



Packet Related Material

**Memo
Agenda
Calendar**

Notices and Agendas:

None

2004 Budget-Related Packet of Legislation:

Please see the separate 2004 Budget Packet for the two appropriation ordinances, the four salary ordinances, and transit ordinance as well as the supplemental materials from the Controller's Office and the Mayor's Office

*Contact: Tom Guevara at 349-3412 or guevarat@city.bloomington.in.us
Susan Clark at 349-3416 or clarks@city.bloomington.in.us
(or reach the appropriate program or departmental director)*

Legislation and Background Additional Material for First Reading:

Ord 03-24 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment for Wastewater and Storm Water Services)

- Memo and Spreadsheet from Mike Phillips, Director of Utilities; Black and Veach Report Entitled "Revenue Requirements and Rates for Wastewater and Stormwater Service (August 18, 2003); Excerpts from BMC Title 10 Incorporating Proposed Amendments

*Contact: Mike Phillips at 349-3650 or phillim@city.bloomington.in.us or
Vickie Renfrow at 349-3426 or renfrowv@city.bloomington.in.us*

Ord 03-25 To Amend Titles 14 (Peace And Safety,) 15 (Vehicles And Traffic,) 16 (Housing Inspection), 17 (Construction Regulations) And 18 (Fire Prevention) of the Bloomington Municipal Code (Adjusting Certain Fees And Fines)

- Memo from James McNamara, Deputy Mayor; Excerpts of Affected Provisions of the BMC with Proposed Changes Noted

Contact: James McNamara at 349-3406 or mcnamarj@city.bloomington.in.us

Minutes from Regular Session:

July 23, 2003

Memo

Chair of Meeting: Ruff

Nine Item Agendas for Regular Session and Committee of the Whole on September 3rd and Special Session on September 10th

As has been our practice over the last few years, there will be two meetings on the evening you return from the August Recess (Wednesday, September 3rd) and a special session on the following week (Wednesday, September 10th) as well. But, because of your action at the Special Session regarding other ordinances, you will not need to hold a Committee of the Whole on September 11th (*and should entertain a motion to cancel that meeting*). This schedule allows the Council to take action on the budget well before the September 30th deadline.

The meetings next week will include a Regular Session to introduce the seven - ordinance package of budget legislation for 2004 and two ordinances increasing wastewater (and storm water) rates as well as other fees and fines. The Special Session the following Wednesday will be used to wrap-up these pieces of legislation. The following paragraphs highlight the items on those upcoming agendas.

First Readings at September 3rd Regular Session

Budget Legislation - Including Two Appropriation Ordinances, Four Salary Ordinances, and an Ordinance Approving the Transit Budget

Two Ordinances - Raising Wastewater/Storm Water Rates and Other Fees and Fines

Other Actions - Cancel September 10th Committee of the Whole

Discussion at September 3rd Committee of the Whole

Ord 03-19 Approving Elected Officials Salaries for 2004

Ord 03-20 Approving Civil City Salaries for 2004

Ord 03-22 Approving Police and Fire Salaries for 2004

App Ord 03-07 Approving the Civil City Budget for 2004

- Ord 03-21 Approving the Utility Salaries for 2004
- Ord 03-24 Adjusting Wastewater/Storm water rates effective 10/1/03
- App Ord 03-08 Approving Utility Budget for 2004
- Ord 03-23 Approving Transit Budget for 2004
- Ord 03-25 Adjusting Various Fees and Fines effective 1/1/04

Final Action at Special Session on September 10th

Same Items as Committee of the Whole

Items for First Readings and Discussion on Wednesday, September 3rd

Budget Package

The budget packet has been enclosed with, but is separate from the weekly packet. It contains a table of contents, seven ordinances setting forth the 2004 budget, a 2004 Budget Supplement from the Controller's Office, and the Mayor's response to Councilmember Ruff's questions regarding BEDC.

Along with the budget package, there are two ordinances summarized and included in this packet. These ordinances raise wastewater and storm water rates (**Ord 03-24**) as well as other miscellaneous fees and fines (**Ord 03-25**). As noted above, all these items will be introduced at the Regular Session and discussed at the Committee of the Whole on Wednesday night and then are scheduled for final action at a Special Session on September 10th.

The 2004 Budget Supplement was provided by the Controller's Office, is clipped to the budget packet, and covers the changes between the July and September budget proposals. The Supplement includes a memo from Tom Guevara, Controller, new revenue and expenditure spreadsheets, proposed changes in revenues and expenditures by department, and new departmental budgets for the affected departments. The Controller's Office will follow this by providing entirely new budget books to the Council after your action at the Special Session on September 10th.

Please see Tom Guevara's two-page memo for a summary of the changes in the proposed 2004 budget between July and September.

Ord 03-24 Adjustment of Wastewater and Storm Water Rates

Ord 03-24 raises the wastewater rates which include the rates for wastewater as well as storm water services. The rates for wastewater services were last set in 2000 and will increase 3.88%. The base rate for storm water services was last set when the utility was established in 1998 and will increase 15%.

These rates were proposed in a report from Black and Veach, which is included in this packet. That report projects future revenue and "revenue requirements" (e.g. expenditures) of both utility services for the years 2002 - 2007 by analyzing their recent history and accounting for the financing of their capital plans. The following paragraphs briefly summarize the report and the changes in the code regarding each utility service.

Wastewater Services

Report - Projected Revenues and Expenditures for 2003 - 2007. According to the report, the number of wastewater customers will rise from 18,800 in 2003 to 20,300 in 2007 for annual rate of 1%. During this period of time, the income from existing rates and revenues should increase from about \$10.7 to \$11.43 (per Tables 2, 3 and 4). For this same period the revenue requirements (expenditures) - which include the cost of operation and maintenance, payments-in-lieu of taxes, debt service, routine annual extensions and replacements, and other capital improvements - are expected to rise from \$11.4 million to \$13.2 million. These projections assume an increase of normal recurrent expenditures of about 3% per year and include plans to improve the Dillman Plant (\$8.7 million), proceed with the wet weather management program (\$6.1 million) (this program separates storm water from sewer water in order to lower the amount of water going into the treatment plant), and continue with routine capital improvements (\$7.2 million). In order to fund these revenue requirements over the next five years, the report recommends a schedule of rate adjustments that includes the 3.9% increase starting in October of this year, an 8% increase starting in July of 2004, a 4% increase starting in January of 2005, and a 3% increase starting in January of 2007.

Proposed Amendments to the Code - Changes in Particular Rates and Charges.

As proposed in the report and noted in Mike Phillips' memo and spreadsheet (enclosed), the ordinance increases the overall wastewater rates by 3.88% effective

October 1, 2003. These rates are based upon the amount of water used by the customer and, in the case of industrial customers, the type of treatment the water requires. The amount of water used by the customer is generally determined by the water meter. But, for residents who water their lawns in the summer, the Utilities Services Board has leeway to ignore water that does not return to the utility by setting usage at pre-summer levels and determining the months when these lower levels apply. The water coming from industrial customers is subject to additional rates (covered later in this memo) depending upon the treatment required to neutralize the pollutants. Given these exceptions, the ordinance raises the charge for each 1,000 gallons of water used by the four classes of utility customers - Residential, Commercial, Indiana University, and Industrial - from \$3.54 to \$3.68 and raises the monthly service charge from \$3.63 to \$3.77.

Some wastewater customers are not CBU water users and, therefore, are not on CBU meters. The annual minimum rate for those users will rise from \$353 to \$366.70 (or 3.9 %).

As noted above, the code imposes fees and charges for special services performed by the utility for the testing and treating wastewater from industrial customers containing pollutants of a non-conventional nature or strength. These fees and charges include a monthly service charge (which will rise from \$3.68 to \$3.77 or 2.48%), special laboratory charges (which will not change), a per 1,000 gallon user charge (which will rise from \$3.54 to \$3.68 or 3.95%, and an extra strength charge (which will rise about 4%).

Other Amendments to the Code - Late Fees. The code currently characterizes bills that are not paid within 25 days from the date of mailing as delinquent and makes them subject to a late payment equal to 3% of the balance. Vickie Renfrow, Assistant City Attorney, has told me that there is some uncertainty regarding the length of the payment period and the amount of late fee allowed by state law and regulations. This ordinance attempts to bring our policies more in line with the state policies by shortening the payment period to 17 days and by setting the late payment in amount permitted by state law and regulations. She indicates that the late fee should not exceed 10% of the bill.

Storm Water Services

Report - Projected Revenues and Expenditures for 2003 - 2007. According to the report, the number of storm water customers will rise from 17,000 in 2003 to 17,800 in 2007 for annual rate of 1%. During this period of time the revenue from the

existing rate paid by these customers should increase from \$1.16 million to \$1.28 million. For this same period the revenue requirements (expenditures) - which include the cost of operation and maintenance, debt service, routine annual extensions and replacements, and major new capital improvements - are expected to increase from \$1.2 million to \$2.2 million. Most of these expenditures will go toward major capital projects worth over \$10 million for areas including Miller Showers Park (CBU's contribution to the Parks and Recreation project), College Mall Road, portions of the Jordan River between 4th Street and 1st and Walnut Streets, the IU Jordan River small pool program, and a portion of the Upper Spankers branch at West Kirkwood between Rogers and Elm Streets. A smaller sum of about \$1.46 million will be used for normal annual capital improvements. In order to fund these revenue requirements over the next five years, the report recommends a schedule of rate adjustments that includes the 15% increase starting in October of this year, a 15% increase starting in July of 2004, an 8.5% increase starting in January of 2005, and 8% increases starting in January of 2006 and 2007.

Proposed Amendments to Code. The City established a storm water utility in 1998 in order to address our aging storm water infrastructure. At that time, the storm water utility began charging all properties within its jurisdiction - including the City of Bloomington, Indiana University and vacant parcels - for the estimated amount of storm water run-off each property generated. The base rate or equivalent run-off unit (ERU) was set in 1998 at \$2.35 per month and approximated the cost of handling the run-off from the average single-family property. The ordinance raises the base rate to \$2.70 per month (for an increase of 15%).

One of the goals for the utility in the first few years was to calculate the amount of run-off for each non-single family residential property within the service area and use those calculations to establish the storm water rate for each non-single family residential property that was proportional to that of the average single-family property. Those calculations have now been completed and the interim rates for non-residential properties, which were tied to the size of the water meter or fire line, can be eliminated. The ordinance eliminates those interim rates.

When creating the utility, the City provided that the state and local laws and regulations relating to the rates and charges for the wastewater services applied equally to storm water services. This ordinance clarifies that the utility's "standards of service" apply equally to both as well.

A Note on Credits. Our code authorizes the Utilities Services Board (USB) to give property owners credit for storm water improvements that benefit the storm water

system and the department is developing a plan for offering these credits. This ordinance does not address these credits.

Ord 03-25 Adjusting Various Fees and Fines

Ord 03-25 adjusts various fees and fines for activities regulated by the Police and Fire, HAND, Planning and Engineering departments and makes other minor corrections to related portions of the municipal code. Most of the provisions will go into effect upon adoption and, where necessary, publication. However, the provisions regarding fines for false alarms and the fees for housing inspection will go into effect at the first of the year. In his memo the Council, James McNamara, Deputy Mayor, indicates the revenues have not been budgeted for next year largely because the amount the City will receive is uncertain at this time. He also notes that the purpose of the fees is to raise revenues from those who are most directly affected by the programs and the purpose of the fines is to discourage conduct (and not to raise revenues).

Police and Fire False Alarms (Title 14)

Our code currently prohibits false alarms for the police department and imposes fines on those who control or occupy property where more than three false alarms issue in any calendar year. In his memo, James McNamara provides data showing how much false alarms drain resources (e.g. there have been an average of over 2,300 false alarms to the Police department in the last few years with about half of them "chargeable"). This ordinance:

- Adds fire alarms to the list of prohibited false alarms (Note: there were 924 of those last year and about 515 by the middle of this year);
- Clarifies that it is unlawful to cause the false alarms to be issued, but that warnings will still be sent for the first three in any calendar year;
- Raises the fine from \$25 to \$50 for the fourth false alarm, and from \$50 to \$100 for any subsequent false alarms in that calendar year (Note: although the purpose of the fine is to deter these alarms, the memo projects additional revenue of \$30,000 per year based upon the current level of "chargeable" false alarms to the Police department);
- Extends the time to pay the fine from 7 to 30 days; and
- Redirects the revenues from a dispatcher training fund to the General Fund.

Rental Inspection Fees (Title 16)

The City has inspected rental dwelling units to determine compliance with our property maintenance code for about 30 years. According to the memo from the Deputy Mayor, in 2002 this program cost the City about \$282,305 with roughly \$174,560 covered by the General Fund (about 62%). This ordinance would generate about \$25,000 per year (and thereby lower the subsidy closer to 50%) by increasing the following fees, which were last adjusted in 1998:

- Rental inspection fees: the fee for inspecting rental properties would go from \$40 per building and \$10 per unit (e.g. \$50 for a single family residence) to \$50 per building and \$12 per unit (e.g. \$62 for a single family residence);
- Rental re-inspection fees: the fee for the second or more re-inspection of a rental unit would go from \$30 to \$50;
- "No-show" fees: the fee for preventing an inspection by failing to appear at the rental unit would go from \$30 to \$35.

Engineering and Planning Fees (Title 17)

The Engineering and Planning departments regulate activities which are subject to fees listed in a table in BMC 17.08.050. The proposed changes to those fees are noted below:

- Change of Use/Temporary Use Fee: the table currently imposes a \$220 plus \$22 per unit or tenant fee for "change in occupancy." The ordinance alters the name of this fee to reflect its actual application and imposes a flat \$250. Note: this change is not expected to generate much additional revenue (about \$8 per permit);
- Grading and Site Development Permits: the table imposed a \$115 fee for "grading permits" in 1996. The ordinance would change the name of the fee to reflect its actual much broader application and introduce a \$115 per acre fee with a \$115 minimum. Note: the memo indicates that 51 permits were issued in 2002, but that more time will be needed to estimate revenues due to the change to a per acre fee;
- Borings and Cuts into the Right-of-Way: The table set the fee for cutting into the right-of-way in 1996 at 35 cents per lineal foot (with a \$30 minimum). The ordinance:
 - Creates a new fee for boring under the right-of-way, which is less damaging than cutting into the right-of-way, and sets this fee at 75 cents per lineal foot (with a \$50 minimum); and

- Ties the fee for cuts into the right-of-way to the area which is cut (square feet) rather than the length of the cut (lineal feet), and raises the fee to \$1 per square foot (with a \$100 minimum).

Note: Charging by the square foot more closely relates to the City's cost for patching the cut. While uncertain about the number of permits that will be for boring as opposed to cutting into the right-of-way, the Deputy Mayor roughly estimates this change will generate about \$13,000 in additional revenue (by multiplying the number of permits in 2002 (190) by the increase in the minimum fee (\$70).

- Sign Permits: The table currently imposes a flat \$25 fee for signage (not including directional or parking signs). The ordinance distinguishes between temporary and permanent signs, and:
 - Imposes a \$55 fee for temporary signs, but does not charge for the first 15-day renewal. Note: Since about 60% of the permits for temporary signs are renewed once, the Deputy Mayor suggests the increase for users will be closer to \$5.
 - Imposes a \$55 fee for each permanent sign.

Note: the Deputy Mayor estimates that these changes will bring in about \$8,600 of additional revenue with about 90% of that coming from the permits for permanent signs.

Fire Inspections and Fees (Title 18)

The Fire department inspects all properties except the interior of single-family dwellings and individual dwelling units in multi-family structures in order to determine compliance with our fire safety provisions. In the course of performing these duties, the staff occasionally must return and reinspect properties to confirm that violations discovered at the initial inspection have been corrected. With the goal of encouraging compliance through education, the ordinance:

- Imposes a new \$50 fee for the second reinspection (not the initial and first reinspection), and a new \$150 fee for any subsequent reinspections that are necessary to ensure that violations have been remedied; and
- Imposes a new \$10 fine each violation (except over-occupancy violations - see next bullet point) that is noted at the initial inspection and not remedied by the first reinspection and a new \$50 fine for those violations not remedied by any subsequent reinspection; and
- Given the gravity of the violation, imposes a new \$500 fine for premises that exceed the occupancy limits and a \$1,000 fine for subsequent violations

within a 12 month period. This fine may be imposed immediately and without a grace period to correct the violation.

Miscellaneous Provisions

Along with the above changes, the ordinance also:

- Corrects a few minor statutory cites in Title 15 (Vehicles and Traffic) relating to fees for providing accident reports, conducting vehicle inspections, and conducting limited inquiries into criminal histories; and
- Clarifies the nature of certain state administrative code provisions in Title 18 (Fire Prevention).

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL
REGULAR SESSION AND COMMITTEE OF THE WHOLE
7:30 P.M., WEDNESDAY, SEPTEMBER 3, 2003
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: Regular Session, July 23, 2003

IV. REPORTS FROM:

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTION

None

VII. LEGISLATION FOR FIRST READING

1. Appropriation Ordinance 03-07 An Ordinance for Appropriations and Tax Rates (2004 Civil City Budget for the City of Bloomington)
2. Appropriation Ordinance 03-08 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Services and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2004
3. Ordinance 03-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2004
4. Ordinance 03-20 An Ordinance Fixing the Salaries of Appointed Officers and Employees of the City of Bloomington, Monroe County, Indiana, for the Year 2004
5. Ordinance 03-21 An Ordinance Fixing the Salaries of Appointed Officers and Employees of the Utilities Department of the City of Bloomington, Monroe County, Indiana, for the Year 2004
6. Ordinance 03-22 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2004
7. Ordinance 03-23 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation for the Year 2004
8. Ordinance 03-24 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment for Wastewater and Storm Water Services)
9. Ordinance 03-25 To Amend Titles 14 (Peace and Safety), 15 (Vehicles and Traffic), 17 (Construction Regulations), and 18 (Fire Prevention) of the Bloomington Municipal Code (Adjusting Certain Fees and Fines)

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURN (and immediately reconvene for the following meeting)

(over)

COMMITTEE OF THE WHOLE

Chair: Andy Ruff

1. Ordinance 03-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2004

Asked to Attend: James McNamara, Deputy Mayor

2. Ordinance 03-20 An Ordinance Fixing the Salaries of Appointed Officers and Employees of the City of Bloomington, Monroe County, Indiana, for the Year 2004

Asked to Attend: Daniel Grundmann, Director of Employee Services

3. Ordinance 03-22 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana, for the Year 2004

Asked to Attend: Daniel Grundmann, Director of Employee Services

4. Appropriation Ordinance 03-07 An Ordinance for Appropriations and Tax Rates (2004 Civil City Budget for the City of Bloomington)

Asked to Attend: Tom Guevara, Controller

5. Ordinance 03-21 An Ordinance Fixing the Salaries of Appointed Officers and Employees of the Utilities Department of the City of Bloomington, Monroe County, Indiana, for the Year 2004

Asked to Attend: Daniel Grundmann, Director of Employee Services

6. Ordinance 03-24 To Amend Title 10 of the Bloomington Municipal Code Entitled "Wastewater" (Rate Adjustment for Wastewater and Storm Water Services)

Asked to Attend: Michael Phillips, Director of Utilities
Vickie Renfrow, Assistant City Attorney

7. Appropriation Ordinance 03-08 An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service, and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana, for the Year 2004

Asked to Attend: Michael Phillips, Director of Utilities

8. Ordinance 03-23 An Ordinance Reviewing and Modifying the Budget of the Bloomington Public Transportation Corporation for the Year 2004

Asked to Attend: Lew May, Director of Transit

9. Ordinance 03-25 To Amend Titles 14 (Peace and Safety), 15 (Vehicles and Traffic), 17 (Construction Regulations), and 18 (Fire Prevention) of the Bloomington Municipal Code (Adjusting Certain Fees and Fines)

Asked to Attend: James McNamara, Deputy Mayor

City of
Bloomington
Indiana

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Office of the Common Council
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To: Council Members
From: Council Office
**Re: Calendar for the Week of
September 1, 2003 - September 6, 2003**
Date: August 29, 2003

Monday, September 1, 2003

City Holiday: Offices are closed today.

Tuesday, September 2, 2003

4:00 pm Bloomington Community Farmers' Market, Showers Plaza
5:30 pm Public Transportation Corporation Board, Transit Center – 130 W. Grimes Lane
7:30 pm Telecommunications Council, Council Chambers

Wednesday, September 3, 2003

12:00 pm Bloomington Urban Enterprise Association, McCloskey
7:30 pm Common Council – Regular Session and Committee of the Whole, Council Chambers

Thursday, September 4, 2003

5:30 pm Commission on the Status of Women, McCloskey

Friday, September 5, 2003

There are no meetings scheduled for today.

Saturday, September 6, 2003

7:00 am Bloomington Community Farmers' Market, Showers Commons

ORDINANCE 03-24

**TO AMEND TITLE 10
OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "WASTEWATER"
(Rate Adjustment for Wastewater and Storm Water Services)**

WHEREAS, the City of Bloomington, Indiana (the "City") has heretofore constructed and has in operation a wastewater collection system and treatment plants for the purpose of collecting and treating sewage wastewater and conveying the same away from the premises where produced; and

WHEREAS, the Utilities Service Board has recommended, after due consideration, including a public meeting on August 25, 2003, that adjustments to rates and charges of the wastewater utility should be approved by the Common Council in respect to the existing wastewater;

NOW THEREFORE BE IT HEREBY 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, entitled "Rates—Metered water users," shall be amended to read as follows:

10.08.040 Rates—Metered water users. 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:

	Portion of Rate Applicable to:		
	Operations, Maintenance, & Replacement <u>Expenses</u>	Capital Related <u>Costs</u>	<u>Total</u>
Monthly service charge (per meter)	\$2.75	\$1.02	\$3.77
User Charge			
Charge per 1,000 gallons per month for all billable usage:			
Residential ^(a)	2.68	1.00	\$3.68
Commercial	2.68	1.00	\$3.68
Indiana University	2.68	1.00	\$3.68
Industrial ^(b)	2.68	1.00	\$3.68

(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 Services 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 10.08.045 of the Bloomington Municipal Code, entitled "Rates – Stormwater utility users," shall be amended 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 system service area. All customers classified by the utility as being single family residential shall pay a monthly charge of \$2.70. All other customers shall be charged based upon the amount of runoff generated by the customer. The amount of runoff subject to the stormwater utility rate shall be determined by a calculation based upon the following formula, minus any credits, as approved by the Utilities Service Board:

Runoff generated by non-Single Family Residential Customer		Multiplied times \$2.70
Runoff generated by the average Single Family Residential Customer		

(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 3 Section 10.08.070, entitled “Rates—Nonmetered users,” shall be amended to read as follows:

10.08.070 Rates—Nonmetered users. The minimum rate or charge for any service where the user is not a metered water user shall be three hundred sixty-six dollars and seventy cents (\$366.70) per year, payable monthly, with two hundred and sixty-seven dollars and sixty-nine cents (\$267.69) attributable to operation, maintenance, replacement and expense costs, and ninety-nine dollars and one cent (\$99.01) attributable to capital related costs. 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.

SECTION 4. Section 10.08.090, entitled “Delinquencies—Late payment charge,” shall be amended to read as follows:

10.08.090 Delinquencies—Late payment charge. In the event a net bill is not paid within seventeen days from the mailing of the bill, it shall become a delinquent bill and a late payment charge may be added in the amount permitted by applicable State laws and regulations.

SECTION 5. Subsection (b) of Section 10.08.110, entitled “Special service rates,” shall be amended to read as follows:

10.08.110, Subsection (b) Special Rates. Special service rates shall be determined as follows:

	Portion of Rate Applicable to:		
	Operations, Maintenance, & Replacement <u>Expenses</u>	Capital Related <u>Costs</u>	<u>Total</u>
Monthly service charge (per meter)	\$2.75	\$1.02	\$3.77
Special laboratory analysis monthly charge			
Strength of BOD and SS sampling charge			79.12
Grease and oil sampling charge			74.18
Metal sampling charge (per metal per test)			16.49
User Charge			
Charge per 1,000 gallons per month for all billable usage:			
Non-excessive strength rate	2.68	1.00	3.68
Extra Strength Charge			
Charge per pound per month for all strength in excess of 300 ppm:			
BOD	0.137	0.042	0.179
Suspended Solids	0.103	0.042	0.145

SECTION 6. Severability. 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 chapter are declared to be severable.

SECTION 7. After its passage by the Common Council and approval of the Mayor, this ordinance shall take effect on October 1, 2003.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the rates and charges included in Title 10 of the Bloomington Municipal Code, entitled "Wastewater", to reflect inflation and increased costs of supplying wastewater collection and treatment services to customers of the wastewater utility, and for financing required capital improvements to the system. It also changes the language in the Code regarding delinquent account penalties to make it consistent with State laws and regulations.

**City of Bloomington Utilities
Interdepartmental Memo**

To: Members of the Common Council

From: Michael Phillips

Subject: Rate adjustment

Date: 8/21/03

The Utilities Services Board is seeking approval for a 3.88% rate adjustment for Wastewater user fees which were last adjusted in 2000, and an increase of the single-family residential (base rate) of stormwater fees from \$2.35 to \$2.70. The stormwater base rate has not been adjusted since the stormwater utility was established in 1998. We are also deleting references to billing on the basis of water meter size for non-single family residential customers in the stormwater ordinance since CBU has completed the process of converting to billing on the basis of runoff generated by those customers.

The adjustments are based on a report titled "Revenue Requirements and Rates for Wastewater and Stormwater Service" prepared by Black and Veatch and input received at public meetings.

The rate adjustments provide for routine increases in operation and maintenance, system additions, debt service and capital improvements. Included is the revenue necessary to continue the City's Wet Weather Management Program that began in 1998.

The Wet Weather Management Program is an aggressive and necessary program to reduce wet weather overflows, and extend the life of our treatment capacity. The program includes improvements at the Dillman Road WWTP and in the collection system.

The ordinance also includes a change to the language in the Code regarding delinquent account penalties to make it consistent with State laws and regulations.

The new rate and Budget were approved by the Utilities Service Board during their August 25, 2003 meeting.

Attached is a table showing existing and proposed charges,

If you have any questions please contact me.

cc: file

WASTEWATER RATES CURRENTLY IN EFFECT:

Code		Portion Applicable to:		
Section:		OMR&E	Capital	Total
10.08.040	Monthly Service (per meter) User Charge per 1000 gal	2.65	0.98	3.63
	Res	2.58	0.96	3.54
	Com	2.58	0.96	3.54
	IU	2.58	0.96	3.54
	Ind	2.58	0.96	3.54

10.08.045	Stormwater single-family residential rate			2.35
-----------	---	--	--	------

		OMR&E	Capital	Total
10.08.070	Nonmetered users (approximately \$29.42 per month)	257.69	95.31	353.00

		OMR&E	Capital	Total
10.08.110	Monthly Service (per meter)	2.65	0.98	3.63
	Special Laboratory Analysis			
	Strength of BOD & SS			79.12
	Grease & oil			74.18
	Metal			16.49
	User Charge per 1000 gal			
	Non-Exc.	2.58	0.96	3.54
	Extra Strength per 300 ppm			
	BOD	0.132	0.040	0.172
	Susp.Sol.	0.100	0.040	0.140

WASTEWATER RATES PROPOSED IN ORDINANCE 03-24:

Code		Portion Applicable to:		Total	% Change
Section:		OMR&E	Capital	Total	% Change
10.08.040	Monthly Service (per meter) User Charge per 1000 gal	2.75	1.02	3.77	3.88%
	Res	2.68	1.00	3.68	3.88%
	Com	2.68	1.00	3.68	3.88%
	IU	2.68	1.00	3.68	3.88%
	Ind	2.68	1.00	3.68	3.88%

10.08.045	Stormwater single-family residential rate			2.70	15.00%
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		OMR&E	Capital	Total	% Change
10.08.070	Nonmetered users (approximately \$30.56 per month)	267.69	99.01	366.70	3.88%

		OMR&E	Capital	Total	% Change
10.08.040	Monthly Service (per meter)	2.75	1.02	3.77	3.88%
	Specical Laboratory Analysis				
	Strength of BOD & SS			79.12	no change
	Grease & oil			74.18	no change
	Metal			16.49	no change
	User Charge per 1000 gal				
	Non-Exc.	2.68	1.00	3.68	3.88%
	Extra Strength per 300 ppm				
	BOD	0.137	0.042	0.179	3.88%
	Susp.Sol.	0.103	0.042	0.145	3.88%

R E P O R T

**Revenue Requirements and Rates
For
Wastewater and Stormwater Service**



**City of Bloomington Utilities
Bloomington, Indiana**



BLACK & VEATCH
C o r p o r a t i o n

August 18, 2003

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**Report on
Revenue Requirements and Rates
for
Wastewater and Stormwater Service
August 18, 2003**

Introduction

Purpose

The purpose of this report is to present the findings of our study of the financing needs of the City of Bloomington, Indiana Wastewater Utility (the "Wastewater Utility"). The study developed projections of operating and capital financing costs of the Wastewater Utility for a five-year planning period ending December 31, 2007.

Scope

The report presents the study of revenue requirements and proposed rates for providing wastewater and stormwater service. The revenue requirement study takes into consideration future revenues under existing rates, operation and maintenance expense, principal and interest expense on bonded debt, and capital improvement requirements. Annual projections of customers, billed wastewater volume, revenues, and expenditures have been made for the years 2003 through 2007.

The report first presents the projections of revenues under existing rates, revenue requirements, and proposed rate increases for the existing wastewater service. The report then presents projections of the revenue requirements and proposed rates for stormwater service. The entity that collectively provides the wastewater and stormwater services described in this report is known as the Wastewater Utility.

General Background

The City of Bloomington operates and maintains the Wastewater Utility as a self-supporting enterprise. The Wastewater Utility provides services to approximately 18,500 customers including residential, commercial, and industrial accounts as well as Indiana University. The utility provided wastewater service through a contractual agreement with the City of Ellettsville through November 1997 when service was discontinued. Until that time, Ellettsville was billed about 8 percent of the total billable wastewater volume.

Since 1973, the Utilities Service Board (the "USB") of the City has had jurisdiction and control over the City's Utilities Department which operates the City's Water Utility and

Wastewater Utility. The Common Council must approve the issuance of bonds and rates of both utilities. The Wastewater Utility's rates are developed to provide sufficient levels of revenue to meet all operation and maintenance expenses of the system, debt service requirements, routine capital improvement expenditures to be funded from current revenues, and other specific bond ordinance and revenue requirements.

In 1998 the USB was assigned responsibility for providing stormwater-related service in the City of Bloomington. Stormwater services include the operation and maintenance of the existing stormwater facilities and the provision of major capital improvements for the replacement of existing facilities and, eventually, the expansion of the stormwater system. As noted earlier, the USB is providing stormwater service through the Wastewater Utility.

Fiscal Year

Unless otherwise noted, references in this report to a specific year are for the City's fiscal year ending December 31.

Summary of Findings and Recommendations

Wastewater System

1. The total average number of wastewater customers is projected to increase by about 1 percent annually from about 18,800 customers in 2003 to about 20,300 customers in 2007.
2. Total billable wastewater volume is projected to increase from 2,568,100 thousand gallons (Mgal) in 2003 to about 2,741,700 Mgal in 2007.
3. Wastewater service charge revenues under existing rates are projected to increase from \$10,198,500 in 2003 to \$10,896,700 in 2007.
4. Sewer connection fees are projected total \$377,200 per year during the study period.
5. Miscellaneous operating revenues are projected to total \$124,600 per year during the study period. Non-operating revenues are projected to total \$32,300 per year during the study period.
6. It is assumed that operation and maintenance expense will increase at an annual rate of about 3.1 percent over 2003 budget levels. Operation and maintenance expense is projected to increase from an estimated \$6,743,600 in 2002, to a budgeted \$7,178,700 in 2003, to \$8,220,500 in 2007.
8. The wastewater system major capital improvement program for the period 2003 through 2007 includes \$8,712,500 for state revolving loan fund (SRF) eligible wastewater treatment plant improvements and \$6,075,000 for SRF loan eligible collection system improvements.
9. It is anticipated that the City will borrow the following amounts from the SRF fund:

November 2003	\$2,425,000
June 2004	\$4,200,000
June 2005	\$3,150,000
June 2006	\$2,281,250
June 2007	\$2,731,250
10. The following rate increases are projected to be required to meet the wastewater system's revenue requirements.

<u>Effective Date</u>	<u>Percentage Increase</u>
October 1, 2003	3.88
July 1, 2004	8.00
January 1, 2005	4.00
January 1, 2007	3.00

11. The proposed schedule of wastewater rates to become effective on October 1, 2003 is shown in Table A.

Stormwater System

12. The total average number of stormwater customers is projected to increase by about 1 percent annually from about 17,000 customers in 2003 to about 17,800 customers in 2007.
13. Stormwater service charge revenues under existing rates are projected to increase from \$1,164,200 in 2003 to \$1,285,000 in 2007.
14. It is assumed that operation and maintenance expense will increase at an annual rate of about 3.2 percent over 2003 budget levels. Operation and maintenance expense is projected to increase from an estimated \$341,100 in 2002, to a budgeted \$367,100 in 2003, to \$463,300 in 2007.
15. The stormwater system major capital improvement program for the period 2003 through 2007 totals \$10,131,200 and includes improvements to Jordan River and Spanker's Branch stormwater tunnels.
16. It is anticipated that the City will issue revenue bonds totaling \$2,600,000 on November 1, 2003, \$600,000 on June 1, 2004, \$3,600,000 on June 1, 2005, and \$3,391,200 on June 1, 2006 to finance stormwater system improvements.
17. The following rate increases are projected to be required to meet the stormwater system's revenue requirements.

<u>Effective Date</u>	<u>Percentage Increase</u>
October 1, 2003	15.0
July 1, 2004	15.0
January 1, 2005	8.5
January 1, 2006	8.0
January 1, 2007	8.0

**Table A
Schedule of Proposed Rates and Charges**

Wastewater System

Monthly Service Charge - \$ 3.63 /Bill

User Charge - \$

Residential (a) 3.54 /Mg
All Other 3.54 /Mg

Surcharges - \$

BOD 0.172 /pound
Suspended Solids 0.140 /pound

Non-Metered - \$

Minimum for users without a water meter 353 /year

Hauled Waste Charges (b) - \$

Domestic Septage	10.30	for first 500 gallons
	0.59	for each additional 100 gallons
Grease Waste	29.43	for first 500 gallons
	5.89	for each additional 100 gallons
Wastewater Treatment Plant Waste	22.08	for first 500 gallons
	4.42	for each additional 100 gallons
Commercial/Industrial Waste	22.08	for first 500 gallons
	4.42	for each additional 100 gallons

Connection Fees - \$

	Water Meter Size - inches		
5/8" & 3/4" (Base Fee)	1,000	2"	19,000
1"	4,000	3"	26,000
1 1/2"	10,000	4"	58,000
		6"	Case by case basis

BOD - Biochemical Oxygen Demand

Mg - 1,000 gallons

Stormwater System

Residential Rate 2.35
All Others 2.35 *Equivalent Runoff Units

Where:

$$\text{Equivalent Runoff Unit} = [(0.95 * \text{Impervious Area}) + (0.15 * \text{Pervious Area})] / 0.0815$$

- (a) Unless otherwise determined by Resolution adopted by the Utilities Service Board, Residential summer rates for billings issued during the months of June, July, August, and September shall be based upon the average of April and May or actual usage, whichever is less. All other users shall be charged on the basis of one hundred percent of metered water consumption subject to proof of lower wastewater use.
- (b) For each of the listed categories of hauled waste, there shall be a surcharge of fifty percent added to the respective fees for any waste which originates at any source outside the boundaries of Monroe County.

Wastewater System

Revenue

The majority of the wastewater system's revenue is derived from rates and charges for wastewater service. A summary of the City's existing wastewater rates and stormwater rates are presented in Table 1. Projections of future revenue are based on analyses of six years of historical trends of customer growth, billed wastewater volume, and wastewater service revenue. The projections incorporate anticipated additional billed wastewater volume from customer growth. Other income sources of the wastewater system include sewer connection fees, forfeited discounts, dumping fees, laboratory fees, property lease revenues, net merchandising and contract revenues, and interest earnings.

Retail Customer Growth

Table 2 summarizes the average number of wastewater system customers during the years 1997 through 2002 and the projected number of customers for the years 2003 through 2007. From mid-1995 through 1999, the wastewater system was not been able to produce accurate historical summaries of the number of customers billed and billed wastewater volume. Customer growth projections are based on an examination of trends in the number of customers added to the utility through 1994 and an accurate listing of customers as of April 2000. During the last six years, the System has experienced a significant rate of growth in the overall number of customers with an average annual increase of approximately 3.3 percent.

The projected average number of customers for 2002 reflects the number of customers billed for wastewater service through May 2002. After 2002 the total average number of customers is projected to increase by about 1 percent annually. Overall, the average number of customers is projected to increase from about 18,800 customers in 2003 to about 20,300 customers in 2007.

Billed Wastewater Volume

Historical and projected retail billed wastewater volumes are also shown in Table 2. Billed wastewater volume during the period from 1997 through 2002 ranged from a low of 2,524,700 thousand gallons (Mgal) to a high of 2,893,325 Mgal.¹ Billed wastewater volume is projected to increase from 2,568,100 Mgal in 2003 to 2,741,700 Mgal in 2007.

¹ Total billed wastewater volume through 1997 includes wastewater from the Town of Ellettsville ("Ellettsville"). In November 1997, Ellettsville stopped taking service from the wastewater system. Billed wastewater volume for the Town of Ellettsville averaged approximately 200,000 Mgal per year.

Table 1
Schedule of Existing Rates and Charges

Wastewater System

Monthly Service Charge - \$	3.63	/Bill		
User Charge - \$				
Residential (a)	3.54	/Mg		
All Other	3.54	/Mg		
Surcharges - \$				
BOD	0.172	/pound		
Suspended Solids	0.140	/pound		
Non-Metered - \$				
Minimum for users without a water meter	353	/year		
Hauled Waste Charges (b) - \$				
Domestic Septage	10.30	for first 500 gallons		
	0.59	for each additional 100 gallons		
Grease Waste	29.43	for first 500 gallons		
	5.89	for each additional 100 gallons		
Wastewater Treatment Plant Waste	22.08	for first 500 gallons		
	4.42	for each additional 100 gallons		
Commercial/Industrial Waste	22.08	for first 500 gallons		
	4.42	for each additional 100 gallons		
Connection Fees - \$				
	Water Meter Size - inches			
5/8" & 3/4" (Base Fee)	1,000	2"	19,000	
1"	4,000	3"	26,000	
1 1/2"	10,000	4"	58,000	
		6"	Case by case basis	
BOD - Biochemical Oxygen Demand				
Mg - 1,000 gallons				

Wastewater Service Charge Revenues under Existing Rates

Estimates of revenues from wastewater service charges are based on the projection of customer growth and billable wastewater volume. The estimates are obtained by applying the service charge and commodity charge to the projected number of customers and estimated billable wastewater volume. As shown in Table 2, wastewater service revenues under existing rates are projected to total \$10,198,500 in 2003 and increase to \$10,896,700 in 2007.

**Table 2
Historical and Projected Number of Customers, Wastewater Volume, and Revenue
under Existing Rates**

<u>Year</u>	<u>Wastewater Customers (a)</u>	<u>Billed Wastewater Volume</u> Mg	<u>Wastewater Revenue</u> \$
Historical			
1997 (b)	17,768	2,570,097	6,722,959
1998 (c)	18,288	2,457,497	6,289,206
1999 (d)	18,667	2,893,325	8,041,445
2000 (e)	18,961	2,796,807	10,114,504
2001	18,092	2,744,604	10,795,480
2002	18,500	2,524,700	10,023,900
Projected			
2003	18,800	2,568,100	10,198,500
2004	19,200	2,611,500	10,373,000
2005	19,600	2,654,900	10,547,600
2006	19,900	2,698,300	10,722,200
2007	20,300	2,741,700	10,896,700

- (a) Average active meters during the indicated year.
- (b) A rate increase of 12 percent became effective on February 1, 1997.
- (c) A rate increase of 9 percent became effective on September 1, 1998.
- (d) A rate increase of 9 percent became effective on May 1, 1999.
- (e) A rate increase of 8 percent became effective on September 15, 2000.

Other Revenue

Historical and projected other operating and non-operating revenues are shown in Tables 3 and 4, respectively. The primary source of other operating revenue is from the connection fee charged to customers that connect to the wastewater system. Other operating revenues also include forfeited discounts, dumping and laboratory fees, property lease revenues, and miscellaneous other revenues. Non-operating revenue is currently derived from net merchandising and contract, and miscellaneous revenues. Beginning in 1997 Information Services became a separate operation and revenues and expenses for Information Services were no longer shown as a part of the Wastewater Utility. Sewer connection fee revenue is projected to annually total \$377,200 and the additional sources of other operating revenue are projected to total \$124,600 during the study period. Non-operating revenues are projected to annually total \$32,300 .

Table 3
Historical and Projected Other Operating Revenue

Year	Forfeited Discounts	Waste Hauler Fees	Laboratory Fees	Property Lease Revenues	Miscellaneous Other Revenues	Sewer Connection Fees (a)	Total
	\$	\$	\$	\$	\$	\$	\$
Historical							
1997	32,089	76,539	18,170	54,610	4,760	200,300	386,468
1998	29,233	68,778	17,590	57,610	11,554	175,300	360,065
1999	32,840	61,629	20,586	60,000	897	205,625	381,577
2000	36,777	60,847	17,857	60,000	1,276	188,125	364,882
2001	41,204	11,559	43,221	25,933	0	318,586	440,503
2002	26,000	97,500	1,100	0	0	377,200	501,800
Projected							
2003	26,000	97,500	1,100	0	0	377,200	501,800
2004	26,000	97,500	1,100	0	0	377,200	501,800
2005	26,000	97,500	1,100	0	0	377,200	501,800
2006	26,000	97,500	1,100	0	0	377,200	501,800
2,007	26,000	97,500	1,100	0	0	377,200	501,800

(a) Sewer connection fees became effective October 1, 1994.

The revenues shown in Tables 3 and 4 do not include earnings from the investment of available cash balances. Interest earnings are considered in a subsequent section of this report.

Table 4
Historical and Projected Other Non-Operating Revenue

Year	Net Merchandising & Contract \$	Information Services Revenue \$	Miscellaneous \$	Total \$
Historical				
1997	8,101	741,377	3,681	753,159
1998	10,228	0	12,360	22,588
1999	10,294	0	4,185	14,479
2000	10,384	0	13,762	24,146
2001	2,522	0	72,852	75,374
2002	8,000	0	67,000	75,000
Projected				
2003	8,000	0	24,300	32,300
2004	8,000	0	24,300	32,300
2005	8,000	0	24,300	32,300
2006	8,000	0	24,300	32,300
2007	8,000	0	24,300	32,300

Revenue Requirements

Revenues required to provide for the continued operation of the wastewater system must be sufficient to meet the cash requirements for operation and maintenance expense, payment-in-lieu-of-taxes, principal and interest payments on bonded debt, and routine annual extensions and replacements. In addition, revenues must be adequate to meet applicable rate covenants included in the City's ordinances authorizing the outstanding revenue bonds. The revenue requirements developed in this report reflect the financial conditions as of December 31, 2002, and are projected for the five-year period ending December 31, 2007.

Operation and Maintenance Expense

The operation and maintenance expenses of the wastewater system include the cost of operating and maintaining the wastewater collection and treatment facilities. Expenses also include costs incurred in providing industrial waste control, engineering services, and the general administration of the wastewater system. Because these costs are a continuing normal obligation of the utility, they are met from operating revenue as they are incurred.

Historical and projected operation and maintenance expense is summarized in Table 5. As indicated previously, prior to 1997 expenses for Information Services were a part

of the wastewater system's operation and maintenance expense. Table 5 shows historical total operation and maintenance excluding expenses for Information Services. Operation and maintenance expense, excluding Information Services, has increased from \$5,749,216 in 1997 to \$6,743,600 in 2002, an average annual increase of about 3.25 percent. It is assumed that operation and maintenance expense will increase at an annual rate of about 3.0 percent over 2003 budget levels. Operation and maintenance expense is projected to increase from an estimated \$6,743,600 in 2002, to a budgeted \$7,178,700 in 2003, to \$8,220,500 in 2007.

Capital Improvement Financing

The wastewater system's capital improvement program provides for the replacement of worn out or unserviceable facilities, to provide new facilities for improved service to existing customers, and to provide a reliable wastewater collection and treatment system. The Wastewater Utility's staff has developed a major capital improvement program for the period 2003 through 2007, which is summarized in Table 6. The program includes \$14,787,500 of expenditures for major capital improvements during the period. The wastewater system major capital improvement includes \$8,712,500 for state revolving loan fund (SRF) eligible wastewater treatment plant improvements and \$6,075,000 for SRF loan eligible collection system improvements. It is anticipated that the entire program will be funded with revenue bonds, SRF loans, and interest earnings from the Improvement Fund.

In conjunction with the major capital improvement program, the wastewater system also makes smaller capital improvements and additions funded with operating revenues. Normal annual capital improvements include extension and replacement of mains, purchases of equipment, and projects that are performed by wastewater system personnel and then capitalized. Normal annual capital improvements for wastewater system improvements are projected to total \$7,177,100 during the study period.

Not included on Table 6 are two projects that are anticipated to be completed during the study period. The Micro Motors Relief Interceptor and the Fieldstone/Park 48 Regionalization Improvements will be funded with redirected proceeds from the 1999 Bonds.

Financing Plan

A major capital improvements financing plan is presented in Table 7. The funding sources are summarized on Lines 1 through 6 and the uses of funds are shown on Lines 7 through 12 of the table. As of January 1, 2003, the Improvement Fund had a balance of \$1,217,700 . SRF issues of \$2,425,000 in 2003, \$4,200,000 in 2004, \$3,150,000 in 2005, \$2,281,250 in 2006 and \$2,731,250 in 2007 are anticipated.

Table 5
Historical and Projected Operation and Maintenance Expense

	Historical						Projected				
	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Wastewater Collection	510,005	470,766	544,275	536,087	926,063	1,154,200	758,100	780,900	804,300	828,400	853,200
Wastewater Pumping	302,882	306,145	307,824	299,818	229,219	246,100	312,200	331,000	341,800	352,900	364,400
Wastewater Treatment	2,521,666	2,640,078	2,716,651	2,566,198	2,421,805	2,465,000	3,247,200	3,431,700	3,541,900	3,655,800	3,773,500
Customer Accounts	333,287	331,139	337,801	353,026	351,416	372,900	476,300	490,600	505,200	520,400	536,000
Administrative & General Expense	1,876,355	2,067,260	2,038,178	2,412,309	2,287,511	2,262,700	2,103,100	2,173,000	2,238,700	2,306,400	2,376,200
Taxes Other Than Income Taxes - FICA	205,022	212,194	219,922	222,523	241,668	242,700	281,800	290,300	299,000	308,000	317,200
Total Operation & Maintenance Expense	5,749,216	6,027,582	6,164,651	6,389,962	6,457,682	6,743,600	7,178,700	7,497,500	7,730,900	7,971,900	8,220,500
Less Payment in Lieu of Taxes	(136,645)	(151,177)	(151,686)	(156,250)	(159,153)	(242,700)	(281,800)	(290,300)	(299,000)	(308,000)	(317,200)
Adjusted Operation & Maintenance Expense	5,612,571	5,876,405	6,012,965	6,233,712	6,298,529	6,500,900	6,896,900	7,207,200	7,431,900	7,663,900	7,903,300

(a) Includes Payment in Lieu of Taxes

(b) Revenues and expenses for the City's Information Services Department was removed from the Sewage Works in 1997.

Table 6
Major Capital Improvement Program

	2003	2004	2005	2006	2007	Total
	\$	\$	\$	\$	\$	\$
State Revolving Fund (a)						
SRF Eligible Wastewater Plant Improvements						
Dillman Plant Headworks Lift Station	300,000	1,350,000	1,350,000	0	0	3,000,000
Dillman Plant Disinfection Facilities	50,000	250,000	0	0	0	300,000
Dillman Plant Filtration	0	500,000	0	0	0	500,000
Dillman Wastewater Tank Painting	0	0	250,000	0	0	250,000
Blucher Poole WWTP Improvements	150,000	450,000	0	2,031,250	2,031,250	4,662,500
Subtotal SRF Eligible Plant Improvements	500,000	2,550,000	1,600,000	2,031,250	2,031,250	8,712,500
SRF Eligible Collection System Improvements						
Wet Weather Management Program (Engineering)	1,925,000	1,650,000	1,550,000	250,000	700,000	6,075,000
Subtotal SRF Eligible Collection Improvements	1,925,000	1,650,000	1,550,000	250,000	700,000	6,075,000
Total Major Capital Improvements	2,425,000	4,200,000	3,150,000	2,281,250	2,731,250	14,787,500

(a) Assumed to be eligible for SRF loan financing.

Table 7
Major Capital Improvement Program Financing

Line No.	2003	2004	2005	2006	2007	Total
	\$	\$	\$	\$	\$	\$
Source of Funds						
1 Beginning of Year Balance	1,217,700	1,216,800	1,186,500	1,172,500	1,172,000	1,217,700
2 Revenue Bond Proceeds	0	0	0	0	0	0
3 State Revolving Fund Loan Proceeds	2,425,000	4,200,000	3,150,000	2,281,250	2,731,250	14,787,500
4 Cash Financing of Construction	1,320,000	1,400,000	1,442,000	1,485,260	1,529,800	7,177,060
5 Grants/Developer Contributions	0	0	0	0	0	0
6 Interest Income	40,500	41,400	39,800	38,400	38,800	198,900
7 Total Funds Available	5,003,200	6,858,200	5,818,300	4,977,410	5,471,850	23,381,160
Application of Funds						
8 SRF Program Capital Improvements	2,425,000	4,200,000	3,150,000	2,281,250	2,731,250	14,787,500
9 Other Capital Improvements	0	0	0	0	0	0
10 Annual Extensions & Replacements	1,320,000	1,400,000	1,442,000	1,485,260	1,529,800	7,177,060
11 Revenue Bonds Debt Issuance Costs	41,400	71,700	53,800	38,900	46,600	252,400
12 Reserve Fund Deposits (a)	0	0	0	0	0	0
13 Total Application of Funds	3,786,400	5,671,700	4,645,800	3,805,410	4,307,650	22,216,960
14 End of Year Fund Balance	1,216,800	1,186,500	1,172,500	1,172,000	1,164,200	1,164,200

(a) Reserve requirement to be met through the use of a surety bond.

The SRF loan program makes low interest loans available for eligible projects. Improvement Fund requirements include \$23,345,000 of projects that are anticipated to be eligible for SRF program loans. The existing revenue bond ordinance requires that a reserve account be maintained equal to the least of (a) the maximum annual debt service, (b) 10 percent of the principal amount of the bond, or (c) an amount equal to 125 percent of the average annual debt service. The ordinance allows the reserve requirement to be met by a

surety bond issued for that purpose. It is anticipated that the City will continue its practice to obtain a surety bond in lieu of funding a reserve account for revenue bonds. Other estimated revenue bond issuance cost shown on Line 11 includes bond counsel fees, engineering fees, rating agency costs, and printing. Line 14 of Table 7 shows the projected Improvement Fund year-end cash balances.

Debt Service Requirements

Table 8 presents a summary of the annual total of the monthly deposits into the Bond and Interest Account for both the existing and proposed revenue bonds. Existing debt service for the wastewater system includes the Sewage Works Refunding Revenue Bonds of 1999, the Sewage Works Revenue Bonds of 2000 Series A, B, and C, and the Sewage Works Refunding Revenue Bonds of 2003 Series A. The debt service on the proposed SRF bonds are based on an interest rate of 3.3 percent and a maximum term of 20 years.

**Table 8
Existing and Proposed Debt Service**

Year	Existing Debt Service	Proposed Revenue Bond Debt Service	Proposed SRF Bond Debt Service	Total Debt Service
	\$	\$	\$	\$
2003	2,440,400	0	0	2,440,400
2004	2,949,300	0	0	2,949,300
2005	2,812,200	0	167,600	2,979,800
2006	2,809,600	0	457,800	3,267,400
2007	2,813,600	0	675,400	3,489,000

Summary of Revenue Requirements and Proposed Adjustment in Level of Revenue

The total revenue requirements of the wastewater system consist of operation and maintenance expense, payment-in-lieu-of-taxes, debt service requirements, and routine annual extensions and replacements. Revenue levels must also be sufficient to meet the existing revenue bond covenant that net earnings in each fiscal year be not less than 125 percent of the debt service requirement. It is also essential that the wastewater system maintain sufficient cash balances to provide for Sewer Fund encumbrances, offset fluctuations in revenues and expenditures, and provide for funds for use in emergencies. Charges for wastewater service provide the principal source of revenues to meet these requirements with additional revenue being derived from miscellaneous operating and non-operating income and from interest earnings.

Table 9 combines the projected revenues and revenue requirements into a pro forma operations statement or cash flow summary. The cash flow summary provides a basis for evaluation of the timing and size of wastewater rate increases that are indicated to be necessary to meet the projected revenue requirements for the period 2003 through 2007.

Table 9
Projected Revenue, Expenditures, and Obligations under Proposed Rates

Line No.	Description	2003	2004	2005	2006	2007
		\$	\$	\$	\$	\$
1	Revenue Under Existing Rates (a)	10,448,500	10,373,000	10,547,600	10,722,200	10,896,700
Additional Revenue Required:						
	Year	Revenue Increase	Months Effective			
2	2003	3.9%	3	101,000	402,000	409,000
3	2004	8.0%	6		431,000	877,000
4	2005	4.0%	12			473,000
5	2006	0.0%	12			0
6	2007	3.0%	12			0
7	Total Additional Revenue	101,000	833,000	1,759,000	1,788,000	2,199,000
8	Total Service Charge Revenue	10,549,500	11,206,000	12,306,600	12,510,200	13,095,700
9	Other Operating Revenue	501,800	501,800	501,800	501,800	501,800
10	Interest Income -Reserve Funds	20,000	20,000	20,000	19,700	24,100
11	Interest Income - Operations	30,000	31,000	26,000	36,000	44,000
12	Other Non-Operating Revenue	32,300	32,300	32,300	32,300	32,300
13	Total Operating Revenue	11,133,600	11,791,100	12,886,700	13,100,000	13,697,900
14	Operation and Maintenance Expense	6,999,800	7,313,200	7,541,100	7,776,400	8,019,100
15	Net Revenue	4,133,800	4,477,900	5,345,600	5,323,600	5,678,800
Debt Service						
16	Existing State Revolving Fund Bonds	637,100	637,700	1,217,100	1,214,600	1,212,500
17	Proposed State Revolving Fund Bonds	0	0	167,600	457,800	675,400
18	Existing Revenue Bonds	2,313,500	2,311,600	1,595,100	1,595,000	1,601,100
19	Proposed Revenue Bonds	0	0	0	0	0
20	Total Debt Service	2,950,600	2,949,300	2,979,800	3,267,400	3,489,000
21	Payment in Lieu of Taxes	178,900	184,300	189,800	195,500	201,400
22	Cash Financing of Improvements	1,320,000	1,400,000	1,442,000	1,485,260	1,529,800
23	Transfer to Operating Reserve	0	0	0	0	0
24	Net Annual Balance	(3,700)	(59,700)	735,000	379,740	466,700
25	Beginning of Year Balance	559,800	556,100	496,400	1,231,400	1,611,140
26	End of Year Balance	556,100	496,400	1,231,400	1,611,140	2,077,840
27	Desired Minimum Ending Balance	885,000	924,300	953,100	982,800	1,013,500
Debt Service Coverage						
28	Rate Covenant	139.8%	151.7%	179.4%	163.1%	163.0%

(a) Existing wastewater rates effective October 1, 2000.

The projected revenues under existing rates from wastewater service charges, forfeited discounts, and septage hauler dumping fees are shown on Line 1 and correspond to the revenues shown on Tables 2 and 3. The remaining projection of other operating revenues from Table 3 is shown on Line 9. Interest income from Reserve Accounts, shown on Line 10, is the projection of interest earned on cash balances in the Sewer Fund and Sewer Debt Fund. Interest income from the Improvement Fund, shown on Line 11, is the projection of interest earned on the Improvement Fund. These monies are projected to yield 2.5 percent on the average balance for the period. Other non-operating revenues, from Table 4, are shown on Line 12.

The magnitude and timing of the proposed wastewater revenue increases are shown on Lines 2 through 6. It is projected that rates will need to be adjusted during the five-year study period with increases of 3.88 percent effective on October 1, 2003, 8 percent on July 1, 2004, 4 percent on January 1, 2005, and then 3 percent on January 1, 2007. No increase is anticipated for 2006. The additional water revenues from the proposed increases are summarized on Line 8. With the proposed rate increases, total wastewater system revenues are projected to increase from \$10,549,500 in 2003 to \$13,095,700 in 2007.

Revenue requirements for operation and maintenance expense and debt service are summarized on Lines 14 through 20. Additional revenues are required for Annual Extensions and Replacements, which are shown on Line 22 of Table 9, are projected to increase from \$1,320,000 in 2003 to \$1,529,800 in 2007. Annual operating requirements are projected to increase from \$11,449,300 in 2003 to \$13,239,300 in 2007.

The projected net annual operating balance is shown on Line 24 and ranges from a high of \$735,000 in 2005 to a low of a negative \$(59,700) in 2004. It is recommended that the wastewater system maintain operating fund balances at a minimum level equal to approximately 45 days of the current year's operation and maintenance expense. This level of working capital is generally sufficient to offset fluctuations in revenues and expenditures. The end of year balances shown on Line 27 indicates that starting in 2005 the utility's ending balances exceed the recommended levels.

Line 28 of Table 9 indicates that the Sewer Revenue Fund is projected to maintain a ratio of Net Revenues Available for Coverage to annual debt service payments well in excess of the revenue bond ordinance minimum requirement of 120 percent.

Proposed Rates

A schedule of proposed wastewater rates is presented in Table 10. Proposed charges for wastewater service are designed following the same general form of rate structure as the existing charges, which consist of service charge and a volume charge. The proposed

Monthly Service Charge of \$3.77 per bill and the User Charge of \$3.68 per Mgal reflect a 3.88 percent increase over the existing rates.

Table 10
Schedule of Proposed Rates and Charges

Wastewater System

Monthly Service Charge - \$ 3.77 /Bill

User Charge - \$

Residential (a) 3.68 /Mg

All Other 3.68 /Mg

Surcharges - \$

BOD 0.179 /pound

Suspended Solids 0.145 /pound

Non-Metered - \$

Minimum for users without a water meter 367 /year

Hauled Waste Charges (b) - \$

Domestic Septage 10.30 for first 500 gallons
0.59 for each additional 100 gallons

Grease Waste 29.43 for first 500 gallons
5.89 for each additional 100 gallons

Wastewater Treatment Plant Waste 22.08 for first 500 gallons
4.42 for each additional 100 gallons

Commercial/Industrial Waste 22.08 for first 500 gallons
4.42 for each additional 100 gallons

Connection Fees - \$

	Water Meter Size - inches		
5/8" & 3/4" (Base Fee)	1,000	2"	19,000
1"	4,000	3"	26,000
1 1/2"	10,000	4"	58,000
		6"	Case by case

BOD - Biochemical Oxygen Demand

Mg - 1,000 gallons

In addition to service and volume charges, Industrial customers who generate wastewater with strengths of Biological Oxygen Demand (BOD) or Suspended Solids that exceed the system average strengths of 300 parts per million (ppm) are subject to surcharges. Proposed surcharge rates of \$0.179 per pound of BOD in excess of 300 ppm, and \$0.145 per pound of Suspended Solids in excess of 300 ppm reflect a 3.88 percent increase over existing rates.

Stormwater System

Revenue

The City of Bloomington Utilities became responsible for the City's stormwater system in September 1998. Stormwater system revenues are primarily derived from stormwater system user fees. The existing stormwater user fees are based on equivalent runoff units. Customers with private fire protection are charged based on the impervious area of their property.

Table 11
Schedule of Existing Rates and Charges

Stormwater System

Residential Rate - \$	2.35
All Others - \$	2.35 *Equivalent Runoff Units

Where:

$$\text{Equivalent Runoff Unit} = [(0.95 * \text{Impervious Area}) + (0.15 * \text{Pervious Area})] / 0.0815$$

If no runoff rate is available for the Customer, they will be charged by meter size:

Water Meter Size	Monthly Service Charge	Water Meter Size	Monthly Service Charge
inches	\$	inches	\$
5/8	2.35	3	35.25
3/4	2.35	4	58.75
1	5.88	6	117.50
1 1/2	11.75	8	235.00
2	18.80	10	352.50

Table 12 summarizes the average number of wastewater system customers during the years 1998 through 2002 and the projected number of customers for the years 2003 through 2007. The projected average number of customers for 2002 reflects the number of customers billed for wastewater service through May 2002. After 2002 the total average number of customers is projected to increase by about 1 percent annually. Overall, the average number of customers is projected to increase from about 17,000 customers in 2003 to about 17,800 customers in 2007.

Table 12
Historical and Projected Customers and Revenue Under Existing Rates

Year	Stormwater Customers (a)	Stormwater Revenue \$
Historical		
1998 (b)	15,799	287,728
1999	15,986	822,206
2000	16,449	875,976
2001	16,526	907,916
2002	16,800	1,135,800
Projected		
2003	17,000	1,164,200
2004	17,200	1,193,300
2005	17,400	1,223,100
2006	17,600	1,253,700
2007	17,800	1,285,000
2008	18,000	1,317,100

(a) Average number of customers during the period.

(b) Stormwater fee became effective in September 1998.

Revenue Requirements

The revenue requirements of the stormwater system include the cost of operation and maintenance expense, principal and interest payments on bonded debt, and routine annual extensions and replacements. In addition, revenues must be adequate to meet applicable rate covenants included in the City's ordinances authorizing the outstanding revenue bonds. The revenue requirements developed in the report are projected for the five-year period ending December 31, 2006.

Operation and Maintenance Expense

Historical and projected operation and maintenance expense is summarized in Table 13. It is assumed that operation and maintenance expense will increase at an annual rate of about 3 percent over 2003 budget levels. Operation and maintenance expense is projected to increase from an estimated \$341,100 in 2002, to a budgeted \$367,100 in 2003, and to \$463,300 in 2007.

Table 13
Historical and Projected Operation and Maintenance Expense

<u>Year</u>	<u>O&M Expense</u>
	\$
Historical	
1998 (a)	66,190
1999	189,064
2000	267,200
2001	310,579
2002	341,100
Projected	
2003	367,100
2004	389,100
2005	412,400
2006	437,100
2007	463,300

(a) Stormwater Utility began operations in September 1998.

Capital Improvement Program

The CBU staff has developed a stormwater system major capital improvement program for the period 2003 through 2007, which is summarized in Table 14. The program includes \$10,131,200 of expenditures for major capital improvements during the period and includes improvements to the Jordan River and Spanker's Branch stormwater tunnels.

Table 14
Major Capital Improvement Program

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>Total</u>
	\$	\$	\$	\$	\$	\$
Stormwater Projects						
Engineering /Construction Phase Services	0	0	0	0	0	0
Miller Showers Park (CBU Contribution)	1,750,000	0	0	0	0	1,750,000
Jordan River, 2nd & Washington to 4th & Grant	0	0	3,000,000	3,000,000	0	6,000,000
Jordan River, Walnut & 1st St. Bridges	0	600,000	0	0	0	600,000
IU Projects - Jordan River Small Pool Program	0	0	0	331,200	0	331,200
College Mall Improvements	850,000	0	0	0	0	850,000
Upper Spankers @ Kirkwood btw Rogers & Elm	0	0	600,000	0	0	600,000
Total Stormwater Projects	<u>2,600,000</u>	<u>600,000</u>	<u>3,600,000</u>	<u>3,331,200</u>	<u>0</u>	<u>10,131,200</u>

In conjunction with the major capital improvement program, the stormwater system also makes smaller capital improvements and additions funded with operating revenues. Normal annual capital improvements include the replacement of stormwater catch basins, purchases of equipment, and projects that are performed by stormwater system personnel and

then capitalized. Normal annual capital improvements for system improvements are projected to total \$1,464,700 during the study period.

Capital Improvement Financing

The projected financing plan for the stormwater system capital improvement program for the five-year period from 2003 through 2007 is shown in Table 15. The funding sources are summarized on Lines 1 through 5 and the uses of funds are shown on Lines 6 through 10 of the table. As of January 1, 2003, the Stormwater Improvement Fund had a balance of \$264,600. Revenue bond sales for the stormwater system include \$2,600,000 on November 1, 2003, \$600,000 on July 1, 2004, \$3,600,000 on July 1, 2005, and \$3,391,200 on July 1, 2006. Income from interest earnings on available Improvement Funds is computed at an annual interest rate of 2.5 percent and is projected to total \$116,500 during the period.

Table 15
Major Capital Improvement Program Financing

Line No.		2003 \$	2004 \$	2005 \$	2006 \$	2007 \$	Total \$
Source of Funds							
1	Beginning of Year Balance	264,600	196,900	189,500	118,700	111,300	264,600
2	Revenue Bond Proceeds	2,600,000	600,000	3,600,000	3,391,200	0	10,191,200
3	Cash Financing of Construction	300,000	350,000	400,000	450,000	450,000	1,950,000
4	Grants/Developer Contributions	0	0	0	0	0	0
5	Interest Income	2,500	8,800	26,600	24,400	3,600	65,900
6	Total Funds Available	<u>3,167,100</u>	<u>1,155,700</u>	<u>4,216,100</u>	<u>3,984,300</u>	<u>564,900</u>	<u>12,471,700</u>
Application of Funds							
7	Capital Improvement Program	2,600,000	600,000	3,600,000	3,331,200	0	10,131,200
8	Annual Extensions & Replacements	300,000	350,000	400,000	450,000	450,000	1,950,000
9	Revenue Bonds Debt Issuance Costs	70,200	16,200	97,400	91,800	0	275,600
10	Reserve Fund Deposits (a)	0	0	0	0	0	0
11	Total Application of Funds	<u>2,970,200</u>	<u>966,200</u>	<u>4,097,400</u>	<u>3,873,000</u>	<u>450,000</u>	<u>12,356,800</u>
12	End of Year Fund Balance	196,900	189,500	118,700	111,300	114,900	114,900

(a) Reserve requirement to be met through the use of a surety bond.

Improvement Fund requirements include \$10,131,200 of major capital improvements and revenue bond issuance costs. The existing revenue bond ordinance requires that a reserve account be maintained equal to the least of (a) the maximum annual debt service, (b) 10 percent of the principal amount of the bond, or (c) an amount equal to 125 percent of the average annual debt service. The ordinance allows the reserve requirement to be met by a surety bond issued for that purpose. It is anticipated that the City will continue its practice to obtain a surety bond in lieu of funding a reserve account for revenue bonds. The bond reserve fund requirement is met through the use of a surety bond with a cost estimated at 2 percent of

the maximum annual principal and interest payment and is included as part of the bond issuance expense. Other estimated revenue bond issuance costs shown on Line 9 includes bond counsel fees, rating agency costs, and printing. Line 12 on Table 15 shows the projected Improvement Fund year-end cash balances.

Debt Service Requirements

Table 16 presents a summary of the annual total of the monthly deposits into the Bond and Interest Account for the existing and proposed revenue bonds for the stormwater system. The debt service schedule for the proposed revenue bonds is based on 30 years of uniform annual debt service payments and an interest rate of 5.5 percent.

**Table 16
Existing and Proposed Debt Service**

Year	Existing Debt Service	Proposed Revenue Bond Debt Service	Total Debt Service
	\$	\$	\$
2003	249,600	29,000	278,600
2004	248,300	200,800	449,100
2005	246,900	379,300	626,200
2006	247,700	617,400	865,100
2007	246,000	695,200	941,200

Summary of Revenue Requirements and Projected Level of Revenue

The total revenue requirements for the stormwater system consist of operation and maintenance expense, debt service requirements, and routine annual extensions and replacements. Revenue levels must also be sufficient to meet the existing revenue bond covenant that net earnings in each fiscal year be not less than 125 percent of the debt service requirement. It is also essential that the stormwater system maintain sufficient cash balances to provide for Sewer Fund encumbrances, offset fluctuations in revenues and expenditures, and provide for funds for use in emergencies. Stormwater system user fees will provide the principal source of revenues to meet these requirements with additional revenue being derived from interest earnings.

Table 17 combines projected revenues and revenue requirements into a pro forma operations statement or cash flow summary. The cash flow summary provides a basis for evaluation of the timing and size of stormwater system user fee increases that are indicated to be necessary to meet projected revenue requirements for the period 2002 though 2007.

Table 17
Projected Revenue, Expenditures, and Obligations Under Proposed Rates

Line No.	Description	2003	2004	2005	2006	2007
		\$	\$	\$	\$	\$
1	Revenue Under Existing Rates (a)	1,164,200	1,193,300	1,223,100	1,253,700	1,285,000
	Additional Revenue Required:					
	Year	Revenue Increase	Months Effective			
2	2002	0.0%	12	0	0	0
3	2003	15.0%	3	44,000	179,000	183,000
4	2004	15.0%	6		103,000	211,000
5	2005	8.5%	12			137,000
6	2006	8.0%	12			141,000
7	2007	8.0%	12			144,000
8	2008	0.0%	9			159,000
9	Total Additional Revenue	44,000	282,000	531,000	689,000	867,000
10	Total Service Charge Revenue	1,208,200	1,475,300	1,754,100	1,942,700	2,152,000
11	Interest Income -Reserve Funds	600	4,900	9,900	15,600	19,500
12	Interest Income - Operations	5,000	14,000	24,000	32,000	41,000
13	Total Operating Revenue	1,213,800	1,494,200	1,788,000	1,990,300	2,212,500
14	Operation and Maintenance Expense	367,100	389,100	412,400	437,100	463,300
15	Net Revenue	846,700	1,105,100	1,375,600	1,553,200	1,749,200
	Debt Service					
16	Existing Revenue Bonds	249,600	248,300	246,900	247,700	246,000
17	Proposed Revenue Bonds	29,000	200,800	379,300	617,400	695,200
18	Total Debt Service	278,600	449,100	626,200	865,100	941,200
19	Cash Financing of Improvements	300,000	350,000	400,000	450,000	450,000
20	Transfer to Operating Reserve	0	0	0	0	0
21	Net Annual Balance	268,100	306,000	349,400	238,100	358,000
22	Beginning of Year Balance	36,338	304,438	610,438	959,838	1,197,938
23	End of Year Balance	304,438	610,438	959,838	1,197,938	1,555,938
24	Desired Minimum Ending Balance	45,300	48,000	50,800	53,900	57,100
	Debt Service Coverage					
25	Rate Covenant	303.9%	246.1%	219.7%	179.5%	185.8%

(a) Existing stormwater rates effective October 1, 2001.

The projected revenues from stormwater user fees (Line 1), interest income from operations (Line 9), and interest income from the Improvements Fund (Line 10) are shown on Table 17. Interest income is projected at 2.5 percent of the projected average balance in the Sewer Fund and the Improvement Fund.

The magnitude and timing of the proposed stormwater revenue increases are shown on Lines 2 through 6. It is projected that rates will need to be adjusted every year during the study period with a 15 percent revenue increase effective on October 1, 2003, increases of 15 percent on July 1, 2004, 8.5 percent on January 1, 2005, and 8 percent on January 1 of 2006 and 2007. The additional stormwater revenues from the proposed increases are summarized on Line 7. With the proposed rate increases, total stormwater system revenues are projected to increase from \$958,000 in 2001 to \$1,603,000 in 2006.

Revenue requirements for operation and maintenance expense and debt service are summarized on Lines 12 through 16. Additional revenues are required for normal annual additions and, as shown on Line 17, are projected to range from \$300,000 in 2003 to \$450,000 in 2007. Total revenue requirements are projected to increase from \$945,700 in 2003 to \$1,854,500 in 2007.

The projected net annual operating balance is shown on Line 19 and ranges from \$238,100 in 2006 to \$358,000 in 2007. As shown on Line 22, it is recommended that the stormwater system maintain operating fund balances at a minimum level equal to approximately 45 days of the current year's operation and maintenance expense. This level of working capital is generally sufficient to offset fluctuations in revenues and expenditures. Line 21 shows that the desired ending balance is met for most of the study period.

Line 23 indicates that the stormwater system is projected to maintain a ratio of Net Revenue Available for Coverage to annual debt service payments in excess of the revenue bond ordinance minimum requirement of 125 percent.

Proposed Rates

The City currently implements stormwater system user fees that are based on the impervious area of properties within the stormwater system service area. Monthly bills are based on the number of equivalent runoff units (ERUs) times the base rate, which is currently \$2.35. A user's ERUs is calculated as follows:

$$\text{ERUs} = \frac{(\text{Impervious Area} * 0.95) + (\text{Pervious Area} * 0.15)}{\text{Base Runoff Unit}}$$

Where: Base Runoff Unit = 0.0815 acres

With implementation of the proposed rate adjustment, the proposed residential rate increases to \$2.70.

Wastewater Utility

Summary of Wastewater System and Stormwater System Revenue Requirements and Proposed Adjustment in Level of Revenue

The cash flow summaries for the wastewater system, Table 9, and the stormwater system, Table 17, are combined into a cash flow summary for the Wastewater Utility in Table 18. Table 18 shows that with the proposed rate increases the Wastewater Utility is projected to reasonably meet its revenue requirements for the six-year study period. A comparison of the Ending Balance, Line 21, and the Desired Minimum Ending Balance, Line 22, indicates that the Wastewater Utility is projected to meet the goal of having 45 days of operation and maintenance expense available for working capital except for the years 2003 and 2004 which are slightly below the recommended level. Projected annual debt service coverage, Line 15, is well in excess of the revenue bond ordinance minimum requirement of 120 percent.

The “Additional Bonds Test” of the ordinance authorizing the outstanding 1999 Bonds states:

“The Net Revenues of the sewage works in the fiscal year immediately preceding the issuance of any such parity bonds shall be not less than one hundred twenty percent (125%) of the maximum annual interest and principal requirements of the outstanding bonds and the additional parity bonds then proposed to be issued; or, prior to the issuance of said proposed additional parity bonds, the sewage rates and charges shall be increased sufficiently so that the increased rates and charges applied to the previous fiscal year’s operation is would have produced Net Revenues for said year equal to not less than one hundred twenty percent (125%) of the maximum annual interest and principal requirement of the then outstanding bonds and the additional parity bonds proposed to be issued.”

The projected ratio for adjusted Net Revenue to projected maximum debt service is shown on Line 24. The projections indicate that the Wastewater Utility will be able to meet the additional bonds test for each of the proposed issues.

Table 18
Combined Wastewater and Stormwater Utility - Revenues and Revenue Requirements

Line No.	Description	Calendar Year				
		2003	2004	2005	2006	2007
		\$	\$	\$	\$	\$
1	Revenue Under Existing Rates (a)	11,612,700	11,566,300	11,770,700	11,975,900	12,181,700
2	Revenue From Increased Rates	145,000	1,115,000	2,290,000	2,477,000	3,066,000
3	Total Service Charge Revenue	11,757,700	12,681,300	14,060,700	14,452,900	15,247,700
4	Other Operating Revenue	501,800	501,800	501,800	501,800	501,800
5	Interest Income -Reserve Funds	20,600	24,900	29,900	35,600	45,700
6	Interest Income - Operations	27,000	41,000	51,000	72,000	91,000
7	Other Non-Operating Revenue	32,300	32,300	32,300	32,300	32,300
8	Total Operating Revenue	12,339,400	13,281,300	14,675,700	15,094,600	15,918,500
9	Operation and Maintenance Expense	7,366,900	7,702,300	7,953,500	8,213,500	8,482,400
10	Net Revenue	4,972,500	5,579,000	6,722,200	6,881,100	7,436,100
	Debt Service					
11	Existing State Revolving Fund Bonds	637,100	637,700	1,217,100	1,214,600	1,212,500
12	Proposed State Revolving Fund Bonds	0	0	167,600	457,800	675,400
13	Existing Revenue Bonds	2,563,100	2,559,900	1,842,000	1,842,700	1,847,100
14	Proposed Revenue Bonds	29,000	200,800	379,300	617,400	695,200
15	Total Debt Service	3,229,200	3,398,400	3,606,000	4,132,500	4,430,200
16	Payment in Lieu of Taxes	178,900	184,300	189,800	195,500	201,400
17	Cash Financing of Improvements	1,300,000	1,750,000	1,842,000	1,935,260	1,979,800
18	Transfer to Operating Reserve	0	0	0	0	0
19	Net Annual Balance	264,400	246,300	1,084,400	617,840	824,700
20	Beginning of Year Balance	596,079	860,479	1,106,779	2,191,179	2,809,019
21	End of Year Balance	860,479	1,106,779	2,191,179	2,809,019	3,633,719
	Debt Service Coverage					
22	Rate Covenant	154%	164%	186%	167%	168%
23	Additional Bonds Test (Parity Bonds)	138%	166%	141%	142%	155%
24	Required Wastewater Revenue Increase	3.9%	8.0%	4.0%	0.0%	3.0%
25	Required Stormwater Revenue Increase	15.0%	15.0%	8.5%	8.0%	8.0%

(a) Existing wastewater rates effective October 1, 2000. Existing stormwater rates effective October 1, 2001.

Chapter 10.08 of the Bloomington Municipal Code as Amended by Ordinance 03-24

Chapter 10.08

WASTEWATER RATES AND CHARGES

Sections:

10.08.010	Rates--Generally.
10.08.020	Rates--Biennial review.
10.08.030	Rates--Based on quantity of water used.
10.08.035	Rate--Establishment of stormwater utility.
10.08.040	Rates--Metered water users.
10.08.045	Rates--Stormwater utility users.
10.08.050	Rates--Exemptions.
10.08.060	Rates--Utility measurement of water.
10.08.070	Rates--Nonmetered users.
10.08.080	Billing.
10.08.085	Lifeline service.
10.08.090	Delinquencies--Late payment charge.
10.08.100	Liens for nonpayment.
10.08.110	Special service rates.
10.08.120	Waste haulers--Charges.
10.08.130	Inspection charge.
10.08.140	Connection fee.
10.08.150	Laboratory charges.

10.08.010 Rates--Generally.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.020 Rates--Biennial review.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.030 Rates--Based on quantity of water used.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.035 Rate--Establishment of stormwater utility.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.040 Rates--Metered water users.
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:

	Portion of Rate Applicable to:				Total	
	Operations, Maintenance, & Replacement Expenses		Capital Related	Costs		
Monthly service charge (per meter)	<u>\$2.75</u>	\$2.65	<u>\$1.02</u>	\$0.98	<u>\$3.77</u>	\$3.63
User Charge						
Charge per 1,000 gallons per month for all billable usage:						
Residential ^(a)	<u>\$2.68</u>	\$2.58	<u>\$1.00</u>	\$0.96	<u>\$3.68</u>	\$3.54
Commercial	<u>\$2.68</u>	\$2.58	<u>\$1.00</u>	\$0.96	<u>\$3.68</u>	\$3.54
Indiana University	<u>\$2.68</u>	\$2.58	<u>\$1.00</u>	\$0.96	<u>\$3.68</u>	\$3.54
Industrial ^(b)	<u>\$2.68</u>	\$2.58	<u>\$1.00</u>	\$0.96	<u>\$3.68</u>	\$3.54

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 services board may, by the adoption of a resolution, change the months used to set 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.
 (Ord. 00-34 § 1, 2000; Ord. 99-31 § 1, 1999; Ord. 98-29 § 3, 1998; Ord. 97-01 § 1, 1997; Ord. 94-41 § 1, 1994; Ord. 89-36 § 1, 1989; Ord. 81-16 §§ 1, 5, 1981; Ord. 80-26 § 1 (part), 1980).

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 system service area. All customers classified by the utility as being single family residential shall pay a monthly charge of ~~\$2.35~~ **\$2.70**. All other customers shall be charged based upon the amount of runoff generated by the customer. The amount of runoff subject to the stormwater utility rate shall be determined by a calculation based upon the following formula, minus any credits, as approved by the Utilities Service Board:

(Runoff generated by non-Single Family Residential Customer divided by runoff generated by the average Single Family Residential Customer) multiplied by ~~\$2.35~~ **\$2.70**

~~The utility may continue to bill non-Single family residential Customer under the existing billing structure during the time that such runoff rates are phased in.~~

~~All non-Single Family Residential Customers for which runoff rates are not available shall be charged based upon the size of the water meter(s) as follows:~~

Water Meter Size	Monthly User Charge
5/8"	\$002.35
3/4"	2.35
1"	5.88
1 1/2"	11.75
2"	18.80
3"	35.25
4"	58.75
6"	117.50

8"	235.00
10"	352.50

Private fire connections shall be charged based upon impervious area of the customer. The amount of impervious area subject to the stormwater utility rate shall be determined by the utilities service board. The stormwater utility user charge for private fire connection customers shall be calculated as follows:

(Impervious area of fire line customer's property divided by base unit) multiplied by \$2.35.
 The new rate shall not exceed one hundred and five percent of the rate, which would result by using the following rate structure:

Private Fire Connection Size	Monthly User Charge
5/8"	\$002.35
3/4"	2.35
1"	5.88
1 1/2"	11.75
2"	18.80
3"	35.25
4"	58.75
6"	117.50
8"	235.00
10"	352.50

(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 and 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. (Ord. 01-15 § 1, 2001; Ord. 99-04 § 3, 1999; Ord. 98-29 § 4, 1998).

Comment: Ordinance 03-24 Section 2

10.08.050 Rates--Exemptions.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.060 Rates--Utility measurement of water.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.070 Rates--Nonmetered users.
 The minimum rate or charge for any service where the user is not a metered water user shall be ~~three hundred fifty three dollars~~ **three hundred and sixty-six dollars and seventy cents (\$366.70)** per year, payable monthly, with two hundred and ~~sixty-seven dollars and sixty-nine cents (\$267.69)~~ **sixty-seven dollars and sixty-nine cents** attributable to operation, maintenance, and replacement **and expense** costs, and ~~ninety-nine dollars and one cent (\$99.01)~~ **ninety-five dollars and thirty-one cents** attributable to capital related costs. 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. (Ord. 00-34 § 2, 2000; Ord. 98-29 § 5, 1998; Ord. 94-41 § 2, 1994; Ord. 89-36 § 2, 1989; Ord. 81-16 § 2, 1981; Ord. 80-26 § 1 (part), 1980).

Comment: Ordinance 03-24 Section 3

10.08.080 Billing.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.085 Lifeline service.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.090 Delinquencies--Late payment charge.
 In the event a net bill is not paid within ~~seventeen~~ ~~twenty-five~~ days from the mailing of the bill, it shall become a delinquent bill and a late payment charge may be added to the bill in the amount **permitted by applicable State laws and regulations**, of ~~three percent of the unpaid balance~~. (Ord. 80-26 § 1 (part), 1980).

Comment: Ordinance 03-24 Section 4

10.08.100 Liens for nonpayment.
Portions of BMC Chapter 10, not relevant to Ordinance 03-24, have been omitted.

10.08.110 Special service rates.
 (a) Special service rates shall be applicable to all industrial users who generate wastewater which contains any nonconventional pollutants or strengths of BOD or SS that exceed the system average strengths of three hundred parts per million BOD or three hundred parts per million SS as determined by special laboratory analysis by the utility's central laboratory. Other special service rates shall be charged on a case-by-case basis for toxic pollutant discharges, with the charges being based on the difficulty of treating the toxic pollutant as well as sampling, testing, and disposal charges. Strength charges are to be computed on actual measured strengths and volumes.

(b) Special Rates. Special service rates shall be determined as follows:

Comment: Ordinance 03-24 Section 5

	Portion of Rate Applicable to:					
	Operations, Maintenance & Replacement Expenses		Capital Related Costs		Total	
Monthly service charge (per meter)	\$2.75	\$2.65	\$1.02	\$0.98	\$3.77	\$3.63
Special laboratory analysis monthly charge						
Strength of BOD and SS sampling charge						79.12
Grease and oil sampling charge						74.18
Metal sampling charge (per metal per test)						16.49
User Charge						
Charge per 1,000 gallons per month for all billable usage:						
Non-excessive strength rate	\$2.68	\$2.58	\$1.00	\$0.96	\$3.68	\$3.54
Extra Strength Charge						
Charge per pound per month for all strength in excess of 300 ppm:						
BOD	0.137	0.132	0.042	0.040	0.179	0.172
Suspended Solids	0.103	0.100	0.042	0.040	0.145	0.140

(Ord. 00-34 § 3, 2000; Ord. 99-31 § 2, 1999; Ord. 98-29 § 6, 1998; Ord. 97-01 § 2, 1997; Ord. 94-41 § 4, 1994; Ord. 89-36 § 4, 1989; Ord. 81-16 §§ 3, 6, 1981; Ord. 80-26 § 1 (part), 1980).

ORDINANCE 03-25

**TO AMEND TITLES 14 (PEACE AND SAFETY,) 15 (VEHICLES AND TRAFFIC,) 16 (HOUSING INSPECTION), 17 (CONSTRUCTION REGULATIONS) AND 18 (FIRE PREVENTION) OF THE BLOOMINGTON MUNICIPAL CODE
(Adjusting Certain Fees and Fines)**

- WHEREAS, it has been four to eight years since the fees and fines described in this ordinance have been modified; and
- WHEREAS, the cost to provide the programs and services associated with these fees and fines have increased in that period; and
- WHEREAS, when appropriate it is sound policy to use fee and fine revenues to minimize the degree of general taxpayer subsidy of certain programs and services; and
- WHEREAS, even with the fee and fine adjustments described in this ordinance some level of general taxpayer subsidy for the provision of the related programs and services will still occur;

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

SECTION 1. Bloomington Municipal Code 14.40.020 (d) shall be amended by deleting it and replacing it with the following:

(d) "False alarm" is a burglar, fire or emergency alarm signal received at the central dispatch facility located in the Bloomington police department or the monitoring company that is from causes other than burglary, attempted burglary, fire, smoke or severe weather conditions. Such causes include human error, improper maintenance, improper installation, faulty equipment, electrical or mechanical malfunction, or excessive sensitivity, but do not include signals when a timely and proper call is made to police or central dispatch, canceling any response needed to the alarm.

SECTION 2. Bloomington Municipal Code 14.40.030 shall be amended by deleting and replacing it with the following:

All false alarms are prohibited. A person who controls or occupies property on which an alarm system is installed shall receive a warning from the Bloomington Police Department and/or from the Bloomington Fire Department for the first three false alarms in a calendar year issued by such an alarm system in each category.

SECTION 3. Bloomington Municipal Code 14.40.060 (b) shall be amended by deleting and replacing it with the following:

(b) The fine for an ordinance violation as the result of the fourth police false alarm or fourth fire false alarm in a calendar year at the same location shall be fifty dollars. The fine for the fifth and each subsequent false alarm in each category shall be one hundred dollars each. The fines shall be paid to the Bloomington Police Department within thirty days of the issuance of the citation, in full satisfaction of the assessed penalty. In the event that such payment is not made within the prescribed period, the matter will be referred to the city legal department for appropriate legal proceedings.

SECTION 4. Bloomington Municipal Code 14.40.060 (d) shall be deleted.

SECTION 5. Bloomington Municipal Code 15.60.080 (a)(1) shall be amended by deleting the cite of "Indiana Code 9-3-1-3" and replacing it with the cite "Indiana Code 9-29-11-1."

SECTION 6. Bloomington Municipal Code 15.60.080 (a)(6) shall be amended by deleting the cite "Indiana Code 9-17-2-12(b)(3)" and replacing it with the cite "Indiana Code 9-29-4-2."

SECTION 7. Bloomington Municipal Code 15.60.080 (a)(8) shall be amended by deleting the cite “Indiana Code 5-2-5-7(a)(2)” and replacing it with the cite “Indiana Code 10-13-3-30(a)(2).”

SECTION 8. Bloomington Municipal Code 15.60.080 (a)(9) shall be amended by deleting the cite “Indiana Code 5-2-5-7(a)(3)” and replacing it with the cite “Indiana Code 10-13-3-30(a)(3).”

SECTION 9. The fifth sentence of Bloomington Municipal Code 16.12.070 (f) shall be amended by changing the word “thirty” to “fifty” so that the sentence now reads:

The fee for each subsequent reinspection that requires entry to the rental unit after the first reinspection shall be fifty dollars per rental unit.

SECTION 10. The sixth sentence of Bloomington Municipal Code 16.12.070 (f) shall be amended by changing the word “thirty” to “thirty-five” so that the sentence now reads:

The failure of a property owner or his appointed representative to meet the inspector(s) at a confirmed scheduled appointment when the failure results in the inspector being unable to complete the inspection, shall cause an assessment of a no-show fee of thirty-five dollars.

SECTION 11. Bloomington Municipal Code 16.12.070 (g) shall be amended by deleting and replacing it with the following:

The fee for inspecting a single-unit dwelling shall be sixty-two dollars. The fee for inspecting a rooming house shall be fifty dollars per building, plus twelve dollars per bathroom/toilet facilities in the building. The fee for inspecting all other unit/building configurations shall be fifty dollars per building, plus twelve dollars per unit in the building.

SECTION 12. Bloomington Municipal Code 17.08.050 (e) shall be amended by deleting and replacing it with the following:

(e) The fees shall be as follows:

Permit	Fee
Change in use/temporary uses	\$250
Grading and site development permits All earth grading under Section 20.06.05.03	\$115 per acre (rounded to nearest tenth of an acre); \$115 minimum
Right-of-way borings Must have current bond on file. Boring work done in city right-of-way.	\$0.75 per lineal ft; \$50 Min.
Right-of-way cuts Must have current bond on file. Any work done in city right-of-way which requires cutting or altering any feature.	\$1.00 per square ft; \$100 Min.
Temporary sign permits Temporary signs erected under Section 20.06.06.04(b)	\$55 (no additional charge for fifteen-day renewal)
Permanent sign permits All other signs erected under Section 20.06.06 Includes signs for Large and Small Residential Centers, Individual Nonresidential Uses, Shopping Centers, and Freestanding Signs.	\$55 per sign

SECTION 13. Bloomington Municipal Code 18.04.040(a) shall be amended by deleting and replacing it with the following:

(a) The provisions of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code are incorporated by reference in this code, and shall include later amendments to that Article.

SECTION 14. Bloomington Municipal Code 18.04.060 shall be amended by deleting and replacing it with the following:

18.04.060 Inspections.

(a) The fire chief shall cause to be inspected all structures and premises except the interiors of private single-family dwellings, and dwelling units in two-family and multifamily dwellings for the purpose of ascertaining and causing to be corrected any violation of the provisions or intent of this code affecting fire safety.

(b) There shall be no fee for the initial inspection or first reinspection of structures and premises. A fee of fifty dollars shall be charged for a second reinspection of the same structures and premises required as a result of violations of the provisions of this code or other ordinances under the fire chief's jurisdiction that have not been remedied by the first reinspection. There shall be a fee of one hundred fifty dollars for each subsequent reinspection of the same structures and premises required to ensure the abatement of these violations.

SECTION 15. Bloomington Municipal Code 18.04.080 shall be retitled "Violations – Orders and Penalties."

SECTION 16. Bloomington Municipal Code 18.04.080(b) and 18.04.080(c) shall be renumbered 18.04.080(d) and 18.04.080(e) and a new 18.04.080(b) shall be inserted to read as follows:

(b) With the exception of violation of established occupancy limits, there shall be a ten dollar penalty for each separate and distinct violation of the provisions of this code, or other ordinances under the fire chief's jurisdiction, that has been listed in the notice of violation described in the previous subsection, and that has not been remedied by the time of a first re-inspection. This penalty shall rise to fifty dollars for each separate and distinct violation that has not been remedied by a second, and each subsequent, re-inspection.

SECTION 17. A new Bloomington Municipal Code 18.04.080(c) shall be inserted to read as follows:

(c) The penalty for exceeding a premises' established occupancy limit shall be five hundred dollars for the first violation and one thousand dollars for each subsequent violation within a twelve month period.

SECTION 18. If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 19. All the sections of this ordinance except those mentioned in the second sentence of this provision shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor, and, where necessary, publication. Changes to fees or penalties enacted by Sections 3, 9, 10 and 11 of this ordinance shall be in full force and effect after publication and beginning January 1, 2004.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2003.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

SYNOPSIS

This ordinance adjusts various fees and fines found in Title 14, 16, 17 & 18 of the local code. In Title 14 (Peace and Safety), it raises the penalties for four or more false alarms in a calendar year requiring a public safety response and extends the false alarm penalty provisions to include fire, as well as burglar, alarms. In Title 16 (Housing Inspection), it raises the base fee for rental unit inspections from \$40 to \$50 and the per unit fee from \$10 to \$12. It also increases the fee for a second rental unit re-inspection from \$30 to \$50 and the "no-show" fee from \$30 to \$35. In Title 17 (Construction Regulations), the ordinance amends the schedule of fees found in BMC 17.08.050(e). In that regard, it creates a new category of right-of-way cuts for borings and charges a fee of \$0.75 per lineal foot for such borings with a \$50 minimum. It changes the basis of the fee for surface right-of-way cuts from lineal feet to square feet and makes that fee \$1.00 per square foot with a \$100 minimum. It also eliminates the distinction between grading permits for one and two family home developments and other kinds of developments, and changes the grading permit from a flat \$115 fee to a fee of \$115 per acre. The ordinance also raises the fee for temporary signs from \$25 per 15-day period to \$55 for up to thirty days and raises the fee for permanent signs from a flat \$25 fee to \$55 per sign. In Title 18 (Fire Prevention), the ordinance establishes a fee for second and subsequent fire code re-inspections and a \$10 penalty for fire code violations not remedied by a first re-inspection. It also establishes a separate \$500 fine for violations of occupancy limits with doubles to \$1,000 for subsequent violations at the same property. The ordinance makes the provisions regarding false alarms and housing inspections effective as of January 1, 2004 and makes the other provisions effective upon adoption and, where necessary, publication. Along with these amendments, the ordinance also updates various provisions of the Bloomington Municipal Code to correspond with Indiana Code.



**City of Bloomington
Office of the Mayor**

John Fernandez

TO: Councilmembers
FROM: James McNamara
DATE: August 29, 2003
SUBJ: Ordinance 03-25

Ordinance 03-25 adjusts fines and fees in several City departments. The goal of the fee adjustments is to supplement taxpayer revenues with those from sources most directly affected by a particular program or service. The goal of the fines is to first discourage the behavior or practice that results in the penalty. For the penalties created or adjusted in this ordinance, revenue generation is a byproduct, not a goal.

Additional revenues that would be generated as a result of the passage of this ordinance have not been budgeted. They would go into the general fund adding to the cash reserves. This will reduce the tax revenues needed for building these balances and for future expenses. It will also allow time to get better estimates of the revenues the fines and fees will generate. Expenditure of these revenues will require appropriation by the Council.

The rest of this memo tracks Ordinance 03-25 section by section.

POLICE AND FIRE ALARMS

Section 1

Modifies the definition of "False Alarm" to include false alarms that result in fire department (rather than just police department) response.

Section 2

Establishes separate warning systems for police and fire false alarms. "A person who controls or occupies property" will receive warnings for up to three false police alarms and/or three false fire alarms. Penalties do not occur until the fourth false alarm at the same location in each category.

Section 3

Raises the fine for a fourth false police alarm from twenty-five to fifty dollars, and all subsequent false alarms, in a calendar year, from fifty dollars to one hundred dollars. Creates the same penalties for false fire alarms. Extends the fine payment period from seven to thirty days. These changes would become effective January 1, 2004.

Section 4

Allows fine receipts to be deposited in the General Fund.

Sections 5 – 8

Update references to Indiana Code. Not substantive.

Note on Police and Fire False Alarm Fines:

In 2001 BPD responded to 2,312 false alarms, 1,191 which were over the limit of three. In 2002 those numbers were 2,420 and 1,229. Through July 2003 they have responded to 1,246 false alarms, 711 of which were “chargeable.” In the Fire Department there were 924 false alarms and calls in 2002, and 515 through July 31 of this year. Clearly false alarms are a major drag on the City’s public safety resources, both financially and by taking the officers making these runs unavailable for other purposes.

This is a new fine for Fire, so we don’t have numbers yet on how many of these calls are to the same location. This fact, combined with the hope that fine increases for police will reduce the number of false alarms, make revenue projections difficult. An estimate for the additional police false alarms revenue made by assessing a \$25 increment estimate to each of the 2002 chargeable police is \$30,000.

RENTAL INSPECTION FEES

Section 9

Raises the fee for a second (or more) rental unit re-inspection from the thirty dollars to fifty dollars. (There is no additional charge for a first re-inspection.) This fee was last adjusted in 1998. New fee would become effective January 1, 2004.

Section 10

Raises the “no-show” fee for a rental unit inspection appointment from thirty to thirty-five dollars. This fee was last adjusted in 1998. New fee would become effective January 1, 2004.

Section 11

Currently the rental inspection fee is \$40 plus \$10 per unit. (Thus the fee for a single-family dwelling is \$50 = \$40 + \$10) This section of the ordinance raises the inspection fee to \$50 plus \$12 per unit. (Thus the fee for a single-family dwelling under this ordinance would be \$62 = \$50 + \$12.) This fee was last adjusted in 1998. New fee would become effective January 1, 2004.

Note on HAND rental inspection fees:

Using 2002 costs, it was estimated that the rental inspection program had total expenditures of \$282,305 for that year. Rental permit fees for that year, including re-inspection and “no show” fees, totaled \$107,745. The balance of the expenditures for the rental inspection program (\$282,305 - \$107,745 = \$174,560) were covered by the general fund. Using the 2002 data, it is estimated that raising the fees as proposed in this ordinance will generate approximately \$25,000 in additional revenue.

ENGINEERING AND PLANNING

Section 12

This section modifies the fee table in BMC 17.08.050 for grading permits, right-of-way cuts, and sign permits.

Change in occupancy fee – This has in practice been a *change-of-use* (as opposed to occupancy) and *temporary use* fee. The \$250 flat fee in the ordinance represents a rounding of the current fee (\$220 + 1 tenant at \$22 = \$242) and no additional revenue is anticipated as a result of this change.

Grading permits- This fee is for all site development review and inspection by the Engineering Division in addition to soil erosion inspection and enforcement. This ordinance removes the distinction between one and two family residential developments and other types of developments. It calls for a \$115 per acre fee rather than a flat fee, while retaining the current \$115 as the fee minimum. There were 51 grading permits issued in 2002. I am in the process of gathering acreage information. This fee was last adjusted in 1996.

Boring/Right-of-way cuts – This ordinance makes a distinction between *borings* in the City's right-of-way and surface right-of-way *cuts*. In general, borings — while eventually requiring some maintenance — are preferable to surface cuts and the fee schedule reflects this. Borings are priced at \$0.75 per lineal ft. with a \$50 minimum. For right-of-way cuts the ordinance moves from a *lineal* foot charge to a more relevant *square* foot charge. It increases the per-foot charge from \$0.35 to \$1.00 and the minimum fee from \$30.00 to \$100. Right-of-way cuts require patching of the disturbed surface and result in increased repair and maintenance costs. We estimate that it cost about \$123.25 in labor, materials and equipment to patch a 4' x 12' cut area (\$2.57 per sq ft.) There were 190 right-of-way cut permits in 2002. How many of these were borings as opposed to standard trench cuts is unknown. Multiplying the number of permits times the increase in minimum right-of-way cut fee would suggest this change might generate about \$13,000 in additional revenue. This fee was last adjusted in 1996.

Sign permits – This should probably be in Title 20 and could be moved there with the Zoning Ordinance update. This ordinance first makes a distinction between temporary signs and permanent signs. It raises the fee from \$25 to \$55 for both. Currently 60% of temporary sign permits are renewed for a second 15-day period and pay an additional \$25 fee, so this ordinance effectively raises that total fee \$5.00 for the thirty days. For permanent signs the fee is modified to apply *per* sign. The fee does not apply to lot directional and parking signs. Based on 2002 permit volumes I am estimating about \$8600 in additional revenue as a result of the increases/changes, about 90% of that from the permanent sign permits.

FIRE DEPARTMENT INSPECTIONS

Section 13

Updates a reference to the Indiana Administrative Code. Not substantive

Section 14

Adds the subsection (b) to 18.04.060 that allows a fifty dollar fee to be charged for a second fire re-inspection due to violations of fire code found on an initial inspection that have not been remedied by the first re-inspection. The initial inspection and first re-inspection are free. The fee for subsequent re-inspections necessitated by un-remedied violations is one hundred fifty dollars. This is a new fee and, combined with an uncertain inspection volume, there is no data upon which to base a revenue forecast. We would prefer compliance to revenue from this source.

Section 15

Re-titles section 18.04.080. Not substantive

Section 16

Establishes a \$10.00 fine for each violation of the fire code except for fire over-occupancy that is not remedied by the time of a re-inspection. Raises that fine to \$50 if not remedied by a second, and any following, re-inspections. This is a new penalty and, combined with an uncertain inspection volume, there is no data upon which to base a revenue forecast. We would prefer compliance to revenue from this source.

Note on Fire Code Inspections

This proposed fee and fine schedule for fire code inspections has been designed to emphasize the education and compliance goals of the inspection process. Properties are informed as to their code violations on a first inspection, and if those violations are remedied by the first re-inspection then there is no fine or inspection fee.

Section 17

Creates a \$500.00 fine for premises that exceed their established occupancy limits. Creates a \$1000 fine for each subsequent violation of this sort within a 12-month period. Violations of occupancy limits are believed to be of a sufficient public safety threat to warrant a significant fine on the first violation. The fire inspector also has statutory authority to order the business into immediate compliance, e.g. can order people to leave or close the establishment altogether. This is a new penalty and, combined with an uncertain inspection volume, there is no data upon which to base a revenue forecast. We would prefer compliance to revenue from this source.

Section 18

Standard legal language include in every ordinance.

Section 19

Specifies that the rental inspection fee adjustments and changes in the false alarm penalties will not take place until January 1, 2004.

Chapter 14 of the Bloomington Municipal Code as Amended by Ordinance 03-25

Chapter 14.40

FALSE EMERGENCY ALARMS

Sections:

14.40.010	Reduction of false emergency alarms.
14.40.020	Definitions.
14.40.030	Prohibited activity.
14.40.040	Automatic telephone dialing devices prohibited.
14.40.050	False fire alarms.
14.40.060	Violation.

14.40.010 Reduction of false emergency alarms.

The purpose of this chapter is hereby declared to be the reduction of false burglary and emergency alarms, which waste public safety resources. (Ord. 90-26 § 1 (part), 1990).

14.40.020 Definitions.

As used in this chapter, the following terms have the following meanings:

(a) "Alarm agent" means any person who is employed by an alarm business, whose duties include selling, maintaining, leasing, or repairing an alarm system on or in any building, structure, facility or grounds.

(b) "Alarm system" means any device used for the detection of an unauthorized entry or attempted entry into a building, structure, facility or grounds, or for alerting others of the commission of an unlawful act within a building, structure, facility or grounds, which when activated causes notification to be made directly or indirectly to the central dispatch facility located in the Bloomington police department.

(c) For the purpose of this chapter an alarm system shall not include:

(1) An alarm designed so that the Bloomington Police Department is not notified until after the occupants, the owner or his agent, or an alarm agent has checked the alarm site and determined that the alarm was the result of the type of activity for which the alarm system was designed to give notice.

(2) An alarm which alerts only the occupants of the property on which the alarm is located.

(3) An alarm installed upon property occupied by an agency of the United States, the state of Indiana, or any political subdivisions thereof.

(d) "False alarm" is a burglar **fire** or emergency alarm signal received at the central dispatch facility located in the Bloomington police department or the monitoring company, that is from causes other than burglary, attempted burglary, **fire, smoke** or severe weather conditions. Such causes include human error, improper maintenance, improper installation, faulty equipment, electrical or mechanical malfunction, or excessive sensitivity, but do not include signals when a timely and proper call is made to police **or central dispatch**, canceling any response needed to the alarm. (Ord. 99-41 §§ 1, 2, 1999; Ord. 90-26 § 1 (part), 1990).

Comment: Ordinance 03-25 Section 1

14.40.030 Prohibited activity.

~~It is unlawful for a person who controls or occupies a property or premises on which an alarm system is installed to issue, cause to be issued, or permit the issuance of more than three false alarms in a calendar year, which are transmitted to the central dispatch facility located in the Bloomington police department. For the purposes of this chapter, a property controller is a person who controls or occupies property.~~

All false alarms are prohibited. A person who controls **or occupies** property on which an alarm system is installed shall receive a warning from the Bloomington police department for the first three false alarms issued by such alarm system during the calendar year. (Ord. 99-41 § 3, 1999; Ord. 90-26 § 1 (part), 1990).

Comment: Ordinance 03-25 Section 2

14.40.040 Automatic telephone dialing devices prohibited.

Portions of BMC Chapter 14.40, not relevant to Ordinance 03-25, have been omitted

14.40.050 False fire alarms.

Portions of the BMC Chapter 14.40, not relevant to Ordinance 03-25, have been omitted

14.40.060 Violation.

(a) Any police officer may issue a notice of ordinance violation after the fourth or subsequent false alarm has been made, to any person who controls the property. Such notice may be served in person or by certified mail.

(b) The fine for ~~each~~ **an** ordinance violation **as the result of the fourth police false alarm or fourth fire false alarm in a calendar year** cited at the same location shall be ~~fifty~~ **fifty** ~~twenty-five~~ dollars. The ~~fine for the~~ fifth and subsequent **false alarm in each category shall be one hundred** violations will be ~~fifty~~ dollars each. The fines shall be paid to the Bloomington Police Department within ~~thirty seven~~ **thirty seven** days of the issuance of the citation, in full satisfaction of the assessed penalty. In the event that such payment is not made within the prescribed period, the matter will be referred to the city legal department for appropriate legal proceedings.

Comment: Ordinance 03-25 Section 3

(c) For the purpose of citation accrual, a new period shall start at the beginning of each calendar year.

(d) ~~All funds received from fines collected pursuant to this ordinance shall be deposited in a non-reverting fund to be used for costs incurred in training personnel assigned to the central dispatch facility located in the Bloomington police department and for no other purpose. (Ord. 99-41 § 5, 1999; Ord. 94-25 § 1, 1994; Ord. 90-50 § 1, 1990; Ord. 90-26 § 1 (part), 1990).~~

Comment: Ordinance 03-25 Section 4

Chapter 15 of the Bloomington Municipal Code as Amended by Ordinance 03-25

Chapter 15.60 MISCELLANEOUS TRAFFIC RULES

Sections:

- 15.60.010 Soliciting in roadway.
- 15.60.020 Driving in park, picnic ground or golf course.
- 15.60.040 Driving or parking on sidewalks.
- 15.60.050 Pedestrians.
- 15.60.070 Permit required.
- 15.60.080 Service and fees.

15.60.010 Soliciting in roadway.
Portions of the BMC Chapter 15.60, not relevant to Ordinance 03-25, have been omitted

15.60.020 Driving in park, picnic ground or golf course.
Portions of the BMC Chapter 15.60, not relevant to Ordinance 03-25, have been omitted

15.60.040 Driving or parking on sidewalks.
Portions of the BMC Chapter 15.60, not relevant to Ordinance 03-25, have been omitted

15.60.050 Pedestrians.
Portions of the BMC Chapter 15.60, not relevant to Ordinance 03-25, have been omitted

15.60.050

15.60.070 Permit required.
Portions of the BMC Chapter 15.60, not relevant to Ordinance 03-25, have been omitted

15.60.080 Service and fees.
(a) Unless directed otherwise, all fees shall be deposited in the general fund. All fees shall be deposited weekly.

(1) Accident Reports. The police department is authorized to charge a fee of five dollars for copies of reports not exceeding six pages a fee of fifty cents for each page exceeding six pages in accordance with Indiana Code ~~9-29-11-1~~ ~~9-3-1-3~~. The fee shall be deposited in a separate "accident report account" and expended for record keeping costs or traffic accident prevention.

(2) Police Photographs. The police shall furnish for trial purposes to litigants photographs no larger than eighth inches by ten inches for a charge of five dollars each. Larger photographs shall be furnished for ten dollars each.

(3) Police Video Tapes. The police shall furnish for trial purposes to litigants copies of video tapes for a charge of twenty dollars per copy.

(4) Clearance Letters. On request the police shall furnish clearance letters on payment of a five dollar fee for each letter.

(5) Fingerprinting for Noncriminal Purpose. The police department shall charge a fee of five dollars to fingerprint any person who requires the prints for reasons other than official business of the police department or any city department. Requests for fingerprints for child protection shall be exempt from this fee.

Comment: Ordinance 03-25 Section 5

(6) Certificate of Title--Vehicle Inspections. In accordance with Indiana Code ~~9-29-4-2~~ ~~9-17-2-12(b)(3)~~ the police department shall charge a fee of five dollars to inspect a vehicle prior to the owner's application to the Bureau of Motor Vehicles for a certificate of title. Revenues shall be deposited in a special vehicle inspection fund. Appropriations by the Common Council shall only be used for law enforcement purposes.

Comment: Ordinance 03-25 Section 6

(7) Transfer of Ownership of Handguns. In accordance with Indiana Code 35-47-2-10 the police department shall charge a fee of five dollars to fingerprint and search its records as a consequence of an application to transfer a handgun between private individuals. Revenues from this service shall be deposited in the amount of three dollars into the state general fund and two dollars into a police fund supporting police training.

(8) Limited Criminal History Inspection. In accordance with Indiana Code 10-13-3-30(a)(3) ~~5-2-5-7(a)(2)~~ the fee for processing a request for inspection of a limited criminal history shall be three dollars.

Comment: Ordinance 03-25 Section 7

(9) Limited Criminal History Release. The fee for processing a request for release is seven dollars in accordance with Indiana Code 10-13-3-30(a)(3) ~~5-2-5-7(a)(3)~~. Requests from the parent locator service of the Child Support Division of the State Department of Public Welfare are exempt from this fee.

Comment: Ordinance 03-25 Section 8

(10) Criminal History Data. In accordance with Indiana Code 5-2-5-8 the fee for providing a person whose criminal history data is maintained by the police a copy of the data shall be five dollars.

(11) Miscellaneous Case Reports. The fee for providing a copy of miscellaneous case report shall be five dollars. Copies of comments attached to the report shall be fifty cents per page.

(12) Handgun Applications. In accordance with Indiana Code 35-47-2-3 the fee for processing handgun applications shall be ten dollars. This fee shall be deposited in the police fund to be used for police training.

(13) Vehicle Checks for Private Towers. The police department shall charge a fee of five dollars to inspect and fill out the forms required of private towers by the Bureau of Motor Vehicles in those instances where the two was not requested by the police department.

(14) Notarization. In accordance with Indiana Code 33-16-7-1 the fee for notarizing a document not required for official police or city business shall be two dollars.

(b) The above fees do not apply for copies of records furnished under Indiana Code 5-14-3-5 in which case charges are limited by Indiana Code 5-14-3-8(d). (Ord. 91-50 § 10, 1991; Ord. 90-20 § 5, 1990; Ord. 89-16 §§ 1, 2, 1989; Ord. 88-47 §§ 1, 2, 1988; Ord. 88-18 § 1, 1988).

Chapter 15.64

Chapter 16 of the Bloomington Municipal Code as Amended by Ordinance 03-25

Chapter 16.12

HOUSING QUALITY

Sections:

16.12.010	Definitions.
16.12.020	Purpose--Rules of construction.
16.12.030	Compliance required-- Application of chapter.
16.12.040	Inventory and damage lists--Security deposits.
16.12.050	Disclosure.
16.12.060	Registration of rental units required.
16.12.070	Inspection--Right of entry-- Fees.
16.12.080	Occupancy permits.
16.12.090	Retaliatory eviction prohibited.
16.12.100	Penalty.
16.12.110	Severability.

16.12.010 Definitions.
Portions of BMC Chapter 16.12, not relevant to Ordinance 03-25, have been omitted

16.12.020 Purpose--Rules of construction.
Portions of BMC Chapter 16.12, not relevant to Ordinance 03-25, have been omitted

16.12.030 Compliance required-- Application of chapter.
Portions of BMC Chapter 16.12, not relevant to Ordinance 03-25, have been omitted

16.12.040 Inventory and damage lists-- Security deposits.
Portions of BMC Chapter 16.12, not relevant to Ordinance 03-25, have been omitted

16.12.050 Disclosure.
Portions of BMC Chapter 16.12, not relevant to Ordinance 03-25, have been omitted

16.12.060 Registration of rental units required.
Portions of BMC Chapter 16.12, not relevant to Ordinance 03-25, have been omitted

16.12.070 Inspection--Right of entry--Fees.
(a) (1) Each rental unit and premises within the city shall be inspected by the neighborhood development division immediately prior to the expiration of its occupancy permit, to establish compliance with the property maintenance code. Occupancy permits shall be issued for three, four or five year periods, as determined by subsections (b), (c), (d), and (e) of this section.

(2) No rental unit having a current occupancy permit shall be inspected in good faith more often than is required for the renewal of the occupancy permit, unless a request for inspection is made as provided in subsection (e) of this section. When a rental unit passes a regularly scheduled cycle inspection, or a complete off-cycle inspection it shall receive an occupancy permit according to the plan and criteria below:

(b) Three-year Permit. A unit shall receive a three-year occupancy permit if any of the subsections below applies:

(1) If the unit has received life-safety variances;

(2) If the owner fails to schedule a cycle inspection prior to the expiration of the unit's occupancy permit;

(3) If a unit has been inspected and the HAND inspector has issued a report citing violations, and the owner fails to have the unit reinspected and found in compliance with the property maintenance code, excluding exterior painting requirements, within sixty days after the inspection report citing violations was mailed to the owner or agent;

(4) If the owner fails to satisfy all outstanding fee assessments within thirty days from the date of billing.

(c) Four-year Permit. A unit shall receive a four-year permit if both of the conditions below apply:

(1) The inspection uncovers no violations, or all violations cited on a cycle inspection report, excluding exterior painting requirements, are satisfactorily corrected within sixty days after the report was mailed to the owner or agent, and

(2) The owner satisfies all outstanding fee assessments within thirty days from the date of billing.

However, if the unit qualifies under subsection (d)(2) below, a five-year permit shall be issued.

(d) Five-year Permit. A unit shall receive a five-year permit if:

(1) The rental unit is new construction and the inspection uncovers no violations or all violations cited on a cycle inspection report, excluding exterior painting requirements, are satisfactorily corrected within sixty (60) days after the report was mailed to the owner or agent, and the owner satisfies all outstanding fee assessments within thirty days from the date of billing, and HAND has issued a rental occupancy permit prior to occupancy of the unit; or

(2) The unit's occupancy permit at the time of reinspection for permit renewal had been a four-year permit, and the reinspection uncovers no violations or all violations cited on the reinspection report, excluding exterior painting requirements, are satisfactorily corrected within sixty days after the report was mailed to the owner or agent, and the owner satisfies all outstanding fee assessments within thirty days from the date of billing.

(e) Off-cycle inspections may be done at the discretion of the neighborhood development manager, upon the written, signed request of any resident of the city, any governmental agency, or the rental unit's tenant, the tenant's legal representative, the owner, or the owner's agent. An off-cycle inspection shall be confined to the defects complained of, if any, by the person requesting the inspection unless the neighborhood development manager determines that the condition of the rental unit or premises has deteriorated since the last cycle inspection to such an extent that a complete inspection is required to effectuate the purposes of the property maintenance code, in which case a complete new inspection of the entire rental unit and premises may be performed. If a complete off-cycle inspection is performed, a new occupancy permit shall be issued upon compliance. Such permit shall be for a four-year period, provided all violations excluding exterior painting are satisfactorily completed, and the unit reinspection within sixty days after the receipt of the inspection report by the owner or owner's agent. Such permit shall be for a three-year period if the owner or agent fails to have the unit reinspected and found in compliance with the inspection report, excluding exterior painting, within sixty (60) days after such report is mailed to the owner or agent.

(f) All cycle inspections and complete off-cycle inspections shall be charged an inspection fee to be determined by the schedule in subsection (g) of this section. Complaint and limited off-cycle inspections shall not be charged an inspection fee. An administrative fee of three times the inspection fee shall be assessed in addition to the inspection fee for any rental properties subject to this code and operating without a valid rental occupancy permit. First reinspections, and reinspections necessary to obtain information for appeals to the board of housing quality appeals shall not be charged an inspection fee. The fee for each subsequent reinspection that requires entry to the rental unit after the first reinspection shall be ~~thirty~~ thirty fifty dollars per rental unit. The failure of a property owner or his appointed representative to meet the inspector(s) at a confirmed scheduled appointment when the failure results in

Comment: Ordinance 03-25 Section 9

the inspector being unable to complete the inspection, shall cause an assessment of a no-show fee of ~~thirty~~ **thirty-five** dollars. Inspectors shall be required to remain at the property until fifteen minutes past the appointed time. All fees shall be paid by the owner or his agent prior to the issuance of an occupancy permit. All fees are to be paid within thirty days of assessment or any long-term occupancy permit will revert to a three-year permit.

Comment: Ordinance 03-25 Section 10

(g) The fee for inspecting a single-unit dwelling shall be ~~thirty~~ **sixty-two** dollars. The fee for inspecting a rooming house shall be ~~forty~~ **fifty** dollars per building, plus ~~ten~~ **twelve** dollars per bathroom/toilet facilities in the building. The fee for inspecting all other unit/building configurations shall be ~~forty~~ **fifty** dollars per building, plus ~~ten~~ **twelve** dollars per unit in the building.

Comment: Ordinance 03-25 Section 11

(h) Unless waived by the landlord or tenant, the following procedure shall be used to obtain entry to rental units for the purpose of inspection. The owner of the unit shall be contracted and a date shall be established for inspection. The owner shall also furnish to the neighborhood development division a current list of tenants in each rental unit. The neighborhood development division shall then send a letter to each tenant informing them of the date of the inspection. If no response is received from the tenant, consent to enter will be presumed. An official record shall be maintained of all notices required by this section and all responses received to the notices. The landlord shall be responsible for granting access to the inspector upon presentation of a copy of the official record of notices and responses. If the tenant refuses entry for inspection after proper notification, the neighborhood development division shall not inspect without first obtaining a search warrant. (Ord. 98-09 §§ 2, 3, 4, 1998; Ord. 97-06 §§ 37-40, 1997; Ord. 93-41 § 12, 1993).

Chapter 17.08 of the Bloomington Municipal Code as Amended by Ordinance 03-25

Chapter 17.08

ADMINISTRATION AND ENFORCEMENT

Sections:

17.08.010	Engineering department.
17.08.020	Scope and permits required.
17.08.030	Permit application.
17.08.050	Fees.
17.08.060	Certificate of occupancy.
17.08.070	Inspections.
17.08.080	Special plumbing regulations.
17.08.090	Special electrical regulation.

17.08.010 Engineering department.
Portions of BMC Chapter 17.08, not relevant to Ordinance 03-25, have been omitted

17.08.020 Scope and permits required.
Portions of BMC Chapter 17.08, not relevant to Ordinance 03-25, have been omitted

17.08.030 Permit application.
Portions of BMC Chapter 17.08, not relevant to Ordinance 03-25, have been omitted

17.08.050 Fees.

(a) The fee for each permit shall be as set forth below except that no fee shall be collected for a permit issued to Monroe County, Indiana. The determination of value or valuation under any of the provisions of these codes shall be subject to verification by the city engineer. The value to be used in computing the building permit fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire extinguishing systems and any other permanent equipment.

(b) The permit fee for any commercial construction undertaken by an owner or contractor who employs a state or International Conference Building Official certified inspector, or a professional engineer registered in the state of Indiana, or a professional architect, holding a certificate of registration from the state of Indiana, shall be reduced by two-thirds under the following conditions:

(1) At the time property owner applies for a building permit, he must make a request for the reduced fee in writing to the city engineer;

(2) Inspector must furnish evidence to the city engineer of the current registration of its architect, engineer or inspector;

(3) Owner must agree to furnish the engineering department copies of all the inspector's reports covering all aspects of the project's construction as well as copies of all reports filed with the Indiana Fire Prevention and Building Safety Commission.

(c) Affordable Housing Permit Program. Applicants for eligible affordable housing projects may apply for the waiver of certain permit fees under the following conditions. The application for the waiver must be submitted at same time as the permit application for the project. The housing project must be an eligible housing project, which is one that has been approved under programs identified by the director of housing and neighborhood development. In furtherance of this permit program, the director of housing and neighborhood development shall prepare and amend as necessary, a list of appropriate affordable housing

programs and distribute the list to the engineering department and the office of city clerk. Once the foregoing conditions have been met, the following fees shall be waived in the following circumstances:

- (1) For the construction of eligible single-family projects the minimum fee shall be waived;
- (2) For the rehabilitation or renovation of eligible single family projects, the base fee and minimum fee shall be waived;
- (3) For the construction of eligible multifamily projects the base fee shall be waived; and
- (4) For the renovation of eligible multifamily projects the base fee and minimum shall be waived.
- (d) The city engineer shall keep an accurate account of all fees collected under this chapter, and they shall be deposited at least once each week with the city controller and become part of the general fund of the city.
- (e) The fees shall be as follows:

Comment: Ordinance 03-25 Section 12

Permit	Fee
Change in occupancy fee, single family	\$0
Change in occupancy fee, all other	\$220 + \$22 per unit or tenant
<u>Change in use/temporary uses</u>	<u>\$250</u>
Grading permits — All earth grading under Section 20.07.05.03,	85
Grading <u>and site development</u> permits All earth grading under Section 20.06.05.03, all other	<u>\$115 per acre (rounded to the nearest tenth of an acre); \$115 minimum</u>
<u>Right-of-way borings</u> <u>Must have current bond on file. Boring work done in city right-of-way</u>	<u>\$0.75 per lineal ft; \$50 minimum</u>
Right-of-way cuts Must have current bond on file Any work done in city right-of-way which requires cutting or altering any feature	.35 per lineal ft; \$30 Min. <u>\$1.00 per lineal ft.; \$100 minimum</u>
Sign permits — Any sign erected under Section 20.06.06.	\$25
<u>Temporary sign permits</u> <u>Temporary signs erected under Section 20.06.06.04(b)</u>	<u>\$55 (no additional charge for one fifteen-day renewal)</u>
<u>Permanent sign permits</u> <u>/All other signs erected under Section 20.06.06. Includes signs for Large and Small Residential Centers, Individual Nonresidential Uses, Shopping Centers, Freestanding Signs</u>	<u>\$55 per sign</u>

(Ord. 97-06 § 46, 1997; Ord. 96-61 § 1, 1996; Ord. 95-45 §§ 1, 2, 1995; Ord. 93-41 § 16, 1993; Ord. 92-2 § 5, 1992; Ord. 91-9 § 2, 1991; Ord. 87-28 § 1 (part), 1987; Ord. 83-2 § 1, 1983; Ord. 82-6 § 1 (part), 1982).

Chapter 18.04 of the Bloomington Municipal Code as Amended by Ordinance 03-25

Chapter 18.04

ADMINISTRATION AND ENFORCEMENT

Sections:

18.04.010	Scope.
18.04.020	Purpose.
18.04.030	Applicability.
18.04.040	Adoption of Fire Prevention Codes.
18.04.050	Enforcement authority.
18.04.060	Inspections.
18.04.070	Right of entry.
18.04.080	Violations—Orders.

18.04.010 Scope.

Portions of BMC Chapter 18.04, not relevant to Ordinance 03-25, have been omitted

18.04.020 Purpose.

Portions of BMC Chapter 18.04, not relevant to Ordinance 03-25, have been omitted

18.04.030 Applicability.

Portions of BMC Chapter 18.04, not relevant to Ordinance 03-25, have been omitted

18.04.040 Adoption of Fire Prevention Codes.

(a) The ~~following fire safety rules~~ **provisions** of the Indiana Fire Prevention and Building Safety Commission as set out in Article 22 of Title 675 of the Indiana Administrative Code are incorporated by reference in this code, and shall include later amendments to that Article:

Comment: Ordinance 03-25
Section 13

Article 22—Fire Prevention Codes

Rule 1 Indiana Flammable and Combustible Liquids and Gases Code

Rule 2.1 Indiana Fire Prevention Code

(b) Two copies of adopted fire safety rules, codes and standards are on file in the office of the city clerk for public inspection and may also be obtained through the office of the fire chief. (Ord. 97-36 § 5, 1997).

18.04.050 Enforcement authority.

Portions of BMC Chapter 18.04, not relevant to Ordinance 03-25, have been omitted

18.04.060 Inspections.

(a) The fire chief shall cause to be inspected all structures and premises except the interiors of private single-family dwellings, and dwelling units in two-family and multifamily dwellings for the purpose of ascertaining and causing to be corrected any violation of the provisions or intent of this code affecting fire safety. (Ord. 97-36 § 7, 1997).

(b) There shall be no fee for the initial inspection or first reinspection of structures and premises. A fee of fifty dollars shall be charged for a second reinspection of the same structures and premises required as a result of violations of the provisions of this code or other ordinances

under the fire chief's jurisdiction that have not been remedied by the first reinspection. There shall be a fee of one hundred fifty dollars for each subsequent reinspection of the same structures and premises required to ensure the abatement of these violations.

18.04.070 Right of entry.

Portions of BMC Chapter 18.04, not relevant to Ordinance 03-25, have been omitted

Comment: Ordinance 03-25
Section 14

18.04.080 Violations—Orders **and Penalties.**

(a) Whenever the fire chief observes an apparent or actual violation of a provision of this code or other ordinances under the fire chief's jurisdiction, the fire chief shall prepare a written notice of violation and order describing the condition deemed unsafe and specify a reasonable time for the required repairs or improvements to be made to correct such violation. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the condition under the violation. Such notice of violation shall be served either by delivering a copy of same to such person or persons by ordinary mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof, in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice.

Comment: Ordinance 03-25
Section 15

(b) With the exception of violation of established occupancy limits, there shall be a ten dollar penalty for each separate and distinct violation of the provisions of this code, or other ordinances under the fire chief's jurisdiction, that has been listed in the notice of violation described in the previous subsection, and that has not been remedied by the time of a first reinspection. This penalty shall rise to fifty dollars for each separate and distinct violation that has not been remedied by a second, and each subsequent, reinspection.

Comment: Ordinance 03-25
Section 16

(c) The penalty for exceeding a premises' established occupancy limit shall be five hundred dollars for the first violation and one thousand dollars for each subsequent violation within a twelve month period.

Comment: Ordinance 03-25
Section 17

~~(b)~~(d) If the notice of violation and order is not complied with within the time specified by the fire chief, and if no review of such order has been initiated under Indiana Code Section 36-8-17-10, the fire chief shall request the legal counsel of the city to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code.

~~(c)~~(e) When, in the opinion of the fire chief, there is actual and potential danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the fire chief may issue an emergency order, with the oral approval of the State Fire Marshal, for the immediate evacuation of said building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and persons shall not enter or reenter until authorized to do so by the fire chief. Any person who shall refuse to leave, interfere with the evacuation of other occupants or continue any operation after having been given an evacuation order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed in violation of this code. (Ord. 97-36 § 9, 1997).

Comment: Ordinance 03-25
Section 16 (renamed
subsections)

In the Council Chambers of the Showers City Hall on Wednesday, July 23, 2003 at 7:30 pm with Council President Gaal presiding over a Regular Session of the Common Council.

COMMON COUNCIL
REGULAR SESSION
July 23, 2003

Roll Call: Banach, Diekhoff, Ruff, Gaal, Rollo, Sabbagh, Mayer
Absent: Pizzo, Cole

ROLL CALL

Council President Gaal gave the Agenda Summation

AGENDA SUMMATION

There were no minutes to be approved.

APPROVAL OF MINUTES

Council Member Diekhoff offered a Uniform Conflict of Interest Disclosure Statement regarding his employment on the city's Police Department, and items that would come before the council on which he would be required to vote. He explained this would include approval of the Police and Fire Departments salaries, the Police Department Budget and other matters that might affect the Police Department.

MESSAGES FROM
COUNCILMEMBERS

- Disclosure of Conflict of Interest – Councilmember Diekhoff

It was moved and seconded to accept his disclosure and the motion was carried by a voice vote.

Andy Ruff reported that on the first night of the 2004 Budget Hearings, July 21, 2003, he had requested answers to a list of questions from the community that he had submitted to the Bloomington Economic Development Corporation. To the statement made that night that he hadn't followed up sufficiently on the submission of these questions, he read a letter dated August 30, 2002 that he wrote to the mayor as a follow up to his questions, and said that the questions were attached to this letter. He reported that the mayor said the information would be forthcoming, hopefully before the final budget approval and he hoped to make these questions available to the community. He read one question on the list to illustrate that the questions were not merely rhetorical.

There was no report.

MESSAGE FROM THE MAYOR

There were no reports.

COMMITTEE REPORTS

George Brooks spoke about property tax evaluation and said we should stop looking at property as 'a wealth holding' and reassess property so that elderly widows could remain in their home, not be forced to sell property to meet their tax bills.

PUBLIC INPUT

It was moved and seconded that Pamela Warren be appointed to the Tree Commission. The motion was approved by a voice vote.

BOARD AND COMMISSION
APPOINTMENTS

It was moved and seconded that Resolution 03-23 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 03-23 be adopted.

LEGISLATION FOR SECOND
READING

Resolution 03-23 Waiving Current Payments in Lieu of Taxes by the Bloomington Housing Authority to the City

Peggy Gudal, Director of Bloomington Housing Authority, said this resolution needed to be passed for their budget process and accountability to the Federal Department of Housing and Urban Development.

Gaal noted that this resolution had been heard by the council in

previous years and supported it.

Resolution 03-23 (cont'd)

Resolution 03-23 received a roll call vote of Ayes: 7, Nays: 0.

It was moved and seconded that Resolution 03-08 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0. It was moved and seconded that Resolution 03-08 be adopted.

Resolution 03-08 To Authorize an Advance from the Special Non-Reverting Improvement Fund to make Improvements to the Animal Shelter

John Freeman, Director of Public Works, said that the Controller and the Director Of the Animal Shelter were present to answer questions regarding this legislation.

Sabbagh asked if the euthanasia rate was down at the shelter and about the transfer of dogs to Wisconsin. Freeman asked Laurie Ringquist to discuss the arrangement with the Wisconsin Humane Association based in Milwaukee. Ringquist said as a result of the aggressive spay/neuter program, there were no dogs and puppies in Wisconsin to adopt. She added that our shelter had sent 165 dogs and puppies to Wisconsin and that most were adopted within 48 hours. She reported that off site adoptions and fostering programs were improving the rates from 70% adopted/30% euthanized last year to 60% euthanized/40% adopted this year. Mayer and Ringquist exchanged comments regarding the City of Bloomington's need to study the Wisconsin program.

Mayer thanked everyone involved with the solution of the Animal Shelter's problem, and added that the Humane Association worked hard on this as well. He said the employees suffered and was glad that there was a good workplace environment now.

Gaal said that this investment was long overdue and was looking forward to changes made.

Resolution 03-08 received a roll call vote of Ayes: 7, Nays: 0.

It was moved and seconded that Resolution 03-17 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 8-0. It was moved and seconded that Resolution 03-17 be adopted.

Resolution 03-17 To Approve the First Amendment to an Interlocal Cooperation Agreement Between the City and Monroe County for a Combined Emergency Dispatch System

Jennifer Lloyd, Assistant City Attorney, said the interlocal contract was entered into in 1998 and that this was the first amendment to it. She said it would increase the minimum number of staff that the City and County will each provide to the Dispatch center (which was currently being met), would formalize a requirement by NCIC/IDACS (federal and state criminal justice reporting systems) that a majority of the members of the Policy Board be current employees of a criminal justice agency (currently being met), and would add two new powers/duties to the Policy Board which include: exercising management control over the equipment and personnel of the Central Emergency Dispatch System as set forth in 240 IAC 5-2-10(e) and establishing and defining levels of service to partnership agencies and customers.

Diekhoff said he was a member of the board and thanked

Jennifer Lloyd for her work on this update.

Resolution 03-17 (cont'd)

Resolution 03-17 received a roll call vote of Ayes: 7, Nays: 0.

It was moved and seconded that Appropriation Ordinance 03-06 be introduced and read by title and synopsis.

Appropriation Ordinance 03-06 To Specially Appropriate from the Telecommunications Non-Reverting Fund (Infrastructure) Expenditures Not Otherwise Appropriated (Appropriating Funds for High-Speed Data Connectivity to Seven City Sites)

It was moved and seconded that final action on Appropriation Ordinance 03-06 be postponed until the Regular Session on August 6, 2003. Rollo said that this ordinance required a public notice published ten days in advance of the hearing, and that while the newspaper received the notice in time for the publication, the notice was not published. He said that in order to provide adequate public notice, the council should postpone final action on this legislation.

Motion to Postpone:
Appropriation Ordinance 03-06

Mayer commented that he never thought that the H-T would make a mistake.

The motion to postpone action on Appropriation Ordinance 03-06 received a roll call vote of Ayes: 7, Nays: 0.

It was moved and seconded that Resolution 03-16 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, giving the Committee Do-Pass Recommendation of 7-0-1. It was moved and seconded that Resolution 03-16 be adopted.

Resolution 03-16 To Authorize the City to Enter into a "Guaranteed Energy Savings Contract" with Energy Systems Group (Improvements to Dillman Road Wastewater Treatment Plant)

Mike Phillips, Director of Utilities, asked approval for the contract that would involve HVAC, conversion of aeration system, installation of new blower equipment and installation of necessary exterior lighting. He said Doug Tischbein of the Energy Systems Group company was present to answer questions.

Sabbagh asked about the guarantee involved with the contract. Phillips asked Tischbein to explain that the guarantee would be written between Energy Systems Group and the City of Bloomington and said it was the same format followed in the last two phases since 1999. Sabbagh asked Phillips to comment on the conversion to natural gas in light of the market fluctuation. Phillips said the issues were about the supply and pricing of natural gas, and who is protected by the contract. Phillips said the savings were guaranteed, that the city was protected and would not lose money with this contract. Sabbagh asked how this would happen, and Phillips asked Tischbein to explain. Tischbein said he checked with the Cambridge Energy Research Association, Energy Information Agency and Administration, and the Princeton Research Institution in researching storage and price projections that were built into their writing of the contract. He said if there was a higher rate, the city would actually end up saving more than the base year establishes in the agreement.

Sabbagh said the concerns of California kept creeping into his mind.

Rollo asked about the use of electricity in the plant, to which

Phillips said that when the plant was built, electricity was used, but gas was preferred, but was not available. Phillips also said that the new equipment would add efficiency and that the payback would be good.

Resolution 03-16 (cont'd)

Rollo asked the lifetime of the equipment, to which Tishbein estimated ten to fifteen years. Rollo commented that this issue would need to be revisited at the end of that period of time.

Banach asked if the legal department had looked at the contract, to which Phillips said that they had approved the contract as it had been submitted.

Mayer said he had toured the plant recently and said that it was wise to look for methods of saving money and environmental resources and said it would introduce new technology into the processing of the effluent from the sewer system. He said he looked forward to good results.

Sabbagh said he didn't know just what questions to ask, but that he had been approached by some constituents about the contract, the guarantee and gas prices. He said he didn't want to micromanage and hoped that everything would happen as this was planned.

Rollo said he was in favor of any conservation methods. He said he was initially not in favor of switching to gas for the same reasons mentioned by Sabbagh, but because of the duration of the contract for ten years and the lifetime of the equipment, supported this as a prudent step.

Mayer asked Sabbagh to reconsider his position that the energy crisis in California was a political issue. He said it was really bad or illegal business practices that led to political issues.

Gaal said the city had experience with these guaranteed energy savings contracts in 1999 and 2001 with Public Works, Parks and Recreation, and The Utilities Department. He called the situation a win-win.

Resolution 03-16 received a roll call vote of Ayes: 7, Nays: 0.

It was moved and seconded that Resolution 03-18 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 03-18 be adopted.

Resolution 03-18 To Authorize an Amended and Restated Installment Payment Contract, Dated as of July, 2003, By and Between the City of Bloomington and Fifth Third Leasing Company to Amend and Restate its \$1,296,566 Installment Payment Contract Dated as of August 4, 1999, as Supplemented, and Authorizing other Actions, Including without Limitations Execution of IRS Form 8038-G and Related Tax Certificates or Documents in Connection with the Issuance of such Lease Obligations

Vickie Renfrow, Assistant City Attorney, said that this was a refinancing of the balance on this contract of \$877,000 from 5.5% to 3.9%. She said there were six years left on this obligation and that the savings would amount to about \$29,000 in interest payments. She said that no other terms would be changed and there was no cost of issuance for this refinancing so that all the interest savings goes to the city's benefit.

Mayer thanked Renfrow for her work.

Gaal, likewise, said this sounded like a win-win situation.

Resolution 03-18 received a roll call vote of Ayes: 7, Nays: 0.

It was moved and seconded that Resolution 03-19 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, stating that there was no committee recommendation. It was moved and seconded that Resolution 03-19 be adopted.

Vickie Renfrow, Assistant City Attorney said this was a matter of reducing the interest rate. She said the original obligation was down to \$216,754 and that it would reduce the interest rate from 5.4% to 3.9%. She said there were eight years left on this obligation and that the savings would amount to \$11,000.

She added that the total savings for the two refinancing items was about \$40,000.

Resolution 03-19 received a roll call vote of Ayes: 7, Nays: 0.

It was moved and seconded that the following legislation be introduced and read by title and synopsis only. Clerk Moore read the legislation by title and synopsis.

Ordinance 03-17 To Amend Title 15 of the Bloomington Municipal code Entitled "Vehicles and Traffic" (Affecting Class D Parking Fines, Display of Parking Permits, Appeals, and Other Miscellaneous Regulations)

Ordinance 03-18 To Amend Chapter 15.26 of the Bloomington Municipal Code Entitled "Neighborhood Traffic Safety Program" (Amending Schedule J-1 in Order to Identify Traffic Calming Devices to be Installed on West Third Street Between Maple Street and Walker Street)

There were no comments at this time.

The meeting was adjourned at 8:27 pm

APPROVE:

ATTEST:

Chris Gaal, President
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington

Resolution 03-19 To Authorize an Amended and Restated Installment Payment Contract, Dated as of July, 2003, By and Between the City of Bloomington and Fifth Third Bank to Amend and Restate its \$250,463 Installment Payment Contract Dated as of April 4, 2001, as Supplemented, and Authorizing other actions, Including without Limitation, Execution of IRS Form 8038-G and Related Tax Certificates or Documents in Connection with the Issuance of such Lease Obligations

LEGISLATION FOR FIRST
READING

Ordinance 03-17

Ordinance 03-18

PUBLIC INPUT

ADJOURNMENT