ORDINANCE 17-41

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

WHEREAS, the City of Bloomington, Indiana (the "City") has established, acquired, and financed its municipal sewage works in accordance with Indiana Code § 36-9-23, *et seq.*, and acts amendatory thereof and supplemental thereto (the "Act"), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and

WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe Horwath LLP, to study certain miscellaneous and non-recurring rates and charges of the wastewater system; and

WHEREAS, Crowe Horwath LLP prepared a report concerning certain miscellaneous and non-recurring rates and charges of the sewage works (the "Report") and determined that the existing charges to customers for certain miscellaneous and non-recurring services are insufficient to cover the costs and expenses associated therewith and, with regards to sewage connection fees, insufficient to meet the need for future expansion of the sewage infrastructure; and

WHEREAS, the City, through its Utilities Service Board, adopted the findings of the Report on October 16, 2017, thereby finding that the existing charges to Utility customers for certain miscellaneous and non-recurring services are insufficient to cover the costs associated therewith and, with regards to sewage connection fees, insufficient to meet the need for future expansion of the sewage infrastructure, and should be adjusted; and

WHEREAS, the Utilities Service Board, on October 30, 2017, recommended by Resolution 2017-00 that the Common Council of the City of Bloomington approve an Ordinance in substantially the same form as herein provided for the adjustment to miscellaneous and non-recurring charges of the sewage works as identified below; and,

WHEREAS, based upon the aforementioned Report, and the recommendations of the Utility Service Board, the Common Council of the City of Bloomington finds that the miscellaneous and non-recurring rates and charges set forth herein are nondiscriminatory, reasonable and just and 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 future sewage works expansion; and

WHEREAS, the Common Council of the City of Bloomington finds that said miscellaneous non-recurring charges for certain services provided to Wastewater Utility Customers should be adjusted accordingly; and

WHEREAS, the Common Council of the City of Bloomington caused notice of a public hearing on the rates and charges set forth herein to be duly advertised and mailed, and conducted a public hearing thereon, all in accordance with the Act, and each rate payer was, and the public in general were, allowed the opportunity to provide testimony and comments regarding the proposed adjustments to these rate and charges which were considered by the Common Council.

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

SECTION 1. Title 10 of the Code, entitled "Wastewater", is hereby amended by adding a new section, Section 10.08.135, which shall be inserted into the table of contents for this chapter and which shall be stated as follows:

10.08.135 Service call charge.

(a) A service charge shall be collected for all service calls in excess of one free call per year, including, but not limited to, calls for sewer back-up and inspection for leaks, but such charge shall not be collected if the call was necessitated by an error of the utility.

(b) The charge for all service calls during normal business hours shall be $54.00 per call and $180.00 per call during overtime hours.

SECTION 2. Section 10.08.140 of the Code, entitled "Connection Fee", is hereby amended and restated to read as follows:

Section 10.08.140 Connection Fee.

The connection fee is applicable to all utility customers within the wastewater system service area. The following fees shall be charged for each new connection to the wastewater system based upon the customer's water meter size:

Domestic Water Meter Size In Inches	Connection Fee
⅝" or ¾"	$2,775.00
1"	$7,104.00
1½"	$15,984.00
2"	$28,416.00
3"	$63,936.00
4"	$113,664.00
6"	$255,744.00
8"	$454,656.00
10"	$710,400.00

SECTION 3. 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 4. 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 the 1st day of January, 2018.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 15th day of November, 2017.

Susan Sandberg
SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

NBolden
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 16th day of November, 2017.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 16th day of November, 2017.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends existing miscellaneous and non-recurring charges in Title 10 of the Bloomington Municipal Code, entitled "Wastewater", to reflect increased costs of supplying certain wastewater services to customers and, with regards to connection fees, to meet the need for necessary future expansion of the wastewater infrastructure.

Distributed to: Mayor, Clerk, Council Administrator, Legal, Controller, Utilities, Utilities Service Board