

RESOLUTION NO. 8140

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., authorizing the City Attorney's office to take all appropriate legal action necessary to collect monies owed by Consolidated Rural Water District No. 1 to the City of Topeka.

WHEREAS, the City of Topeka has established water rates for its customers by ordinances passed and approved by the City Council; and

WHEREAS, the City of Topeka combined water, wastewater, and stormwater utility (the "Utility") relies on the full payment by its customers to be able to provide services at reasonable rates; and

WHEREAS, the Utility incorrectly billed Consolidated Rural Water District No .1 (the "District") over the three year period from January 2005 to January 2008; and

WHEREAS, the error by the Utility resulted in the District's underpayment of four hundred one thousand nine hundred fifty-nine dollars and eighty-six cents (\$401,959.86); and

WHEREAS, the Utility has made formal demand on District for payment of the full amount of four hundred one thousand nine hundred fifty-nine dollars and eighty-six cents (\$401,959.86) owed to the Utility; and

WHEREAS, the District has failed to pay said full amount or make satisfactory arrangements to do so; and

WHEREAS, K.S.A. 13-2412 prohibits discrimination among water users of like classes as to rates.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that the City Attorney's office is hereby directed and authorized to

27 take all appropriate legal action, including filing suit, seeking injunctive or declaratory relief,
28 seeking judgment, and appeal therefrom necessary to collect the amount due and owing to
29 the Utility from the District and to protect the Utility's ability to bill and collect from other
30 users in the same class of rate payers.

31 ADOPTED and APPROVED by the City Council January 27, 2009.

32 CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk