

ORDINANCE 19-02
TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“WASTEWATER”
(Stormwater 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, the City has established within the city wastewater utility the powers, duties and responsibility for the construction, operation and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23; and

WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the stormwater works, including phase III of the renovation to the Jordan River Culvert system, the Jordan River Inlet near Dunn Meadow at the intersection of 6th St. and Indiana Ave.; and the portion of the Spankers Branch tunnel that lies beneath 6th St.; revitalization of the neighborhood program including the “micro grant” program; and the creation of a new “green initiative” program designed to enhance the quality of life in the City of Bloomington while also improving water quality in streams downstream from the City of Bloomington; and

WHEREAS, the City, through its Utilities Service Board, engaged the services of London Witte Group to study the revenue requirements for the stormwater system; and

WHEREAS, London Witte Group prepared a rates and charges report concerning the current stormwater rate (the “Report”) which has not been increased since 2003; and

WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by London Witte Group, recommends that the Common Council approve a \$3.25 increase in rates and charges for the stormwater works to be phased in over time; and,

WHEREAS, based upon the Report, and the recommendations of the Utility Service Board, the Common Council of the City (the “Council”) finds that the current rates and charges for the use of and service rendered by the stormwater works do not produce sufficient revenues to pay all the legal and necessary expenses incident to the operation of such stormwater works, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the stormwater 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, the Council finds that the current rates and charges do not produce an income sufficient to maintain the stormwater works property in a sound physical and financial condition to render safe, adequate and efficient service; and

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

WHEREAS, the first phase in period should commence on July 1, 2019, at a rate of \$4.32 for the purpose of revitalizing the neighborhood stormwater projects program including the micro-grant program, and establishing a new Green Infrastructure Fund for implementation of “green” infrastructure projects in coordination with current and future projects by the City of Bloomington; and

WHEREAS, the second phase in period should commence on January 1, 2020, at a rate of \$5.95 to occur in tandem with bond issuance for upcoming stormwater projects including Phase III of the Jordan River Culvert Project; and

WHEREAS, the Council finds that the 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 stormwater works and will enable the City to meet its legal revenue requirements for the stormwater works; and

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

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

SECTION 1. Section 10.08.045 of the Bloomington Municipal Code (the "Code"), entitled "Rates—Stormwater utility users", is hereby amended and restated to read as follows:

10.08.045 - Rates - Stormwater utility users.

(a) The rates and charges of the stormwater utility shall be as follows:

The stormwater system user fee is applicable to all utility customers with accounts within the stormwater service area. All customers classified by the utility as being single-family residential (SFR) shall pay a monthly SFR base charge. All Non SFR customers shall be charged based upon the amount of runoff generated by the customer or the monthly SFR base charge, whichever is greater. The amount of runoff subject to the stormwater utility rate for all Non SFR customers shall be determined by a calculation based upon the following formula, minus any credits, as approved by the Utilities Service Board:

$$SFR \text{ base charge} \times \left(\frac{\text{Runoff generated by Non SFR customer}}{\text{Runoff generated by the average SFR customer}} \right)$$

The monthly SFR base charge shall increase in two phases:

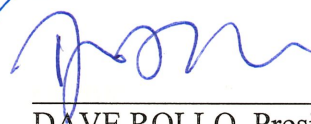
- (1) The SFR monthly base charge for the first phase shall be four dollars and thirty-two cents (\$4.32) and shall commence on July 1, 2019.
- (2) The SFR monthly base charge for the second phase shall be five dollars and ninety-five center (\$5.95) and shall commence on January 1, 2020.

(b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code and the city utilities department "Rules, Regulations and Standards of Service" which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for stormwater utilities services.

SECTION 2. 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.

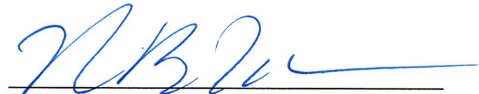
SECTION 3. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall take effect on July 1, 2019 for Phase I and January 1, 2020 for Phase II.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20th day of February, 2019.



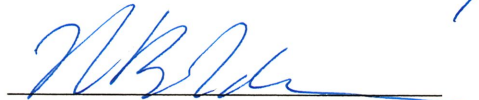
DAVE ROLLO, President
Bloomington Common Council

ATTEST:



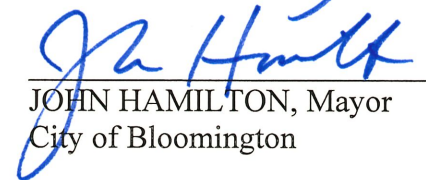
NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21st day of February, 2019.



NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 22^d day of February, 2019.



JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled "Wastewater", by amending Section 10.08.045 in two ways:

First, this ordinance amends Section 10.08.045 by increasing the stormwater fee from \$2.70 to \$5.95, in two phases, to allow for appropriate funding of necessary improvements to the stormwater system which includes phase two of the Jordan River Culvert project, implementation of a neighborhood stormwater improvement program, and implementation of a green initiative for installation of various green stormwater structures throughout the City.

Second, this ordinance amends Section 10.08.045 to better define application of the fee through a clearer definition of the single family residential base fee and through a more accurate representation of the formula used to calculate the fee for all non-single family residential users.

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