Passed 9-0

ORDINANCE 11-13

TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
"WASTEWATER"
(Wastewater Rate Adjustment)

WHEREAS, the City of Bloomington, Indiana (the "City") has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the "Act"), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and

WHEREAS, Crowe Horwath LLP, financial advisor to the City, has prepared a rate report concerning the current rates and charges of the sewage works (the "Report"); and

WHEREAS, based upon the Report, the Common Council of the City (the "Council") finds that the current rates and charges for the use of and service rendered by the sewage works do not produce sufficient revenues to pay all the legal and necessary expenses incident to the operation of such sewage works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the sewage works, to provide a sinking fund for the liquidation of indebtedness, and to provide adequate funds to be used as working capital and funds for making extensions and replacements and to make payments in lieu of taxes; and

WHEREAS, based upon the Report, the Council finds that the current rates and charges do not produce an income sufficient to maintain the sewage works property in a sound physical and financial condition to render adequate and efficient service; and

WHEREAS, the Council finds that the current rates and charges for the use of and service rendered by the sewage works must be increased in order to provide sufficient revenue to meet such requirements; and

WHEREAS, the Council finds that the rates and charges set forth herein are based upon the cost of providing service to the customers of the sewage works and will enable the City to meet its legal revenue requirements for the sewage works; and

WHEREAS, the Utilities Service Board of the City has recommended, after due consideration, including consideration of the Report, that the rates and charges set forth herein should be approved by the Council; and

WHEREAS, the Council has caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and has held a public hearing thereon, all pursuant to the Act;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA THAT:

Section 1. Section 10.08.040 of the Bloomington Municipal Code (the "Code"), entitled "Rates—Metered water users", is hereby amended and restated to read as follows:

"10.08.040 Rates—Metered water users. General service rates shall be applicable to all metered water users except those with other than average strengths of BOD and suspended solids. The general service rates shall be determined as follows:

Monthly service charge (per meter)	$6.52
User Charge	
Charge per 1,000 gallons per month for all billable usage:	
Residential[a]	$6.36
Commercial	$6.36
Indiana University	$6.36
Industrial [b]	$6.36

(a) Residential summer rates for billings issued during the months of June, July, August, and September shall be based upon the average metered water consumption for billings issued during the months of April and May or actual usage, whichever is less. In order to more accurately reflect the actual wastewater usage of these customers, the Utilities Service Board may, by the adoption of a resolution, change the months used to set the summer rates and the length of time the summer rates are in effect. All other users shall be charged on the basis of one hundred percent of metered water consumption subject to user proof of lower wastewater use.

(b) Industrial user rates and charges shall be based on the quantity of water used as well as any special service rates that may apply."

Section 2. Section 10.08.070 of the Code, entitled "Rates—Nonmetered users", is hereby amended and restated to read as follows:

"10.08.070 Rates—Nonmetered users. The minimum rate or charge for any service where the user is not a metered water user shall be six hundred and thirty-three dollars and ninety-nine cents ($633.99) per year, payable monthly. At the request of the utility or user, a meter which measures either the water use of the customer or the discharge into the sanitary sewer system shall be installed at the user's expense. Where a meter has been installed or the customer's water use records are available at no charge from the water supplier, the charge for service shall be computed on the basis of water usage plus monthly service charge, just as it is with a metered user, subject to the annual minimum charge."

Section 3. Subsection (b) of Section 10.08.110 of the Code, entitled "Special service rates", is hereby amended and restated to read as follows:

"(b) Special Rates. Special service rates shall be determined as follows:

Monthly service charge (per meter)	$ 6.52
Special laboratory analysis monthly charge	
Strength of BOD and SS sampling charge	$136.80
Grease and oil sampling charge	$128.24
Metal sampling charge (per metal per test)	$ 28.50
User Charge	
Charge per 1,000 gallons per month for all billable usage:	
Non-excessive strength rate	$6.52
Extra Strength Charge	
Charge per pound per month for all strength in excess of 300 ppm:	
BOD	$0.309
Suspended Solids	$0.251

Section 4. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

Section 5. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall not take effect until March 1, 2012.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of December, 2011.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 22nd day of December, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 30th day of December, 2011.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the rates and charges included in Title 10 of the Bloomington Municipal Code, entitled "Wastewater", to cover the cost of inflation, extensions and replacements, refunding one series of bonds, reimbursement for services provided by the City, and the providing an adequate amount for bond Reserve Funds. The provisions will go into effect on March 1, 2012.