

**Buzz Westfall**  
County Executive

**Saint Louis**  
**COUNTY**  
**COUNTY COUNSELOR**

**Patricia Redington**  
County Counselor

November 16, 2001

Missouri Public Service Commission  
Attn: Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
200 Madison Street, Suite 100  
P.O. Box 360  
Jefferson City, MO 65102-0360

**FILED**

NOV 19 2001

Missouri Public  
Service Commission

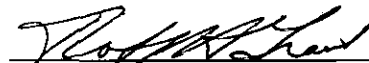
Re: **Case No. WC-2002-146**

Dear Secretary Roberts:

Enclosed for filing please find an **Original and eight copies** of the **ANSWER OF INTERVERNOR ST. LOUIS COUNTY, MISSOURI** in the above styled complaint. Will you please bring this matter to the attention of the Commission at your earliest convenience?

Thank you for your assistance and cooperation in this matter.

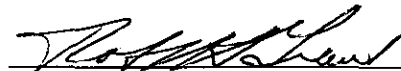
Very truly yours,



Robert H. Grant  
Deputy County Counselor  
MBD# 21458  
41 South Central  
314 615-7042  
314 615-3732  
e-mail: Robert\_Grant@stlouisco.com

Certificate of Service

Copies of this transmittal and its attachments have on the date below indicated been sent to the **Office of Public Counsel**, to the Respondent of Record, and to the **General Counsel** to the Missouri Public Service Commission by prepaid U.S. Mail.



Robert H. Grant 11-16-01

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

NOV 19 2001

Missouri Public  
Service Commission

Staff of the Missouri Public Service  
Commission,

Complainant,

vs.

St. Louis County Water Company  
d/b/a Missouri-American Water Company,

Respondent,

St. Louis County, Missouri,  
A Charter County

Intervenor.

Case No. WC-2002-146

ANSWER OF INTERVENOR

COMES NOW Intervenor-St. Louis County ("Intervenor"), and for its Answer to the  
Staff's above-styled Complaint, states:

Section I  
Statement of Position

It is Intervenor's position that the Water Service Line Repair Program was implemented  
by Intervenor and Respondent St. Louis County Water Company ("Respondent") pursuant to  
and in conformance with all applicable statutes, ordinances and regulations. Pursuant to  
§66.405 RSMo., Intervenor called an election on November 7, 2000, (Ordinance 20,110,  
Exhibit 1), at which the qualified voters approved of the imposition of a one dollar (\$1.00) per  
month fee to provide funds to pay for repair and replacement of water service lines extending  
from the water main to a residential dwelling in case of failure of the line or for road  
relocations. Pursuant to that election, Intervenor passed Ordinance 20,299 (Exhibit 2)  
(codified at §502.195 SLCRO) which imposed the one-dollar per month fee, and authorized the

County Executive to contract with water service providers to bill and collect such fees. Ordinance 20,299 was effective December 30, 2000. (St. Louis County Charter §2.120, Exhibit 3). Consequently, Ordinance 20,299 allowed for the collection of such fees at any time after December 30, 2000. Pursuant to Ordinance 20,299, Intervenor and Respondent entered into a contract dated January 19, 2001, for the collection of such fees. (Staff Complaint Exhibit A). The contract provided for the collection of the fees by Respondent beginning March 1, 2001.

Subsequently, Intervenor enacted Ordinance 20,525 (Exhibit 4) (codified as Chapter 1112 SLCRO). Ordinance 20,525 provided the procedures whereby Intervenor would effect water line repairs, i.e. accumulation of funds generated by §502.195, process for application of funds, and implementation of repairs through selected contractors. Ordinance 20,525 was purposely made effective July 1, 2001 (see section 3) so that adequate funds could accumulate prior to expenditures for repairs.

For July through October, 2001, the Water Service Line Repair Program has received 382 applications for repairs, 328 of which have been completed at a cost of \$673,010. The average repair cost is \$2,052. In addition, 41 applications have been received for reimbursement for the cost of repairs made between March 1 and June 30, 2001. Thirty-three reimbursements have been paid for a total of \$29,469.

## Section II

### Responses to Specific Allegations by Paragraph Number

1-9. Intervenor admits the allegation in paragraphs 1-9 of Staff's Complaint.

10, 11. Intervenor lacks sufficient knowledge to answer paragraphs 10 and 11 and, therefore, denies same.

12. Intervenor denies that the words "*a fee upon water service lines*" must be or should be interpreted to effectively mean instead "*a fee upon owners of water service lines.*" To the contrary, the fee was intended to be collected from customers who are directly dependent on the safety and adequacy of facilities delivering water to them. These customers must support the safety and adequacy of the system through the payment of their service charges in much the same way that such customers pay fire hydrant charges with their water service bill. Furthermore, there is precedent for this concept in the application of sewer lateral repair charges. Various cities collect such charges from occupants along with trash collection charges.

Intervenor also specifically denies that §502.195 (Ordinance 20,299) imposed the subject fee commencing July 1, 2000. §502.195 was effective December 30, 2000 and authorized a contract with Respondent which provided that such fees were to be collected commencing March 1, 2001.

13. Admits.

14. Intervenor denies that the Approved Tariff is inconsistent with the terms of the statute and the ordinance, and denies that the Contract and the Approved Tariff are unlawful.

Furthermore, Intervenor denies that the statute and Ordinance 20,299 specify that fees may only be collected from and after July 1, 2001. The statute contains no such date, and the date in the ordinance is specifically stated to be the date after which benefits may be claimed, not the date on which charges may be imposed. The obvious and purposeful intention of the Contract with Respondent authorizing collection commencing March 1, 2001 was to generate revenues in advance of the obligation to pay plumbers for repair work. Ordinance 20,525,

which was effective July 1, 2001, provided in detail for the implementation of repairs to the service lines.

15. Intervenor admits that Respondent withholds no administration costs from fees collected but denies that this constitutes an imprudent use of ratepayer-supplied funds.

16. Intervenor denies the Approved Tariff is misleading and confusing to ratepayers in the respects alleged, to wit:

- a) "Availability" is a ritual term in most if not all of Respondent's tariffs, but its use in this context is neither critical nor of any concern to Respondent or its customers.
- b) The Contract by its terms, states that: "...this Contract shall be submitted to the Missouri Public Service Commission for its information, and if deemed necessary by such Commission, for its approval. This Contract shall at all times be subject to the actions of such Commission." The contract was provided to the Secretary of the Commission, and whether or not this constitutes an effective approval, the terms of the agreement permit the Commission to effectively change the terms of the agreement by declaration of tariff language, as it may do in this case prospectively.
- c) The Approved Tariff is intended to allow a reduction of the fee by action of Intervenor without the necessity for action by the Commission on a new tariff. If this intended convenience is unacceptable, the Commission may effectively change these terms of the tariff prospectively.

17. Intervenor admits the Approved Tariff went into effect by operation of law. Intervenor is without sufficient information and so denies the remaining allegations of paragraph 17.

18. Intervenor is without sufficient information with regard to the allegations of paragraph 18, and therefore denies same.

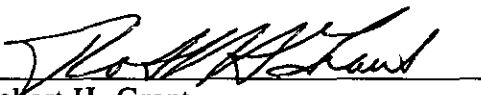
Section III  
Further Responses

Further answering, Intervenor states the following with respect to the Approved Tariff, to wit:

Intervenor St. Louis County has carefully followed the provisions of §66.450 RSMo, its own ordinances (Ordinances 20,110, 20,299 and 20,515), and its contract with Respondent, and as a result has successfully implemented a water service line repair program County-wide which is authorized by law. This program has been well received by residents and contractors alike. In its first four (4) months of operation, 361 residents have received full or partial reimbursement for service line breaks. Staff's requested relief would destroy this program which is most beneficial for the health, safety and welfare of the residents of St. Louis County.

WHEREFORE, Intervenor prays that the Commission dismiss Staff's Complaint or, in the alternative, to prescribe the prospective terms and conditions under which Respondent and Intervenor should collect the water service line repair fees authorized by law.

PATRICIA REDINGTON  
COUNTY COUNSELOR

  
Robert H. Grant  
Deputy County Counselor  
41 South Central  
St. Louis, MO 63105  
(314) 615-7042  
(324) 615-3732 Fax

Certificate of Service

Copies of the foregoing have on the date below written been provided to the Office of Public Counsel, to the General Counsel of the Missouri Public Service Commission, and Counsel for Respondent, by either hand delivery or first class prepaid U.S. Mail.

A handwritten signature in cursive script, appearing to read "Robert H. Grant", is written over a horizontal line.

Robert H. Grant

November 16, 2001

BILL NO. 287, 2000

ORDINANCE NO. 20,110, 2000

Introduced by Councilman O'Mara

**AN ORDINANCE**

CALLING AND PROVIDING FOR THE HOLDING OF AN ELECTION IN ST. LOUIS COUNTY, MISSOURI, ON THE 7TH DAY OF NOVEMBER, 2000, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF ST. LOUIS COUNTY A PROPOSAL TO APPROVE THE LEVYING OF A FEE ON WATER SERVICE LINES SERVING CERTAIN RESIDENTIAL PROPERTY TO PROVIDE FUNDS FOR REPAIR AND REPLACEMENT OF WATER LINES.

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. An election shall be and the same is hereby called and ordered to be held in St. Louis County, Missouri, on the 7th day of November, 2000, for the purpose of submitting to the qualified voters within St. Louis County a proposal for the levying of a charge on water service lines serving certain residential property to provide funds for repair and replacement of water lines extending from the water main to a residential dwelling, as more particularly set forth and described in the "Notice of Election" as contained in Section 4 of this ordinance.

SECTION 2. That the said election shall be held in each of the voting precincts within St. Louis County and at the polling places designated, or to be designated, by the Board of Election Commissioners, the election authority within and for St. Louis County for the holding of said election; that, except for absentee ballots cast by persons in federal service, the election judges shall allow no person to vote whose name does not appear in the precinct register without the express sanction of the said Board of Election Commissioners.

SECTION 3. That the County Clerk and Board of Election Commissioners of the County, acting jointly, shall give notice of the said election by advertisement once per week for two (2) consecutive weeks, the last insertion to be not longer than one



(1) week prior to the date of said election, in the following newspapers published in said County:

Watchman Advocate, 200 South Bemiston, Clayton, Missouri,  
and

The St. Louis Countian, 111 South Bemiston, Clayton,  
Missouri.

SECTION 4. That the said notice to be published as aforesaid shall be in the form determined by the aforesaid Board of Election Commissioners.

SECTION 5. That the Board of Election Commissioners within and for the County shall cause to be prepared and distributed to all of the polling places within St. Louis County ballots to be used by the voters at said election, which said ballots, subject to such adaptations as may be necessary where the electronic voting system is to be used, shall be in substantially the following form, to-wit:

OFFICIAL BALLOT

ELECTION

ST. LOUIS COUNTY, MISSOURI

Tuesday, November 7, 2000

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PROPOSITION NO. 2

For the purpose of repair or replacement of water lines extending from the water main to a residential dwelling due to failure of the line or for road relocation, shall St. Louis County be authorized to impose a fee not to exceed one dollar per month or an equivalent rate collected at some other interval upon all water service lines providing water service within the county to residential property having four or fewer dwelling units for the purpose of paying for the costs of necessary water service line repairs, replacements or relocations caused by improvements to public right-of-way?

YES

☐

NO

☐

If you are in favor of the question, place an X in the box opposite "YES". If you are opposed to the question, place an X in the box opposite "NO".

SECTION 6. That the aforesaid Election Commissioners shall conduct the said election in accordance with the laws of the state of Missouri applicable to St. Louis County and shall canvass the returns of said election and certify the results thereof to the County Clerk.

SECTION 7. That the County Clerk shall forthwith make up, certify, and transmit to the aforesaid Board of Election Commissioners a certified copy of this ordinance for the information and guidance of the said Board.

ADOPTED: AUGUST 10, 2000

JAMES E. O'MARA  
CHAIRMAN, COUNTY COUNCIL

APPROVED: AUGUST 10, 2000

BUZZ WESTFALL  
COUNTY EXECUTIVE

ATTEST: JEANETTE O. HOOK  
DEPUTY ADMINISTRATIVE DIRECTOR

BILL NO. 501, 2000

ORDINANCE NO. 20,299, 2000

Introduced by Councilman O'Mara

AN ORDINANCE

AMENDING CHAPTER 502, TITLE V SLCRO 1974 AS AMENDED, "LEVY AND COLLECTION AND TAXES," BY ENACTING AND ADDING THERETO ONE NEW SECTION TO BE KNOWN AS SECTION 502.195 IMPOSING A FEE ON CERTAIN RESIDENTIAL PROPERTY TO FUND REPAIR OR REPLACEMENT OF WATER LINES EXTENDING FROM THE WATER MAIN TO A RESIDENTIAL DWELLING DUE TO FAILURE OF THE LINE OR FOR ROAD RELOCATION, AND AUTHORIZING THE COUNTY EXECUTIVE TO ENTER INTO CONTRACTS WITH WATER SERVICE PROVIDERS FOR COLLECTION OF THE FEE .

WHEREAS, Article II, Section 2.180(3) of the Charter of St. Louis County authorizes the County Council, by ordinance, to levy taxes authorized by the Constitution or by law; and

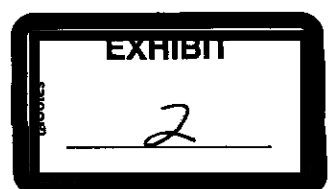
WHEREAS, the County is authorized by law to impose a fee for the purpose of repair or replacement of water lines extending from the water main to a residential dwelling due to failure of the line or for road relocation upon approval by the qualified voters of the County; and

WHEREAS, pursuant to Ordinance No. 20,110, an election was held in St. Louis County on November 7, 2000 and the qualified voters of St. Louis County approved the imposition of a One Dollar (\$1.00) per month fee to provide funds to pay for repair or replacement commencing July 1, 2001, of water lines extending from the water main to a residential dwelling due to failure of the line or for road relocation;

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 502, Title V SLCRO 1974 as amended, "Levy and Collection of Taxes," is amended by enacting and adding thereto one new section as follows:

502.195 Water Service Line Repair Fee.-1. A fee of One Dollar (\$1.00) per month is imposed upon all water service lines providing water service within the county to residential property having four or fewer dwelling



units, to provide funds to pay for repair or replacement commencing July 1, 2001, of water lines extending from the water main to a residential dwelling due to failure of the line or for road relocation.

2. For purposes of this ordinance, "water service line" shall mean that portion of water piping and related valves and connectors which extends from the water mains owned by the utility or municipality distributing public water supply to the first opportunity for a connection or joint beyond the point of entry into the premises receiving water service, but shall not include the water meter or facilities owned by the utility or municipality distributing public water supply.

3. The County Executive is authorized to execute contracts with providers of water service in St. Louis County to bill and collect such fees along with bills for water service and to pursue collection of such amounts through discontinuance of service. All such contracts shall be approved by the Accounting Officer and shall contain such terms and conditions as are approved by the County Counselor.

ADOPTED: DECEMBER 14, 2000

JAMES E. O'MARA  
CHAIRMAN, COUNTY COUNCIL

APPROVED: DECEMBER 14, 2000

BUZZ WESTFALL  
COUNTY EXECUTIVE

ATTEST: JEANETTE O. HOOK  
DEPUTY ADMINISTRATIVE DIRECTOR

# St. Louis County Charter



Adopted by the voters  
of St. Louis County  
November 6, 1979

EXHIBIT

3

tables

majority of all members of the council shall be necessary to pass any ordinance or resolution except as otherwise provided in this charter. On the final passage of any ordinance or resolution the yeas and nays shall be entered by name on the journal, and at the request of any one member, the yeas and nays on any other question shall be so entered. All ordinances, resolutions, orders and proceedings of the council shall be public records and shall be kept in bound form and available for public examination.

**Section 2.090.** No ordinance shall be revived or reenacted by mere reference to the title thereof, but the same shall be set forth at length. No section or sections of any ordinance shall be amended unless the section or sections amended shall be set forth in full as amended.

**Section 2.100.** All ordinances shall be read at least once in open session of the council either in their entirety or by title. Without consent of all members, no final vote shall be taken on the passage thereof until the expiration of at least fourteen days from the time that such ordinance was first introduced. An ordinance which has been introduced may be amended after introduction and prior to its final passage, but any amendment must be germane to the original purpose of the ordinance.

**Section 2.110.** All ordinances passed by the council shall within five days thereafter be presented to the county executive and within fifteen days after presentation he shall return them to the council endorsed with his approval or accompanied by his objections. Upon approval by the county executive, an ordinance shall be deemed enacted. Ordinances presented to the county executive and returned with his objections may be reconsidered by the council. The objections of the county executive shall be entered upon the journal of the council and it shall proceed at its convenience to consider the question pending, which shall be in this form: "Shall the ordinance pass, the objections of the County Executive thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays and if two-thirds of all members of the council vote in the affirmative, the ordinance shall be deemed enacted. Whenever the county executive shall fail within fifteen days to return an ordinance presented to him, the ordinance shall be deemed enacted.

**Section 2.120.** Except as otherwise provided in this charter all ordinances shall take effect at the expiration of fifteen days after the date of enactment, unless a later date therefor be fixed therein. Ordinances relating to the following subjects shall take effect immediately upon enactment:

1. Calling an election or providing for the submission of any proposal to the people;
2. Appropriations for the support of the county government and the payment of principal and interest on the county's debts;
3. Borrowing of funds in anticipation of taxes; directing the issuance of bonds previously authorized at an election;
4. Fixing tax rates;
5. Amendments to the zoning ordinance.

**Section 2.130.** To meet a public emergency affecting the immediate preservation of the public peace, health, safety and welfare the council may adopt emergency ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain in the body of the ordinance a declaration that an emergency exists and shall set forth the facts in clear and specific terms to support the declaration. If at least two-thirds of all members of the council vote in the affirmative then the ordinance shall take effect immediately upon its enactment but if only a majority vote in the affirmative it shall take effect at the expiration of fifteen days after its enactment.

**Section 2.140.** 1. Each member of the council shall receive an annual salary of eleven thousand dollars payable monthly. After the effective date, the compensation of the members of the council shall be subject to change by ordinance adopted by the council with the affirmative vote of at least five members. An ordinance establishing the salary of the council presented to the county executive and returned with his objections may be reconsidered by the council; if at least six members of the council vote in the affirmative, the ordinance shall be deemed enacted. The salary of members of the council shall be fixed at least ten months prior to the election of the council and shall not be increased or diminished during any term in office, and further provided that no such change in salary shall become effective prior to January 1, 1983 nor prior to two years after the effective date of the last preceding change in salary. The chairman shall receive an additional salary, while chairman, in an amount equal to twenty-five percent of the salary of a member of the council. Provision shall be made in the current expense budget submitted each year by the county executive in such amount as may be required to finance the salaries provided for in this section or by an ordinance enacted pursuant to this section.

2. The members of the county council shall not receive an expense allowance, but shall be reimbursed for actual and necessary lawful

BILL NO. \_\_\_\_\_ 196 \_\_\_\_\_, 2001

ORDINANCE NO. \_\_\_\_\_ 20,525 \_\_\_\_\_, 2001

Introduced by Councilman \_\_\_\_\_ Odenwald

**AN ORDINANCE**

AMENDING TITLE XI SLCRO 1974 AS AMENDED, [PUBLIC WORKS AND BUILDING REGULATIONS,] BY ENACTING AND ADDING THERETO A NEW CHAPTER TO BE KNOWN AS CHAPTER 1112, [WATER SERVICE LINE REPAIR PROGRAM.]

BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION 1. Title XI SLCRO 1974, as amended, [Public Works and Building Regulations,] is amended by enacting and adding thereto a new chapter to be known as Chapter 1112, [Water Service Line Repair Program,] which chapter shall read as follows:

1112.010 Scope.- The provisions of this chapter shall be effective in all of St. Louis County, including incorporated and unincorporated St. Louis County.

1112.020 Definitions.- The following words shall have the meaning given them by this section:

1. Applicant: An owner of residential property or such owner's designee;

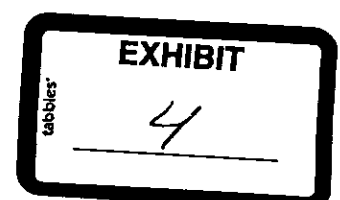
2. Department: The St. Louis County Department of Public Works;

3. Director: The St. Louis County Director of Public Works or designee;

4. Residential Property: Real estate identified by a single locator number which is assessed as residential by the St. Louis County Assessor, and which contains four or fewer dwelling units;

5. Water Service Line: That portion of Residential Property's water service line piping and related valves and connectors which extends beyond the water mains owned and operated by the utility or municipality distributing the public water supply to the Residential Property, but shall not include any portion of the line located inside any structure on the Residential Property, and shall not include the water meter or any facilities owned by the utility or municipality distributing the water service;

6. Water Service Line Repair: The repair, patching or replacement of a water line due to failure of the line or for public road relocation, including repair and replacement of the corporation cock, stop cock and stop boxes which are incidental to such failure, and including associated digging and the replacement of dirt and seeding of affected areas. Water service line repair shall not include any work on the inside of any structure; shall not include repair or replacement of water service lines damaged as a result of freezing, earthquakes or other acts of God; shall not include the elective replacement of lead water service lines with alternative material; and shall not include replacement of landscaping or ornamental structures; but may include replacement of structural facilities required for safe occupancy of a structure or safe use of property. Water service line repair shall not



include the location of water service lines and/or shut-off valves exclusive of repairs.

6. Water Service Line Repair Emergency: The repair of a defective water service line necessary to relieve immediate danger to the health, safety, or welfare of the public. The determination of whether or not an emergency exists is at the discretion of the Director.

1112.030 Water Service Line Repair Fund. - There is hereby established a special revenue fund, to be designated as the Water Service Line Repair Fund, in which shall be deposited all monies collected pursuant to section 502.195 SLCRO, on behalf of St. Louis County, which may include Missouri American Water Company or others providing water service pursuant to the fee authorized by Section 502.195 SLCRO. All monies received thereby shall be deposited in this fund upon receipt, together with all interest generated on deposited funds, and shall stand appropriated upon receipt for payment of costs reasonably associated and necessary to administer and carry out the Water Service Line Repair Program. The Accounting Officer shall administer and disburse funds from this fund upon authorization of the Director of Public Works.

1112.040 Application for Participation in Water Service Line Repair Program. - Applicants who wish to participate in the Water Service Line Repair Program shall complete an application on forms to be created and provided by the Department. In order to be eligible for participation in the program, applicant shall:

- 1) Provide satisfactory proof that the proposed Water Line Service Repair is for Residential Property within St. Louis County;
- 2) Provide satisfactory proof of ownership or permission by the owner of all premises on, over, and under which water service line repairs are to be effected;
- 3) Provide satisfactory proof of currently paid water service bill and water service line repair fee;
- 4) Provide written certification that neither the applicant(s), the owner(s), nor anyone on their behalf will make any claim against or seek any relief from St. Louis County arising out of or in connection with any work completed or any action taken in connection with the Water Service Line Repair Program. Applicant shall further certify applicant's acknowledgement that St. Louis County is not responsible for the acts of the contractor making the repair, replacement or road relocation and that applicant shall indemnify St. Louis County and hold St. Louis County harmless from any and all claims arising out of the applicant's participation in, and work performed and actions taken in connection with, the Water Service Line Repair Program;
- 5) Provide written certification of a properly licensed master plumber that the water service line is defective and leaking, and repair is necessary;
- 6) Provide a written statement from a properly licensed master plumber, Missouri-American Water Company, or the municipal water company, advising of the nature and location of the problem, in such detail that the Director may adequately determine both the nature of the problem and the bidding requirements for the water service line repair;
- 7) Certify that applicant has the authority to and does



consent to the performance of water service line repair work on and about the property described in the application, that applicant will not interfere with the work to be performed by the contractor selected by the Director, and that applicant shall reimburse County for all expenses incurred by the County on the applicant's behalf in the event that applicant withdraws permission to proceed or otherwise interferes with performance of work authorized under this program;

- 8) Certify that applicant understands and acknowledges that water service line repair includes only the patching or replacement of a defective water service line, including associated digging and the replacement of dirt and seeding of affected areas, and does not include replacing of landscaping or ornamental structures and may not include replacement of structural facilities;
- 9) Certify that applicant understands and acknowledges that the Water Service Line Repair Program excludes any and all repair work on the inside of the building structure. If repair work is required on the inside of the house as part of an eligible Water Service Line Repair Program repair, those costs shall be the responsibility of the homeowner;
- 10) Certify that applicant understands and acknowledges that the Water Service Line Repair Program does not include payment for the elective replacement of lead lines, and does not include payment for water service line repairs necessary due to freezing of water lines, earthquakes or other acts of God;
- 11) Agree to repair at applicant's expense those portions of the property designated by the Director within six months of the water service line repair or at other such time as may be established by the Director;
- 12) Certify to what extent, if any, applicant is insured for all or part of the cost of County approved repairs.

1112.050 Implementation of Water Service Line Repairs. -1. The Department shall maintain a list of licensed water service line repair contractors (repair list), to be updated periodically, in accordance with standards promulgated by the Director in the Rules and Regulations authorized in Section 1112.110. Director may remove the name of any contractor for documented cause, including but not limited to failure to respond to previous bid requests; failure to enter into contract after selection; failure to perform work in a timely or professional manner; failure to maintain required licenses, bonds, or insurance; failure to comply with the Director's Rules and Regulations; or poor occupational health and safety compliance, or any other cause deemed necessary by the Director.

2. Upon determination of the Director that an applicant is eligible to participate in the Water Service Line Repair Program and that the repair, or any portion thereof, should be completed, the Director shall contact a sufficient number of contractors on the repair list so that a minimum of three (3) competitive bids will be secured for each repair project, except that the Director may in his discretion combine two or more repair projects under one bid. The contractors to be contacted shall be selected on a random basis in accordance with the Rules and Regulations referenced in Section 1112.110.

3. If the Director determines after a reasonable effort to solicit bids or because of emergency conditions that it is not practicable

to secure three (3) competitive bids, he shall prepare a full and complete statement of the reasons therefore, including the names of all contractors contacted, and shall file same with the other papers relating to the transaction.

4. Notwithstanding any provision to the contrary, if applicant's insurance has paid for a portion of the cost of County approved water service line repairs, the Director may pay applicant an amount not to exceed that portion of the cost not covered by insurance.

**1112.060 Selection of Contractor.** -1. All bids shall be submitted sealed to the Director and shall be identified as bids on the envelope. The Director shall have the authority to reject all bids, or bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

2. Contracts shall be awarded to the lowest responsible bidder. In determining [lowest responsible bidder,] in addition to cost, the Director shall consider: the ability, capacity or skill of the bidder to perform the contract or provide the service required; whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference; the character, integrity, reputation, judgment, experience and efficiency of the bidder; the quality of performance of previous contracts or services; the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service; the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services; the quality, availability of supplies, or contractual services to the particular use required; the ability of the existing compliance by the bidder with laws and ordinances relating to the contract or services; the sufficiency of the financial resources and ability of the bidder to provide future maintenance and service for the use of the subject to the contract; and the number and scope of conditions attached to the bid. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the Director, along with the concurrence of the County Counselor as to all bids in excess of Twenty-Five Thousand Dollars (\$25,000.00), and filed with the other papers relating to the transaction. If two or more bidders tie for low bid and elements of time or responsibility of the bidders are not sufficient to justify the award to one of the tie bidders, the Director shall award the contract to one of the tie bidders by drawing lots in public.

**1112.070 Contracts for Repair Work.** - The Director in his discretion is authorized to execute on behalf of St. Louis County contracts necessary to administer and carry out the water service line repairs, including contracts with licensed water service line repair contractors, and other professional contractors as may be necessary. All contracts awarded pursuant to Section 1112.060 are subject to approval by the Accounting Officer and approval as to legal form by the County Counselor pursuant to Section 1112.060. All such contracts shall provide that:

- 1) Contractor shall have and maintain in appropriate amounts as required by Director: (a) general liability insurance naming St. Louis County as an additional insured; and (b) Workers' Compensation insurance as required by law;
- 2) Contractor shall pay the equivalent of the prevailing wage;
- 3) Applicants on whose property work is to be performed are acknowledged to be third-party beneficiaries under the

contract;

- 4) Contractor shall be responsible for securing all permits;
- 5) Contractor shall be paid only upon satisfactory completion of the work and approval by all relevant agencies, including, as appropriate, the water service provider and the Department of Public Works;
- 6) Contractor, in performing the contract, shall not discriminate against any employee or employment applicant based on race, creed, color or national origin.

**1112.080 Emergency Repairs.** -1. In the event water service is interrupted and/or a health or safety threat exists at a time outside of normal business hours, a person who wishes to participate in the Water Service Line Repair Program may contact any contractor on Director's repair List and arrange for the performance of such work as may be necessary to relieve the immediate emergency. Director shall authorize reasonable compensation to such contractor for emergency repairs, but only after a timely application for participation in the Water Service Line Repair Program has been accepted by the Director under Section 1112.060 and the contractor further certifies that the water supply is halted or an emergency exists.

2. In the event a water service line repair emergency exists at a time during normal business hours, a person who wishes to participate in the Water Service Line Repair Program must submit an application to the Water Service Line Repair Program office. Director may, in his discretion, authorize the same qualified repair list contractor who certifies that the water supply is halted or that an emergency exists, to perform repair work as may be necessary to relieve the immediate emergency. Director may authorize reasonable compensation to such contractor for emergency repairs.

3. In an emergency affecting the safety of life or of the structure or of adjoining property, a Contractor on the program list, without special instruction or authorization from the Director, is hereby permitted to act at his discretion to prevent such loss or injury. Any compensation claimed by the Contractor on account of such emergency work shall be determined by agreement with the Director.

**1112.090 Contracts with Water Service Providers.** □ The Director is authorized to enter into contracts with public utility companies and municipalities that provide water service for water service line repairs and may negotiate fees in accordance with the Public Service Commission established rates and prevailing costs.

**1112.100 Program Limits.** - Administration of the Water Service Line Repair Program shall be contingent upon the availability of funding collected or anticipated to be collected or as may be made available pursuant to the One Dollar (\$1.00) per month fee imposed upon water service lines by Section 502.195 SLCRO.

**1112.110 Program Rules and Regulations.** - The Director shall promulgate rules and regulations to carry out the purposes and intent of the Water Service Line Repair Program to protect the public safety, health and welfare, and to administer the program in an effective, efficient and timely manner. All rules and regulations shall be filed with the Administrative Director after being first approved by order of the County Council.

**1112.120 Municipal and Local Requirements.** □ In the event that

local or municipal permit, restoration, inspection or other requirements exceed those of St. Louis County and result in additional costs for a water service line repair, the homeowner or municipality will be responsible for paying such additional costs.

SECTION 2. The Director is authorized to reimburse applicants fifty percent (50%) of the bona fide cost of Residential Water Service Line Repairs or replacement subject to the following limitations:

1. The repairs were performed between March 1 and June 30, 2001, and application for reimbursement is made before August 15, 2001;
2. The applicant certifies payment to date of water bill to include the one dollar (\$1.00) per month Water Service Line Repair Program fee, that all required permits were obtained for the repairs, that a St. Louis County licensed master plumber performed the work, and that the cost of the repairs are reasonable;
3. The applicant submits written verification of the repairs and payment therefore, as may be required by the Director;
4. No applicant shall be reimbursed for any cost or work which would not be paid for by St. Louis County under the Water Service Line Repair Program established by this ordinance.

SECTION 3. The provisions of this ordinance shall be effective July 1, 2001.

ADOPTED: JUNE 12, 2001

KURT S. ODENWALD  
CHAIRMAN, COUNTY COUNCIL

APPROVED: JUNE 12, 2001

BUZZ WESTFALL  
COUNTY EXECUTIVE

ATTEST: JEANETTE O. HOOK  
DEPUTY ADMINISTRATIVE DIRECTOR