

**ORDINANCE 22-12**

**TO AMEND TITLE 9  
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "WATER"  
(Rate Adjustment)**

WHEREAS, the City of Bloomington, Indiana ("City") owns and operates a waterworks system, through its Utilities Service Board, pursuant to I.C. 8-1.5-2 and I.C. 8-1.5-3, as amended ("Act"), and is subject to the jurisdiction of the Indiana Utility Regulatory Commission ("Commission"); and,

WHEREAS, the current rates and charges of the waterworks system of the City were established by Order of the Commission under Cause No. 45533 on the 22<sup>nd</sup> Day of December 2021, and effective January 1, 2022; and,

WHEREAS, pursuant to I.C. 8-1-2-4.2, the City is required to file a rate adjustment with the Commission not later than May 1, 2022, that adjusts the waterworks rates and charges to reflect the repeal of the utility receipts tax (I.C. 6-2.3, before its repeal) in HEA 1002-2022 by the General Assembly, independent of any other matters related to the waterworks utility's revenue requirement. This rate adjustment shall operate on a prospective basis once approved by the Commission; and,

WHEREAS, the City, through its Utilities Service Board, engaged Crowe LLP to calculate, and Crowe LLP has calculated, a rate adjustment that reflects the repeal of the utility receipts tax in compliance with I.C. 8-1-2-4.2; and,

WHEREAS, the City, through its Utility Service Board, upon consideration of the calculations prepared by Crowe LLP, recommended that the Common Council approve a decrease in revenues of the waterworks with a 1.16 % decrease in the revenues; and,

WHEREAS, based upon the aforementioned study, and the recommendation of the Utility Service Board, the Common Council of the City finds that the rates and charges of the waterworks system of the City should be decreased as set forth herein with said adjustment, including any modifications thereto approved by the Commission, to take effect at such time as may be determined in an upcoming proceeding before the Commission; and,

WHEREAS, the Common Council of the City finds that the rates and charges set forth herein are nondiscriminatory, reasonable and just and comply with I.C. 8-1-2-4.2.

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

SECTION 1. Section 9.08.010 of the City Code of Bloomington ("Code"), entitled "Monthly rates generally" is hereby amended and restated as follows:

**9.08.010 Monthly rates generally.**

The following rates and charges are established for the use of and service rendered by the water utility of the City. The schedule of rates and charges for the use of the water utility as set forth in this chapter reflects the rates and charges of the water utility as adopted by ordinance of the Common Council of the City and may not necessarily reflect the actual rates and charges of the water utility, which are subject to the approval of the Indiana Utility Regulatory commission ("Commission"). The actual rates and charges of the water utility as approved by the Commission are set forth in the most recent tariff of the water utility on file with the Commission and the Clerk of the City and open for public inspection. Appropriate Indiana Sales Tax will also apply to billings for customers that are not tax-exempt. Each customer will pay a monthly charge according to the following schedule:

**Monthly Usage Charge Applicable to Residential, Commercial, Governmental, Interdepartmental, Industrial, Indiana University – Master Metered, Indiana University – Non-Master Metered, and Irrigation Classes.**

<u>Category</u>	<u>Rates Per 1,000 Gallons</u>
Residential	\$ 3.98
Commercial, Governmental, Interdepartmental	3.50
Industrial	3.24
Indiana University – Master Metered	2.63
Indiana University – Non-Master Metered	3.50
Irrigation	4.06

**Monthly Service Charge, in Addition to Monthly Usage for the Customer Categories Listed Above.**

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$ 6.10
3/4"	7.80
1"	10.51
1 1/2"	19.87
2"	27.49
3"	60.09
4"	98.80
6"	195.61
8"	292.42
10"	389.22

**Monthly Surcharges for Fire Protection Service for the customer categories listed above excluding Indiana University – Master Metered.**

<u>Meter Size</u>	<u>Charge</u>	
	<u>Inside City</u>	<u>Outside City</u>
5/8"	\$ 2.05	\$ 3.42
3/4"	3.05	5.15
1"	5.10	8.58
1 1/2"	10.21	17.13
2"	16.33	27.44
3"	35.73	60.02
4"	61.24	102.85
6"	127.63	214.28
8"	183.78	308.55
10"	296.03	497.13

The monthly Fire Protection Charge for Indiana University – Master Metered accounts as a group shall be \$1,463.

SECTION 2. Section 9.08.020 of the Code, entitled "Contract sales for resale" is hereby amended and restated as follows:

**9.08.020 Contract sales for resale.**

The rate for contract sales for resale shall be \$2.65 per one thousand gallons.

**Monthly Service Charge in Addition to Monthly Usage Charge.**

<u>Meter Size</u>	<u>Charge</u>
5/8"	\$ 6.10
3/4"	7.80
1"	10.51
1 1/2"	19.87
2"	27.49
3"	60.09
4"	98.80
6"	195.61
8"	292.42
10"	389.22

SECTION 3. Section 9.08.040 of the Code, entitled "Private fire connections per connection" is hereby amended and restated as follows:

**9.08.040 Private fire connections per connection.**

	<u>Charge</u>	
<u>Line Size</u>	<u>Monthly</u>	<u>Annually</u>
4" and under	\$ 10.29	\$ 123.48
6"	28.60	343.20
8"	58.60	703.20
10"	102.65	1,231.80
12"	161.84	1,942.08

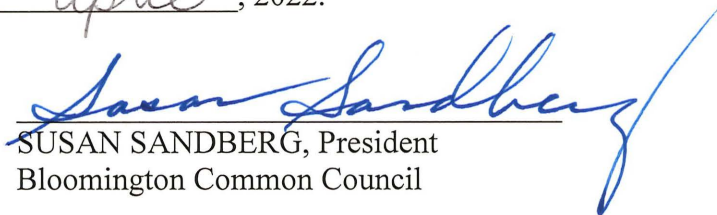
SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing rates and charges of the waterworks system of the City shall remain in full force and effect until the rates and charges fixed by this ordinance shall be approved by order of the Commission and the tariff reflecting said approved rates and charges shall have been filed with and approved by the Commission.

SECTION 5. In the event the rates and charges of the waterworks system approved by the Commission shall differ from the rates and charges set forth herein, the Common Council hereby approves said rates and charges as adjusted by the Commission without further action of the Common Council. The rates and charges of the waterworks system of the City as reflected in the tariff filed with and approved by the Commission shall be filed with the Clerk of the City and be open for public inspection.

SECTION 6. 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 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City and approval of the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of April, 2022.

  
SUSAN SANDBERG, President  
Bloomington Common Council

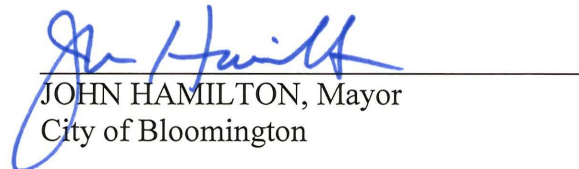
ATTEST:

  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of April, 2022.

  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 22<sup>nd</sup> day of April, 2022.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends the rates and charges in Title 9 of the Bloomington Municipal Code, entitled "Water", to reflect the repeal of the utilities receipt tax in compliance with I.C. 8-1-2-4.2.

Distributed to: Clerk, Controller, Council Attorney, Legal, Mayor, and Utilities.