

Ordinance No. 97- 3

AN ORDINANCE PURSUANT TO IC 8-1.5-3-9.1
REMOVING THE CITY'S WATER UTILITY FROM THE
JURISDICTION OF THE INDIANA UTILITY
REGULATORY COMMISSION FOR THE APPROVAL OF
RATES AND CHARGES AND THE ISSUANCE OF
STOCKS, BONDS, NOTES, OR OTHER EVIDENCE OF INDEBTEDNESS

WHEREAS, the City of Lebanon, Indiana, is classified as a third-class city under Indiana law; and

WHEREAS, the City of Lebanon, Indiana, owns and operates a water utility system; and

WHEREAS, the rates and charges for water service provided by the water utility and the issuance of stocks, bonds, notes or other evidence of indebtedness must be approved by the Common Council of the City of Lebanon, Indiana and by the Indiana Utility Regulatory Commission pursuant to Indiana Code § 8-1.5-3-8 and Indiana Code § 8-1.5-2-19; and

WHEREAS, Indiana Code § 8-1.5-3-9.1 provides a means by which Indiana cities may remove their utilities from the Indiana Utility Regulatory Commission's rate making and financing jurisdiction through the adoption of an ordinance; and

WHEREAS, the Common Council, as the municipal legislative body of the City of Lebanon, Indiana, finds it necessary and desirable and in the public interest that its water utility be removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and the issuance of stocks, bonds, notes or other evidence of indebtedness pursuant to ordinance duly adopted by the City's municipal legislative body as allowed by Indiana Code § 8-1.5-3-9.1; and

WHEREAS, the Common Council caused written notice of the meeting at which a final vote was to be taken on this Ordinance to be mailed to all ratepayers of the water utility and to the Indiana Utility Regulatory Commission and published notice in accordance with Indiana Code 5-3-1 at least thirty (30) days prior to the date of such a meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE

CITY OF LEBANON, INDIANA:

Section 1. That the City of Lebanon's water utility be removed from the jurisdiction of the Indiana Utility Regulatory Commission for approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness.

Section 2. That this Ordinance take effect sixty (60) days after its adoption; provided, however, if within this sixty (60) day period, the Common Council receives a petition in proper form that:

- (a) is signed by at least ten percent (10%) or five hundred (500) of the registered voters of the City as determined by the Boone County Election Board, whichever is less; and
- (b) requests the Common Council to submit the question of removal from the jurisdiction of the Indiana Utility Regulatory Commission to a referendum at the next election;

then this Ordinance will not take effect until and unless removal of the City's water utility from the Indiana Utility Regulatory Commission's jurisdiction for approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness is approved by a majority of those voting on the question at an election.

Section 3. That upon receipt of a petition of the type described in Section 2 above, the following question shall be certified to the Boone County Election Board to be placed on the ballot at the next election:

"Shall the municipally owned water utility 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?"

Written notice of the referendum on the above question shall be mailed to the Indiana Utility Regulatory Commission at least ten (10) days before the election.

Section 4. That if this Ordinance becomes effective, written notice of the withdrawal of the City's water utility shall be mailed to the Indiana Utility Regulatory Commission

within thirty (30) days of the date this Ordinance takes effect.

PASSED AND ADOPTED by the Common Council of the City of Lebanon, Indiana, on this 14th day of April, 1997.

James H. Acton
James H. Acton, Mayor

COMMON COUNCIL OF THE CITY OF
LEBANON, INDIANA

Harold E. Lewis
Harold E. "Huck" Lewis

John W. Lasley
John W. Lasley

Douglas W. Campbell
Douglas W. Campbell

Andrea Hester
Andrea Hester

James K. Urban
James K. Urban

Kay Geisler
Kay Geisler

Jack S. Bland
Jack S. Bland

Attest: Laurie A. Gross
Laurie A. Gross
Clerk/Treasurer