

ORDINANCE NO. 867

**AN ORDINANCE OF THE TOWN OF
OGDEN DUNES REMOVING ITS
MUNICIPALLY OWNED WATER UTILITY
FROM THE JURISDICTION OF THE
INDIANA UTILITY REGULATORY
COMMISSION.**

WHEREAS, the Town of Ogden Dunes, Indiana (“Town”) owns the Ogden Dunes Department of Waterworks, a municipally owned water utility (“Waterworks”), serving approximately 640 water customers located within the municipal boundaries of the Town;

WHEREAS, the Waterworks is managed, directed, and overseen by its Board of Directors (“Waterworks Board”), who are appointed by the Town Council as established in Chapter 52 of the Town’s Code of Ordinances and applicable Indiana Code;

WHEREAS, the Waterworks is presently subject to the jurisdiction of, and oversight by the Waterworks Board, the Town Council, and the Indiana Utility Regulatory Commission (“IURC”);

WHEREAS, Indiana Code § 8-1.5-3-9.1 provides for the removal of a municipally owned water utility from jurisdiction of the IURC for approval of water rates, charges, and evidences of indebtedness and it has been reported approximately ninety-three percent (93%) of all municipally owned water utilities in the State of Indiana have opted-out of IURC jurisdiction for the setting of water rates, charges, fees, indebtedness and similar matters;

WHEREAS, the Waterworks Board has been advised by its Certified Public Accounting firm that there is no benefit to the Town, the Waterworks, or its water customers to remain subject to the jurisdiction of the IURC;

WHEREAS, the Waterworks Board and Town Council are capable of establishing water rates, charges, fees, indebtedness and similar matters concerning the Waterworks without incurring the additional costs, fees, administrative burdens, and delays associated with IURC jurisdiction;

WHEREAS, the Waterworks Board has recommended and requested the Town Council to take the actions necessary to remove the Waterworks from IURC jurisdiction in accordance with Indiana Code Indiana Code § 8-1.5-3-9.1; and,

WHEREAS, the requirements of Indiana Code § 8-1.5-3-9.1 have been satisfied, including mailing a written notice of this meeting to all ratepayers of the Waterworks and to the IURC at least thirty (30) days before the final vote on this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OGDEN DUNES, INDIANA THAT:

The Ogden Dunes Department of Waterworks, a municipally owned water utility of the Town of Ogden Dunes, Indiana shall be taken out of the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness.

This Ordinance shall be in full force and effect from and after its passage and adoption as required by law.

ALL OF WHICH IS PASSED, APPROVED, AND ADOPTED this _____, day of _____ 2020.

**OGDEN DUNES TOWN COUNCIL
TOWN OF OGDEN DUNES, INDIANA**

Mike Webber, Council President

Scott Lehmann

Nate Ball

Carolyn Saxton

Doug Cannon

ATTEST:

Jean Manna, Clerk Treasurer