

ORDINANCE 22-33

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“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, the current rates and charges of the sewage works of the City were established by Common Council under Ordinance 19-16 on September 18, 2019, with said rate adjustment taking effect on January 1, 2020; and
- WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the sewage works, including Dillman Wastewater Treatment Plant modernization, efficiency and capacity improvements, Blucher Poole Wastewater Treatment Plant waste storage building, continued reduction of I&I, and southeast and southcentral interceptor design work; and
- WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe LLP, to conduct a thorough study of the revenue requirements for continued maintenance, improvement and expansion of the wastewater system; and
- WHEREAS, Crowe LLP prepared a rate and financing report concerning the current rates and charges of the sewage works (the “Report”); and
- WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by Crowe LLP, accepts said report and recommends that the Common Council approve an increase over two phases in the rates and charges of the sewage works with a 12% increase in phase I and a 6% increase in phase II; 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 sewage works do not produce sufficient revenues to pay all the legal and necessary expenses incidental 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, 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 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 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 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 the sewage 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 10.08.040 of the Bloomington Municipal Code (the “Code”), entitled “Rates—Metered water users”, is hereby amended and restated to read as follows:

“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:

	Phase I	Phase II
Monthly service charge (per meter)	\$ 9.17	9.72
User Charge		
Charge per 1,000 gallons per month for all billable usage:		
Residential ^(a)	\$ 8.95	9.49
Commercial	\$ 8.95	9.49
Indiana University	\$ 8.95	9.49
Industrial ^(b)	\$ 8.95	9.49

For service rendered to lots, parcels of real estate or buildings located outside the corporate limits of the city, there shall be a 12% surcharge imposed in addition to the general service rates established in this section.

Notes:

- (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:

“The minimum rate or charge for any service where the user is not a metered water user shall be eight hundred ninety two dollars and thirty five cents (\$892.35) per year for phase one, and nine hundred forty five dollars and eighty nine cents (\$945.89) per year for phase two, 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.

For service rendered to lots, parcels of real estate or buildings located outside the corporate limits of the city, there shall be a 12% surcharge imposed in addition to the general service rates established in this section.”

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:

“Special service rates shall be determined as follows:

		Phase I	Phase II
Monthly service charge (per meter)	Inside City	\$ 8.95	9.49
Monthly service charge (per meter)	Outside City	\$ 10.02	10.63

Special laboratory analysis monthly charge		
Strength of BOD and SS sampling charge	\$ 192.54	204.09
Grease and oil sampling charge	\$ 180.48	191.31
Metal sampling charge (per metal per test)	\$ 40.11	42.52


User Charge

Charge per 1,000 gallons per month for all billable usage inside city:		
Non-excessive strength rate	\$ 8.95	9.49
Charge per 1,000 gallons per month for all billable usage outside city:		
Non-excessive strength rate	\$ 10.02	10.63
Extra Strength Charge		
Charge per pound per month for all strength in excess of 300 ppm:		
BOD	\$ 0.438	0.464
Suspended Solids	\$ 0.357	0.378

SECTION 4. 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 January 1, 2023, for phase I and January 1, 2025, for phase II.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of November, 2022.



 SUSAN SANDBERG, President
 Bloomington Common Council


 NICOLE BOLDEN, Clerk
 City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17th day of November, 2022.


 NICOLE BOLDEN, Clerk
 City of Bloomington

SIGNED and APPROVED by me upon this 17th day of November, 2022.


 JOHN HAMILTON, Mayor
 City of Bloomington

SYNOPSIS

This ordinance amends the rates and charges in Title 10 of the Bloomington Municipal Code, entitled "Wastewater", to meet revenue requirements for operation and maintenance expenses, on-going debt service payments, and capital improvements to the wastewater collection and treatment system including ongoing modernization and efficiency improvements and mechanical screen replacement at the Dillman Wastewater Treatment Plant, mechanical rehab and replacements, plant hydraulic expansion and end of life equipment replacement at Blucher Poole Wastewater Treatment Plant, and on-going system improvements throughout the collection system including installation of additional lift stations and interceptors, I&I reduction and the on-going sewer lining project. The rate adjustment will be implemented in two phases as follows: A 12% increase effective January 1, 2023 and a 6% increase effective January 1, 2025.

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