

**STATE OF INDIANA
CITY OF CHARLESTOWN
CHARLESTOWN CITY COUNCIL**

ORDINANCE NO. 2004-OR-10

**ORDINANCE REGARDING REGULATION OF
THE CITY OF CHARLESTOWN'S WATER UTILITY
BY THE INDIANA UTILITY REGULATORY COMMISSION**

WHEREAS, the City of Charlestown owns and operates a municipal water utility (the: "utility") which provides drinking water service for the city of Charlestown (the: "City"); and,

WHEREAS, for at least ten (10) years, if ever, the utility has not filed reports with the Indiana Utility Regulatory commission; and,

WHEREAS, there is a legitimate question whether the utility has ever been under the jurisdiction of the Indiana Utility Regulatory Commission (IURC) for purpose of approval of rates, charges and evidences of indebtedness; and,

WHEREAS, because of the deteriorated condition of the utility's water distribution system, the utility may need to incur indebtedness and/or make a rate change in an expedited fashion; and,

WHEREAS, the process of determining whether the utility is under the jurisdiction of the IURC and/or obtaining approval form the Indiana Utility Regulatory Commission for rate/regulation changes would delay the implementation of the actions and/or polices which will allow expedited repair of the City's water supply system; and,

WHEREAS, I.C. 8-1.5-3 *et seq.* outlines the procedures which are required to be filed in order to remove a utility from the jurisdiction of the Indiana Utility Regulatory Commission; and,

WHEREAS, written notice of a public hearing for the purposes of considering removal of the City's water utility from the jurisdiction of Indiana Utility Regulatory Commission will be, at least thirty (30) days before the final vote on any ordinance regarding this matter, mailed to all ratepayers of the utility and to the Indiana Utility Regulatory Commission.

WHEREAS, a public hearing, at which an explanation of the procedures for removal of the utility from the jurisdiction of the Indiana Utility Regulatory Commission will be held, before the final vote on any ordinance removing the utility from commission jurisdiction.

WHEREAS, written notice of the withdrawal of the utility from IURC jurisdiction will be, within thirty (30) days after the enactment of any ordinance becomes effective, mailed to the commission.

NOW THEREFORE, BE IT ORDAINED by the City Council of Charlestown that:

The City of Charlestown's municipally owned water utility shall be taken out of the jurisdiction of the Indiana Utility Regulatory Commission, to the extent that the IURC continues to exercise any jurisdiction over that utility. This shall include, but not be limited to, supervision by the Indiana Utility Regulatory Commission for purposes of the approval of rates and charges and of the issuance of stocks, bonds, notes, or other

evidence of indebtedness. The City Attorney is to take all necessary action to accomplish the purpose of this Resolution.

Any ordinance subsequently passed by the City Council shall take effect sixty (60) days after its adoption by the Charlestown City Council.

ADOPTED by the City Council of Charlestown, Indiana this 22 day of August, 2004.

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<i>Jeff Aaron</i> JEFF AARON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Bruce Bottorff</i> BRUCE BOTTORFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Matt Woods</i> MATT WOODS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TERRY PIERCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Brian Walker</i> BRIAN WALKER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED: *Michael D. Hall*
MICHAEL D. HALL, Mayor

DATE: 8/2/04

ATTEST: *Nancy Rogers acting*
~~DONNA COOMER, Clerk-Treasurer~~
Nancy Rogers

DATE: 8/02/04