

ORDINANCE NO. 2020-04

AN ORDINANCE AMENDING ORDINANCE NO. 2017-02, ESTABLISHING NEW RATES AND CHARGES FOR THE USE AND SERVICES RENDERED BY THE WATERWORKS SYSTEM OF THE TOWN OF CENTERVILLE, INDIANA

WHEREAS, the Town of Centerville, Indiana (the “Town”), has heretofore constructed and has in operation a waterworks utility; and

WHEREAS, the Town Council of the Town (the “Council”) has previously established the existing schedule of user rates and charges for waterworks service, pursuant to Ordinance No. 2017-2, adopted by the Council on June 13, 2017; and

WHEREAS, the Town has employed Baker Tilly Municipal Advisors (the “Municipal Advisor”) to prepare a rate report reviewing the sufficiency of such existing rates and charges; and

WHEREAS, the Municipal Advisor has prepared and submitted a rate report (the “Rate Report”) which concludes that existing rates and charges are insufficient to pay all the legal and other necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep, repairs, depreciation, including increases in such costs, and the payment of principal and interest on bonds, future bonds or other obligations; and

WHEREAS; pursuant to IC8-1.5, as amended (the “Act”), this Council may change or adjust its existing schedule of fees by ordinance after providing notice and conducting a public hearing; and

WHEREAS, the Clerk-Treasurer of the Town has given notice of the public hearing on proposed rates as provided for in the Act; and

WHEREAS, the public hearing was held before this Council on March 10, 2020, at which time testimony from interested persons was received, after introduction of this ordinance and as provided for in the Act.

NOW, THEREFORE, BE IT ORDAINED IN A DULY HELD PUBLIC MEETING BY THE TOWN COUNCIL OF THE TOWN OF CENTERVILLE, INDIANA, AS FOLLOWS:

SECTION 1. The Council hereby finds and determines that, based upon the Rate Report, the existing rates and charges are insufficient to pay all the legal and other necessary expenses incident to the operation of the utility, including maintenance costs, operating charges, upkeep repairs, depreciation, including increases in such costs, and the payment of principal and interest on bonds, future bonds or other obligations.

SECTION 2. The Council finds and determines that the proposed rates and charges as set forth in the Rate Report are non discriminatory, reasonable and just, and therefore should be adopted.

SECTION 3. The Council finds and determines that the proposed rates set forth in Exhibit A hereto are non discriminatory, reasonable and just, and should be adopted. Further, these rates shall be assessed and charged according to law, in accordance with this Ordinance.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed. The sections, subsections, paragraphs, references, clauses and phrases of this Ordinance are severable. If any phrase, clause, reference, paragraph, subsection and section of the Ordinance are declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining provisions of this Ordinance.

SECTION 5. This ordinance shall be in full force and effect from and after its passage and the signature of the President of the Town Council. This ordinance shall be effective for bills rendered on and after the day after adoption of this ordinance or such later date as set forth in Exhibit A hereto.

Introduced and filed on the 23rd day of March, 2020. A motion to consider on first reading was offered and sustained by a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8. On the 7th day of April, 2020, after a public hearing was held on the 7th day of April, 2020 following notice provided to the ratepayers according to law, at a regular meeting a motion to suspend all motions and rules and to proceed to second reading by title only was offered and sustained by a vote of ___ in favor and ___ opposed. A motion to proceed to third reading by title only and for adoption was offered and sustained by a vote of ___ in favor and ___ opposed.

DULY ORDAINED PASSED AND ADOPTED on this 7th day of April, 2020, by the Town Council of the Town of Centerville, Indiana, having been passed by a vote of ___ in favor and ___ opposed.

THE TOWN COUNCIL OF CENTERVILLE, WAYNE COUNTY, INDIANA

AYE

NAY

_____	Dan Wandersee, President	_____
_____	Gary Holbert, Vice President	_____
_____	James Bullen, Member	_____
_____	Mark Tucker, Member	_____
_____	Jack Bodiker, Member	_____

Constituting a majority of all the members of the Town Council

ATTESTED BY: _____

Susan E. Dillman, Clerk-Treasurer of
the Town of Centerville, Indiana

Instrument Prepared by: Edward O. Martin, Esq., Town Attorney

EXHIBIT A

CENTERVILLE (INDIANA) MUNICIPAL WATER WORKS

SCHEDULE OF RATES AND CHARGES

I. Metered Water Usage (per 1,000 gallons per month):

Metered Rate Per 1,000 Gallons	Charge per 1,000 Gallons
First 3,330	\$10.27
Next 5,000	\$9.55
Next 16,670	\$8.53
Next 16,670	\$6.81
Over 41,670	\$5.14

II. Monthly Minimum Charges:

Meter Size	Gallons Allowed	Base Charge
5/8 inches	3,330	\$34.20
¾ inches	3,330	\$34.20
1 inch	8,540	\$83.74
1 ½ inch	19,196	\$174.64
2 inches	34,143	\$286.41
3 inches	76,745	\$517.95
4 inches	136,355	\$824.35
6 inches	306,638	\$1,699.60

III. Fire Hydrant Service:

Fire Protection Service	Rate Per Annum Per Connection
Public hydrant	\$466.24
Private Hydrant	\$466.24

Rates shall be effective on May1, 2020 and be billed commencing June1, 2020.