

ORDINANCE NO. 090781

Authorizing the Director of Water Services Department to execute a Settlement and Release Agreement with the City of Liberty, Missouri to return overpayments made by Liberty, in the form of monthly credits over a five year term for a total amount of \$538,960.00.

WHEREAS, the City of Kansas City, Missouri's Water Services Department ("KCMO") provides sewer service to the City of Liberty, Missouri ("Liberty") through a Cooperative Agreement for Sewer Service executed on August 27, 1999, with subsequent amendments; and

WHEREAS, as a portion of the flow received by KCMO is unmetered, the Agreement sets out a formula for calculating charges based upon residential and commercial accounts and monthly water use; and

WHEREAS, for the calendar years 2004 through 2008, the number of residential and commercial accounts was over reported by Liberty to KCMO, resulting in overcharges by KCMO and overpayments by Liberty; and

WHEREAS, Liberty has made a claim for refund of its overpayments; and

WHEREAS, Liberty and KCMO agree that Liberty should be reimbursed for these overpayments, in the form of monthly credits over a five year term for a total of \$538,960.00; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

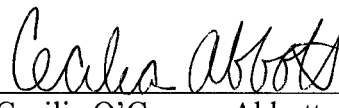
Section. 1. That the Director of Water Services Department is hereby authorized to execute a Settlement and Release Agreement with the City of Liberty, Missouri to refund Liberty's overpayments, in the form of monthly credits to Liberty's monthly sewer commodity charge over a five year term for a total amount of \$538,960.00. A copy of the agreement is on file with the Office of the Director of Water Services.


Approved as to form and legality:



Authenticated as Passed


Mark Funkhouser, Mayor


Cecilia O'Connor Abbott
Assistant City Attorney


Vickie Thompson, City Clerk

SEP 17 2009

Date Passed