

ORDINANCE 2017-18

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LEBANON, INDIANA, RESTRUCTURING AND REORGANIZING THE DEPARTMENT OF STORM WATER MANAGEMENT AND ITS BOARD OF DIRECTORS

WHEREAS, the City of Lebanon, Indiana (the "City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (the "Council"); and

WHEREAS, the City owns and operates a storm water utility to serve and benefit the residents of the City and storm water district (the "District"); and

WHEREAS, pursuant to Indiana Code § 8-1.5-5-1 *et seq.*, the Council adopted Ordinance 90-8, as amended by Ordinance 2011-26, which created the Department of Storm Water Management (the "Storm Water Department") controlled by a board of directors (the "Storm Water Board") for the purpose of providing for and managing the collection, treatment, drainage, and disposal of City storm and surface water, to establish a special taxing district consisting of the entire City corporate limits, and to adopt and approve user fees for the District; and;

WHEREAS, pursuant to Indiana Code § 8-1.5-3-3(a-b), the Council has determined that it is appropriate and in the best interests of the City for the Board of Public Works and Safety of the City to serve as the Storm Water Board of the Storm Water Department and District.

NOW, THEREFORE, be it ordained and adopted by the Common Council of the City of Lebanon, Indiana as follows:

- Section 1.** The Recitals are incorporated herein by reference.
- Section 2.** The Board of Public Works and Safety of the City of Lebanon, Indiana shall serve as the board of directors and the governing body of the Storm Water Department and District in accordance with Indiana Code § 8-1.5-5-1 *et seq.*
- Section 3.** Pursuant to Indiana Code § 8-1.5-5(g)(2) and Indiana Code § 8-1.5-3-3(a), the Board of Public Works and Safety is hereby directed to control the City's storm water facilities and shall have all of the powers and responsibilities set forth in Indiana Code § 8-1.5-3-4(a) and Indiana Code § 8-1.5-5-6, and as otherwise provided by law or in equity.
- Section 4.** The Board of Public Works and Safety, with assistance from the City Engineer on behalf of the Storm Water Department, shall annually prepare and submit a budget to the Common Council for its approval, recommend to the Common Council reasonable and just rates and charges for services

to utility patrons, and take such other actions as are required or permitted by law.

Section 5. Upon passage and adoption of this Ordinance, the Storm Water Board shall cease existence and shall be replaced in its entirety by the Board of Public Works and Safety.

Section 6. The Board of Public Works and Safety shall consist of five (5) members. Pursuant to Indiana Code § 36-4-9-8, the Board of Public Works and Safety shall be the Mayor and four (4) persons appointed by the Mayor. Each member shall serve at the pleasure of the Mayor.

Section 7. The Clerk of the City is hereby instructed, pursuant to Indiana Code § 5-3-1, to publish notice of the increase in members of the Board of Public Works and Safety.

Section 8. This Ordinance shall be in full force and effect from and after its adoption, subject to applicable waiting periods under Indiana law. All ordinances or parts thereof in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalidated part or parts.

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ALL OF WHICH IS ADOPTED this 11 day of DECEMBER, 2017 by the Lebanon Common Council of the City of Lebanon, Indiana.

Voting For

Voting Against

Abstain

Keith Campbell

Keith Campbell

Keith Campbell

Keith Campbell

John Copeland

John Copeland

John Copeland

John Copeland

Dan Fleming

Dan Fleming

Dan Fleming

Dan Fleming

Mike Kincaid

Mike Kincaid

Mike Kincaid

Mike Kincaid

Corey Kutz

Corey Kutz

Corey Kutz

Corey Kutz

Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

Jeremy Lamar

Dick Robertson

Dick Robertson

Dick Robertson

Dick Robertson

ATTEST:

Tonya Thayer

Tonya Thayer, Clerk-Treasurer

I hereby certify that Ordinance 2017-18 was delivered to the Mayor of Lebanon on the 11 day of DECEMBER, 2017, at 8:15 p.m.

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2017-18 this 11 day of December, 2017, at 8:32 p.m.

[Signature]
Matthew T. Gentry, Mayor

I hereby VETO ORDINANCE 2017-18 this _____ day of _____, 2017, at _____:_____m.

Matthew T. Gentry, Mayor

ATTEST:

Tonya Thayer
Tonya Thayer, Clerk-Treasurer

This document prepared by:
Robert S. Schein, Esq.
KRIEG DEVAULT, LLP
(317) 238-6276