ORDINANCE 08-39

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING WASTE WATER RATES AND CHARGES AND CERTAIN RELATED MATTERS AND AMENDING AND SUPERSEDING PRIOR ORDINANCES RELATING THERETO

WHEREAS, the City of Westfield, Indiana (the "City") is governed by the city Council (the "Council): and

WHEREAS, the City owns and operates a wastewater utility through its Department of Public Works (the "Department"): and

WHEREAS, the City operates a wastewater utility and has in place rates, charges and fees pursuant to wastewater Ordinances and this ordinance amendment change shall have no effect on any other ordinance already in full force effect.

WHEREAS, the Council adopted rates and charges for wastewater services pursuant to Ordinance 04-16 enacted on June 14, 2004: and

WHEREAS, the Council has the authority to amend ordinances and to establish and adjust rates and charges for wastewater utility service, and

WHEREAS, the City requested its financial adviser to examine the rates and charges in respect to the cost of service for providing wastewater utility service to the City's customers: and

WHEREAS, as a result of the examination by the City's financial advisers, the Council has determined that it is in the best interest of the City to adjust the rates and charges to fully recover the costs and services to its customers: and

WHEREAS, the City has consulted with its financial advisor and finds that the changes contemplated hereby are reasonable, non-discriminatory and just:

WHEREAS, the City desires to amend and restate its rate and fee structure stated in Ordinance No. 04-16

NOW, THEREFORE, BE IT ORDAINED, by this City Council of the City of Westfield, Indiana, meeting in regular session, that:

Section 1. The 1-Public Utilities of the City of Westfield, Indiana, Basic Code of Ordinances, Section 13.12.030 is amended by the addition of the language, as follows:

Section 2.a. North Service Area Residential Customers. For those residential customers located in the areas identified on the attached service area map as the North Service Area, the rates and charges shall as follows:

Monthly Rate for all north service area metered customers:

	Effective January 1st		
	2009	2010	2011
Monthly Minimum Bills for all Customers using the following gallon minimums	$25.49 3000 gal. min.	$31.30 4000 gal. min.	$37.10 5000 gal. min.
Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	$4.79 (/1000)	$4.93 (/1000)	$5.08 (/1000)
Maximum monthly rate for metered Customers based on 10,000 gallons	$59.02	$60.88	$62.50
Monthly Rate for unmetered Residential Users (computed based on 10,000 gallons per month)	$59.02	$60.88	$62.50

Section 2.b. South Service Area Residential Customers. For those residential customers located in areas identified on the attached service area map as the South Service Area, the rates and charges shall be as follows:

Monthly Rate for all south service area metered customers:

	Effective January 1st		
	2009	2010	2011
Minimum Bills based on 5000 gallon minimum	$35.07 5000 gal. min.	$36.23 5000 gal. min.	$37.10 5000 gal. min.
Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	$4.79 (/1000)	$4.93 (/1000)	$5.08 (/1000)

Maximum monthly rate for metered Customers based on 10,000 gallons	$58.92	$60.67	$62.50
Monthly Rate for unmetered Residential Users (computed based on 10,000 gallons per month)	$58.92	$60.67	$62.50

Section 2.c. Commercial Sewage Rate. For all customers served by the waste water utility who are not residential users, rates and charges shall be as follows:

Monthly Rate for all metered north and south service area non-residential customers:

		Effective January 1st	
	2009	2010	2011
Minimum Bills for first gallon minimum	$35.07 5000 gal. min.	$36.23 5000 gal. min.	$37.10 5000 gal. min.
Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	$4.79 (/1000)	$4.93 (/1000)	$5.08 (/1000)

Section 3. Other Charges. All new customers setting up, or existing customers transferring, an account with the City of Westfield for services rendered after December 31, 2008, shall deposit an amount not to exceed an amount equal to 3 monthly wastewater bills based on 5000 gallons usage. Refunds on deposits will only be done after all final bills have been paid in full.

All customers shall be subject to a reconnection charge of $22.00 and a check charge of $25.00.

All customers shall be subject to and administrative account charge fee of $17.00 for customers choosing to change information on their accounts, these customers shall be assessed a fee of $17.00 for such charge.

Section 4. Prior Ordinances. Except as otherwise set forth herein, this Ordinance supersedes Ordinance 04-16.

Section 5. Effective Date. This Ordinance shall be effective when duly enacted and signed in accordance with Indiana law for services of the wastewater utility rendered after December 31, 2008.

ADOPTED AND PASSED THIS _____ DAY OF _____, 2008, BY THE WESTFIELD CITY COUNCIL, HAMILTON COUNTY

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
Ken Kingshill	Ken Kingshill	Ken Kingshill
_____	_____	_____
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay
_____	_____	_____
John Dippel	John Dippel	John Dippel
_____	_____	_____
Bob Smith	Bob Smith	Bob Smith
_____	_____	_____
Tom Smith	Tom Smith	Tom Smith
_____	_____	_____
Rob Stokes	Rob Stokes	Rob Stokes
_____	_____	_____
Melody Sweat	Melody Sweat	Melody Sweat

ATTEST:

"I affirm, under the penalties of perjury, that I taken reasonable care to redact each Social Security Number in this document, unless required by law."

_____
Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Steve Sherman, Attorney at Law
KRIEG DEVAULT, LLP
12800 North Meridian
Carmel, IN 46032
317-238-6266

Ordinance 08-39 Wastewater Rate Adjustment

This Wastewater Rate Ordinance is being proposed to the Westfield City Council to establish a just and reasonable fee within the City of Westfield, Indiana. The Public Works Department, under the jurisdiction of the City Council owns and operates the wastewater utility and implements the ordinances ordained by the City Council.

This wastewater rate ordinance is designed to recover and pay the cost of rendering wastewater services to the users of the wastewater system. This wastewater user rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, to meet bond and payment obligations for the collections and treatment of wastewater, and to meet the compliance requirements codes for wastewater operations within the State of Indiana, as well as variation in the demand for services.

These rates shall be evaluated annually as to its sufficiency to satisfy the budgetary needs of the City's wastewater utility.

As part of this wastewater rate ordinance, the City will require that all new customers rendering services or customers transferring an account, after December 31, 2008, shall deposit an amount not to exceed an amount equal to 3 monthly wastewater bills based on 5000 gallons usage.

Public Hearing Notices will be mailed to all wastewater customers that will be assessed the rates and charges inside and outside of the City's jurisdictional boundary, which are located within the Public Works service area 10 days prior to the public hearing per state statue. Additionally, a Public Notice of the hearing on such rates and charges shall be published per state statute 10 days prior to the public hearing in the newspaper.

WASTEWATER RATE ADJUSTMENT as defined in the proposed Ordinance 08-39

Section 2.a. North Service Area Residential Customers. For those residential customers located in the areas identified on the attached service area map as the North Service Area, the rates and charges shall as follows:

Monthly Rate for all metered north service area customers:

		Effective January 1st	
	2009	2010	2011
Monthly Minimum Bills for all Customers using the following gallon minimums	$25.49 3000 gal. min.	$31.30 4000 gal. min.	$37.10 5000 gal. min.

Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	$4.79 (/1000)	$4.93 (/1000)	$5.08 (/1000)
Maximum monthly rate for metered Customers based on 10,000 gallons	$59.02	$60.88	$62.50
Monthly Rate for unmetered Residential Users (computed based on 10,000 gallons per month)	$59.02	$60.88	$62.50

Section 2.b. South Service Area Residential Customers. For those residential customers located in areas identified on the attached service area map as the South Service Area, the rates and charges shall be as follows:

Monthly Rate for all metered south service area customers:

		Effective January 1st	
	2009	2010	2011
Minimum Bills based on 5000 gallon minimum	$35.07 5000 gal. min.	$36.23 5000 gal. min.	$37.10 5000 gal. min.
Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	$4.79 (/1000)	$4.93 (/1000)	$5.08 (/1000)
Maximum monthly rate for metered Customers based on 10,000 gallons	$58.92	$60.67	$62.50
Monthly Rate for unmetered Residential Users (computed based on 7,000 gallons per month)	$58.92	$60.67	$62.50

Section 2.c. Commercial Sewage Rate. For all customers served by the waste water utility who are not residential users, rates and charges shall be as follows:

Monthly Rate for all metered north and south service area non-residential customers:

	Effective January 1st		
	2009	2010	2011

Minimum Bills for first gallon minimum	$35.07 5000 gal. min.	$36.23 5000 gal. min.	$37.10 5000 gal. min.
Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	$4.79 (/1000)	$4.93 (/1000)	$5.08 (/1000)

Section 3. Other Charges. All new customers setting up, or existing customers transferring, an account with the City of Westfield for services rendered after December 31, 2008, shall deposit an amount not to exceed an amount equal to 3 monthly wastewater bills based on 5000 gallons usage. Refunds on deposits will only be done after all final bills have been paid in full.

All customers shall be subject to a reconnection charge of $22.00 and a check charge of $25.00.

All customers shall be subject to and administrative account charge fee of $17.00 for customers choosing to change information on their accounts, these customers shall be assessed a fee of $17.00 for such charge.

Timeline for Implementation of Ordinance 08-39

The following is the time line as established by Indiana Code for the implementation of Wastewater Rates and Charges:

- August 11, 2008 - Introduce Ordinance to Town Council
- August 25, 2008 - Notice of Public Hearing must be received by newspaper for publication.
- August 29, 2008 - Notice of Public Hearing must be published in the Noblesville Ledger and Noblesville Times.
- August 29, 2008 - Notices mailed to all wastewater customers inside and outside of the City's jurisdictional boundary which are located within the Public Works service area.
- September 8, 2008 – City Council holds a public hearing on the wastewater rate adjustment, Ordinance No. 08-39.
- September 13, 2008 – Objection period expires.
- January 1, 2009 – Wastewater rate adjustment billing begins for services rendered after December 31, 2008

Therefore, the Westfield Public Works Department recommends to the Westfield City Council to consider this Ordinance for a First Reading on this day, August 11, 2008, and Public Hearing on September 8, 2008

NOTICE OF PUBLIC HEARING

The City Council of the City of Westfield, Indiana will conduct a public hearing on September 8, 2008, at 7:00 p.m. at the Westfield City Hall, 130 Penn Street, Westfield, Indiana to the establish Wastewater Rates and Charges.

Wastewater Rate Ordinance Adjustments, as underlined, as follows:

Section 2.a. North Service Area Residential Customers. For those residential customers located in the areas identified on the attached service area map as the North Service Area, the rates and charges shall as follows:

Monthly Rate for all north service area metered customers:

	Effective January 1st		
	2009	2010	2011
Monthly Minimum Bills for all Customers using the following gallon minimums	$25.49 3000 gal. min.	$31.30 4000 gal. min.	$37.10 5000 gal. min.
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Monthly Rate for unmetered Residential Users (computed based on 10,000 gallons per month)	$58.92	$60.67	$62.50

Section 2.c. Commercial Sewage Rate. For all customers served by the waste water utility who are not residential users, rates and charges shall be as follows:

Monthly Rate for all metered north and south service area non-residential customers:

	Effective January 1st		
	2009	2010	2011
Minimum Bills for first gallon minimum min.	$35.07 5000 gal. min.	$36.23 5000 gal. min.	$37.10 5000 gal.
Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	$4.79 (/1000)	$4.93 (/1000)	$5.08 (/1000)

Section 3. Other Charges. All new customers setting up, or existing customers transferring, an account with the City of Westfield for services rendered after December 31, 2008, shall deposit an amount not to exceed an amount equal to 3 monthly wastewater bills based on 5000 gallons usage. Refunds on deposits will only be done after all final bills have been paid in full.

All customers shall be subject to a reconnection charge of $22.00 and a check charge of $25.00.

All customers shall be subject to and administrative account charge fee of $17.00 for customers choosing to change information on their accounts, these customers shall be assessed a fee of $17.00 for such charge.

At the time fixed for the hearing or at any time prior to the hearing, any person affected by the proposed amendment may file a written statement with the City Council. At such hearing, which may be adjourned from time to time, the City Council will hear all persons interested in the proceedings and all statements that have been filed.

WESTFIELD PUBLIC WORKS

MAYOR
J. ANDREW COOK

CITY COUNCIL
JOHN DIPPLE
ROBERT L. HORKAY
KEN KINGSHILL
ROBERT J. SMITH
TOM SMITH
ROB STOKES
MELODY SWEAT

CLERK-TREASURER
CINDY J. GOSSARD

DEPUTY MAYOR
BRUCE A. HAUK

DIRECTOR OF PUBLIC WORKS
KURT J. WANNINGER

August 25, 2008

Regarding: *Notices of Public Hearing of the City Council of the City of Westfield, Indiana*
Subject: *Consider the Establishment of Wastewater Rate Adjustment; Ordinance No. 08-39*

Dear Westfield Property Owner:

Please allow this letter to serve as notice of public hearing to be conducted by the City Council of the City of Westfield, Indiana on September 8, 2008, at 7:00 p.m. at the Westfield City Hall, located at 130 N. Penn Street, Westfield, IN 46074. The purpose of the public hearing is to consider the establishment of rate adjustments for wastewater users for the City of Westfield's Wastewater services. The notice attached to this letter depicts the amended wastewater rate adjustments as proposed.

These rate charges apply to all existing wastewater users located within the City's Wastewater Jurisdiction and owners of vacant or unimproved properties located inside the City of Westfield's Jurisdictional limits.

At the time of the hearing, or any time prior to the hearing, as an individual identified above, you may file a written statement with the City Council. At such hearing, which may be adjourned from time to time, the City Council will hear all persons interested in the proceedings and all statements that have been filed.

If you have any questions, please do not hesitate to contact our offices at 317-867-1116.

Sincerely,

Kurt J. Wanninger
Director of Public Works Director
City of Westfield

Enclosure

2706 East 171st Street ● Westfield, IN 46074 ● (317) 896-5452 ● Fax (317) 867-0202

NOTICE OF PUBLIC HEARING

The City Council of the City of Westfield, Indiana will conduct a public hearing on September 8, 2008, at 7:00 p.m. at the Westfield City Hall, 130 Penn Street, Westfield, Indiana to the establish Wastewater Rate

Wastewater Ordinance Rate and Charge Adjustments, as underlined, as follows:

Section 2.a. North Service Area Residential Customers. For those residential customers located in the areas identified on the attached service area map as the North Service Area, the rates and charges shall as follows:

Monthly Rate for all north service area metered customers:

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Monthly Minimum Bills for all Customers using the following gallon minimums	$25.49 3000 gal. min.	$31.30 4000 gal. min.	$37.10 5000 gal. min.
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Monthly Rate for unmetered Residential Users (computed based on 10,000 gallons per month)	$59.02	$60.88	$62.50

Section 2.b. South Service Area Residential Customers. For those residential customers located in areas identified on the attached service area map as the South Service Area, the rates and charges shall be as follows:

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Minimum Bills based on 5000 gallon minimum	$35.07 5000 gal. min.	$36.23 5000 gal. min.	$37.10 5000 gal. min.
Treatment Rate per 1,000 gallons for monthly utilization in excess of	$4.79	$4.93	$5.08

5,000 gallons (Cost per 1,000 gal.)	(/1000)	(/1000)	(/1000)
Maximum monthly rate for metered Customers based on 10,000 gallons	$59.02	$60.88	$62.50
Monthly Rate for unmetered Residential Users (computed based on 10,000 gallons per month)	$59.02	$60.88	$62.50

Section 2.c. Commercial Sewage Rate. For all customers served by the wastewater utility who are not residential users, rates and charges shall be as follows:

Monthly Rate for all metered north and south service area non-residential customers:

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Treatment Rate per 1,000 gallons for monthly utilization in excess of 5,000 gallons (Cost per 1,000 gal.)	$4.79 (/1000)	$4.93 (/1000)	$5.08 (/1000)

Section 3. Other Charges. All new customers setting up, or existing customers transferring, an account with the City of Westfield, shall deposit an amount not to exceed an amount equal to 3 monthly wastewater bills based on 5000 gallons usage. Refunds on deposits will only be done after all final bills have been paid in full.

All customers shall be subject to a reconnection charge of $22.00 and a bad check charge of $25.00.

All customers shall be subject to and administrative account charge fee of $17.00 for customers choosing to change information on their accounts, these customers shall be assessed a fee of $17.00 for such charge.

At the time fixed for the hearing or at any time prior to the hearing, any person affected by the proposed amendment may file a written statement with the City Council. At such hearing, which may be adjourned from time to time, the City Council will hear all persons interested in the proceedings and all statements that have been filed.