

ORDINANCE 22-34**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 current rates and charges of the sewage works of the City were established by Common Council under Ordinance 19-02 on February 20, 2019, with said rate adjustment taking effect on July 1, 2019 for Phase I and January 1, 2020 for Phase II; and
- WHEREAS, the City, through its Utilities Service Board, recommends necessary construction of additions and improvements to the stormwater utility, including hidden river culvert design work, repairs and construction; spankers arch at 6th street; and clear creek open channel improvements; and
- WHEREAS, the City, through its Utilities Service Board, engaged the services of Crowe LLP to study the revenue requirements for the stormwater system; and
- WHEREAS, Crowe LLP prepared a rates and charges report concerning the current stormwater rate (the “Report”); and
- WHEREAS, the City, through its Utilities Service Board, upon consideration of the study prepared by Crowe LLP, recommends that the Common Council approve a 26% increase in rates and charges for the stormwater utility; 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 utility do not produce sufficient revenues to pay all the legal and necessary expenses incident to the operation of such stormwater utility, including legal expenses, maintenance costs, operating charges, repairs, lease rentals and interest charges on bonds or other obligations of the stormwater utility, 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 utility 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 utility 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 stormwater utility and will enable the City to meet its legal revenue requirements for the stormwater utility; 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:

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

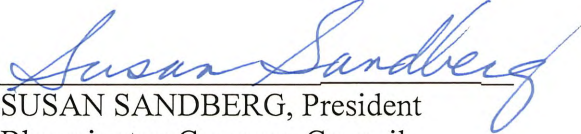
The monthly SFR base charge shall be seven dollars and fifty cents (\$7.50).

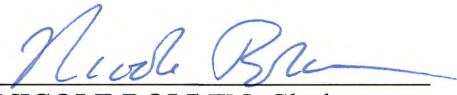
(b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code and the city utilities department "Rules, Regulations and Standards of Service" which apply to the payment and collection of rates and charges for wastewater services shall apply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

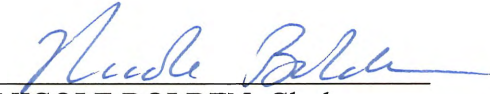
SECTION 3. This ordinance shall be in full force and effect upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; provided, however, that the rates and charges herein approved shall take effect on January 1, 2023.

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 Title 10 of the Bloomington Municipal Code, entitled "Wastewater", by amending Section 10.08.045-Rates – Stormwater utility users by increasing the stormwater fee from \$5.95 to \$7.50, an increase of 26%, to allow for appropriate funding of necessary improvements to the stormwater system which includes additional design work, repairs and construction of the hidden river culvert system and spankers arch as well as open channel improvements to clear creek which are all intended to reduce flooding in the downtown area.