

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING ORDINANCE NO. 2020-04, 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 water works utility (the “Utility”); and

WHEREAS, the Town Council of the Town (the “Council”) has previously established the existing schedule of user rates and charges for Utility’s services, pursuant to Ordinance No. 2020-4, adopted by the Council on April 7, 2020; and

WHEREAS, the Town has employed Baker Tilly Municipal Advisors (the “Municipal Advisor”) to prepare a rate report reviewing the sufficiency of the Utility’s existing rates and charges, in light of the repeal of the Utility Receipt Tax in 2022, among other things; and

WHEREAS, the Municipal Advisor has prepared and submitted a rate report (the “Rate Report”) which concludes that Utility’s 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 IC 8-1.5, 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 February 1, 2023, 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, as amended, 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, as amended, are nondiscriminatory, reasonable and just, account for the repeal of the Utility Receipt Tax in 2022, and therefore should be adopted.

SECTION 3. The Council finds and determines that the proposed rates set forth in Exhibit “A” hereto are nondiscriminatory, reasonable and just, account for the repeal of the Utility Receipt Tax in 2022, and should be adopted. These rates shall become effective on March 1, 2023, to be billed on April 1, 2023. Further, these rates shall be assessed and charged according to law, in accordance with this Ordinance. Effective March 1, 2024 these rates set forth in Exhibit “A” shall be repealed and replaced by the rates set forth in Exhibit “B.”

SECTION 4. The Council finds and determines that the proposed rates set forth in Exhibit “B” hereto are nondiscriminatory, reasonable and just, account for the repeal of the Utility Receipt Tax in 2022, and should be adopted. These rates shall become effective on March 1, 2024, to be billed on April 1, 2024. Further, these rates shall be assessed and charged according to law, in accordance with this Ordinance. Effective March 1, 2025 these rates set forth in Exhibit “B” shall be repealed and replaced by the rates set forth in Exhibit “C.”

SECTION 5. The Council finds and determines that the proposed rates set forth in Exhibit “C” hereto are nondiscriminatory, reasonable and just, account for the repeal of the Utility Receipt Tax in 2022, and should be adopted. These rates shall become effective on March 1, 2025, to be billed on April 1, 2025. Further, these rates shall be assessed and charged according to law, in accordance with this Ordinance, until duly amended or repealed.

SECTION 6. The Council hereby directs the utility billing clerk to include the following notice within bills in its next two billing cycles following adoption of this ordinance, that states as follows: “This bill reflects adjustments to Utility’s rates and charges due to the repeal of the Indiana Utility Receipts Tax under IN HB 1002 effective July 1, 2022. The reduction due to the repeal of the Utility Receipts Tax is approximately 1.4% of your total water bill.”

SECTION 7. 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 8. 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 Exhibits “A,” “B,” and “C” hereto, respectively.

Introduced and filed on the 31st day of January, 2023.

DULY ORDAINED, PASSED, AND ADOPTED on this 14 day of February, 2023, by the Town Council of the Town of Centerville, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

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	\$10.20
Next 5,000	\$9.47
Next 16,670	\$8.46
Next 16,670	\$6.75
Over 41,670	\$5.10

II. Monthly Minimum Charges (per month):

Meter Size	Gallons Allowed	Base Charge
5/8 inches	3,330	\$33.97
¾ inches	3,330	\$33.97
1 inch	8,540	\$83.09
1 ½ inch	19,196	\$173.24
2 inches	34,143	\$284.03
3 inches	76,745	\$513.72
4 inches	136,355	\$817.73
6 inches	306,638	\$1,686.18

III. Fire Hydrant Service:

Fire Protection Service	Rate Per Annum Per Connection
Public hydrant	\$462.57
Private Hydrant	\$462.57

Rates shall be effective on March 1, 2023 and be billed commencing April 1, 2023.

EXHIBIT B

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	\$10.46
Next 5,000	\$9.71
Next 16,670	\$8.67
Next 16,670	\$6.92
Over 41,670	\$5.23

II. Monthly Minimum Charges (per month):

Meter Size	Gallons Allowed	Base Charge
5/8 inches	3,330	\$34.83
¾ inches	3,330	\$34.83
1 inch	8,540	\$85.20
1 ½ inch	19,196	\$177.59
2 inches	34,143	\$291.15
3 inches	76,745	\$526.68
4 inches	136,355	\$838.44
6 inches	306,638	\$1,729.02

III. Fire Hydrant Service:

Fire Protection Service	Rate Per Annum Per Connection
Public hydrant	\$474.13
Private Hydrant	\$474.13

Rates shall be effective on March 1, 2024 and be billed commencing April 1, 2024.

EXHIBIT C

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	\$10.72
Next 5,000	\$9.95
Next 16,670	\$8.89
Next 16,670	\$7.09
Over 41,670	\$5.36

II. Monthly Minimum Charges (per month):

Meter Size	Gallons Allowed	Base Charge
5/8 inches	3,330	\$35.70
¾ inches	3,330	\$35.70
1 inch	8,540	\$87.31
1 ½ inch	19,196	\$182.05
2 inches	34,143	\$298.44
3 inches	76,745	\$539.81
4 inches	136,355	\$859.32
6 inches	306,638	\$1,772.04

III. Fire Hydrant Service:

Fire Protection Service	Rate Per Annum Per Connection
Public hydrant	\$485.98
Private Hydrant	\$485.98

Rates shall be effective on March 1, 2025 and be billed commencing April 1, 2025.

THE TOWN COUNCIL OF CENTERVILLE, WAYNE COUNTY, INDIANA

AYE

NAY

Daniel Wandersee

Dan
Wandersee,
President

Gary Z Holbert

Gary
Holbert,
Vice
President

Jack M. Bodiker

Jack M.
Bodiker,
Member

Josh Tudor

Josh Tudor,
Member

David Cate

David Cate,
Member

Constituting a majority of all the members of the Town Council

ATTESTED BY:

Richard K. Tinch

Richard K. Tinch, Clerk-Treasurer of
the Town of Centerville, Indiana

Instrument Prepared by: Edward O. Martin, Town Attorney

