

RESOLUTION 2009-107

11-12-09

**RESOLUTION BY THE STORM WATER AND WASTEWATER COMMITTEE
AUTHORIZING THE AMENDMENT OF THE RACINE AREA INTERGOVERNMENTAL
SANITARY SEWER SERVICE, REVENUE SHARING, COOPERATION AND SETTLEMENT
AGREEMENT**

WHEREAS, there is a need to amend the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement to provide more flexibility to making and paying for minor unplanned upgrades to the sewer service facilities.

NOW THEREFORE, the Village Board of the Village of Sturtevant, Racine County, Wisconsin does hereby resolve:

1. That the execution of an Amendment to the Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement as set forth in Exhibit A which is attached hereto and incorporated herein is authorized and approved; and
2. That the Village Board supports the proposed revisions and urges its representative on the Sewer Commission to support said revisions; and
3. The Village President and the Village Clerk are authorized to sign any agreements or other documents necessary to carry out the intent of this resolution.

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin, this 17th day of November, 2009.

Village of Sturtevant

By _____
Steven Jansen, President

Attest _____
Mary A. Cole, Village Clerk

AMENDMENT TO RACINE AREA INTERGOVERNMENTAL SANITARY SEWER SERVICE, REVENUE SHARING, COOPERATION AND SETTLEMENT AGREEMENT

WITNESSETH:

1. WHEREAS, the Racine Area Intergovernmental Sanitary Service, Revenue Sharing, Cooperation and Settlement Agreement, hereinafter called the "Agreement" was entered into by contract parties in 2002; and
2. Whereas, Section 12.17 of the Agreement provides that "Any aspect of this Agreement other than the revenue sharing provisions may be amended by written agreement duly approved by the Wastewater Commission and the governing bodies of the Parties representing 90% of the total average daily flow at the Racine Wastewater Treatment Facility and executed by appropriate and duly authorized officers of such Parties;" and
3. Whereas the parties to the Agreement desire to amend the agreement under terms allowed by the "Agreement"

NOW, THEREFORE in consideration of the mutual provisions of the Agreement and in accordance with applicable provisions of the Wisconsin Statutes, the parties hereby agree to amend the "Agreement" as follows:

Sections 1.52 and 3.5 shall be recreated to read as follows:

1.52 Minor Unplanned Upgraded Sewer Service Facilities. "Minor Unplanned Upgraded Sewer Service Facilities" means Unplanned Upgraded Sewer Service Facilities costing in the aggregate less than \$2,000,000 each budget year (and adjusted annually starting in January of 2010 in accordance with this Agreement), which costs the Racine Utility may treat like Existing Capital Costs and recover through Sewer Service rates.

3.5 Minor Unplanned Upgraded Sewer Service Facilities

Notwithstanding Section 6.2 of this agreement, the Wastewater Commission may recover the Capital Costs of Minor Unplanned Upgraded Sewer Service Facilities (totaling less than \$2,000,000 per budget year for 2009, which maximum shall be adjusted annually, promptly after January 1 and on a compounding basis, in accordance with the percentage increase decrease over the past year, if any, of the Construction Cost Index) through Sewer service rates. In such situation, the capital costs of such upgraded facilities shall be treated like Existing Capital Costs, and the Wastewater Commission shall be entitled to recover depreciation and ROI on such costs as a part of the Sewer Service rates. The Wastewater Commission shall promptly give each of the SSR Parties written notice of any decision to treat Capital Costs as Existing Capital Costs pursuant to this Section 3.5.

Approved as to form:

VILLAGE OF STURTEVANT:

Steven Jansen, Village President

Mark Janiuk, Village Administrator

Dated this _____ day of
December

Attest:

Mary Cole, Village Clerk/Deputy Treasurer

Approved as to form:

VILLAGE OF STURTEVANT SEWER UTILITY

Chris Larsen, Chairman

Dated this _____ day of
December

Mary Cole, Village Clerk/Deputy Treasurer