

ORDINANCE NO. 2018-04

AN ORDINANCE OF THE TOWN OF CORYDON, INDIANA,  
CONCERNING REMOVAL OF THE TOWN OF CORYDON'S MUNICIPAL  
WATER UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY  
REGULATORY COMMISSION

WHEREAS, the Town of Corydon, Indiana, (the "Town"), has previously established a municipal water utility for purposes of operating water facilities and providing potable water service to customers in and around the Town; and

WHEREAS, the rates, charges, evidences of indebtedness, and certain other matters concerning the Town's municipal water utility are regulated by the Indiana Utility Regulatory Commission ("IURC"); and

WHEREAS, the Common Council of the Town (the "Council") recognizes that, pursuant to Indiana Code § 8-1.5-3-9 and 9.1, the majority of municipal water utilities in the State of Indiana have been removed from the IURC's jurisdiction as to rates, charges, evidence of indebtedness, and certain other matters; and

WHEREAS, the Council believes that: (i) the Town is capable of appropriately establishing rates and charges, determining appropriate levels of indebtedness, and otherwise operating the Town's municipal water utility without incurring the expense associated with the IURC's jurisdiction over such matters; and (ii) the Town's municipal water utility should be removed from the IURC's jurisdiction; and

WHEREAS, the Council believes that it is important to obtain the input of the Town's municipal water utility customers prior to completing the removal of the Town's municipal water utility from the jurisdiction of the IURC; and

WHEREAS, at least thirty (30) days prior to the date of adoption of this ordinance, the Town caused to be mailed to all ratepayers of the Town's municipal water utility and to the IURC written notice of the meeting of the Council at which this ordinance was considered for adoption (the "Public Meeting"); and

WHEREAS, at the Public Meeting, the Town provided an explanation of the removal process and all ratepayers of the Town's municipal water utility and representatives of the IURC were provided with an opportunity to comment on the matter of the removal of the Town's municipal water utility from the IURC's jurisdiction;

NOW, THEREFORE, be it ordained by the Town Council for the Town of Corydon, Indiana, that:

Section 1. Pursuant to Indiana Code § 8-1.5-3-9.1, the Town's municipal water utility is hereby removed from the jurisdiction of the IURC for the approval of rates and charges

and the issuance of stocks, bonds, notes, or other evidence of indebtedness, and any other applicable matters.

Section 2. Except as described in Section 3 hereof, this ordinance shall take effect sixty (60) days after the date of its adoption.

Section 3. If, within sixty (60) days of the adoption of this Ordinance, the Council receives a petition: (i) that is signed by at least the number of the registered voters of the Town required under Indiana Code § 3-8-6-3 to place a candidate on the ballot; and (ii) that requests the Council to submit the question of removal from the IURC jurisdiction to the registered voters of the Town at the next election, the Council will certify the public question to the county election board in accordance with Indiana Code § 8-1.5-3-9.1.

Section 4. Within thirty (30) days after this ordinance becomes effective, the Clerk-Treasurer shall mail to the IURC written notice of the withdrawal of the Town's municipal water utility from the IURC's jurisdiction.

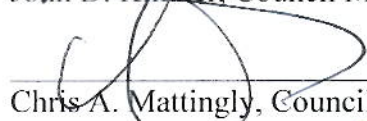
Passed and adopted this 8<sup>th</sup> day of October, 2018.

COMMON COUNCIL  
TOWN OF CORYDON, INDIANA

  
\_\_\_\_\_  
Eva Bates North, Council President


  
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Roger L. McGraw, Council Vice President

  
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John D. Kinner, Council Member

  
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Chris A. Mattingly, Council Member

  
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Mark L. Parks, Council Member

ATTEST:

  
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T. M. (Treggie) King, Clerk-Treasurer