



Albuquerque Bernalillo County Water Authority

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

Legislation Text

File #: O-19-2, Version: 1

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY

BILL NO. O-19-2

ORDINANCE

Amending the Albuquerque Bernalillo County Water Utility Authority Water and Sewer Rate Ordinance to update the Utility Financial Policy to replace the Water Supply Charge with the Water Resource Charge, establish a Water Assistance Fund, add and update terms, update the Utility Expansion Charge, Septic Tank, and Chemical Toilet Charge by 3.1% based on the Engineering News Report Indexes; and update Appendix C Post Issuance Compliance Policy
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD, THE GOVERNING BODY OF THE WATER AUTHORITY:

~~Section 1.~~ ~~Section 1 is amended as follows:~~

Section 1 WATER AND SEWER RATES

1-1-1. SHORT TITLE.

This Ordinance will be known and may be cited as the "Albuquerque Bernalillo County Water Utility Authority Water and Sewer Rate Ordinance."

1-1-2. COMPUTATION OF REVENUES, EXPENSES AND DEBT SERVICE; DETERMINATION OF DEBT COVERAGE; REQUIRED MONTHLY FIXED CHARGE.

(A) Definition of Terms.

AWWA. American Water Works Association.

CLASS AVERAGE. The Class Average is the average monthly water use billed in the winter months (December, January, February and March) for each customer class and meter size. This calculation is completed annually.

CONSERVATION SURCHARGE. During the billing months of May thru November, a

surcharge is billed to customers that have used over a determined percentage (200%, 300%, and/or 400%) of their conservation average (the conservation average is determined by their individual Winter Average).

~~CONSUMERS ASSOCIATION (CMDWWCA). Non-profit organization generally located in the Carnuel land grant established in 2001 under the laws of New Mexico Sanitary Projects Act.~~

COST OF SERVICE. A rate setting methodology that is legally and fiscally required by bond covenants which sets sewer charges based upon EPA guidelines, uses a standard rate setting approach within the industry, requires users to pay their proportionate cost of the system and creates equity within classes of customers and among classes of customers.

CITY. The City of Albuquerque, New Mexico.

COUNTY. Bernalillo County, New Mexico.

CUSTOMER. Any person, association, corporation, or entity receiving Utility service, related products or services in the metropolitan Service Area.

DEBT SERVICE REQUIREMENTS. With respect to System Obligations for any given period, the sum of: (1) the amount required to pay the interest, or to make reimbursements for payments of interest, becoming due on System Obligations during that period, plus (2) the amount required to pay the principal or Accreted Value, becoming due on System Obligations during that period, whether at maturity, an accretion term date or upon mandatory sinking fund redemption dates, plus (3) the periodic payments required to be made by the Water Authority pursuant to a Qualified Exchange Agreement minus (4) the periodic payments to be received by the Water Authority pursuant to a Qualified Exchange Agreement. No payments required for any System Obligations which may be tendered or otherwise presented for payment at the option or demand of the owners of System Obligations, or which may occur because of the exercise of an option by the Water Authority, or which may otherwise become due by reason of any other circumstance or contingency, including acceleration or early termination payments, which constitute other than regularly scheduled payments of principal, Accreted Value, interest or other regularly scheduled payments on System Obligations shall be included in any computation of Debt Service Requirements for that period.

DROUGHT. Drought occurs when there is insufficient precipitation combined with other environmental factors that cause an increase of overall water usage.

DROUGHT MANAGEMENT STRATEGY. The Water Authority's Drought Management Plan which contains four different drought severity levels, with each level containing

increasingly stringent measures to reduce demand on the Water Authority's water system.

EXECUTIVE DIRECTOR. The Executive Director of the Water Authority.

EXPENSES. All expenses necessary for the operation and maintenance of the water and sewer systems, excluding depreciation, amortization and payments in lieu of taxes and expenditures for capital items.

FISCAL YEAR. July 1 through June 30.

FRANCHISE. The authorizations granted by the City of Albuquerque, City of Rio Rancho, Bernalillo County or Village of Los Ranchos to the Water Authority to use their respective rights-of-way and public places to construct, operate, and maintain Water Authority water and wastewater systems.

LOW INCOME HOUSING DEVELOPMENTS. Any multi-family residential development constructed by the City of Albuquerque or Bernalillo County or a non-profit developer in conjunction with one of these local governments which is substantially intended to provide affordable housing to very low income citizens as defined by 60 percent or less of median income as established by the US Department of Housing and Urban Development.

METER SIZE. The physical size of a water meter as designated by AWWA Standard.

NET REVENUES. The Revenues of the Utility less the Expenses. For purposes of calculating compliance with Sections 1-1-2(B) and 1-1-2(C) and the Additional Bonds Tests and Rate Covenants in the Debt Management and Policy & Guidelines, Net Revenues shall be defined and calculated in accordance with the definition of Net Revenues established in the applicable ordinance authorizing the issuance of the relevant System Obligations.

PAJARITO MESA MUTUAL DOMESTIC WATER AND WASTEWATER CONSUMERS ASSOCIATION (PMMDWWCA). Non-profit organization generally located in the Pajarito land grant established in 2000 under the laws of New Mexico Sanitary Projects Act.

REVENUES. Revenues will include all charges for current water and sewer service, income from miscellaneous services or property, interest on investments of the Joint Water and Sewer Funds, connection fees, and interest on notes or other receivables.

RIO RANCHO. The City of Rio Rancho, New Mexico.

SENIOR OBLIGATIONS. System Obligations now outstanding or hereafter issued with a first lien, but not an exclusive first lien, on the Net Revenues on a parity with the lien of the Outstanding Senior Obligations.

SERVICE AREA. Those parts of Bernalillo County and contiguous territory served by the Water Authority.

SERVICE SIZE. Service sizes range from size 1 to size 8. Each size is based upon the meter size or equivalent for each account.

SUBORDINATE OBLIGATIONS. System Obligations now outstanding or hereafter issued with a lien on the Net Revenues subordinate to the lien thereon of the Senior Obligations but superior to the lien thereon of the Super Subordinated Obligations.

SUPER SUBORDINATED OBLIGATIONS. System Obligations now outstanding or hereafter issued with a lien on the Net Revenue subordinate to the lien thereon of the Senior Obligations and subordinate to the lien thereon of the Subordinate Obligations.

SYSTEM OBLIGATIONS. All bonds and other similar indebtedness payable solely or primarily from the Net Revenues, including, without limitation, the Senior Obligations, the Subordinate Obligations, and the Super Subordinated Obligations.

UEC. Utility Expansion Charge

UTILITY. The water and wastewater facilities and all operations and management of such facilities necessary to provide water and wastewater service in the Service Area.

VILLAGE OF LOS RANCHOS. Village of Los Ranchos de Albuquerque, New Mexico.

WATER 2120 SECURING OUR WATER FUTURE. A 100-year water resource management strategy and policy document (R-16-12) which provides ratepayers a resilient and sustainable water supply for the next century.

WATER AUTHORITY. The Albuquerque Bernalillo County Water Utility Authority or its authorized agent.

WATER SUPPLY RESOURCE CHARGE (WSCWRC). A charge that will be assessed by the Water Authority at the time of meter sale or application for service to any new water user customer requesting connection to the water system in an area not located within the Water Authority's service area and requiring a development agreement.

WINTER MEAN AVERAGE. For all customers, the average monthly water use billed in the months of December, January, February and March for each account. If a customer has a new account and does not have a full four months to calculate a winter mean average or if a customer's winter mean average is zero, then the mean average for that customer will be based off the class and size average mean. For those residential customers that have a winter mean average greater than zero units but less than four units and does not fall in the category of a new account,

then their winter ~~mean~~ average used for the Conservation Surcharge will be four units. For those residential customers that have a winter ~~mean~~ average greater than 15 units their winter ~~mean~~ average used for the Conservation Surcharge will be 15 units.

(B) Computation of Revenues, Expenses and Debt Service. At the end of each quarter of the fiscal year a determination will be made as to the total revenues, expenses and current debt service requirements of the system in accordance with definitions in §1-1-2(A). The determination will be made by the end of the first month following the end of each quarter. The results of the determination will be transmitted to the Water Authority.

(C) Increasing Minimum Monthly Fixed Charges. So long as there are Senior Obligations outstanding, if the determination of §1-1-2(B) above shows that the Net Revenues are less than 133 percent of the Debt Service Requirements on the outstanding Senior Obligations, the fixed monthly charge will be increased for water and sewer accounts. So long as there are Subordinate Obligations outstanding, if the determination of §1-1-2(B) above shows that the Net Revenues are less than 120 percent of the Debt Service Requirements on the outstanding Senior Obligations and outstanding Subordinate Obligations, the fixed monthly charge will be increased for water and sewer accounts. The increase in the fixed monthly charges will be a percentage of the established fixed monthly charges that produce additional revenues so that if the adjusted charges had been effective the previous quarter, the total Net Revenues would have been sufficient to meet the requirements of this paragraph. If the determination of §1-1-2(B) above shows that the Net Revenues are insufficient to meet the requirements above, it shall be determined if the revenue loss is due to efforts of Water Authority Customers to conserve water by reviewing usage patterns. If the usage study shows that the reduced revenues are due to conservation efforts, the Executive Director shall analyze the Utility's operations for the purpose of determining whether or not corresponding expense reductions can be effected and shall present any such expense reduction proposals to the Water Authority.

(D) Increasing Water Commodity Charges. If the quarterly analysis of power cost related to water pumping shows that costs are increasing or decreasing, the Executive Director is authorized to adjust the water commodity charge to reflect the change. An adjustment in the commodity charge will only be made if the needed commodity charge adjustment is \$0.01 or greater, and shall be in \$0.01 increments. The Electric Fuel Cost Adjustment is to be calculated: $(\text{Fuel Rider} - \$0.50) \times \text{Average annual kWh} / \text{Annual Billed Consumption in CCF}$.

(E) General Procedural Provisions. The Executive Director may enact administrative procedures to carry out the purposes of this Ordinance.

1-1-3. WATER RATES.

(A) Definitions. As used in this Section, unless the context otherwise requires:

CUSTOMER CLASSIFICATIONS Include:

(1) RESIDENTIAL. Single-family detached, condominiums served by individual meters, townhouses served by individual meters, duplexes served by individual meters, or mobile homes served by individual meters.

(2) MULTI-FAMILY. Any metered/account serving more than one dwelling unit; i.e., duplexes, residences with guests houses, triplexes, four-plexes, apartment complexes, condominiums, town-homes, or mobile homes served by common meters.

(3) COMMERCIAL. Retail, offices, hotels, motels, shopping centers, none of which use process water in the conduct of business.

(4) INDUSTRIAL. Manufacturing, or process facility which is engaged in producing a product.

(5) INSTITUTIONAL. Government buildings, hospitals, schools, and other facilities that provide public and quasi-public services.

(B) Water Credit Eligibility and Procedures.

(1) Single-family detached, condominiums, townhouses, duplexes or triplexes served by common or individual meters; mobile homes served by individual meters; but limited to those Customers who own the dwelling in which they reside and qualify under the United States Department of Health and Human Services poverty guidelines.

(2) The Executive Director shall establish procedures regarding certification for water credits and shall periodically make administrative changes to the income guidelines as circumstances require.

(C) Metered Water Service.

(1) The rates and compensation to be paid to the Water Authority for public and private use of water supplied by the Water Authority for any and all purposes shall be in accordance with the following schedule of charges.

Fixed Monthly Charge - Metered Service

Serv	Size	Meter	Size	Residential	Commercial	Industrial	Institutional	Multi-family
1	5/8 X 3/4	\$9.79		\$10.26	\$19.22	\$10.55	\$12.03	
2	1	20.22	20.65		40.31	21.02	24.58	
3	1 1/2	56.61	58.83		120.32	61.42	72.00	
4	2	121.35	125.77	262.46	131.74	155.63		
5	3	232.26	241.37	497.91	252.17	290.05		
6	4	524.56	543.03	1143.32	569.75	675.21		
7	6	889.87	901.53	1850.64	940.83	1104.04		
8	8 & over	1863.70	1933.16	4036.09	2196.26	2391.09		

(2) The rates and compensation to be paid to the Water Authority for public and private use of water supplied by the Water Authority for Wholesale Water Users shall be in accordance with the following schedule of charges.

Fixed Monthly Charges- Pajarito Mutual Domestic

Meter Size

¾	\$13.86
1	27.97
1½	80.92
2	173.76
3	361.13
4	802.69
6	1354.92
8	2873.97

(D) Unmetered Water Service.

(1) For service connections to the utility for private fire protection. Applicable to all service through which water is used solely for extinguishing accidental fires.

Fixed Monthly Charge

Line Size (inches)	Service Area
2	\$4.85
3	7.28
4	9.70
6	18.20
8	27.90
10	38.81
12	57.00

(2) Unmetered water service for any purpose other than standby fire protection will be a violation of this Ordinance and subject to the penalties specified herein; except by written agreement approved by the Executive Director.

(E) Private Use of Fire Hydrants for Non-Potable Use.

(1) Permits.

(a) Connections to fire hydrants at any location are prohibited except by the Water Authority, Fire Departments within the service area or by written permit (fire hydrant meter permit) issued by the Water Authority. The Fire Departments within the service area are given permission to use fire hydrants based upon written agreements with the Executive Director which pertain to inspection and maintenance. Each Fire Department is required to perform agreed upon maintenance on all fire hydrants within their service area as a condition of use.

(b) A qualified applicant (business owner or licensed contractor) or designated agent wishing to obtain a fire hydrant meter permit must submit a completed application form to the Water Authority. Completed and signed applications may be submitted online or hand delivered. If the applicant assigns a designated agent to obtain the permit, a designated agent certification form must be signed and notarized by the business owner or licensed contractor and submitted with the completed application.

(c) Fire hydrant meter permits may be issued for a period not to exceed one year. Failure to comply with one or more of the terms and conditions shall be cause for terminating the permit.

(d) Under a standard fire hydrant meter permit, the applicant may use any fire hydrant from the Water Authority's designated network of green-top fire hydrants. Applicants desiring to use an out-of-network hydrant must submit an alternate location application stating the reason(s) for needing to use the out-of-network hydrant. Water Authority staff will review such requests on a case by case basis and a decision shall be issued within three business days of receiving the request.

(e) The Water Authority reserves the right to refuse to issue a fire hydrant meter permit to any applicant or to require an applicant to pay all current charges on the applicant's Water Authority account as a condition to the issuance of a permit.

(2) System Connection and Water Use.

(a) Water taken from fire hydrants may be used only for non-potable, non-recreational purposes within the Water Authority service area. The use of non-potable water taken from fire hydrants for swimming pools is prohibited.

(b) The permit holder shall utilize a backflow prevention method or device acceptable to the Water Authority at all times the fire hydrant meter is in use to protect the Water Authority's water supply. Failure to use an acceptable backflow prevention method or device shall be cause for confiscating the fire hydrant meter and terminating the permit.

(c) The Executive Director may appoint employees to inspect fire hydrant meters at any time, but not less than once per annum. Permit holders shall make provisions for such inspections.

(d) For permit holders that contract with the Water Authority, the Executive Director is authorized to withhold all or a portion of the surety bond for outstanding fire hydrant meter charges including but not limited to repair and replacement of the hydrant meter and usage.

(3) Loss, Damage and Payment Surety Bond.

(a) A loss, damage and payment surety deposit of \$3,000.00 for each fire hydrant meter is required at the time the permit is issued. If a fire hydrant meter is lost or stolen, the \$3,000.00 deposit shall be forfeited and the permit holder shall be assessed up to a \$1,000.00 charge for water usage.

(b) All or a portion of the loss, damage and payment surety deposit will be refunded depending upon the cost of repairing the fire hydrant meter and the outstanding balance for meter charges when it is returned to the Water Authority. The Water Authority shall cause the repair work to be done and compute the time and materials necessary to rehabilitate the fire hydrant meter.

(c) The Executive Director may waive the loss, damage and payment surety deposit for special events or non-construction related short term projects. (4) Reporting. The permit holder shall be required to report and pay for fire hydrant water usage on a monthly basis. Fire hydrant meter readings shall be submitted, in writing between the first (1st) and tenth (10th) day of the month for water usage during the previous calendar month, regardless of whether any water usage occurred during that month. Failure to submit meter readings between the first (1st) and the tenth (10th) of the month shall result in a \$20.00 late meter reading fee per occurrence. Failure to report meter readings on or before the last day of the month the readings are due shall be cause for confiscation of the meter and termination of the permit.

(5) Fees and Charges.

(a) A nonrefundable program fee of \$230.00 will be charged for each fire hydrant meter permit.

(b) All fire hydrant meter permit holders shall pay a monthly base charge of \$70.00. This monthly base charge shall not be prorated.

(c) All water withdrawn from a fire hydrant shall be charged at the current commodity rate. Connections to fire hydrants in violation of this Ordinance will be subject to the penalties specified herein and shall be considered an illegal connection and be subject to hydrant meter confiscation.

(d) The permit holder shall be required to remit payment for all water withdrawn from fire hydrants on a monthly basis. Failure to remit payment in full within ten (10) days after final notice is issued shall result in a \$50.00 late payment fee per occurrence, and shall be cause for confiscation of the fire hydrant meter and termination of the permit.

(F) Water Commodity Charge.

(1) (a) In addition to the Fixed Monthly Charge, all water used by a Customer within the Service Area for any purpose whatsoever shall be charged at the rate of \$2.018 per unit (one unit equals 100 cubic feet). In addition, there shall be a charge of 0.024 per unit, added to this commodity charge, which is the amount necessary to compensate the Water Authority for the water conservation fee charged by the State of New Mexico. This is determined by the meter reading or by estimating the usage by statistical methods. Customers shall pay bills monthly.

(b) Included in the commodity charge is a \$0.116 charge per unit that will be dedicated to the Water Resources Management Program in Fund 621 to fund the Ground-Water Protection Policy and Action Plan, the Water Conservation Program, Water Resources Management Planning and Arsenic Investigations. All interest earned on these dedicated funds shall be used only for this purpose.

(c) In addition to the Fixed Monthly Charge customers with a wholesale water rate shall be charged at the rate in accordance with the following schedule of charges.

Pajarito Mutual Domestic - \$1.400 per 100 CCF

(2) Bills may be based on the estimated average annual water use in units, annualized and divided by 12 months, plus the fixed monthly charge. Any special charges, such as UEC, shall be included on the bill. The Executive Director may administratively adjust bills periodically by crediting and debiting accounts as appropriate if errors have been found and verified.

(3) (a) Surcharges for irrigation-only water accounts shall be assessed annually in the year following the water usage based upon an annual irrigation budget allowance established for such accounts and in accordance with the following:

(i) Water budgets will be established by the Water Authority whenever a new irrigation account is established or an existing account is converted to an irrigation account.

(ii) All usage will be calculated annually on a per site basis. Any usage of individual wells at these sites shall be submitted in writing to the Water Authority by the 15th of the month following the use.

(iii) All golf courses existing prior to October 1, 1995 will be allowed up to 40 inches of water over the entire landscaped area per calendar year.

(iv) All new golf courses or existing golf course expansions permitted after October 1, 1995

will be allowed up to 37 inches of water over the entire landscaped area per calendar year.

(v) Athletic fields will be allowed up to 45 inches of water over the entire landscaped area per calendar year.

(vi) All other landscaped areas will receive a water budget of 35 inches of water over the entire landscaped area per calendar year.

A surcharge will be applied to the usage above the annual irrigation budget allowance. For excess usage up to 150 percent (first tier) of the annual irrigation budget, the surcharge shall be 50 percent of the commodity rate shown in §1-1-3(F)(1)(a). For excess usage greater than 150 percent (second tier) of the annual irrigation budget, the surcharge shall be 100 percent of the commodity rate shown in §1-1-3(F)(1)(a). For excess usage greater than 200 percent (third tier) of the annual irrigation budget, the surcharge shall be 150 percent of the commodity rate shown in §1-1-3(F)(1)(a).

(b) The conservation surcharge amount added for each unit exceeding 200 percent of the Winter Mean Average water usage as calculated in §1-1-2(A), shall be equal to 50 percent of the commodity charges in §1-1-3(F)(1)(a), and shall be added to the total charge determined in §1-1-3(F)(1)(a) for usage during the following months of April through October. For those residential customers that have a Winter Mean Average equal to or greater than 15 units, the conservation surcharge amount added for each unit exceeding 200 percent of the Winter Mean Average water usage as calculated in §1-1-2(A), shall be equal to 100 percent of the commodity charges in §1-1-3(F)(1)(a), and shall be added to the total charge determined in §1-1-3(F)(1)(a) for usage during the months of April through October.

(c) The conservation surcharge amount added for each unit exceeding 300 percent of the Winter Mean Average water usage as calculated in §1-1-2(A), shall be equal to 50 percent of the commodity charges in §1-1-3(F)(1)(a), and shall be added to the total charge determined in §1-1-3(F)(3)(b) for usage during the months of April through October. For those residential customers that have a Winter Mean Average equal to or greater than 15 units, the conservation surcharge amount added for each unit exceeding 300 percent of the Winter Mean Average water usage as calculated in §1-1-2(A), shall be equal to 100 percent of the commodity charges in §1-1-3(F)(1)(a), and shall be added to the total charge determined in §1-1-3(F)(3)(b) for usage during the months of April through October.

(d) The conservation surcharge amount added for each unit exceeding 400 percent of the Winter Mean Average water usage as calculated in §1-1-2(A) shall be equal to 50 percent of the commodity charges in §1-1-3(F)(1)(a), and shall be added to the total charge determined in §1-1-3(F)(3)(c) for usage during the months of April through October. For those residential customers that have a Winter Mean Average equal to or greater than 15 units, the conservation surcharge amount added for each unit exceeding 400 percent of the Winter Mean Average water usage as calculated in §1-1-2(A), shall be equal to 100 percent of the Commodity Charges §1-1-3(F)(1)(a), and shall be added to the total charge determined in §1-1-3(F)(3)(c) for usage during the months of April through October.

(e) Drought Related Surcharges. Under the four levels of Drought defined in the Drought Management Strategy, the Water Authority may, at its sole discretion, increase surcharges described in §1-1-3 by a factor of two, three or more as may be necessary to assist in water use reduction during a drought. During a drought, the Water Authority shall declare to the public the Drought Level, which can be raised and lowered by the Water Authority, and the proposed increase in surcharges. The Drought level only applies to the current year and must be approved by the Water Authority on a year by year basis. The Water Authority delegates the implementation of the Drought Management

Strategy including the increase of surcharges to the Executive Director. Based on the Drought Level approved by the Water Authority, the Executive Director shall implement the Drought Management Strategy and announce the effective date of the new surcharges.

(f) For residential class Customers only having service sizes 1 through 3, a 50 percent discount shall be applied to the commodity charges in §1-1-3(F)(1)(a) for water usage greater than the customer's Winter Mean Average water usage during the months of April through October when water usage is equal or less than 150 percent of the Class Winter Mean Average water usage.

(G) Multiple Meter Service. Customers with service by more than one meter to any premise shall be charged the applicable fees associated with each meter except for single-family residential Customers who have two meters, of which one is used for irrigation. The monthly fixed charge for these single-family residential Customers will be based on the largest meter at the single-family residence.

(H) Water Credit. For those accounts included within the Water Credit classification, a credit of \$10.31 per month will be applied to their billing; the billing shall be calculated using the Fixed Monthly Charge and Commodity Charge as set forth in this Ordinance.

(I) Water Assistance Fund (WAF).

(1) The WAF is established to offer one-time, emergency assistance for qualifying low-income Water Authority customers having difficulty paying their water and sewer bills.

(2) The Executive Director is authorized to establish program guidelines for qualification and eligibility procedures and shall periodically make administrative changes to the guidelines as circumstances require.

(J) Tag and Testing Charge. When a Customer disputes meter accuracy, a "Tag & Test" service will be done after all the steps taken by the Water Authority have been exhausted and if requested in writing by the legal property owner or his/her authorized representative.

(1)	Meters 5/8 X 3/4" to 2"
Meter Size	Tag and Testing Charge Service
5/8" x 3/4"	\$140
1"	185
1-1/2"	380
2"	455

The meter in question will be removed and a new one installed so that service can be maintained. The removed meter will be bench tested by the Water Authority in accordance with AWWA Standard C705. Should the meter fail the accuracy test such that the requestor was being overcharged, there would be no charge to the requestor.

(2) Meter 3" and greater. The meter in question will be tested in place in accordance with AWWA Standard C701, C702 or C703 and AWWA manual M6. Should the meter fail the accuracy test such that the requestor was being over charged, there would be no charge to the requestor. The testing charge for this will be \$500 for all sizes.

(JK) Customer utility statements shall contain the following itemized element: "Facility Rehabilitation: \$`x,' where `x' shall be the cost of the rate increase to fund facility rehabilitation."

(KL) Real property owners receiving water service from the Water Authority are responsible for hiring a licensed plumber to connect their customer service line to the Water Authority system at the point of metered service, or

obtain a Homeowner Permit from the permitting Agency, allowing the property owner to make the connection.

1-1-4. NON-POTABLE WATER RATES.

(A) Definitions. Refer to §1-1-3(A) Water Rates for the definitions of Customer Classifications, which apply to this Section.

(B) Metered Service. The rates and compensation to be paid to the Water Authority for public and private use of non-potable water supplied by the Water Authority within the Service Area for any and all purposes shall be in accordance with the schedule of charges listed in §1-1-3(A) for potable water metered service.

(C) Commodity Charge.

(1) In addition to the Fixed Monthly Charge, all non-potable water used by a Customer within the Service Area shall be charged at the rate corresponding to 80 percent of the potable water commodity rate (one unit equals 100 cubic feet). This is determined by the meter reading or by estimating the usage by statistical methods. Customers shall pay bills monthly.

(2) Bills may be based on the estimated average annual non-potable water use by units, annualized and divided by 12 months, plus the fixed monthly charge. Any special charges, such as UEC, shall be included on the bill. The Executive Director may administratively adjust bills periodically by crediting and debiting accounts as appropriate if errors have been found and verified.

(3) All surcharges for irrigation-only water accounts shall be charged at the rate based upon the non-potable water commodity rate (one unit equals 100 cubic feet).

(D) Multiple Meter Service. Customers with non-potable water service by more than one meter to any premise shall be charged the applicable fees associated with each meter.

(E) Tag and Testing Charge. Refer to §1-1-3 (I) for applicable provisions and charges.

(F) Utility Expansion Charge (UEC).

(1) A Utility Expansion Charge shall be paid to the Water Authority at the time of non-potable meter sale or application for non-potable water service for all new services connecting to the non-potable water system. The UEC may be paid in full at the time of non-potable service application, or paid over time with an initial minimum of 5 percent down payment. The balance shall be subject to a fixed monthly charge to include a carrying charge set at 7 percent per annum. On all connections, the balance shall be paid in full within 120 months.

(2) The UEC for non-potable water service shall be the same as the UEC for potable water service. Refer to §1-1-8(A) for applicable provisions and charges.

(3) Existing water Customers wishing to receive non-potable water shall not be charged a UEC unless the new combined potable and non-potable system capacity exceeds the Customer's previous existing potable system capacity.

(4) Redundant potable water and non-potable water metered services are not required for non-potable service.

(G) Non-potable Water Meter and Service Installation Fees. Refer to §1-1-9 for applicable provisions and charges.

(H) Customers that are currently using potable water for irrigation or other qualified industrial purposes as determined by the Water Authority and whose property is located within 200-feet of a non-potable water line are required

to connect to the non-potable system within one year of service availability. Connection to non-potable system is a condition of service. The Water Authority is required to provide written notification to the property owner that non-potable water is available and that connection to the system is mandatory. If requested, the Water Authority will meet with the affected property owners and provide additional information regarding service availability, connection locations and other information that may be deemed necessary. The property owner has one year from the date of notification to connect to the system. Failure to connect may result in termination of service.

(l) Water Rights Leases. Beginning July 1, 2006, except for lease agreements that provide for periodic rate increases, water rights leases entered into by the Water Authority for the purpose of offsetting depletive effects on the Rio Grande from pumping by others shall be charged at the non-potable water rate.

1-1-5. SEWER RATES.

(A) Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD or BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter by Standard Methods procedures in five days at 20° C. expressed in milligrams per liter (mg/l).

CLEANOUT. A tee section in the sanitary sewer located outside any structure accessible 24 hours a day and constructed according to the Utility's standard detail.

COD or CHEMICAL OXYGEN DEMAND. A measure of the oxygen-consuming capacity of organic and inorganic matter present in wastewater as milligrams per liter (mg/l), by Standard Methods procedures.

NH₃N OR AMMONIA NITROGEN. Total Ammonia - A measure of the total ammonia as nitrogen concentration as milligrams per liter (mg/L) by Standard Methods or EPA approved procedures.

CUSTOMER CLASSIFICATIONS.

(1) RESIDENTIAL. Single-family detached, condominiums served by individual meters, townhouses served by individual meters, duplexes served by individual meters, or mobile homes served by individual meters.

(2) MULTI-FAMILY. Any metered/account serving more than one dwelling unit; i.e., duplexes, residences with guests houses, triplexes, four-plexes, apartment complexes, condominiums, town-homes, or mobile homes served by common meters.

(3) COMMERCIAL. Retail, offices, hotels, motels, shopping centers, none of which use process water in the conduct of business.

(4) INDUSTRIAL. Manufacturing, or process facility which is engaged in producing a product.

(5) INSTITUTIONAL. Government buildings, hospitals, schools, and other facilities that provide public and quasi-public services.

(6) WHOLESALE-SPECIAL CONTRACTS. Contract Customers that are responsible for a collection system beyond the point where their respective wastewater discharges into the Water Authority's interceptors.

(7) KIRTLAND AIR FORCE BASE (KAFB).

(8) FOOD SERVICE ESTABLISHMENT or FSE. Any establishment, commercial or noncommercial, such as a restaurant, cafeteria, snack bar, temple, mosque, church, synagogue, worship hall, banquet facility, preschool, school, or meeting place, with a kitchen that is used for preparing, serving, or otherwise making available for consumption foodstuffs in commercial amounts in or on a receptacle that requires washing and that discharges to the Water Authority's

POTW.

INDUSTRIAL WASTE. Wastes resulting from any process of industry, manufacturing, trade, or business, or from the development, recovery, or processing of natural resources.

LATERAL SEWER. An individual user's sewer pipe beginning at the public sewer and extending to the premises actually served. The lateral sewer includes the stub to which a user connects to the public sewer and all appurtenances on such lateral sewer. The user is responsible for the maintenance of the lateral sewer including those portions that may be within any right-of-way. The term is interchangeable with "house service connection," "sewer service line," or "building sewer."

NORMAL DOMESTIC WASTEWATER. Effluent which contains constituents and characteristics similar to effluent from a residence and specifically for the purposes of this Ordinance does not contain BOD, COD, NH₃N and TSS in excess of the following concentration:

BOD -- 250 mg/l

COD -- 500 mg/l

TSS -- 330 mg/l

NH₃N - 25 mg/l

PUBLICLY OWNED TREATMENT WORKS or POTW. A treatment works as defined by §212 of the Clean Water Act, (33 USC 1292) which is owned by the Water Authority. The term also includes Water Authority works, as defined in §502 of the Clean Water Act, (33 USC 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. The "treatment works" includes all plants, sanitary sewers, lift stations, odor control stations, and all other properties, now or hereafter existing, used or useful in connection with the collection, pumping, disposal and treatment of wastewater, as now or hereafter added to, expanded or improved.

SEWER CREDIT ELIGIBILITY AND PROCEDURES. Single-family detached, condominiums, townhouses, duplexes or triplexes served by common or individual meters; mobile homes served by individual meters; but limited to those Customers who own the dwelling in which they reside and qualify under the United States Department of Health and Human Service poverty guidelines.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association and American Water Works Association and the Water Pollution Control Federation.

TOTAL SUSPENDED SOLIDS or TSS. Those solids which are retained by a standard glass fiber filter and dried to constant weight at 103 - 105° C. expressed in milligrams per liter (mg/l), by Standard Methods procedures.

WASTEWATER. The used water of a community. Such used water may be a combination of the liquid waterborne wastes from residences, commercial buildings, industrial plants and institutions.

(B) Methodology and Calculation of Rates and Charges.

(1) The rates and charges described in this Ordinance are developed in conformance with standard cost-of-service rate making principles as recommended by the American Water Works Association, the Water Environment Federation, and the United States Environmental Protection Agency (USEPA).

(2) The Water Authority's rates and charges are calculated based on each customer classification's use of the system. Historical billed flows by classification and a systematic allocation of operation, maintenance, and

capital costs were used to calculate the schedule of charges contained in this Ordinance.

(C) Fixed Monthly Charge.

(1) The rates and compensation to be paid to the Water Authority for public or private use by discharge of liquid waste into the Water Authority within the Service Area for any and all purposes whatsoever shall be in accordance with the following schedules of charges. The Fixed Monthly Charge for Customers with Water Authority water service shall be based on the water service size. The Fixed Monthly Charge for Customers without Water Authority water service shall be based on the liquid waste flow. Liquid waste flow will be calculated in accordance with the methodology set forth in the Commodity Charge Section of §1-1-5(D).

(2) Fixed Monthly Charge for Customers with water service:

Serv	Size	Meter	Resid	Comm	Indust	Instit	Multi-family
1	$\frac{5}{8} \times \frac{3}{4}$	\$2.99 \$3.70	\$16.82	\$2.87	\$4.97		
2	1	4.84	5.90	28.49	4.63	8.22	
3	1½	19.84	25.11	122.72	18.88	34.62	
4	2	49.37	62.62	308.35	46.94	86.31	
5	3	66.11	83.90	413.63	62.86	115.68	
6	4	140.83	178.85	883.44	138.88	246.77	
7	6	187.56	237.02	1177.19	178.30	328.73	
8	8 & over	333.41	423.55	2094.23	316.95	584.60	

(3) Fixed Monthly Charge for Customers without water service:

Liquid Waste

Flow	(CCF)	Residential	Commercial	Industrial	Institutional	Multi-family
0 - 10	$\frac{5}{8} \times \frac{3}{4}$	\$2.99 \$3.70	\$16.82 \$2.87	\$4.97		
11-19	1	4.84	5.90	28.49	4.63	8.22
20-63	1½	19.84	25.11	122.72	18.88	34.62
64-82	2	49.37	62.62	308.35	46.94	86.31
83-343	3	66.11	83.90	413.63	62.86	115.68
344-599	4	140.83	178.85	883.44	138.88	246.77
600-803	6	187.56	237.02	1177.19	178.30	328.73
804-over	8 & over	333.41	423.55	2094.23	316.95	584.60

(4) Fixed Monthly Charges for Wholesale and KAFB

Serv Size	Wholesale	Item	KAFB
1	\$3.78	Per Month	\$12,038.74
2	6.19		
3	13.70		
4	64.09		
5	85.88		

6	183.06
7	243.83
8	412.91

(D) **Commodity Charge.** All wastewater discharge shall be charged on the basis of the Commodity Charges for Retail and Special Customers rate table on a per unit basis (one unit equals 100 cubic feet).

Commodity Charges for Retail and Special Contract Customers

Customer Classification	Base (\$/CCF)	Rehab (\$/CCF)	Total Commodity (\$/CCF)
Retail Customers			
Residential	\$1.394	\$0.288	\$1.682
Commercial	1.394	0.288	1.682
Industrial	1.394	0.288	1.682
Institutional	1.394	0.288	1.682
Multi-family	1.394	0.288	1.682
Special Contracts			
Wholesale	\$0.727	\$0.151	\$0.878
KAFB	0.727	0.151	0.878

(1) **Customers with Water Service.** The commodity charge for usage during the months of December, January, February and March (winter months) shall be based upon 95 percent of the metered or estimated volume of water usage during each of these months for each account. The commodity charge for usage during other months shall be based upon 95 percent of the metered or estimated volume of water usage during that month or shall be based upon 95 percent of the prior winter months' average, whichever is less for each account. The winter months' average is determined by averaging the metered or estimated volume of water used during the winter months.

(2) **Customers without Water Service.** The volume of wastewater discharge shall be determined by the physical measurement at the expense of the customer; however, where accurate and reasonable estimates can be made by statistical methods, such estimates shall be considered the volume of discharge upon which the Commodity Charge is based. The Water Authority expressly reserves the right to determine the estimated wastewater volume for any customer without water service, which determination may be appealed to the Executive Director.

(3) **Special Wastewater Discharge Volume.** The Water Authority recognizes that sewage discharge patterns for individual Customers may vary to a great extent from the norms of any particular class; therefore, any Customer may, at their own expense, provide the Water Authority with sewage flow data for consideration of a special wastewater discharge volume. Such data shall be certified by an engineer registered in the state. The Water Authority expressly reserves the right to determine the estimated wastewater volume for any Customer, which determination may be appealed to the Executive Director.

(E) Extra-Strength Surcharge.

(1) All Customers discharging wastewater into the POTW are subject to a surcharge if the discharged wastewater exceeds normal domestic wastewater strength. NORMAL STRENGTH is defined as:

- (a) Chemical Oxygen Demand (COD) less than or equal to 500 mg/l; and

- (b) Biochemical Oxygen Demand (BOD) less than or equal to 250 mg/l; and
- (c) Total Suspended Solids (TSS) less than or equal to 330 mg/l; and
- (d) Ammonia Nitrogen (NH₃N) less than or equal to 25 mg/l.

(2) The Water Authority shall determine strength as defined by the above parameters in §1-1-5(E)(1) above. The procedures are described §1-1-5(I) below. If it is determined that the wastewater strength exceeds the limits specified, a surcharge shall be levied at the rate of:

- (a) \$.17 per pound of COD for the excess of 500 mg/l of COD; and
- (b) \$.33 per pound of BOD for the excess of 250 mg/l BOD; and
- (c) \$.27 per pound of TSS for the excess of 330 milligrams per liter of TSS; and
- (d) \$.81 per pound of NH₃N for the excess of 25 mg/l of NH₃N.

(3) Any customer that is a Food Service Establishment permitted by the City of Albuquerque, Village of Los Ranchos, Bernalillo or Sandoval County shall be charged an extra strength surcharge of \$1.96 per unit (100 cubic feet).

(4) The Water Authority shall promulgate administrative procedures to carry out the provisions of the extra-strength surcharge.

(F) Septic Tank Truck Discharge. No user owning vacuum or "cesspool" type pumping trucks or other liquid waste transport trucks shall discharge such waste into the POTW, unless such person shall first have applied for and received a Septic Tank Discharge or Chemical Toilet Discharge Permit from the Industrial Pretreatment Engineer pursuant to the Sewer Use and Wastewater Control Ordinance Section 3-3-7.

(G) Sewer Use Regulations. The Water Authority's Sewer Use and Wastewater Control or successor Ordinance, shall govern all discharges of wastewater to the POTW.

(H) Sampling; Metering Manhole Requirements. When required by the Utility, the owner of property serviced by a lateral sewer carrying industrial wastes shall install a suitable control manhole or cleanout together with such necessary meter and other appurtenances in the lateral sewer to facilitate observation, sampling, and measurement of the wastes. Such monitoring locations shall be accessible, safely located, and constructed in such a manner as to prevent infiltration of ground and surface waters. They shall be constructed in accordance with plans approved by the Utility. The Utility has established standard details. The monitoring location and all equipment shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(I) Sampling and Testing Procedures.

(1) All dischargers subject to monitoring according to the Water Authority's Sewer Use and Wastewater Control Ordinance, will be monitored by the Water Authority. The discharge will be sampled and tested for compliance with the Water Authority's Sewer Use and Wastewater Control Ordinance, and to determine the surcharge amount.

(2) All measurements, tests and analysis of the characteristics of waters and wastes shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association and Water Pollution Control Federation, and the American Water wWorks Association.

(3) Sampling shall be carried out by customarily accepted methods. The particular analyses

involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD, COD, NH₃N and TSS analyses are obtained from 24-hour composites of all outfalls.

(4) Those industries suspected of discharging either high COD, BOD, NH₃N wastes or high TSS wastes shall be sampled for four consecutive days by grab samples or 24-hour composite samples from a Utility manhole. If COD results exceed 500 mg/l, BOD results exceed 250 mg/l, NH₃N results exceed 25 mg/l, or TSS results exceed 330 mg/l on any of the two of the four consecutive days, or in any of the 24-hour composite samples, a sampling manhole may be required for industries discharging greater than 25,000 gallons per day or if required by the Water Authority's Sewer Use and Wastewater Control Ordinance or successor Ordinance. Upon installation of the sampling manhole, an automatic sampler will be used to gather a composite which shall be used to compute a monthly surcharge. Industries discharging less than 25,000 gallons per day and not otherwise requiring a sampling manhole may be required to install a cleanout and an automatic sampler will be used to gather a composite which shall be used to compute a monthly surcharge. Pretreatment may be required according to the Water Authority's Sewer Use and Wastewater Control Ordinance or successor Ordinance.

(5) The Water Authority may assess penalties for noncompliance with the Sewer Use and Wastewater Control Ordinance or successor Ordinance.

(J) Sewer Credit. For those accounts included within the Sewer Credit classification, a credit of \$9.62 per month will be applied to their billing; the billing shall be calculated using the Fixed Monthly Charge and Commodity Charge as set forth in this Ordinance.

(K) Customer utility statements shall contain the following itemized element: "Facility Rehabilitation: \$`x,' where `x' shall be the cost of the rate increase to fund facility rehabilitation."

1-1-6. WATER AND SEWER REHABILITATION FUND.

(A) An established portion of the revenue generated by fixed water rates and the Water Commodity Charge shall be distributed to a Water and Sewer Rehabilitation Fund. The fixed rate portion of the Water Rates contained in §1-1-3(B) which shall be distributed to the Water and Sewer Rehabilitation Fund are contained in the following schedule of charges. The portion of the water commodity rate to be distributed to the Water and Sewer Rehabilitation Fund shall be 0.392 per unit.

Fixed Water Rates (per month)

Serv Size	Meter Size	Residential	Commercial	Industrial	Institutional	Multi-family
1	5/8 X 3/4	\$6.12	\$6.41	\$12.01	\$6.59	\$7.52
2	1	12.63	12.90	25.19	13.13	15.36
3	1½	35.37	36.76	75.17	38.37	44.98
4	2	75.82	78.58	163.99	82.31	97.24
5	3	145.11	150.81	311.10	157.55	181.22
6	4	327.75	339.29	714.36	355.98	421.88
7	6	555.99	563.28	1156.29	587.84	689.81
8	8 & over	1164.45	1207.85	2521.77	1372.24	1493.97

(B) In addition to the portion of the commodity rate to be distributed to the Water and Sewer Rehabilitation

fund as identified in §1-1-5(D) above, the following fixed rate portions of the sewer rates contained in §1-1-5(C) shall be distributed to the Water and Sewer Rehabilitation Fund.

Fixed Monthly Rehabilitation Charges

Fixed Sewer Rates (per month)

Serv Size	Meter Sz	Resid	Comm	Indust	Instit	Multi-fam	Wholesale
1	5/8 X 3/4	\$7.54	\$9.33	\$42.40	\$7.22	\$12.52	\$9.53
2	1	12.21	14.87	71.83	11.67	20.73	15.61
3	1 - 1½	50.02	63.29	309.39	47.59	87.28	34.53
4	2	124.45	157.88	777.37	118.34	217.58	161.57
5	3	166.66	211.51	1042.77	158.47	291.64	216.50
6	4	355.04	450.89	2227.17	337.52	622.11	461.50
7	6	472.83	597.53	2967.73	449.50	828.74	614.71
8	8 & over	840.54	1067.78	5279.60	799.03	1473.80	1040.96

Monthly Rehabilitation Charges for KAFB

Item	KAFB
Per Month	\$30,349.92

(C) Committed expenditures for the rehabilitation of water wells, pump stations, reservoirs, service lines, other water lines, gate valves and the committed expenditures for rehabilitation of sewer lines, odor control stations, pumping stations and treatment facilities from revenues in the Water and Sewer Rehabilitation Fund shall not be less than \$40 million dollars per year.

(D) The distributions from water and sewer rates to the Water and Sewer Rehabilitation Fund shall be reviewed every five years and updated as needed to adjust for construction inflation, new capital inventory, rate increases and other factors.

1-1-7. WATER AND SEWER SYSTEM AND UTILITY FINANCIAL POLICIES.

(A) The term of each and every instrument of debt shall be 12 years or less; except for sustainable water supply projects. This policy shall not apply to the possible acquisition of other operating water and wastewater utility systems or to mitigate short term rate impacts.

(B) At a minimum, an average of 50 percent of the cost of capital projects which constitute the normal capital program of the water and sewer system including the rehabilitation and replacement of existing facilities, and the construction of water wells, pump stations, reservoirs, service lines, other water lines, gate valves, revenue meters and meter boxes, sewer lines, odor control stations, and pumping stations, and treatment facilities shall be paid with cash rather than borrowed funds. The normal capital program excludes special capital projects such as the expansion of the wastewater treatment plants, arsenic mitigation, state and federal grant projects, state and federal mandated projects, and related to water resources management to achieve a sustainable supply of water. This policy shall not apply to the possible acquisition of other operating water and wastewater utility systems or to mitigate short term rate impacts.

(C) At a minimum, 25 percent of the cost of capital projects not included in the normal capital program of the water and sewer system shall be paid with cash rather than borrowed funds. This policy shall not apply to the possible acquisition of other operating water and wastewater utility systems sustainable water supply or to mitigate short term rate impacts.

(D) Utility Expansion Charge (UEC) revenues or those of successor development fees in excess of \$6 million per year shall be transferred to the Joint Water and Sewer Capital Funds. The transfer of these funds shall be made in the fiscal year following the most recent audited Comprehensive Annual Financial Report.

(E) Utility Expansion Charge rates shall be based on adopted policies of the Water Authority.

(F) Appropriations of cash transfers from water and sewer utility operating funds or debt service funds to a Joint Water and Sewer Capital Fund shall be made in the amounts appropriated during the year for which the appropriations have been made.

(G) The Water Authority has implemented an asset management program to manage its capital infrastructure focusing on minimizing the total cost of designing, acquiring, operating, maintaining, replacing, and disposing of capital assets over their life cycle while achieving desired service levels. It will allow the Water Authority to manage existing assets more effectively, make informed decisions on policy and budgetary matters, and plan for future needs. Based upon this program the Water Authority will begin to incrementally increase its Capital Implementation Program spending at approximately \$3 million a year until the Water Authority can reach and sustain a spending level of approximately \$76 million a year.

(H) A Rate Reserve Fund is established for reserving water and sewer revenues in a dedicated fund for the purpose of offsetting declines in rate revenue and to mitigate future rate increases. This Rate Reserve Fund will be funded at \$2 million per year. The goal for the Water Authority is to achieve and maintain a Working Capital Balance that will be 1/12 of the Water Authority's annual budgeted expenditures. The Rate Reserve Fund will be counted in the Working Capital Balance calculation, however any expenditure from the Rate Reserve Fund will require an appropriation approved by the Water Authority Board.

(I) The Water Authority's Investment Policy is attached as Appendix A and provides the policy guidance on the investment of funds. The Water Authority's Debt Management Policy and Guidelines is attached as Appendix B and sets forth the parameters for issuing debt and managing the outstanding debt portfolio and provides guidance regarding the purposes for which debt may be issued, types and amounts of permissible debt, timing and method of sale that may be used, and structural features that may be incorporated. The Water Authority's Post Issuance Compliance Policy is attached as Appendix C, and provides the post-issuance tax compliance controls and procedures related to financial obligations.

(J) A Water 2120 Fund is established to fund water supply resource infrastructure projects in implementing the adopted Water 2120: Securing Our Water Future (R-16-12). Revenue from the Water Supply Resource Charge shall be earmarked solely for the projects identified in Water 2120 into this fund. Beginning in Fiscal Year 2020~~1~~, this fund will be funded at a minimum of \$2 million per year.

1-1-8. UTILITY EXPANSION CHARGE (UEC) and WATER SUPPLY RESOURCE CHARGE (WSR)

C).

(A) (1) A UEC charge will be paid to the Water Authority at the time of meter sale or application for service for all properties connecting to the water and/or wastewater system in accordance with the following schedule. The amount of the UEC's shall be adjusted annually by building cost or construction cost indices (BCI or CCI) as published by the Engineering News Record (ENR). Where water service does not exist and sewer service is to be taken and the sewer UEC is applicable, the charge shall be based upon the wastewater flow. A unit of flow is equal to 100 cubic feet.

(a) Financing for Water UEC

~~Finance for Water UEC~~

Water Meter Size	Water Payment	Minimum Cash Down	Balance to Finance
5/8 X 3/4"	\$3,233	\$162	\$3,071
1"	5,388	269	5,119
1-1/2"	10,775	539	10,236
2"	17,245	862	16,383
3"	34,482	1,724	32,758
4"	53,879	2,694	51,185
6"	107,762	5,388	102,374
8" or More	172,417	8,621	163,796
<u>5/8 X 3/4"</u>	<u>\$3,333</u>	<u>\$167</u>	<u>\$3,167</u>
<u>1"</u>	<u>\$5,555</u>	<u>\$278</u>	<u>\$5,277</u>
<u>1-1/2"</u>	<u>\$11,109</u>	<u>\$555</u>	<u>\$10,554</u>
<u>2"</u>	<u>\$17,780</u>	<u>\$889</u>	<u>\$16,891</u>
<u>3"</u>	<u>\$35,551</u>	<u>\$1,778</u>	<u>\$33,773</u>
<u>4"</u>	<u>\$55,549</u>	<u>\$2,777</u>	<u>\$52,772</u>
<u>6"</u>	<u>\$111,103</u>	<u>\$5,555</u>	<u>\$105,547</u>
<u>8" or More</u>	<u>\$177,762</u>	<u>\$8,888</u>	<u>\$168,874</u>

(b) Financing for Sewer UEC

Finance for Wastewater UEC

Water Meter Size	Liquid Waste Flow	Sewer Payment	Minimum Cash Down	Balance to Finance
5/8 X 3/4"	0-10	\$2,425	\$121	\$2,304

1"	11-19	4,041	202	3,839
1-1/2"	20-63	8,082	404	7,678
2"	64-82	12,930	646	12,284
3"	83-343	25,923	1,296	24,627
4"	344-599	41,432	2,072	39,360
6"	600-803	82,869	4,143	78,726
8" or More	804 & over	129,307	6,465	122,842
<u>5/8 X 3/4"</u>	<u>0-10</u>	<u>\$2,500</u>	<u>\$125</u>	<u>\$2,375</u>
<u>1"</u>	<u>11-19</u>	<u>\$4,166</u>	<u>\$208</u>	<u>\$3,958</u>
<u>1-1/2"</u>	<u>20-63</u>	<u>\$8,333</u>	<u>\$417</u>	<u>\$7,916</u>
<u>2"</u>	<u>64-82</u>	<u>\$13,331</u>	<u>\$667</u>	<u>\$12,664</u>
<u>3"</u>	<u>83-343</u>	<u>\$26,727</u>	<u>\$1,336</u>	<u>\$25,390</u>
<u>4"</u>	<u>344-599</u>	<u>\$42,716</u>	<u>\$2,136</u>	<u>\$40,581</u>
<u>6"</u>	<u>600-803</u>	<u>\$85,438</u>	<u>\$4,272</u>	<u>\$81,166</u>
<u>8" or More</u>	<u>804 & over</u>	<u>\$133,316</u>	<u>\$6,666</u>	<u>\$126,650</u>

(2) The UEC may be paid in full or paid over time with an initial minimum of 5 percent down payment and the balance shall be subject to a fixed monthly charge to include a carrying charge set at 7 percent per annum. On all connections, the balance shall be paid in full within 120 months.

(3) The fixed monthly charge for the UEC shall run against the property and be the responsibility of any subsequent owner until paid in full. All monies collected through the imposition of the UEC, including the fixed monthly charge, shall be placed in a separate account to be used for financing the expansion for the water and sewer system.

(B) Reactivation of disconnected service. No refund of UEC will be made for a service downsizing. Reconnections requesting larger service than was originally installed shall pay UEC determined by subtracting the current charge for the original service size from the current charge for the new service size requested.

(C) Charges for multiple residential units:

(1) Requests for residential or commercial water and/or sewer service which will provide for more than one residential unit will pay UEC according to one of the following schedules:

(a) Apartment Complexes.

(i) With 30 dwelling units or less shall pay 50 percent of the product of

the total number of units times the water and/or sanitary sewer UEC for a 5/8" x 3/4" water meter.

(ii) With more than 30 dwelling units shall pay the amount given by the equation below:

$$\text{Equivalent Units} = (0.45) \times (\text{No. of Units}) + 1.49$$

$$\text{Total UEC} = (\text{Equivalent Units}) \times (5/8" \times 3/4" \text{ Meter UEC})$$

(b) Mobile Home Parks, regardless of size, shall pay 53 percent of the product of the total number of dwelling units times the water and/or sanitary sewer UEC for a 5/8" x 3/4" water meter.

(c) Condominiums, regardless of size, shall pay 53 percent of the product of the total number of dwelling units times the water and/or sanitary sewer UEC for a 5/8" x 3/4" water meter.

(d) Commercial service shall pay the larger of the following:

(i) The water and/or sewer UEC as shown in §1-1-8(A).

(ii) 50 percent of the product of the number of equivalent residential units times the water and/or sewer UEC charge for a 5/8" x 3/4" meter.

(e) Low income housing developments shall pay the greater of either:

(i) Eight percent of the product of the total number of dwelling units times the water and sanitary sewer UEC set forth in §1-1-8(A)(1) of this Ordinance for a 5/8" x 3/4" water meter; or,

(ii) The UEC set forth in §1-1-8(A)(1) of this Ordinance for the meter size required to service the development. The size shall be determined by the Water Authority based on the number of water fixture units described in AWWA M-22.

(f) At the time the water and sewer UEC is due and payable for a low income housing development, the owner of the low income housing development shall give the Water Authority a promissory note in the principal amount that is equal to the difference between the amount of the water and sewer UEC set forth in §1-1-8(A)(1) of this Ordinance for a 5/8" x 3/4" water meter and the amount of the water and sewer UEC set forth in §1-1-8(C)(1)(e). The promissory note shall be due and payable on the date the Low Income Housing Development ceases to qualify as a low income housing development as defined in §1-1-2(A), which shall constitute its maturity date. The promissory note shall not bear any interest from the date of the promissory note to its maturity date, but shall bear interest thereafter at the rate imposed by §1-1-8(A)(2) from the maturity date of the promissory note until the date the promissory note is paid. The promissory note shall be secured

by a mortgage on the low income housing development that is subject and subordinate only to mortgages securing the costs to purchase the land for the low income housing development and to design and construct the low income housing development.

(2) If the service requested necessitates modification and/or installation of additional facilities other than those already in existence and available to serve the property, then the cost of such modifications and/or additional facilities shall be applied and apportioned according to existing Water Authority policy.

(D) (1) A Water Supply Resource Charge (WSRC), as specified herein, will be assessed by the Water Authority at the time of meter sale or application for service to any new water user customer requesting connection to the water system in an area requiring new or enhanced infrastructure through a service expansion in accordance with §1-1-8(D)(1). The proceeds from this charge will be dedicated and restricted to the development of new water resources, rights or supplies to serve the beneficiary new customers outside of the established infrastructure consistent with the Water Authority's Regional Water Plan and Water Resources Management Strategy and other guiding principles adopted by the Water Authority. The proceeds from this charge will be dedicated to the Water 2120 Fund. The amount of the WSRC shall be adjusted annually by building cost or construction cost indices (BCI or CCI) as published by the Engineering News Record (ENR).

(a) Financing for Water Supply Resource Charge - WSRC

Year 1 Phase-in:

Water Meter Size	Water Payment	Minimum Cash Down	Balance to Finance
5/8 X 3/4"	\$1,669	\$83	\$1,586
1"	2,793	140	2,653
1-1/2"	5,564	278	5,286
2"	8,902	445	8,457
3"	17,806	890	16,916
4"	27,627	1,381	26,246
6"	55,760	2,788	52,972
8" or More	89,023	4,451	84,572
<u>5/8 X 3/4"</u>	<u>\$2,085</u>	<u>104</u>	<u>1,980</u>
<u>5/8 X 3/4"</u>	<u>\$2,085</u>	<u>\$104</u>	<u>\$1,980</u>
<u>1"</u>	<u>\$3,474</u>	<u>\$174</u>	<u>\$3,301</u>
<u>1-1/2"</u>	<u>\$6,949</u>	<u>\$347</u>	<u>\$6,602</u>

<u>2"</u>	<u>\$11,118</u>	<u>\$556</u>	<u>\$10,562</u>
<u>3"</u>	<u>\$24,321</u>	<u>\$1,216</u>	<u>\$23,105</u>
<u>4"</u>	<u>\$41,694</u>	<u>\$2,085</u>	<u>\$39,609</u>
<u>6"</u>	<u>\$93,811</u>	<u>\$4,691</u>	<u>\$89,120</u>
<u>8" or More</u>	<u>\$111,183</u>	<u>\$5,559</u>	<u>\$105,624</u>

Year 2 Phase-in:

<u>5/8 X 3/4"</u>	<u>\$2,500</u>	<u>\$125</u>	<u>\$2,375</u>
<u>1"</u>	<u>\$4,167</u>	<u>\$208</u>	<u>\$3,959</u>
<u>1-1/2"</u>	<u>\$8,335</u>	<u>\$417</u>	<u>\$7,918</u>
<u>2"</u>	<u>\$13,335</u>	<u>\$667</u>	<u>\$12,669</u>
<u>3"</u>	<u>\$34,021</u>	<u>\$1,701</u>	<u>\$32,320</u>
<u>4"</u>	<u>\$50,008</u>	<u>\$2,500</u>	<u>\$47,507</u>
<u>6"</u>	<u>\$112,517</u>	<u>\$5,626</u>	<u>\$106,891</u>
<u>8" or More</u>	<u>\$133,354</u>	<u>\$6,668</u>	<u>\$126,686</u>

Year 3 Phase-in:

<u>5/8 X 3/4"</u>	<u>\$2,916</u>	<u>\$146</u>	<u>\$2,770</u>
<u>1"</u>	<u>\$4,860</u>	<u>\$243</u>	<u>\$4,617</u>
<u>1-1/2"</u>	<u>\$9,720</u>	<u>\$486</u>	<u>\$9,234</u>
<u>2"</u>	<u>\$15,552</u>	<u>\$778</u>	<u>\$14,775</u>
<u>3"</u>	<u>\$34,021</u>	<u>\$1,701</u>	<u>\$32,320</u>
<u>4"</u>	<u>\$58,321</u>	<u>\$2,916</u>	<u>\$55,405</u>
<u>6"</u>	<u>\$131,223</u>	<u>\$6,561</u>	<u>\$124,662</u>
<u>8" or More</u>	<u>\$155,524</u>	<u>\$7,776</u>	<u>\$147,748</u>

Year 4 Phase-in:

<u>5/8 X 3/4"</u>	<u>\$3,332</u>	<u>\$167</u>	<u>\$3,165</u>
<u>1"</u>	<u>\$5,553</u>	<u>\$278</u>	<u>\$5,275</u>
<u>1-1/2"</u>	<u>\$11,106</u>	<u>\$555</u>	<u>\$10,551</u>
<u>2"</u>	<u>\$17,769</u>	<u>\$888</u>	<u>\$16,881</u>
<u>3"</u>	<u>\$38,871</u>	<u>\$1,944</u>	<u>\$36,927</u>
<u>4"</u>	<u>\$66,635</u>	<u>\$3,332</u>	<u>\$63,303</u>
<u>6"</u>	<u>\$149,929</u>	<u>\$7,496</u>	<u>\$142,433</u>
<u>8" or More</u>	<u>\$177,694</u>	<u>\$8,885</u>	<u>\$168,809</u>

Year 5 Phase-in:

<u>5/8 X 3/4"</u>	<u>\$3,747</u>	<u>\$187</u>	<u>\$3,560</u>
<u>1"</u>	<u>\$6,246</u>	<u>\$312</u>	<u>\$5,933</u>
<u>1-1/2"</u>	<u>\$12,491</u>	<u>\$625</u>	<u>\$11,867</u>
<u>2"</u>	<u>\$19,986</u>	<u>\$999</u>	<u>\$18,987</u>
<u>3"</u>	<u>\$43,720</u>	<u>\$2,186</u>	<u>\$41,534</u>
<u>4"</u>	<u>\$74,949</u>	<u>\$3,747</u>	<u>\$71,202</u>
<u>6"</u>	<u>\$168,635</u>	<u>\$8,432</u>	<u>\$160,203</u>
<u>8" or More</u>	<u>\$199,864</u>	<u>\$9,993</u>	<u>\$189,871</u>

Year 6 Phase-in:

<u>5/8 X 3/4"</u>	<u>\$4,163</u>	<u>\$208</u>	<u>\$3,955</u>
<u>1"</u>	<u>\$6,939</u>	<u>\$347</u>	<u>\$6,592</u>
<u>1-1/2"</u>	<u>\$13,877</u>	<u>\$694</u>	<u>\$13,183</u>
<u>2"</u>	<u>\$22,203</u>	<u>\$1,110</u>	<u>\$21,093</u>
<u>3"</u>	<u>\$48,570</u>	<u>\$2,428</u>	<u>\$46,141</u>
<u>4"</u>	<u>\$83,263</u>	<u>\$4,163</u>	<u>\$79,100</u>
<u>6"</u>	<u>\$187,341</u>	<u>\$9,367</u>	<u>\$177,974</u>
<u>8" or More</u>	<u>\$222,034</u>	<u>\$11,102</u>	<u>\$210,932</u>

Year 7 Phase-in:

<u>5/8 X 3/4"</u>	<u>\$4,579</u>	<u>\$229</u>	<u>\$4,350</u>
<u>1"</u>	<u>\$7,631</u>	<u>\$382</u>	<u>\$7,250</u>
<u>1-1/2"</u>	<u>\$15,263</u>	<u>\$763</u>	<u>\$14,500</u>
<u>2"</u>	<u>\$24,420</u>	<u>\$1,221</u>	<u>\$23,199</u>
<u>3"</u>	<u>\$53,420</u>	<u>\$2,671</u>	<u>\$50,749</u>
<u>4"</u>	<u>\$91,577</u>	<u>\$4,579</u>	<u>\$86,998</u>
<u>6"</u>	<u>\$206,047</u>	<u>\$10,302</u>	<u>\$195,745</u>
<u>8" or More</u>	<u>\$244,204</u>	<u>\$12,210</u>	<u>\$231,994</u>

Year 8 Phase-in:

<u>5/8 X 3/4"</u>	<u>\$4,995</u>	<u>\$250</u>	<u>\$4,745</u>
<u>1"</u>	<u>\$8,324</u>	<u>\$416</u>	<u>\$7,908</u>
<u>1-1/2"</u>	<u>\$16,648</u>	<u>\$832</u>	<u>\$15,816</u>
<u>2"</u>	<u>\$26,637</u>	<u>\$1,332</u>	<u>\$25,306</u>

<u>3"</u>	<u>\$58,269</u>	<u>\$2,913</u>	<u>\$55,356</u>
<u>4"</u>	<u>\$99,890</u>	<u>\$4,995</u>	<u>\$94,896</u>
<u>6"</u>	<u>\$224,753</u>	<u>\$11,238</u>	<u>\$213,516</u>
<u>8" or More</u>	<u>\$266,374</u>	<u>\$13,319</u>	<u>\$253,056</u>

(2) The WSRC may be paid in full or paid over time with an initial minimum of 5 percent down payment and the balance shall be subject to a fixed monthly charge to include a carrying charge set at seven percent per annum. On all new hook-up connections, the balance shall be paid in full within 120 months.

(3) The fixed monthly fee for the WSRC shall run against the property and be the responsibility of any subsequent owner until paid in full. All monies collected through the imposition of the WSRC shall be placed in a separate account to be used for financing the development of additional long term water supplies to serve expansions of the Water Authority's service area subsequent to June 15, 2007.

(4) The WSRC is not reimbursable under the line extension policy except for master planned water, wastewater, and reuse supply projects as contained in development agreements. All revenues generated from the WSRC will be maintained in its own activity and to be used only as specified in §1-1-8(D)(1).

(5) Master planned developments outside the service area shall meet additional water, wastewater, and reuse service provision requirements in accordance with Water Authority policies and plans.

(6) The WRC for multiple residential units will be calculated in a manner consistent with the UEC charges as set forth in 1-1-8(C).

1-1-9. SPECIFIC SERVICES.

Fees for specific services shall be as follows:

(A) Metered Service Lines.

- (1) 5/8 X 3/4" meter set only, \$295
- (2) 1" meter set only, \$355
- (3) 1 1/2" meter set only, \$555
- (4) 2" meter set only, \$635
- (5) 3" metered service line installation.
 - (a) 3" meter set only with compound meter without vault, \$2,185
- (6) 4" metered service line installation.
 - (a) 4" meter set only with compound meter without vault, \$3,125

- (b) 4" meter set only with fire assembly meter without vault \$7,210
- (7) 6" metered service line installation.
 - (a) 6" meter set only with compound meter without vault, \$5,140
 - (b) 6" meter set only with fire assembly meter without vault \$7,520
- (8) 8" metered service line installation.
 - (a) 8" meter set only with fire assembly without vault \$13,040
- (9) 10" and larger: Contact the Utility for price quote
- (B) Meter Size Reduction Installation.
 - (1) 5/8 X 3/4" through 1-1/2", contact the Utility for price quote
 - (2) 2", contact the Utility for price quote
 - (3) 3" and larger, contact the Utility for price quote
- (C) Nonpayment Delinquency Fee.
 - (1) 5/8 X 3/4" and 1", \$45
 - (2) 1-1/2" through 10", \$60
- (D) Combined Fire-Domestic Meters.

(1) Requests for this type of metered service, which provide both fire protection and domestic-irrigation service, may be made at the New Services Section of Utility Development. Upon the satisfactory determination of peak flow water delivery requirements, as certified by an engineer registered in the State of New Mexico, in accordance with the City and the County fire codes and the AWWA M22 an equivalent meter size will be determined for the service. Fixed monthly charges for private fire protection shall also be applied commensurate with the degree of fire protection capacity being provided.

- (2) Fees for installation (set only) is in §1-1-9(A).

(E) Cross Connection Fees

(1) Containment Inspection Fees. An inspection fee of \$50 shall be assessed to all customers required to have premise inspections to cover expenses incurred by the Water Authority during the initial inspection of the premise. The inspection fee shall be assessed only to those customers whose premise are in compliance with this Ordinance at the time of inspection.

(2) Backflow Prevention Assembly Administrative Charge. All customers required to provide cross-connection control by containment and/or isolation shall be assessed an annual administrative fee of \$30 (fee is not to be prorated in case of change in ownership) for each backflow prevention assembly located at the premise. This fee incorporates expenses incurred by the Water Authority to maintain records, to process required testing notices and to enter data as required.

(3) Late report fee. A late report fee of \$100 per month may be assessed for passing test reports submitted more than 30 days past the due date. The late report fee will be assessed monthly until a passing test report is submitted.

(4) Non-existent containment backflow preventer assembly fee. A non-existent containment backflow preventer assembly fee of \$200 per month may be assessed for each service line without a backflow preventer or with an unapproved backflow preventer.

(5) Unauthorized connection fee. An unauthorized connection fee of \$200 per month may be assessed for each service line with an unauthorized tee, branch, connection fitting, or opening between the containment backflow prevention assembly and the service connection.

(F) Meter Reset

- (1) Contact the Utility for a price quote.

(G) Septage Fees. Each time the septage hauler enters the septage disposal site at the Southside Water Reclamation Plant, the permittee will be assessed a charge based on the type of permitted waste and based on 85% of the permitted septage hauler tank capacity no matter the amount discharged. The amount of the Septic Tank and Chemical Toilet charge shall be adjusted annually by building cost or construction cost indices (BCI or CCI) as published by the Engineering News Record (ENR).

- (1) Septic Tank Charge. The septic tank charge is \$.~~02489~~ .02566 per gallon.

- (2) Chemical Toilet Charge. The chemical toilet charge is \$.~~05209~~ .0537 per gallon.

(3) Septage Hauler Registration Charge. A septage hauler registration charge of \$25 per vehicle shall be assessed to all septage haulers submitting a septage hauler application.

1-1-10. FRANCHISE FEE.

There shall be a charge of four percent on the total sales of water and sewer services added to customer billings to compensate the Water Authority for the franchise fee charged by the City, County and the Village of Los Ranchos and a charge of two percent on the total sales of water and sewer services added to customer billings to compensate the Water Authority for the franchise fee charged by the City of Rio Rancho for the granted authorization to use rights-of-way and public places to construct, operate, and maintain water and wastewater systems.

1-1-11. PAYMENT.

All charges shall be payable at any location as designated by the Water Authority and will become delinquent 15 days following the "due by" date on the Customer's utility statement.

1-1-12. PENALTY FOR DELINQUENT ACCOUNTS.

A penalty of 1.5 percent per month may be imposed on all delinquent accounts.

1-1-13. PENALTY FOR NONCOMPLIANCE WITH THE SEWER USE AND WASTEWATER CONTROL ORDINANCE

(A) Any permitted Industrial User who has violated, or continues to violate, any Pretreatment Standard or Requirement as defined in the Sewer Use and Wastewater Control Ordinance shall be assessed a penalty of up to \$1,000 per violation per day.

(B) Any other violations of the Sewer Use and Wastewater Control Ordinance may be subject to a penalty up to \$1,000 per violation per day.

1-1-14. RESPONSIBILITY OF PAYMENT, LIENS, AND DEPOSIT.

(A) The assessed fees and service charges provided for herein are the personal responsibility of the owner of record, as reported by the Bernalillo County Assessor for the real property served.

(B) The Water Authority may file a lien of record on such real property for such charges including any interest or penalties accruing on same.

(C) Reasonable deposits may be required of any Customer including tenants. Deposits not to exceed six months in duration. Such deposits and accrued interest shall be applied to the utility account immediately upon becoming

delinquent or the expiration of six month period. Any credit status created by applying the deposit will be absorbed by the monthly service charges and considered prepayments for services. Such deposits shall draw reasonable interest.

(D) The Executive Director is authorized to establish and issue guidelines for billing procedures, including but not limited to payment plans for delinquent accounts.

1-1-15. DISCONTINUANCE OF SERVICE; HEARING.

(A) The Water Authority may cause the water supply to be turned off and discontinue service to the property if any charge provided for herein remains unpaid for a period of 30 days from the "due by" date on the Customer's utility statement. Service may not be discontinued for delinquencies of a previous owner unless a lien, or a record has been filed prior to the real property changing ownership or responsibility with the Bernalillo County Clerk indicating that outstanding Utility charges remain.

(B) In order to discontinue service, a written notice shall be sent to the Customer at least ten calendar days' notice before termination of service and notice of the right to protest the Water Authority's proposed action at an administrative hearing.

(C) The Customer must request in writing that a hearing be held and such request must be received by the Executive Director on or before the date the services are to be terminated. If the Customer requesting the hearing is not the owner of record, the Customer must provide proof that the owner of record will be bound by the decision of the hearing officer.

(D) At such hearing, the Customer may present evidence as the Water Authority and the Executive Director, or his designated hearing officer, may affirm, overrule or modify the decision to terminate the services. The decision shall be final.

(E) In the event a hearing is requested, the services shall not be terminated pending the conclusion of the hearing and this issuance of a decision.

(F) A nonrefundable hearing fee of \$50.00 shall accompany each appeal filed pursuant to this §1-1-15.

(G) For purposes of expediting the satisfaction of delinquent accounts the Executive Director may at his discretion waive, credit, and or remove penalty fees or other fees from any account.

1-1-16. EFFECTIVE DATE AND PUBLICATION.

The effective date of this Ordinance will be July 1, 2018 2019 unless otherwise stated.

1-1-98. PROHIBITIONS.

(A) No person shall use or cause to be used any water produced or distributed by the Water Authority without the consent of Water Authority. Water distributed through an authorized meter or obtained by any means authorized by ordinances or administration rules and regulations shall constitute the consent of the Water Authority.

(B) No person shall discharge or cause to be discharged any liquid waste to the liquid waste collection or treatment system operated by the Water Authority without the consent of the Water Authority and in compliance with the Water Authority's Sewer Use and Waste Water Control Ordinance. Approved connections or permits shall constitute such consent.

(C) No person shall willfully break, injure, or tamper with any property of the Water Authority, including but not limited to: wells, pump stations, reservoirs, sewage treatment plants, lift stations, distribution lines, fire hydrant service lines, meters, gate valves, manhole covers or grates.

(D) Violation of any of the above described Prohibitions constitutes a violation of the conditions of Water Authority service and may be subject to a connection service charge of \$400.00 per occurrence and charges of four years of usage based upon prior usage or the customer class average or termination of service.

Section 2. SEVERABILITY CLAUSE. If any Section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Water Authority hereby declares that it would have passed this Ordinance and each Section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.