Ordinance No. 2014-1

An Ordinance of the Cumberland Town Council
Increasing Rates for the Cumberland Storm Water Utility

Whereas, the Cumberland Storm Water Utility manages storm water in its service area, which includes the authority to set the rate or monthly user fee for storm water services;

Whereas, the Cumberland Storm Water Board (Board) caused a rate study to be prepared to calculate the reasonable and just cost of the provision of storm water service and the rates and charges, or monthly user fee, for the recovery of such costs;

Whereas, the Board retained Gregory T. Guerrettaz of Financial Solutions Group Inc. to complete a study and analysis of the financial reports, budgets, and other data regarding Cumberland’s storm water utility to assess an amount necessary to operate and maintain the town’s storm water within Cumberland;

Whereas, Guerrettaz studied data for the 12 months ending December 31, 2011 and 12 months ending December 31, 2012. Guerrettaz also reviewed the town’s revised Capital Improvement Plan, and other financial information in completing the rate study;

Whereas, Ind. Code § 8-1.5-7-7(b) provides that a storm water utility board may assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system after public hearing and obtaining approval of the town’s fiscal body;

Whereas, Ind. Code § 8-1.5-7-7(b) provides that the user fees must be the minimum amount necessary for the operation and maintenance of the storm water system;

Whereas, Ind. Code § 8-1.5-7-7(b) requires the Board to use certain factors to establish the fee, including but not limited to a flat charge per different property, the impervious surface area on the property, the character of storm water discharged, number and size of storm water outlets on the property, property improvements that address storm water quality and quantity, and district-wide storm water discharge and effect;

Whereas, the Cumberland Storm Water Utility Board has studied the rate study, considered all required statutory factors under Ind. Code § 8-1.5-5-7, conducted a public hearing on the rate increase proposal, and found that the rate, or monthly user fee, should be increased from $5.20 per month per equivalent residential unit (ERU) to $7.50 per month per ERU;

Whereas, on January 15, 2014, the Board adopted Resolution 2014-1, which, subject to town council approval, increases the rate or monthly user fee for storm water services to $7.50 per month per ERU;

Whereas, the town council has considered the rate study, the Cumberland Storm Water Board Resolution 2014—1, and all relevant statutory factors under Ind. Code § 8-1.5-5-7, and finds that the monthly user fee should be increased to $7.50 per month per ERU and that Section 00-05-51-090 should be amended to include the new rate or user fee;
The Town Council of the Town of Cumberland, Indiana now therefore ordains that:

1. New Rate Approval. The monthly user fee for the storm water utility, as provided for in Town Code 00-05-51-090, is amended to the rate of $7.50 per month per ERU, as provided in the rate study attached as Exhibit A and Cumberland Storm Water Utility Board Resolution 2014-1, Exhibit B, effective March 1, 2014.

2. Repealer. All ordinances or parts of ordinances in conflict are repealed.

3. Severability. Any provision of this ordinance found by a court to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

4. Effective Date. This ordinance is effective upon adoption, and the new rate will become effective March 1, 2014.

Passed and Adopted this ___ day of ____________, 2014.

A Majority of the Town Council of Cumberland, Indiana

Joe Sieker, President

Anna Pea, Vice President

Nicole Bell, Council Member

Brian Gritter, Council Member

Mark Reynolds, Council Member

Attest:

Grace Heck, Clerk-Treasurer