

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1486

AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1382, BEING: "AN ORDINANCE AMENDING TOWN ORDINANCE NO. 1349, BEING: 'AN AMENDED ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA CONCERNING WATER RATES AND CHARGES.', AND ALL MATTERS RELATED THERETO.", AND ALL MATTERS HEREWITH.

WHEREAS, the Town of St. John, Lake County, Indiana (the "Town"), pursuant to Indiana Code Section 8-1.5, et seq., (the "Act) owns, operates, manages and controls a waterworks system (the "Waterworks Works System"); and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, previously adopted its Ordinance No. 1382 establishing a schedule of rates and charges for water service, including the Waterworks System Development Charge, as more particularly described in prior Ordinances of the Town; that the Waterworks System Development Charge is a one-time charge paid by new customers of the Waterworks System for the purpose of those new customers paying a proportionate share of the cost to finance further improvements and extensions to the Waterworks System and other lawful revenue requirements; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is aware that existing customers and rate payers of the Town Waterworks System have, through rates and charges, paid for the capital costs of the Waterworks System; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has adopted its Town Ordinance No. 1382 pertaining to charges for water services to customers of the Town Waterworks System, which included a Water System Development Charge to apply to new customers of the Waterworks System, charged only to new customers of the Waterworks System, based upon historical costs incurred to establish the Waterworks System; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is aware, and has been advised that the Board of Waterworks of the Town did, on the 18th day of February, 2008, recommend amendment to the Water System Development Charge Rate established in Town Ordinance No. 1382, based upon recommendation by the then-retained Town Financial Advisors, H.J. Umbaugh & Associates; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is aware, and has been advised that the Town Financial Advisors prepared a recommendation based upon a methodology widely accepted in the industry for purposes of computing rates and charges which are non-discriminatory, reasonable, just and equitable, and pursuant to analysis under said methodology, recommended that the Water System Development Charge rate component established in Town Ordinance No. 1382 be revised and amended; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has reviewed the advisory recommendation of the Board of Waterworks of the Town set forth in Resolution No. WD No. 08-02-18, with the recommended revised schedule of charges for the Water System Development Charge Rate to be collected from new customers of the Waterworks System, as well as the report recommendation of the then-Town Financial Advisors, H.J. Umbaugh & Associates, as presented; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, is aware, and has been advised that because the Town acted pursuant to applicable law a number of years ago to opt out of the jurisdiction of the Indiana Utility Regulatory Commission (the "IURC"), the Town Council of the Town of St. John is the body vested with the authority under the Act to establish the schedule of rates and charges for water service in St. John; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has caused to be published a Notice of Public Hearing, in conformance with applicable law, giving notice to present and future customers of the Waterworks System of the Town, of a Public Hearing to be held regarding the proposed schedule of rates and charges pertaining to the Water System Development Charge; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has been advised that the Act authorizes the Town Council to adopt, by Ordinance, a just and equitable schedule of rates and charges for water service in the Town; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, has held the Public Hearing on the 22nd day of January 2009, as noticed and advertised, regarding the schedule of rates and charges proposed for amendment, namely, the Water System Development Charge, and whereby present and future customers of the Waterworks System were provided an opportunity to be heard concerning the proposed amended schedule of rates and charges in the amendatory Water Rate Ordinance; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, at the conclusion of the advertised and noticed Public Hearing, and after being duly advised, now concurs that a proposed amended schedule of waterworks rates and charges pertaining to Water System Development Charges set forth hereinafter, and adopted herein, is non-discriminatory, reasonable, just, and equitable, and should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That **SECTION ONE** of Town Ordinance No. 1382, duly adopted by the Town Council of the Town of St. John on April 28, 2005, be, and the same is hereby amended to read and provide as follows, namely:

SECTION ONE: That effective February 1, 2009, a one-time charge known as a Water System Development Charge will be collected from new customers of the Water Works System in accordance with the following schedule:

<u>Line Size at Point of Connection, After Connection, or Water Meter Size, Whichever Is Greater</u>	<u>Capacity Ratio</u>	<u>Total Charge</u>
5/8", 3/4", 1"	1.0	\$1,500
1-1/2"	5.0	\$7,500
2"	8.0	\$12,000
3"	15.0	\$22,500
4"	25.0	\$37,500
6"	50.0	\$75,000
8"	80.0	\$120,000
10"	115.0	\$172,500
12"	215.0	\$322,500"

SECTION TWO: That the aforementioned Water System Development Charge Rates shall be collected by the Town as set forth in the Town Water Rate Ordinance not amended hereby.


SECTION THREE: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

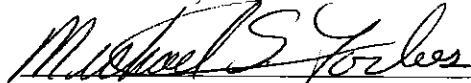
SECTION FOUR: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION FIVE: That this Ordinance shall be effective from and after its passage and adoption by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law.


ALL OF WHICH IS PASSED AND ADOPTED THIS 22nd DAY OF January, 2009, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

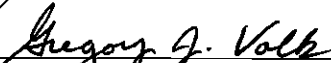
TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL

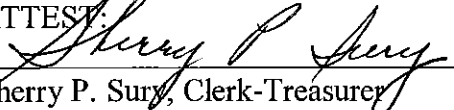

Mark Barenie, President


Michael Forbes, Vice-President


Michael S. Fryzel, Member


Jerri A. Teibel, Member


Gregory J. Volk, Member

ATTEST:

Sherry P. Sury, Clerk-Treasurer