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ORDINANCE 19-04

AN ORDINANCE AMENDING THE RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE WATERWORKS SYSTEM OF THE BATTLE GROUND CONSERVANCY DISTRICT AND OTHER MATTERS RELATED THERETO

WHEREAS, the Board of Directors of the Battle Ground Conservancy District ("District") is duly constituted to provide and maintain a waterworks system inside and outside of its geographical boundaries and is authorized to fix, alter, charge and collect reasonable and just rates and other charges in the area served or to be served by the waterworks, either directly or indirectly; and

WHEREAS, the current rates and charges of the waterworks are set forth in Ordinance 18-08 of the District (the "Existing Rate Ordinance"); and

WHEREAS, the District with the assistance of Baker Tilly Municipal Advisors, LLP has prepared a report concerning the current rates and charges of the waterworks (the "Report"); and

WHEREAS, based upon the Report, the Board of Directors of the District finds that the current rates and charges for the use of and service rendered by the waterworks do not produce sufficient revenues to pay all expenses incident to the operation of the waterworks including maintenance costs, operating charges, upkeep, repairs, depreciation, and interest charges on bonds or other obligations, provide the sinking fund for the liquidation of bonds or other evidence of indebtedness and reserves against default in the payment of interest and principal of bonds, provide adequate funds to be used as working capital as well as funds for making improvements, additions, extensions and replacements; and

WHEREAS, based on the Report, the Board of Directors of the District finds that the current rates and charges do not produce income sufficient to maintain the waterworks property in sound physical and financial condition to render adequate and efficient service; and

WHEREAS, the Board of Directors of the District finds, based on the report, that the current rates and charges for the use of and service rendered by the waterworks must be increased in order to provide sufficient revenue to meet such requirements; and

WHEREAS, the Board of Directors of the District finds that the rates and charges set forth herein are based upon the of providing service to the customers of the waterworks and will enable the District to meet its legal revenue requirements for the waterworks; and

WHEREAS, the Board of Directors of the District caused notice of a public hearing on the rates and charges herein to be duly advertised and mailed and has held a public hearing the ____ day of 20 thereon; and

Now, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BATTLE GROUND CONSERVANCY DISTRICT, AS FOLLOWS:

Section 1. The above-recitation or whereas clauses are adopted as findings of fact by the Board of Directors of the District.

Section 2. The Existing Rate Ordinance is hereby amended to provide as follows:

There shall be and there are hereby established for the availability, use of, and/or service rendered by the waterworks system of the Battle Ground Conservancy District and each person and user of the waterworks and all owners of property served or to be served by the waterworks, shall be charged and shall pay the following rates and charges.

There shall be and there are hereby established for the Metered Rates Per Month charges of the waterworks system of the Battle Ground Conservancy District, effective with the consumption/usage month beginning May 30, 2019 or after, the following rates and charges:

(A) *Metered Consumption.*

<u>Monthly Metered Consumption</u>		<u>Monthly Rate Per 1000 Gallons</u>	
			<u>Old</u>
First	5,000 gallons	10.71	\$6.87
Next	10,000 gallons	6.41	\$4.11
Next	20,000 gallons	5.35	\$3.43
Next	65,000 gallons	3.93	\$2.52
Over	100,000 gallons	2.71	\$1.74

(B) *Minimum Charge.*

Each user shall pay a minimum charge, based upon the size of the meter installed for which the user shall be entitled to the quantity of water set out in the metered schedule of rates.

<u>Meter Size</u>	<u>Gallons Allowed</u>	<u>Monthly Rate</u>	<u>Old</u>
5/8 and 3/4 inch meter.....	2,000	21.42	\$13.73
1inch meter.....	3,666	39.26	\$25.17
1 1/4inch meter.....	4,833	51.77	\$33.19
1 1/2inch meter.....	6,666	64.25	\$41.19
2.....inch meter.....	10,000	85.66	\$54.91
3inch meter.....	17,000	128.45	\$82.34
4inch meter.....	25,000	171.30	\$109.81
6.....inch meter.....	59,000	359.11	\$230.20
8.....inch meter.....	115,833	624.06	\$400.04

(C) *Private Fire Protection.*

<u>Meter Size</u>	<u>Per Annum</u>	<u>OLD</u>
1 1/2 ...inch meter.....	71.38	\$45.76
2.....inch meter	107.08	\$68.64
2 1/2inch meter	142.77	\$91.52
3.....inch meter	214.16	\$137.28
4inch meter	356.91	\$228.79
6inch meter.....	535.36	\$343.18
8.....inch meter	713.81	\$457.57

(D) *Private and Public Fire Hydrant Rental (Outside District).*

Private Fire Hydrants Outside the geographical boundaries of the District shall pay an annual fee of \$784.00 per hydrant.

(E) *Collection and Deferred Payment Charge.*

All bills for water service not paid within seventeen (17) days from the first of the month billing will be subject to a Ten Percent (10%) collection or deferred payment charge 170 IAC 6-1-13(10). Fee for payment checks returned Nonsufficient Funds is \$32.00.

(F) *Temporary Users and Users Outside of District.*

Water furnished to temporary users such as contractors, circuses, etc., and users outside the geographical boundaries of the District shall pay at a rate of One Hundred Fifty Percent (150%) of the rate charged users within the District.

(G) *Disconnection Charges.*

There shall be a trip charge for the District to disconnect service for non-payment and at the request of customer to shut-off service for winterizing and/or repairs as follows:

- i) Trip fee during billing office hours Thirty Dollars (\$30.00)
- ii) Trip fee after billing office hours or holidays Fifty Dollars (\$50.00)

(H) *Reconnection fees.*

Fees to reconnect service after payment in full of balance of account, as follows:

- i) During billing office hours Thirty-Eight Dollars (\$38.00)
- ii) After billing office hours and holidays Fifty Dollars (\$50.00)

(I) *Tap-on Fee for New Service.*

The application fee for installation of new service is \$1520.00.

(J) *Tampering Fines.*

There shall be a fine for tampering with water meters, meter pits, fire hydrants and other appurtenances of the water system, as follows:

- i) Fine for each instance of tampering Five Hundred Dollars (\$500.00)

- a. The fine does not limit prosecution and recovery of damages by other means, including but not limited to a lien on the property.
- b. Collection fees, legal fees and court costs related to recovery of damages are to be paid by the perpetrator.

Section 3. All ordinances and parts of ordinances, including the Existing Rate Ordinance, in conflict herewith are hereby repealed.

Section 4. In the event any one or more of the provisions contained in this Ordinance should be held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired and shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage.

Adopted this ____ day of _____ 2019.

BOARD OF DIRECTORS OF THE
BATTLE GROUND CONSERVANCY DISTRICT

Carol Watson, Chairman

Andrea Agree, Director

Pam Gramelspacher, Director

Steve Hancock, Director

Rondell Holladay, Director

Kerry Smith, Director

Shauna Summers, Director

ATTEST:

Georgia Jones, Financial Clerk