

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 006

**AN ORDINANCE AMENDING WATER AND FIRE PROTECTION RATES
FOR THE TOWN OF SELLERSBURG, INDIANA**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, pursuant to Ind. Code § 8-1.5-3-8, a municipality owning a utility shall furnish reasonably adequate services and facilities; and,

WHEREAS, the rates and charges made by a municipality for a service rendered or to be rendered, either directly or in connection therewith, must be nondiscriminatory, reasonable, and just; and,

WHEREAS, pursuant to Ind. Code § 8-1.5-3-8(b), “reasonable and just rates and charges for services” means rates and charges that produce sufficient revenue to:

1. Pay all expenses incident to the operation of the utility, including:
 - (a) Maintenance costs;
 - (b) Operating charges;
 - (c) Upkeep;
 - (d) Repairs;
 - (e) Depreciation;
 - (f) Interest charges on bonds or other obligations, including leases; and
 - (g) Costs associated with the acquisition of utility property under IC 8-1.5-2;
2. Provide a sinking fund for the liquidation of bonds or other obligations, including leases;
3. Provide a debt service reserve for bonds or other obligations, including leases, in an amount established by the municipality, not to exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rental;
4. Provide adequate money for working capital;
5. Provide adequate money for making extensions and replacements to the extent not provided for through depreciation in subdivision (1); and
6. Provided money for the payment of any taxes that may be assessed against the

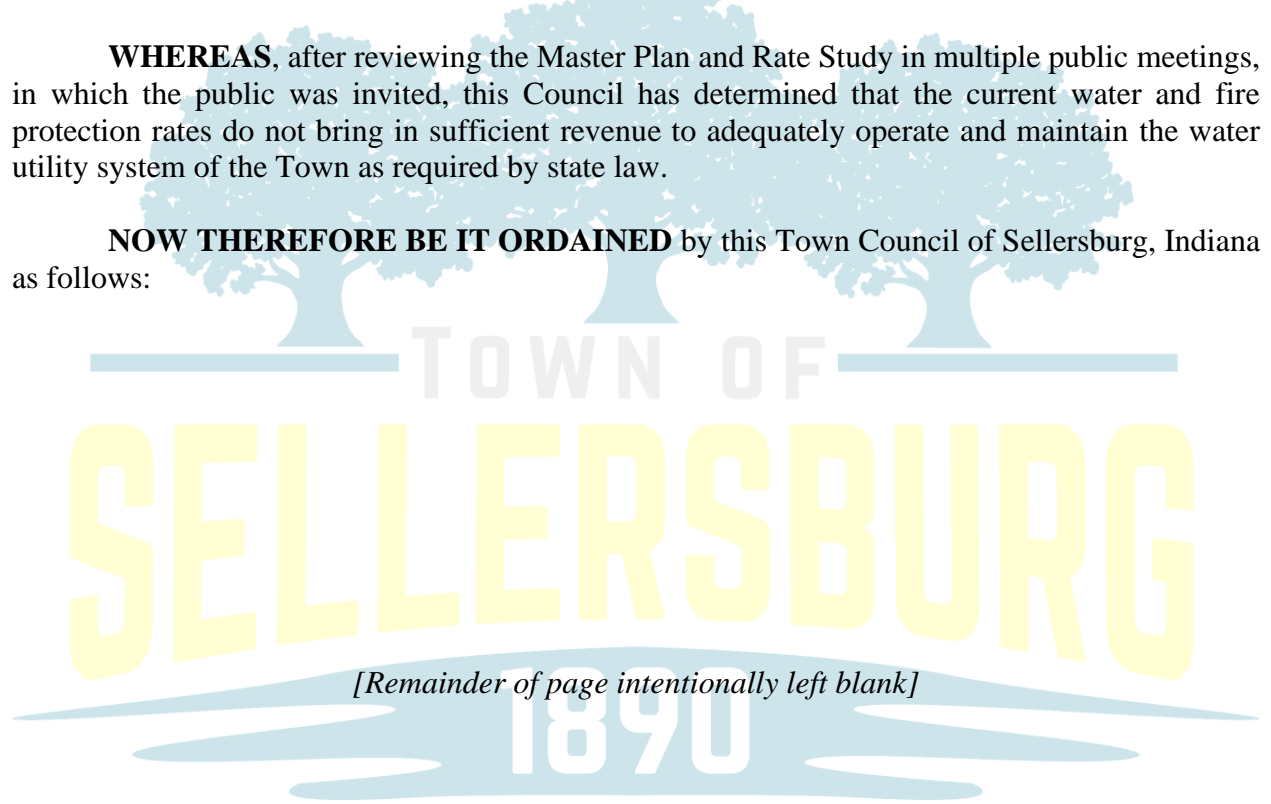
WHEREAS, pursuant to Ind. Code § 8-1.5-3-8(d), “it is the intent of this section that the rates and charges produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service. *Rates and charges too low to meet these requirements are unlawful;*” and,

WHEREAS, in 2018 this Council, understanding the condition of the sanitary sewer system, hired an engineering firm, Jacobi, Toombs & Lanz, to prepare an extensive Sanitary Sewer Master Plan, which specifically covered the sanitary, water, and stormwater system of the Town (“Master Plan”); and,

WHEREAS, in 2020, this Council caused to have a water and sewer rate study (“Rate Study”) performed by BakerTilly Municipal Advisors; and,

WHEREAS, after reviewing the Master Plan and Rate Study in multiple public meetings, in which the public was invited, this Council has determined that the current water and fire protection rates do not bring in sufficient revenue to adequately operate and maintain the water utility system of the Town as required by state law.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:



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1. Rates. The Water and Fire Protection Rates for the Town of Sellersburg are repealed and replaced as follows:

<u>Metered Consumption (rate per 1,000 gallons)</u>		Phase I	Phase II
		(1)	(2)
First	2,500 gallons	\$7.29	\$8.27
Next	500 gallons	6.00	6.80
Next	2,000 gallons	4.96	5.62
Next	15,000 gallons	3.98	4.51
Next	30,000 gallons	2.94	3.33
Over	50,000 gallons	2.26	2.56
<u>Wholesale Customers (rate per 1,000 gallons)</u>			
Rural Membership Water Corporation of Clark County		\$2.42	\$2.74
<u>Minimum Charge (per month)</u>	<u>Gallons Allowed For Minimum</u>		
5/8 - 3/4	inch meter 2,033	\$14.82	\$16.81
1	inch meter 6,410	36.76	41.67
1 1/4	inch meter 13,800	66.17	75.00
1 1/2	inch meter 19,394	88.43	100.23
2	inch meter 37,254	141.57	160.42
3	inch meter 133,495	367.74	416.61
4	inch meter 221,000	565.51	640.63
6	inch meter 439,769	1,059.92	1,200.67
<u>Private Fire Protection - Sprinklers (per annum)</u>			
1 1/2	inch connection	\$62.07	\$70.39
2	inch connection	110.20	124.97
2 1/2	inch connection	172.26	195.34
3	inch connection	248.03	281.27
4	inch connection	441.22	500.34
6	inch connection	992.64	1,125.65
8	inch connection	1,764.65	2,001.11
<u>Fire Protection - Hydrants (per annum)</u>			
Private hydrants - per hydrant		\$992.64	\$1,125.65
Surcharge per customer within 1,000 feet of a fire hydrant (per month)		\$5.05	\$5.73
(1) Proposed Phase I rates and charges to become effective May 1, 2021.			
(2) Proposed Phase II rates and charges to become effective May 1, 2022.			

2. Date Of Effect For Rates. Phase I and Phase II Water and Fire Protection Rates will go into effect on May 1, 2021 and May 1, 2022, respectively.
3. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this ____ day of _____, 2021

“Aye”

“Nay”

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Council Member

Randall Mobley
Council Member

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

SECOND READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN