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**CITY OF NOKOMIS, ILLINOIS**

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**ORDINANCE NO. 2090**

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**AN ORDINANCE AMENDING ARTICLE IV – UTILITY RATES, DIVISION III –  
WASTEWATER RATES, SECTION 38-4-33 RATES ESTABLISHED USER CHARGE  
SYSTEM OF THE REVISED CODE OF ORDINANCES OF THE CITY OF NOKOMIS,  
ILLINOIS REGARDING RATES AND CHARGES OF THE CITY WATER SYSTEM**

**ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF NOKOMIS, ILLINOIS  
THIS 27<sup>th</sup> DAY OF JUNE, 2022**

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Published in pamphlet form by authority of the City Council of the City of  
Nokomis, Montgomery County, Illinois, this 27 day of June, 2022.

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**CITY OF NOKOMIS, ILLINOIS**

**ORDINANCE NO. 2090**

**AN ORDINANCE AMENDING ARTICLE IV – UTILITY RATES, DIVISION III – WASTEWATER RATES, SECTION 38-4-33 RATES ESTABLISHED USER CHARGE SYSTEM OF THE REVISED CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS REGARDING RATES AND CHARGES OF THE CITY WATER SYSTEM**

**WHEREAS**, the City of Nokomis, Illinois (the “City”) is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

**WHEREAS**, the City of Nokomis operates a combined water and sewer system within the City (hereinafter, the “Nokomis Water System”) and has previously established rates for the usage of the Nokomis Water System; and

**WHEREAS**, the Mayor and City Council of the City of Nokomis, Illinois have determined that the current sewer (hereinafter, “wastewater”) rates do not provide adequate funding to cover fixed costs associated with operating and maintaining wastewater service and the wastewater system or to ensure sufficient funds are available for wastewater system improvements necessary for long-term sustainability of infrastructure and equipment; and

**WHEREAS**, the Mayor and City Council of the City of Nokomis, Illinois have determined that the current wastewater rates charged cannot adequately provide for increases in costs for routine operations and maintenance of the Nokomis Water System; and

**WHEREAS**, to cover fixed costs associated with the Nokomis Water System and variable costs associated with operating and maintaining the wastewater service and system, the wastewater rates for the customers of Nokomis shall be adjusted; and

**WHEREAS**, the Mayor and City Council of the City of Nokomis, Illinois have determined that it is in the best interest of the City of Nokomis and the customers of the Nokomis Water System to amend to amend certain provisions of the City Code to adjust the rates charged for wastewater utility services.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the City Council of the City of Nokomis, Montgomery County, Illinois, as follows:

**SECTION 1:** The above recitals are incorporated herein and made a part hereof.

**SECTION 2:** Section 38-4-33 of the Revised Code of Ordinances of Nokomis, Illinois is hereby amended to read as follows:

**38-4-11 RATES ESTABLISHED.** There shall be established the following rates and charges for the use of the wastewater system of the City, as follows:

**(A) Base Rate.** All users of the wastewater system shall pay a minimum monthly bill of **Seven Dollars and Twenty-Five Cents (\$7.25)** service charge per billing period for users inside the City limits and **Twelve Dollars and Twenty-Five Cents (\$12.25)** service charge per billing period for users outside the City limits (the "Base Rate"), per connection to the system. All users of the water distribution system will be increased incrementally in a three (3) phase rate increase to the Base Rate per connection, as follows:

**Phase 1** – Effective **July 1, 2022** on bills having a due date of **September 15, 2022: Eleven Dollars and Eighty Cents (\$11.80)** for users inside the City limits and **Seventeen Dollars and Seventy Cents (\$17.70)** for users outside the City limits.

**Phase 2** – Effective **May 1, 2023** on bills having a due date of **July 15, 2023: Fifteen Dollars and Twenty-One Cents (\$15.21)** for users inside the City limits and **Twenty-Two Dollars and Eighty-Two Cents (\$22.82)** for users outside the City limits.

**Phase 3** – Effective **May 1, 2024** on bills having a due date of **July 15, 2024: Twenty Dollars and Ninety Cents (\$20.90)** for users inside the City limits and **Thirty-One Dollars and Thirty-Five (\$31.35)** for users outside the City limits.

**(B) Variable Use Rate.** The following rates are established, in addition to the Base Rate:

(1) *Rates Inside City Limits.*

\$6.53 for each 1,000 gallons per month

Effective **July 1, 2022** on bills having a due date of **September 15, 2022: \$7.15** for each 1,000 gallons per month

Effective **May 1, 2023** on bills having a due date of **July 15, 2023: \$7.65** for each 1,000 gallons per month

Effective **May 1, 2024** on bills having a due date of **July 15, 2024**: \$8.40 for each 1,000 gallons per month

(2) Rates Outside City Limits.

\$9.82 for each 1,000 gallons per month

Effective **July 1, 2022** on bills having a due date of **September 15, 2022**: \$10.73 for each 1,000 gallons per month

Effective **May 1, 2023** on bills having a due date of **July 15, 2023**: \$11.48 for each 1,000 gallons per month

Effective **May 1, 2024** on bills having a due date of **July 15, 2024**: \$12.60 for each 1,000 gallons per month

(3) Annual Adjustment. Beginning May 1, 2025, and each year thereafter, the Variable Use Rate applied to wastewater rates per 1,000 gallons for customers both inside and outside city limits shall be automatically adjusted upwards by applying to the previous rates an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on in the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent January 1<sup>st</sup>.

(C) **Meter Fee.** A fee of **Five Dollars (\$5.00)** shall be charged each month for each meter in service in the Nokomis Wastewater System, whether said meter is located within or outside the city limits of the City of Nokomis. Said charge shall be added to each bill when rendered.

(D) **Village of Coalton.** Notwithstanding the foregoing paragraphs, and in the absence of a written intergovernmental agreement approved by and between the Village of Coalton (the "Village") and the City, the following wastewater rates are established:

\$2.87 for each 1,000 gallons per month

Effective **July 1, 2022**: \$5.56 for each 1,000 gallons per month

Effective **May 1, 2023**: \$7.58 for each 1,000 gallons per month

Effective **May 1, 2024**: \$10.95 for each 1,000 gallons per month

Beginning May 1, 2025, and each year thereafter, the wastewater rate per 1,000 gallons to the Village shall be automatically adjusted upwards by applying to the previous rate an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on in the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent January 1<sup>st</sup>.

**SECTION 3:** A copy of this Ordinance, properly certified by the City Clerk, shall be filed in the office of the Recorder of Deeds of Montgomery County, Illinois and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the combined waterworks and sewerage system of the City of Nokomis, Illinois on their properties.

**SECTION 4:** All ordinances, resolutions, motions, or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby superseded to the extent that they may conflict.

**SECTION 5:** If any section, clause, paragraph, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

**SECTION 7:** The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

**SECTION 8:** The Clerk shall publish this Ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the Code of Ordinances.

PASSED this 27<sup>th</sup> day of June, 2022 by roll call votes as follows:

AYE:	<u>5</u>
NAY:	<u>0</u>
ABSENT:	<u>0</u>
PRESENT:	<u>5</u>

APPROVED by the Mayor of the City of Nokomis, Illinois this day 27 of June, 2022.

ATTEST:

Rosanne Kim  
CITY CLERK

Mike Holliday  
MAYOR

STATE OF ILLINOIS )  
COUNTY OF MONTGOMERY ) ss.  
CITY OF NOKOMIS )

**CITY CLERK'S CERTIFICATE**

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2090 of said City and that said Ordinance, which is:

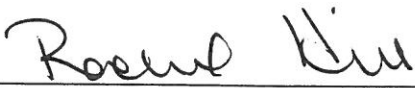
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was passed and approved by the City Council of the City of Nokomis, Montgomery County, Illinois, by ye and nay vote on the 27<sup>th</sup> day of June, 2022; that said Ordinance was signed by the Mayor on the 27 day of June, 2022 and was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of Ordinance No. 2090, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 27 day of June, 2022, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 27 day of June, A.D., 2022.

(SEAL)

  
\_\_\_\_\_  
City Clerk

**CITY OF NOKOMIS, ILLINOIS**

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**WHEREAS**, the City of Nokomis, Illinois (the “City”) is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

**WHEREAS**, the City of Nokomis operates a combined water and sewer system within the City (hereinafter, the “Nokomis Water System”) and has previously established rates for the usage of the Nokomis Water System; and

**WHEREAS**, the Mayor and City Council of the City of Nokomis, Illinois have determined that the current sewer (hereinafter, “wastewater”) rates do not provide adequate funding to cover fixed costs associated with operating and maintaining wastewater service and the wastewater system or to ensure sufficient funds are available for wastewater system improvements necessary for long-term sustainability of infrastructure and equipment; and

**WHEREAS**, the Mayor and City Council of the City of Nokomis, Illinois have determined that the current wastewater rates charged cannot adequately provide for increases in costs for routine operations and maintenance of the Nokomis Water System; and

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(3) *Annual Adjustment.* Beginning May 1, 2025, and each year thereafter, the Variable Use Rate applied to wastewater rates per 1,000 gallons for customers both inside and outside city limits shall be automatically adjusted upwards by applying to the previous rates an increase equaling the greater of either (i) **two percent (2%)** or (ii) the rate of inflation, calculated based on in the Consumer Price Index for Urban Wage Earners and Clerical Workers: Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the United States Department of Labor ("CPI") for the 365-day period ending on the most recent January 1<sup>st</sup>.

(C) **Meter Fee.** A fee of **Five Dollars (\$5.00)** shall be charged each month for each meter in service in the Nokomis Wastewater System, whether said meter is located within or outside the city limits of the City of Nokomis. Said charge shall be added to each bill when rendered.

(D) **Village of Coalton.** Notwithstanding the foregoing paragraphs, and in the absence of a written intergovernmental agreement approved by and between the Village of Coalton (the "Village") and the City, the following wastewater rates are established:

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SECTION 4: All ordinances, resolutions, motions, or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby superseded to the extent that they may conflict.

SECTION 5: If any section, clause, paragraph, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

SECTION 7: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 8: The Clerk shall publish this Ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the Code of Ordinances.

PASSED this 27<sup>th</sup> day of June, 2022 by roll call votes as follows:

AYE:	<u>5</u>
NAY:	<u>0</u>
ABSENT:	<u>0</u>
PRESENT:	<u>5</u>

APPROVED by the Mayor of the City of Nokomis, Illinois this day 27 of June, 2022.

ATTEST:

Rachel Hill  
CITY CLERK

Mike Holliday  
MAYOR

STATE OF ILLINOIS )  
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**CITY CLERK'S CERTIFICATE**

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2090 of said City and that said Ordinance, which is:


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DATED at Nokomis, Illinois, this 27 day of June, A.D., 2022.

(SEAL)

  
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SECTION 7: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 8: The Clerk shall publish this Ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the Code of Ordinances.

PASSED this 27<sup>th</sup> day of June, 2022 by roll call votes as follows:

AYE: 5  
NAY: 0  
ABSENT: 0  
PRESENT: 5

APPROVED by the Mayor of the City of Nokomis, Illinois this day 27 of June, 2022.

ATTEST:  
Rochele Hill  
CITY CLERK

Mike Holliday  
MAYOR

STATE OF ILLINOIS )  
COUNTY OF MONTGOMERY ) ss.  
CITY OF NOKOMIS )

**CITY CLERK'S CERTIFICATE**

I, the undersigned, do hereby certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2090 of said City and that said Ordinance, which is:

AN ORDINANCE AMENDING ARTICLE IV – UTILITY RATES, DIVISION III – WASTEWATER RATES, SECTION 38-4-33 RATES ESTABLISHED USER CHARGE SYSTEM OF THE REVISED CODE OF ORDINANCES OF THE CITY OF NOKOMIS, ILLINOIS REGARDING RATES AND CHARGES OF THE CITY WATER SYSTEM

was passed and approved by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 27<sup>th</sup> day of June, 2022; that said Ordinance was signed by the Mayor on the 21 day of June, 2022 and was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of Ordinance No. 2090, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 21 day of June, 2022, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 21 day of June, A.D., 2022.

(SEAL)

  
\_\_\_\_\_  
City Clerk