

ORDINANCE NO. _____ - 2022

AN ORDINANCE SUSPENDING SECTION 16-403(2)(C) OF THE CODE OF ORDINANCES, WHICH AUTHORIZES THE ADJUSTMENT OF THE WATER QUALITY MANAGEMENT FEE ON JULY 1 BASED ON THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, FOR FY2023, AND IN LIEU OF AN INCREASE BASED ON THE CONSUMER PRICE INDEX, INCREASING THE WATER QUALITY MANAGEMENT FEE FOR EACH PARCEL FROM \$5.23 PER EQUIVALENT RESIDENTIAL UNIT PER MONTH TO \$5.37 PER EQUIVALENT RESIDENTIAL UNIT PER MONTH, EFFECTIVE JULY 1, 2022.

WHEREAS, the Urban County Government is authorized by statutory authority including, without limitation, KRS 67A.060, KRS 67.083, and KRS 82.082, to operate a storm water drainage system to collect and convey storm water; and

WHEREAS, Section 16-401 of the Code of Ordinances establishes a system and structure of water quality management fees for the purposes of funding the Urban County Government's storm water management program; and

WHEREAS, Section 16-403(2)(c) of the Code of Ordinances provides that water quality management fees shall be adjustable each July 1 by an amount based upon the Consumer Price Index for All Urban Consumers, the U.S. City Average ("CPI-u"), published monthly by the Bureau of Labor Statistics; and

WHEREAS, adjustment of the water quality management fee based on the Consumer Price Index for FY2023 would result in an unprecedented 8.3% increase in water quality management fee revenues in FY2023; and

WHEREAS, the Urban County Government's adopted budget for FY2023 projected a 2.6% increase in water quality management fee revenues; and

WHEREAS, the adjustment of the water quality management fee based on the Consumer Price Index in FY2023 results in an increase to the water quality management fee that is disproportionate with projected expenses for FY23 and may impose hardship on the residents of Fayette County under current economic conditions; and

WHEREAS, the Mayor and Council desire to temporarily suspend the adjustment of the water quality management fee based on the Consumer Price Index in FY2023 and, in lieu of an increase based on the Consumer Price Index, to increase the water quality management fee by 2.6%, reflecting an amount that is consistent with projected storm water management needs for FY2023.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 16-403(2)(c) of the Code of Ordinances, authorizing the adjustment of water quality management fees on July 1 by an amount based on the Consumer Price Index for All Urban Consumers, the U.S. City Average (“CPI-u”), be and hereby is temporarily suspended for FY2023.

Section 2 – That the water quality management fee be and hereby is increased from \$5.23 per equivalent residential unit (ERU) per month to \$5.37 per equivalent residential unit (ERU) per month, which shall be calculated as a flat rate fee for Class A properties based on each single family residential or farm property being equal to one ERU, and which shall be calculated for Class B properties by multiplying the number of ERUs for a given parcel by the unit rate of \$5.37 per equivalent residential unit (ERU) per month.

Section 3 – That this Ordinance shall be effective on July 1, 2022.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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