

RESOLUTION NO. 2012-09

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN WESTMORELAND MUNICIPAL AUTHORITY AMENDING THE SCHEDULE OF RATES AND CHARGES FOR SEWER SERVICES IN ALL AREAS SERVED BY THE AUTHORITY OTHER THAN THE "CAVETTSVILLE-ARDARA AREA".

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 2010, 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 received, the Authority determined that it will be necessary to increase the funds to operate, maintain and pay the expenses and obligations of the Authority related to the Authority's facilities and the services to the "Brushcreek Area"; and

WHEREAS, the Consulting Engineer has issued an Annual Report, dated November, 2012, which finds that on the 1st day of January, 2013, insufficient revenues will be generated from the current customers and future customers to finance said tasks, undertakings and obligations and to meet and defray the operating, administration and other expenses of the Authority for the "Brushcreek Area"; and

WHEREAS, the last increase in the rates of the Authority was set forth in Resolution No. 2010-01 and became effective April 1, 2010.

WHEREAS, the Consulting Engineer, in its report, has recommended that an increase in rates for sewer use in the amount of \$60.00 per year per Equivalent Dwelling Unit (\$5.00 per month per Equivalent Dwelling Unit) be adopted by this Authority effective the 1st day of January, 2013, for all areas served by the Authority other than the "Cavettsville-Ardara Area".

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 for all areas served by the 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 \$304.20 annually, or \$25.35 per month, effective the 1st day of January, 2013; and

2. This Resolution affects only the schedule of current rates for service charges of of all areas served by the Western Westmoreland Municipal Authority, except for the rate district known as the "Cavettsville-Ardara Area" and shall remain in full force and effect unless and until changed by subsequent Resolution of the Authority; and

3. 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

4. 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 12th day of November, 2012, a quorum being present.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

WESTERN WESTMORELAND
MUNICIPAL AUTHORITY

By 
Chairman

ATTEST: (SEAL)


Secretary

Date: 11/12/12

CERTIFICATION

I, Robert E. Wayman, 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. 2012-09 is a true and correct copy of the original Resolution No. 2012-09 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 12th day of November, 2012, 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 12th day of November, 2012.

Certified to by:


Secretary