# 5709.82 Compensating school district for revenues lost due to tax exemptions.

- (A) As used in this section:
- (1) "New employee" means both of the following:
- (a) Persons employed in the construction of real property exempted from taxation under the chapters or sections of the Revised Code enumerated in division (B) of this section;
- (b) Persons not described by division (A)(1)(a) of this section who are first employed at the site of such property and who within the two previous years have not been subject, prior to being employed at that site, to income taxation by the municipal corporation within whose territory the site is located on income derived from employment for the person's current employer. "New employee" does not include any person who replaces a person who is not a new employee under division (A)(1) of this section.
- (2) "Infrastructure costs" means costs incurred by a municipal corporation in a calendar year to acquire, construct, reconstruct, improve, plan, or equip real or tangible personal property that directly benefits or will directly benefit the exempted property. If the municipal corporation finances the acquisition, construction, reconstruction, improvement, planning, or equipping of real or tangible personal property that directly benefits the exempted property by issuing debt, "infrastructure costs" means the annual debt charges incurred by the municipal corporation from the issuance of such debt. Real or tangible personal property directly benefits exempted property only if the exempted property places or will place direct, additional demand on the real or tangible personal property for which such costs were or will be incurred.
- (3) "Taxing unit" has the same meaning as in division (H) of section 5705.01 of the Revised Code.

(B)

(1) Except as otherwise provided under division (C) of this section, the legislative authority of any political subdivision that has acted under the authority of Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the Revised Code to grant an exemption from taxation for real or tangible personal property may negotiate with the board of education of each city, local, exempted village, or joint vocational school district or other taxing unit within the territory of which the exempted property is located, and enter into an agreement whereby the school district or taxing unit is compensated for tax revenue foregone by the school district or taxing unit as a result of the exemption. Except as otherwise provided in division (B)(1) of this section, if a political subdivision enters into more than one agreement under this section with respect to a tax exemption, the political subdivision shall provide to each school district or taxing unit with which it contracts the same percentage of tax revenue foregone by the school district or taxing unit, which may be based on a good faith projection made at the time the exemption is granted. Such percentage shall be calculated on the basis of amounts paid by the political subdivision and any amounts paid by an owner under division (B)(2) of this section. A political subdivision may provide a school district or other taxing unit with a smaller percentage of foregone tax revenue than that provided to other school districts or taxing units only if the school district or taxing unit expressly consents in the agreement to receiving a smaller percentage. If a subdivision has acted under the authority of section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.78 of the Revised Code

and enters into a compensation agreement with a city, local, or exempted village school district, the subdivision shall provide compensation to the joint vocational school district within the territory of which the exempted property is located at the same rate and under the same terms as received by the city, local, or exempted village school district.

- (2) An owner of property exempted from taxation under the authority described in division (B)(1) of this section may, by becoming a party to an agreement described in division (B)(1) of this section or by entering into a separate agreement with a school district or other taxing unit, agree to compensate the school district or taxing unit by paying cash or by providing property or services by gift, loan, or otherwise. If the owner's property is exempted under the authority of section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.78 of the Revised Code and the owner enters into a compensation agreement with a city, local, or exempted village school district, the owner shall provide compensation to the joint vocational school district within the territory of which the owner's property is located at the same rate and under the same terms as received by the city, local, or exempted village school district.
- (C) This division does not apply to the following:
- (1) The legislative authority of a municipal corporation that has acted under the authority of division (H) of section 715.70 or division (U) of section 715.72 of the Revised Code to consent to the granting of an exemption from taxation for real or tangible personal property in a joint economic development district.
- (2) The legislative authority of a municipal corporation that has specified in an ordinance adopted under section <u>5709.40</u>, <u>5709.41</u>, or 5709.45 of the Revised Code that payments in lieu of taxes provided for under section <u>5709.42</u> or 5709.46 of the Revised Code shall be paid to the city, local, or exempted village school district in which the improvements are located in the amount of taxes that would have been payable to the school district if the improvements had not been exempted from taxation, as directed in the ordinance.

If the legislative authority of any municipal corporation has acted under the authority of Chapter 725. or 1728. or section 3735.671, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, or 5709.88, or a housing officer under section 3735.67 of the Revised Code, to grant or consent to the granting of an exemption from taxation for real or tangible personal property on or after July 1, 1994, the municipal corporation imposes a tax on incomes, and the payroll of new employees resulting from the exercise of that authority equals or exceeds one million dollars in any tax year for which such property is exempted, the legislative authority and the board of education of each city, local, or exempted village school district within the territory of which the exempted property is located shall attempt to negotiate an agreement providing for compensation to the school district for all or a portion of the tax revenue the school district would have received had the property not been exempted from taxation. The agreement may include as a party the owner of the property exempted or to be exempted from taxation and may include provisions obligating the owner to compensate the school district by paying cash or providing property or services by gift, loan, or otherwise. Such an obligation is enforceable by the board of education of the school district pursuant to the terms of the agreement.

If the legislative authority and board of education fail to negotiate an agreement that is mutually acceptable within six months of formal approval by the legislative authority of the instrument granting the exemption, the legislative authority shall compensate the school district in the amount and manner prescribed by division (D) of this section.

(D) Annually, the legislative authority of a municipal corporation subject to this division shall pay to the city, local, or exempted village school district within the territory of which the exempted property is located an amount equal to fifty per cent of the difference between the amount of taxes levied and collected by the municipal corporation on the incomes of new employees in the calendar year ending on the day the payment is required to be made, and the amount of any infrastructure costs incurred in that calendar year. For purposes of such computation, the amount of infrastructure costs shall not exceed thirty-five per cent of the amount of those taxes unless the board of education of the school district, by resolution adopted by a majority of the board, approves an amount in excess of that percentage. If the amount of those taxes or infrastructure costs must be estimated at the time the payment is made, payments in subsequent years shall be adjusted to compensate for any departure of those estimates from the actual amount of those taxes.

A municipal corporation required to make a payment under this section shall make the payment from its general fund or a special fund established for the purpose. The payment is payable on the thirty-first day of December of the tax year for or in which the exemption from taxation commences and on that day for each subsequent tax year property is exempted and the legislative authority and board fail to negotiate an acceptable agreement under division (C) of this section.

Amended by 131st General Assembly File No. TBD, HB 182, §1, eff. 9/13/2016.

Amended by 129th General AssemblyFile No.28, HB 153, §101.01, eff. 9/29/2011.

Effective Date: 02-12-2004.

#### ORDINANCE NO. 4-2017

## AN ORDINANCE AMENDING ORDINANCE NO. 11-2011 OF THE VILLAGE OF GIBSONBURG, OHIO TO ADJUST THE WATER FEES CHARGED BY THE VILLAGE

WHEREAS, pursuant to Section 101.04 of the Administrative Code of the Codified Ordinances of the Village of Gibsonburg and Section 731.19 of the Ohio Revised Code, Council may amend or repeal prior ordinances; and

WHEREAS, the Council of the Village of Gibsonburg has deemed it necessary to amend the water rates for customers of the Village of Gibsonburg under Ordinance NO. 11-2011; now therefore,

# BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GIBSONBURG, SANDUSKY COUNTY, OHIO:

**SECTION** 1 – That the Village water fee structure set forth in Sections one (1) through three (3) of Ordinance NO 11-2011 is hereby amended to read as follows:

#### A. Definitions

- i. As used in section 1, "seasonal business" means a business or portion of a business operated on less than a year-round basis and generally associated with a specific period of time or "season" such as the tourist season, hunting season, rafting season, growing season, skiing season, etc., where the water for the non- operating season is shut off.
- ii. As used in Section 1, "dwelling unit" means a building with one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.
- iii. As used in Section 1, "single-family dwelling" means a building designed to provide one dwelling unit for a family and separated from other dwellings by required open space.
- iv. As used in Section 1, "multi-family dwelling" means a building consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing.
- v. As used in Section 1, "commercial" means any occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter, or exchange of goods, merchandise, or services, or where there is maintenance or operation of an office or

offices for the exhibition, sale or offering of merchandise or service.

vi. As used in Section 1, "industrial" means any use involving manufacturing, processing, testing and similar uses and which may generate some objectionable characteristics.

vii. As used in Section 1, "nursing homes and other long term care facilities" means a home or facility used for the reception and care of individuals who, by reason of illness or physical or mental impairment, require skilled nursing care and professional assistance.

#### B. Inside Village Water Rates

#### i. Residential Base Rates (RBR) and Usage Fee

Single or Multi-family dwellings and dwellings in a Mobile Home Park designed for year round living shall pay a monthly base rate per dwelling unit, regardless of occupancy and meter size, plus a monthly usage fee per one hundred cubic feet (CCF), as shown in Exhibit A.

#### ii. Commercial and Industrial Base Rates and Usage Fee

Commercial and Industrial environments shall pay a monthly base rate dependent on meter size plus a monthly usage fee per one hundred cubic feet (CCF), as follows:

#### Base

Meter Size	Base Rate
1 inch or smaller	1 times the RBR
2 inches	2 times the RBR
3 inches	3 times the RBR
4 inches	4 times the RBR
5 inches	5 times the RBR

Usage - see Exhibit A.

#### iii. Mixed Residential and Commercial or Industrial

In the case of a mixed residential and commercial or industrial environment on one meter, commercial or industrial business portions shall pay the monthly base rate determined by meter size set forth in section 1(B)(ii), and the residential portions shall pay the monthly base rate per dwelling unit, regardless of occupancy, set forth in section 1(B)(i) per residential dwelling unit served, plus a monthly usage fee described in section 1(B)(i) or (ii).

#### iv. Nursing Homes and Other Long Term Care Facilities

Nursing Homes and Other Long Term Care Facilities shall pay a monthly base rate equal to one half (1/2) of the residential base rate per dwelling unit stated in section 1(B)(i) multiplied by the facility's bed capacity. Nursing Homes and Other Long Term Care Facilities shall pay the monthly usage fee set forth in section 1(B)(i).

#### v. Seasonal Businesses

Seasonable Businesses shall pay the commercial and industrial monthly base rates and usage fee stated in section 1(B)(ii) during the operating season. The business may file a petition with the Village Administrator or his/her designee to shut off their water during the non operation season, at which time the business would be charged a minimum monthly fee of 1 times the RBR for water, regardless of meter size. Seasonal businesses shall not be charged a turn off or turn on fee.

#### vi. Residential Temporary Vacancy

The monthly base rate for water under section 1(B)(i) will continue during any period of vacancy; however, if a Single or Multi-family dwelling or a dwelling in a Mobile Home Park designed for year round living will be vacant for three (3) or more months, the resident may file a petition with the Village Administrator or his/her designee to shut off their water during the vacancy period. A Single or Multi-family dwelling or a dwelling in a Mobile Home Park shall not be charged a turn off or turn on fee if done only once a year. The resident shall not be charged for refuse starting the month after the water is shut off. The resident shall be charged for refuse beginning again on the month the water is turned back on.

#### C. Outside Village Water Rates

Residential, commercial, or industrial environments in which over 50% of the designated water usage occurs outside of the Village corporation limits shall pay a base rate equal to one and one-half (1½) of the respective inside rate described in section 1(B) and a usage fee equal to one and one-half (1½) of the respective inside rate described in section (B), regardless of meter location.

#### D. Distribution of Revenues to Funds.

Shall be spread as shown in Exhibit A.

**SECTION 2** - That any prior ordinance or part of any prior ordinance inconsistent with this ordinance shall be repealed.

SECTION 3 – That this Ordinance shall take effect with the July, 2017, utility bills. Rate changes in future years are to be effective with each year's January utility bills.

**SECTION 4** – That publication shall be by posting at five public locations.

PASSED: MAY 4	President Pro Tempore Village of Gibsonburg, Ohio
APPROVED: MAy 4	Mayor Village of Gibsonburg, Ohio
ATTEST: Fiscal Officer Village of Gibsonburg, Ohio	1st Reading       4/4/7         2nd Reading       4/20/7         3rd Reading       4/4/7         Posted       18/7

IBIT A	- WATER RATES										
		+-		Diet			Frank.				
		Da	ha			on of Revenue to Operations	Funds				
2011	DDD	Rate \$ 15.25		\$	Capital		spread per RBR				
2011	Usage Rate per CCF	\$	1,55		39%	<del></del>					
	Osage Nate per CCr	٦	1,55		39%	0 01%	spread of total monthly useage charges				
2012		+		Capi	ital	Operations					
	RBR	\$	15.25	\$	\$ 8.00		spread per RBR				
,	Usage Rate per CCF	\$	1.55		39%		spread of total monthly useage charges				
2013		$\perp$		Capi		Operations					
	RBR	\$	16.25	\$	8.00		spread per RBR				
	Usage Rate per CCF	\$	1.55		39%	61%	spread of total monthly useage charges				
2014				Capi	tal	Operations					
2017	RBR	\$	16.75	\$	8.00	<del></del>	spread per RBR				
	Usage Rate per CCF	\$	1.55	- T	39%		spread of total monthly useage charges				
···		+			33,0	0270	spread of total monthly ascage charges				
2015				Capi	tal	Operations					
	RBR	\$	16.75	\$	8.00	\$ 8.75	spread per RBR				
	Usage Rate per CCF	\$	1.60		38%	63%	spread of total monthly useage charges				
2016				Capi	tal	Operations					
	RBR	\$	17.25	\$	8.00		spread per RBR				
	Usage Rate per CCF	\$	1.60		38%		spread of total monthly useage charges				
		-		Capi	tal	Operations					
2017	RRR	\$	17.50	\$	8.00		spread per RBR				
	Usage Rate per CCF	\$	1.60	· · · · · ·	38%		spread of total monthly useage charges				
	ougo note per cor		2.00		.5070	0,570	spread of total monerny ascage charges				
				Capi	tal	Operations					
2018		\$	17.50	\$	8.00		spread per RBR				
	Usage Rate per CCF	\$	1.65		36%	64%	spread of total monthly useage charges				
2019		-		Capit	tal	Operations					
	RBR	\$	17.50	\$	7.75	<del></del>	spread per RBR				
	Usage Rate per CCF	\$	1.65	T	36%		spread of total monthly useage charges				
2020		-		Cania	-al	Operations					
	RBR	\$	17.50	Capit \$	7.75		spread per RBR				
	Usage Rate per CCF	\$	1.70	٠ ٠	35%		spread of total monthly useage charges				
		Ĺ									
2021				Capit		Operations					
	RBR	\$	18.00	\$	7.50		spread per RBR				
	Usage Rate per CCF	\$	1.70		35%	65%	spread of total monthly useage charges				

#### ORDINANCE NO. 5 -2017

# AN ORDINANCE AMENDING ORDINANCE NO. 10-2013-OF THE VILLAGE OF GIBSONBURG, OHIO TO ADJUST THE SEWER FEES CHARGED BY THE VILLAGE

WHEREAS, pursuant to Section 101.04 of the Administrative Code of the Codified Ordinances of the Village of Gibsonburg and Section 731.19 of the Ohio Revised Code, Council may amend or repeal prior ordinances; and

WHEREAS, the Council of the Village of Gibsonburg has deemed it necessary to amend the sewer rates for customers of the Village of Gibsonburg under Ordinance NO. 10-2013; now therefore.

# BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GIBSONBURG, SANDUSKY COUNTY, OHIO:

**SECTION 1** -The Village sewer fee structure set forth in Sections one (1) of Ordinance 10-2013 is hereby amended to read as follows:

#### A. Definitions

- i. As used in Section 1, "seasonal business" means a business or portion of a business operated on less than a year-round basis and generally associated with a specific period of time or "season" such as the tourist season, hunting season, rafting season, growing season, skiing season, etc., where the water for the non-operating season is shut off.
- ii. As used in Section 1, "dwelling unit" means a building with one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.
- iii. As used in Section 1, "single-family dwelling" means a building designed to provide one dwelling unit for a family and separated from other dwellings by required open space.
- iv. As used in Section 1, "multi-family dwelling" means a building consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing.
- v. As used in Section 1, "commercial" means any occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter, or exchange of goods, merchandise, or services, or where there is maintenance or operation of an office or offices for the exhibition, sale or offering of merchandise or service.

vi. As used in Section 1, "industrial" means any use involving manufacturing, processing, testing and similar uses and which may generate some objectionable characteristics.

vii. As used in Section 1, "nursing homes and other long term care facilities' means a home or facility used for the reception and care of individuals who, by reason of illness or physical or mental impairment, require skilled nursing care and professional assistance.

### B. Inside Village Sewer Rates

### i. Residential Base Rates (RBR) and Usage Fees

Single or Multi-family dwellings and dwellings in a Mobile Home Park designed for year round living shall pay a monthly base rate per dwelling unit, regardless of occupancy and meter size, plus a monthly usage fee per one hundred cubic feet (CCF), as shown in Exhibit A.

### ii. Commercial and Industrial Base Rates and Usage Fees

Commercial and Industrial environments shall pay a monthly base rate dependent on meter size and a monthly usage fee per one hundred cubic feet (CCF), as follows:

#### Base -

Meter Size	Base Rate
1 inch or smaller	1 times the RBR
2 inches	2 times the RBR
3 inches	3 times the RBR
4 inches	4 times the RBR
5 inches	5 times the RBR

Usage - See Exhibit A.

### iii. Mixed Residential and Commercial or Industrial

In the case of a mixed residential and commercial or industrial environment on one meter, commercial or industrial business portions shall pay the monthly base rate determined by meter size set forth in section 1(B)(ii), and the residential portions shall pay the monthly base rate per dwelling unit, regardless of occupancy, set forth in section 1(B)(i), per residential unit served, plus a usage fee per one hundred cubic feet (CCF), as set forth in section 1(B)(i).

#### iv. Nursing Homes and Other Long Term Care Facilities

Nursing Homes and Other Long Term Care Facilities shall pay a monthly base rate equal to one-half (1/2) the residential base rate per dwelling unit stated in section 1(B)(i) multiplied by the facility's bed capacity. Nursing Homes and Other Long Term Care Facilities shall pay the monthly usage fee set forth in section 1(B)(i).

#### v. Seasonal Businesses

Seasonable Businesses shall pay the monthly commercial and industrial base rates and usage fee stated in section 1(B)(ii) during the operating season. The business may file a petition with the Village Administrator or his/her designee to shut off their water during the non-operating season, at which time the business would be charged a minimum monthly fee of 1 times the RBR for sewer, regardless of meter size, during the non-operating season. Seasonal businesses shall not be charged a turn off or turn on fee.

#### vi. Residential Temporary Vacancy

The monthly base rate for sewer under section 1(B)(i) will continue during any period of vacancy; however, if a Single or Multi-family dwelling or a dwelling in a Mobile Home Park designed for year round living will be vacant for three (3) or more months, the resident may file a petition with the Village Administrator or his/her designee to shut off the dwelling unit's water during the vacancy period. A Single or Multi-family dwelling or a dwelling in a Mobile Home Park shall not be charged a turn off or turn on fee if done only once a year. The resident shall not be charged for refuse starting the month after the water is shut off. The resident shall be charged for refuse beginning again on the month the water is turned back on.

#### C. Outside Village Sewer Rates

Residential, commercial, or industrial environments in which over 50% of the designated water usage occurs outside of the Village corporation limit shall pay a monthly base rate equal to one and one-half (1 ½) of the respective inside base rate described in section 1(B) and a usage rate equal to one and one-half (1 ½) of the respective inside usage rate described in section 1(B), regardless of the meter location.

#### D. Distribution of Revenue to Funds

Shall be spread as shown in Exhibit A.

**SECTION 2** - Any prior ordinance or part of any prior ordinance inconsistent with this Ordinance shall be repealed.

SECTION 3 -That this Ordinance shall take effect with monthly bills following the earliest time allowed by law. Rate changes in future years are to be effective with each year's January utility bills.

**SECTION 4** – That publication shall be by posting at five public locations.

PASSED: MAY 4 , 20/7	President Pro Tempore Village of Gibsonburg, Ohio
APPROVED: MAY 4 2017	Mayor Village of Gibsonburg, Ohio
ATTEST: Fiscal Officer Village of Gibsonburg, Ohio	$ \begin{array}{ccc} 1^{\text{st}} \text{ Reading} & 4/6/7 \\ 2^{\text{nd}} \text{ Reading} & 4/2 / 17 \\ 3^{\text{rd}} \text{ Reading} & 4/2 / 17 \end{array} $ Posted $ \begin{array}{c} 4/6/7 \\ 4/7 \\ 7/8/7 \end{array} $

2012 Base Step 1 Step 2  2013 Base Step 1 Step 2  2014 Base Step 1 Step 2  2015 Base Step 1 Step 2  2016 Base Step 1 Step 2	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	35.25 1.20 0.95 36.00 1.20 0.95 36.00 1.30 1.00	S	nprovement 20.00	\$ \$ \$ \$ \$ \$	Septic 2.00 Septic 2.25 - Septic 2.25 - Septic 2.25	\$ \$ \$ \$ \$ \$	WWTP Parts 2.00	\$ \$ \$ Op \$ \$	erations 11.25 1.20 0.95 erations 11.25 1.20 0.95
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Base Step 1	\$ \$	37.50 1.40	\$	20.00	\$	2.50	\$	2.75	\$	12.25 1,40
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	<u>\$</u> \$	1.40	\$	20.00	\$	3.00	\$	2.75	\$	1.40
Step 2	\$	1.10	\$	-	\$		\$		\$	1.10
2020			in	provement		Septic		WWTP Parts	One	erations
	\$	39.00	\$	21.00	\$		\$		\$	12.25
Step 1	\$	1.45	\$		\$	-	\$		\$	1.45
Step 2	\$	1.10	\$	•	\$		\$		\$	1.10
								WWTP		
2021			lm	provement		Septic		Parts	One	erations
Base	\$	40.00	\$	21.00	\$	3.00	\$	2.75	\$	13.25
Step 1	\$	1.45	\$	-	\$	-	\$	-	\$	1.45
Step 2	\$	1.10	\$		\$		\$		\$	1.10
								WWTP .		
2022			lm	provement		Septic		Parts	Ope	rations
	\$	41.00	\$	22.00	\$	3.00	\$	2.75	\$	13.25
Step 1	\$	1.45	\$	-	\$		\$		\$	1.45
Step 2	\$	1.15	\$		\$		\$	-	\$	1.15
			_					WWTP		
2023				provement		Septic		Parts		rations
	\$	41.00	\$	22.00	\$	3.00	\$	2.75	\$	13,25
	\$	1.50	\$		<u>\$</u> \$		\$		<u>\$</u>	1.50
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								WWTP		
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	\$	41.00	\$	22.00	\$_	3.00	\$	2.75	\$	13.25
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