REQUEST FOR LEGAL SERVICES

REQUEST FOR:

- ○ Agreement/Contract
- ○ Bid/Advertisement/Legal Notice
- ○ Grant Application/Proposal
- ○ Lease/Deed
- ○ Legal Opinion/Action
- ○ Ordinance
- ◉ Public Hearing
- ○ Resolution

REQUESTED BY:

Name Moriah Winkel

Title Water & Wastewater Analyst

Date Requested 8/7/24

Completion Date By 8/20/24

Agenda ☑ Yes ☐ No Date 8/27/24

INSTRUCTIONS:

Prepare and submit original only. Explain reason for request below. The question, or supporting data, should be stated as fully and in as precise terms as possible. All pertinent facts and any Code reference should be set out and **SUCH DOCUMENTS AS ARE NECESSARY SHOULD BE ATTACHED.**

Please be specific about what you wish the City Attorney to do.

Please review and approve the attached bond documents for the Meter Upgrade project. This is for the funding from NRD. Ryan Bowman will be presenting the document to Council.

ROUTE TO:	INITIALS:	DATE:	COMMENTS:
1) Department Director	TF		
2) Finance Director			Fund Acct # _____ Funding Available Yes No
3) City Attorney	AEC	8/8/24	
4) Department Director	TF		
5) Mayor	CT		

AGENDA ITEM HISTORY SHEET

ITEM TITLE	**AGENDA NO.** 1
Water and Sewer Revenue Bond	**AGENDA DATE:** 8/27/24

FUNDING CERTIFICATION (Finance Director) (Signature, if applicable)

MANAGEMENT STAFF REVIEW (Signature)

MAYOR (Signature)

ITEM HISTORY (Previous Council reviews, action related to this item, and other pertinent history)

The Meter Upgrade project was approved for funding from NRD. We have been actively working towards closing the loan on this project, and bond documents have been drafted.

ITEM COMMENTARY (Background discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

Friday, Eldridge, and Clark has been chosen as Bond Counsel on this matter, and they will be presenting the bond documents. They will be able to answer any questions you may have.

(This section to be completed by the Mayor)

ACTION PROPOSED (Motion for Consideration)

We are asking for a motion to approve the bond documents as presented and move forward with the NRD funding process for the meter project.

NOTICE OF PUBLIC HEARING

There will be a public hearing at which the users of the City of Bryant, Arkansas Water and Sewer System (the "System"), the citizens of the City of Bryant, Arkansas (the "City") and all other interested persons shall have an opportunity to be heard concerning the confirmation of water and sewer rates and the proposed issuance of a water and sewer revenue bond. The public hearing will be held at a meeting of the City Council to be held at 6:30 o'clock p.m., on the 27th day of August, 2024 at City Hall, 210 S.W. 3rd Street, Bryant, Arkansas.

The City Council has determined that the City is in need of betterments and improvements to the water facilities of the System (the "Improvements"). The City proposes to issue a water and sewer revenue bond in the maximum principal amount of $3,550,000 (the "bond") to finance all or a portion of the costs of the Improvements.

The water and sewer rates to be confirmed are as follows:

Water Rates. All water charges shall be based on water consumption. The amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

January 1, 2024 - December 31, 2024

For the first 2,000 gallons of water consumption per month or portion thereof:

Meter Size	Minimum Charge
5/8"	$ 14.24
1"	21.37
1 1/2"	35.61
2"	71.23
3"	113.97
4"	213.69
6"	712.29

All consumption in excess of 2,000 gallons: $0.685 per 100 gallons

January 1, 2025 - December 31, 2025

For the first 2,000 gallons of water consumption per month or portion thereof:

Meter Size	Minimum Charge
5/8"	$ 14.53
1"	21.80
1 1/2"	36.33
2"	72.65
3"	116.24
4"	217.96
6"	726.53

All consumption in excess of 2,000 gallons: $0.698 per 100 gallons

On and after January 1, 2026

3% annual increase

Customers receiving water services to locations outside of City limits will be charged double the prevailing minimum charge.

Each customer 65 years and older, with verification of age, shall receive a senior citizen discount of three dollars and eighty-one cents ($3.81), which shall be deducted from the monthly water bill.

If the City determines that it is necessary to purchase from any secondary water provider, customers will be charged an additional surcharge of $0.04 per 100 gallons of water consumption, in addition to the then-prevailing water rates, for the month in which the City purchases from said secondary provider.

Sewer Rates. All sewer charges shall be based on water consumption. The amount to be paid by each customer shall be computed on the basis of the following schedule of rates:

	January 1, 2024 - December 31, 2024	January 1, 2025 - December 31, 2025	On and after January 1, 2026
For the first 2,000 gallons of water consumption per month or portion thereof	$20.29 (minimum charge)	$20.70 (minimum charge)	3% annual increase
All water consumption in excess of 2,000 gallons	$1.082 per 100 gallons	$1.104 per 100 gallons	3% annual increase

Customers receiving sewer services to locations outside of City limits will be charged double the prevailing minimum charge.

Each customer 65 years and older, with verification of age, shall receive a senior citizen discount of three dollars and eighty-one cents ($3.81), which shall be deducted from the monthly sewer bill.

Customers receiving sewer services that require grinder pumps permitted, operated and maintained by the City will be charged a flat monthly surcharge in the amount of $12.95 in addition to charges for sewer usage.

System Infrastructure Fee. (a) All sewer customers of the System (including sewer customers who receive water from sources other than the System and occupants of mobile homes and apartments which have no separate water meter) shall be charged a monthly fee (the "System Infrastructure Fee") to be used solely for the repayment of bonds and loans secured by revenues of the System ("System Bonds"). The System Infrastructure Fee will be paid by all sewer customers regardless of the amount of water used or wastewater discharged. All revenues derived from the System Infrastructure Fee shall be used solely for payment of debt service (principal, interest, and trustee fees and expenses) of System Bonds.

(b) The monthly System Infrastructure Fee for each mobile home, with or without a separate water meter, shall be $15.

(c) The monthly System Infrastructure Fee for each apartment, residential dwelling unit, with or without a separate water meter, shall be $15.

(d) The monthly System Infrastructure Fee for each new residential dwelling unit of any type, with or without a separate water meter, shall be $15.

(e) The monthly System Infrastructure Fee for each health care facility shall be based on meter size.

(f) The monthly System Infrastructure Fee for each State funded facility shall be based on meter size.

(g) The monthly System Infrastructure Fee for commercial establishments shall be based on meter size. Any additional unit without a separate water meter shall be $15.

(h) The monthly System Infrastructure Fee for all other sewer customers will be based on meter size.

(i) The System Infrastructure Fee for all other sewer customers shall be based on meter size as follows:

Meter Size	System Infrastructure Fee
5/8" & 3/4"	$ 15.00
1"	50.00
1 1/2"	100.00
2"	160.00
3"	320.00
4"	505.00
6"	1,010.00

(j) All meters will see a 5% increase in the System Infrastructure Fee per annum.

At the hearing all objections and suggestions as to the rates and the bond will be heard, and the City Council will take such action as is deemed proper in the premises.

DATED this 15th day of August, 2024.

/s/ Chris Treat
Mayor