policies Adopted by Bellevue Governing Body:	May 18, 2021
2020 Rate and Fee Schedule/Policies Adopted by Gretna Governing Body:	October 20,2020
2020 Rate and Fee Schedule/Policies Adopted by La Vista Governing Body:	October 20, 2020
2020 Rate and Fee Schedule/Policies Adopted by Papillion Governing Body:	November 17, 2020
2020 Rate and Fee Schedule/Policies Adopted by Springfield Governing Body:	October 20, 2020

**EXHIBIT A***Effective: August 26, 2020***2020 Rate and Fee Schedule**USER RATES (per 1,000 gallons<sup>1</sup>)

<b>Property Use</b>	<b>FY 2020-2021</b>	<b>FY 2021-2022</b>	<b>FY 2022-2023</b>	<b>FY 2023-2024</b>	<b>FY 2024-2025</b>
Residential	\$8.82	\$9.26	\$9.73	\$10.21	\$10.72
Commercial/Civic	\$8.82	\$9.26	\$9.73	\$10.21	\$10.72
Industrial	\$13.23	\$13.89	\$14.59	\$15.32	\$16.09

## CONNECTION FEES

<b>Property Use</b>	<b>FY 2020-2021</b>	<b>FY 2021-2022</b>	<b>FY 2022-2023</b>	<b>FY 2023-2024</b>	<b>FY 2024-2025</b>
Single-family Residential lots located in the Urban Reserve Zone (“URZ”) <sup>2</sup> consisting of three acres or less, and approved for development through applicable Member build-through or similar type zoning and/or subdivision regulations	\$4,181.62 per parcel/tract/lot	\$4,307.48 per parcel/tract/lot	\$4,437.14 per parcel/tract/lot	\$4,570.70 per parcel/tract/lot	\$4,707.36 per parcel/tract/lot
Single-family Residential parcel/tract/lots located in the URZ consisting of twenty acres or more, and approved for development through applicable Member large-lot or similar type zoning and/or subdivision regulations	\$4,181.62 per parcel/tract/lot	\$4,307.48 per parcel/tract/lot	\$4,437.14 per parcel/tract/lot	\$4,570.70 per parcel/tract/lot	\$4,707.36 per parcel/tract/lot
All other Residential uses that do not fall within the residential uses described in the two rows immediately above	\$20,906.06 per acre	\$21,533.25 per acre	\$22,179.24 per acre	\$22,844.62 per acre	\$23,529.96 per acre
Commercial	\$20,906.06 per acre	\$21,533.25 per acre	\$22,179.24 per acre	\$22,844.62 per acre	\$23,529.96 per acre
Industrial	\$20,906.06 per acre	\$21,533.25 per acre	\$22,179.24 per acre	\$22,844.62 per acre	\$23,529.96 per acre
Civic	\$20,906.06 per acre	\$21,533.25 per acre	\$22,179.24 per acre	\$22,844.62 per acre	\$23,529.96 per acre

\* Single-family residential lots located in the URZ consisting of (i) three acres or less and approved for development through applicable Member build-through or similar type zoning and/or subdivision regulations, or (ii) twenty acres or more and approved for development through applicable Member large lot or similar type zoning and/or subdivision regulations shall pay a flat connection fee in accordance with the schedule above.

<sup>1</sup> The User Rates will be computed based on the water consumption calculated and billed by each Member’s water service provider. The Members’ calculation of water consumption may be based on actual consumption, average consumption or a combination thereof.

<sup>2</sup> As defined pursuant to the Agency’s Growth Management Plan initially adopted by the Agency on June 26, 2019 pursuant to Resolution No. 2019-004, as amended from time to time.

**EXHIBIT B****2020 Rate and Fee Policies**

***Effective: August 26, 2020***

All capitalized terms set forth in these Rate and Fee Policies (the “Policies”) shall have the same meanings as set forth in that certain Interlocal Agreement Creating the Sarpy County and Cities Wastewater System by and between the County of Sarpy, Nebraska and the Cities of Papillion, Bellevue, Springfield, La Vista, and Gretna, Nebraska dated September 19, 2017 (as amended, the “Formation Interlocal”).

The Agency has adopted a Growth Management Plan and implementing policies and procedures (collectively, as amended from time to time, the “Growth Management Plan”) which provides the overall framework for the suburban/urban/industrial development of land within the Agency’s Jurisdiction to be served by the Unified SSWS owned and operated by the Agency. The Growth Management Plan identifies areas intended to be served by the Unified SSWS as well as growth zones intended to manage development in phases. All development within the Agency’s jurisdiction shall be in accordance with the Growth Management Plan.

The Agency Board adopted a revised sewer user rates and fee schedule (the “2020 Rate and Fee Schedule”) pursuant to Agency Resolution No. 2020-014. These Policies shall apply to the payment and collection of user rate and connection fees established by the 2020 Rate and Fee Schedule and to any other rates, fees and charges established by the Agency in the future.

Pursuant to Section V(A)(4) of the Formation Interlocal, the Agency has the power and authority to “[m]ake, amend, and repeal such Agency bylaws, rules, and regulations from time to time which are not inconsistent with the Act and [the Formation Interlocal] and which are intended to carry out and effectuate the Agency’s powers and purposes”.

These Policies, as adopted by the Agency in accordance with the Formation Interlocal, apply to all land and developments located within the Growth Zones (as defined in the Growth Management Plan) and subject to the Agency’s Jurisdiction. Therefore, except to the extent otherwise agreed to by the Agency in writing, any license, agreement, permit or other approval by the Agency for any Agency Member, owner, developer, sub-divider, sanitary improvement district, or other person or entity to connect any development, tract, parcel or land to any sewer system located within the Agency’s Jurisdiction shall be subject to the following terms, conditions, policies and procedures:

(1) Prior to the date the Agency begins providing wastewater services to users in the Agency’s Jurisdiction, the Agency will conduct a cost of service study to determine whether this 2020 Rate and Fee Schedule is sufficient to support the Agency’s financial obligations and, if necessary, to modify the same accordingly.

(2) Connection to the Unified SSWS or any sewer system located within the Agency’s Jurisdiction or to any sewer line that drains into a sewer system located within the

Agency's Jurisdiction obligates the connecting owner, developer or sub-divider to pay ongoing user charges in accordance with the user rates set forth in the 2020 Rate and Fee Schedule, as the same may be modified or amended from time to time (the "User Rates") for the treatment of the sewage entering such sewer system, and for the ongoing operations and maintenance of the Unified SSWS. The User Rates will be computed based on the water consumption calculated and billed by each Member's water service provider. The Members' calculation of water consumption may be based on actual consumption, average consumption or a combination thereof. Failure to pay the applicable User Rates on a timely basis shall subject such owner, developer or sub-divider to disconnection of water service by the applicable water service provider, as well as any other lawful remedies necessary to recover past due charges. Each Member shall use good faith efforts to collect and pay to the Agency all outstanding and unpaid User Rates.

(3) Each Agency Member shall cause the applicable municipal water provider (either MUD or the Member itself) to collect the User Rates from the owners, developers and sub-dividers of land within such Member's zoning jurisdiction on a monthly basis and shall pay to the Agency within 30 days of the date of each receipt of such collected amounts from said owners, developers and sub-dividers. The Agency shall pay for the reasonable and customary administrative charges and fees related to each water provider's collection and remittance of the User Rates to the Agency pursuant to this section.

(4) The sewer connection fees applied pursuant to these Policies shall be in the applicable amounts set forth in the 2020 Rate and Fee Schedule, as the same may be modified and amended from time to time or in such other amount agreed to by the Agency Board in connection with developments having unique or special circumstances (hereinafter, the "Connection Fee(s)"). The amount of the applicable Connection Fees shall be based on the land use and the number of developable acres shown on the final plat approved by the governing body of the applicable Agency Member having zoning jurisdiction over such land. For purposes this section, the term "developable acres" shall mean the difference between the gross acres reflected on such final plat, less the aggregate acreage attributable to greenspace, outlots, road, utility and other similar easements, and other areas on which development is not permitted under such final plat.

(5) No connection shall be made to the Unified SSWS or any other sewer system within the Agency's Jurisdiction until the applicable portions Connection Fees shall have been paid to the Agency Treasurer.

(6) The Connection Fees shall not create an obligation on behalf of the Agency to provide any services to the applicable development or platted parcels until such time as the applicable Member jurisdiction in which such development or platted parcels are connected to the Unified SSWS.

(7) This section shall only apply to Connection Fees for lots, parcels and tracts located in the Urban Development Zone (as such term is defined in the Agency's Growth Management Plan initially adopted by the Agency on June 26, 2019 pursuant to Resolution No. 2019-004, as amended from time to time (as amended, the "Growth Management Plan")). The Connection Fees shall apply to all final plats which come before the applicable Agency Member's governing body for approval. One-half of the applicable Connection Fee shall be paid prior to the recording of the

final plat with Sarpy County Register of Deeds. The remaining one-half of the applicable Connection Fee shall be paid at the time the owner, developer or sub-divider submits its building permit application to the applicable Agency Member. In the event the subject parcel is not platted, one hundred percent (100%) of the applicable Connection Fee shall be paid at the time the owner, developer or sub-divider submits its building permit application to the Applicable Agency Member. In the event of a lot line adjustment or lot split of a single-family residential lot in which no building permit is required, one hundred percent (100%) of the applicable Connection Fee shall be paid prior to the recording of the replat reflecting such lot line adjustment or lot split with the Sarpy County Register of Deeds. The applicable Agency Member shall collect the portions of the Connection Fees when due from the applicable owner, developer or sub-divider and shall remit the same to the Agency within 30 days of its receipt of such payment.

(8) One hundred percent (100%) of the Connection Fees for lots, parcels and tracts located in the Urban Reserve Zone (as such term is defined in the Agency's Growth Management Plan) shall be paid by the applicable owner, developer or sub-divider prior to the recording of the final plat of the applicable development with the Sarpy County Register of Deeds, unless otherwise agreed to by the Agency in writing. If no plat or rezoning is required, said Connection Fee shall be paid prior to the issuance of the building permit.

(9) The calculation and payment of the Connection Fees pursuant to these Policies only apply to the initial land use, as defined by the applicable Member's zoning regulations, related to the development shown on the final plat.

(10) In the event the total developable acreages is expanded beyond the area for which a final plat was originally approved by the applicable Member, the owner, developer or sub-divider thereof shall pay an additional connection fee as determined by the Agency with respect to such expanded developable area, even if additional sewer connection is not required.

(11) Unless otherwise agreed to by the Agency Board in writing, physical connection to the Unified SSWS or any other sewer system located within the Agency's Jurisdiction, or to any sewer line that drains into the Unified SSWS or any other sewer system located within the Agency's Jurisdiction, is not permitted until: (A) the payment of all fees and charges due to the Agency Member having zoning jurisdiction over such connecting sewer system have been made by the applicable owner, developer or sub-divider; (B) the payment of all Connection Fees then due and payable to the Agency have been remitted by the Agency Member having zoning jurisdiction over the connecting sewer system; and (C) any and all required development, subdivision and/or connection agreements (as applicable, the "Member Agreements"), have been fully-executed by the owner, developer or sub-divider and the applicable Agency Member(s) having jurisdiction over the land to be developed. The required Member Agreements may include wastewater sewer agreements with the Agency Members, the City of Omaha, and other applicable governmental entities. Any sewer connection that violates this provision shall be subject to a service charge of 10% of the applicable connection fee(s) and will be disconnected until brought into compliance.

(12) Each Agency Member shall incorporate these Policies into the applicable Member Agreements.

(13) The Agency reserves the right to assess the applicable owner, developer or subdivider a reasonable administrative fee to offset the Agency's costs and expenses related to any review of any proposed plats, plans, specifications, Member Agreements or other instruments and documents related to a proposed development subject to the Agency's Jurisdiction or connection of the SSWS or other sewer system located within the Agency's Jurisdiction; provided, however, that no such administrative fee shall be assessed unless and until such fee is adopted by the Agency Board.

(14) Notwithstanding anything in these Policies or in Agency Resolution No. 2020-014 to the contrary, the Agency's Growth Management Plan and these Policies do not in any manner apply to the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, or Papillion Sewer Service Area, respectively, as designated pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019 and the sewer systems therein that are not connected to the Agency's System.