

RESOLUTION NO. 2015-13

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, the Consent Order and Agreement (CO&A) entered into between the Authority and the Pennsylvania Department of Environmental Protection, 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 CO&A; and

WHEREAS, in accordance with the requirements and schedules in the CO&A (Scheduled Requirements), the Authority is to undertake certain projects, in three (3) phases, to address wet weather issues in and related to the “Joint Facilities” and the functioning and operation of the Authority; and

WHEREAS, in furtherance of the Scheduled Requirements the consulting engineer of the Authority, WadeTrim, designed, DEP approved and permitted, and the Authority authorized the first phase, Phase 1, to proceed for funding and bidding; and

WHEREAS, the Authority has received bids for Phase 1, which bids when considered in conjunction with other remaining estimated costs and expenses for completion of Phase 1 total \$32,737,200.00; and

WHEREAS, the Authority sought and was awarded funding from the Pennsylvania Infrastructure Investment Authority (PENNVEST) for a portion of the costs and expenses of Phase 1; and

WHEREAS, the Authority, in conjunction with services provided by, and the advice received from its financial advisors, CIM Investment Management, Inc., has prepared a plan for financing the estimated balance of the costs and expenses for completion of Phase 1, which will involve the refunding of the Authority’s Sewer Revenue Bonds (Series A of 2010 and Series B of 2010, collectively, the “Series 2010 Bonds”) by the issuance of Sewer Revenue Bonds, Series A of 2015 of the Authority (the “Refunding Bonds”), and the issuance of two (2) additional Series of Bonds, Sewer Revenue Bonds, Series B of 2015 (to be issued in November 2015) and Sewer

Revenue Bonds, Series of 2016 (to be issued in January, 2016) (collectively, the “Project Bonds”); and

WHEREAS, the consulting engineer of the Authority, Wade Trim, pursuant to the requirements of:

- a) the Service Agreement, as amended;
- b) the Trust Indenture entered into in conjunction with the Series 2010 Bonds;
- c) the proposed Trust Indenture, as supplemented, for the Refunding Bonds and the Project Bonds;
- d) the proposed Pennvest Funding Agreement; and
- e) the plans for the Refunding Bonds of the Authority and the proposed Project Bonds,

is required to and has furnished the Authority with a Report setting forth the computations and estimates of revenues and expenses of the Authority, as provided and required; and

WHEREAS, based upon said Report and information received, the Authority has determined that it will be necessary to increase the funds to operate, maintain, repair, improve and make additions to the “Joint Facilities” and to pay the expenses and obligations of the Authority related to the Authority’s facilities and the services to the “Brush Creek Area”; and

WHEREAS, the Authority has determined that additional revenues will be needed from the current and future customers to finance the Scheduled Requirements and to meet and defray the operating, administration and other expenses of the Authority for the “Brush Creek Area”; and

WHEREAS, the last increase in the rates of the Authority was set forth in Resolution No. 2012-09, which rates became effective January 1, 2013; and

WHEREAS, from the Report and information received, it is recommended that an increase in the service charges be adopted by the Authority for sewage transportation and treatment rates for sewer use, effective the 1st day of January, 2016, in the amount of \$30.00 per year per Equivalent Dwelling Unit (\$2.50 per month per Equivalent Dwelling Unit), for all areas served by the Authority other than the “Cavettsville-Ardara Area”; and

WHEREAS, further, from the Report and information received, it is recommended that an additional increase in the service charge be adopted by this Authority for sewage transportation and treatment rates for sewer use, effective the 1st day of October, 2016, in the amount of \$30.00 per year per Equivalent Dwelling Unit (\$2.50 per month per Equivalent Dwelling Unit), 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. That 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 \$334.20 annually, or \$27.85 per month, effective the 1st day of January, 2016; and

2. Further, that 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 \$364.20 annually, or \$30.35 per month, effective the 1st day of October, 2016; and

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


4. 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

5. 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.

6. **THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.**

RESOLVED at a regularly scheduled meeting of the Western Westmoreland Municipal Authority on the 15th day of October, 2015, a quorum being present.

WESTERN WESTMORELAND
MUNICIPAL AUTHORITY

By 
Robert E. Wayman, Chairman

ATTEST: (SEAL)


Barbara L. McIntyre, Secretary

Date: October 15, 2015



CERTIFICATION

I, Barbara L. McIntyre, 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. 2015-13 is a true and correct copy of the original Resolution No. 2015-13 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 15th day of October, 2015, 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 15th day of October, 2015.

Certified to by:



Barbara L. McIntyre, Secretary

