

RESOLUTION NO. 2010-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN WESTMORELAND MUNICIPAL AUTHORITY AMENDING THE SCHEDULE OF RATES AND CHARGES FOR SEWER SERVICES.

WHEREAS, the Western Westmoreland Municipal Authority has operated the "Joint Facilities", as the same are defined in the Service Agreement dated as of December 15, 1971, and the Amendments thereto duly adopted; and

WHEREAS, the Authority, pursuant to its current NPDES Permit Compliance Schedule and in accord with good practices for the operation and maintenance of the "Joint Facilities", is required to perform certain tasks, projects and undertakings, according to certain schedules contained in said Permit; and

WHEREAS, the consulting engineer of the Authority, WadeTrim, pursuant to the requirements of the Service Agreement, as amended, the Trust Indenture entered into in conjunction with the Authority's Sewer Revenue Bonds, Series of 2005, and the Pennvest Funding Agreement, is required to and has furnished the Authority with an Annual Report setting forth the computations and estimates of revenue and expenses of the Authority, as provided and required in said Service Agreement, the Trust Indenture and the Pennvest Funding Agreement and to comply with said Permit; and

WHEREAS, based upon said Annual Report and information, the Authority determined that it will be necessary to borrow certain funds to finance certain of said tasks, undertakings and projects; and, in particular, a solids processing project designed by the Authority's Consulting Engineer and approved by the Authority; and to that end has determined to finance the same by the borrowing of additional funds by the issuance of Bonds; and

WHEREAS, the consulting engineer has issued an Annual Report, dated the 17th day of November, 2009, which finds that on and after the 1st day of April, 2010, insufficient revenues will be generated from the current customers and future customers to finance said tasks, undertakings and projects and to meet and defray the operating, administration and other expenses of the Authority; and

WHEREAS, the last increase in the rates of the Authority occurred effective as of January 1, 2006. .

WHEREAS, the consulting engineer, in its report, has recommended that an increase in rates for sewer use in the amount of \$44.40 per year per Equivalent Dwelling Unit (\$3.70 per month per Equivalent Dwelling Unit) be adopted by this Authority effective the 1st day of April, 2010.

NOW THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED by the Board of Directors of the Western Westmoreland Municipal Authority as follows:

1. The schedule of service charges of Western Westmoreland Municipal Authority, except for the rate district known as the "Cavettsville-Ardara Area", is hereby amended to provide that the service charge for sewage transportation and treatment for each Equivalent Dwelling Unit shall be \$244.20 annually, or \$20.35 per month, effective as of the 1st day of April, 2010; and that until such date, the current rates shall remain in full force and effect; and

2. In case any one or more of the provisions of this Resolution shall for any reason be held to be illegal or invalid or otherwise contrary to law, such finding shall not affect or impair any other provisions of this Resolution, but this Resolution shall be construed and enforced as if said provision had not been contained herein; and

3. All Resolutions or parts of Resolutions of this Authority not in accord with this Resolution are hereby repealed as of the effective date of this Resolution.

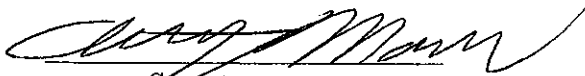
RESOLVED at a regularly scheduled meeting of the Western Westmoreland Municipal Authority on the 21st day of January, 2010, a quorum being present.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY, SUBJECT TO THE PROVISION SET FORTH HEREIN THAT THE RATE INCREASE SHALL NOT TAKE EFFECT UNTIL APRIL 1, 2010.

WESTERN WESTMORELAND
MUNICIPAL AUTHORITY

By  _____
Chairman

ATTEST: (SEAL)


Secretary

Date: January 21, 2010

CERTIFICATION

I, Anthony Marks, duly qualified Secretary of the Board of Directors of the Western Westmoreland Municipal Authority, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Resolution No. 2010-01 is a true and correct copy of the original Resolution No. 2010-01 duly passed and adopted by a majority vote of the Board of Directors of the Western Westmoreland Municipal Authority at a duly advertised and convened regular meeting held on the 21st day of January, 2010, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Authority and that said Resolution remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Western Westmoreland Municipal Authority, this 21st day of January, 2010.

Certified to by:


Secretary