Cumberland Town Council

Resolution 2017-06

A Resolution of Intent to Sell GEM Utilities

Whereas, the Town of Cumberland operates the GEM Sanitary Utility and the GEM Water Utility; and

Whereas, the service territories are outside of the corporate boundaries of the Town; and

Whereas, the Town has been contacted by another utility regarding its interest in purchasing the GEM Sanitary Utility and GEM Water Utility from the Town; and

Whereas, both the Sanitary Board and the Water Board has approved resolutions of support for the sale of these utilities; and

Whereas, Indiana Code §8-1.5-2 requires Towns interested in selling utilities to appoint three (3) appraisers, to establish a due date for the appraisals, and to make the appraisals available to the public after the appraisals are received by the Town; and

Whereas, Indiana Code §8-1.5-2 also requires the Town Council to conduct a public hearing after receipt of the appraisals, and the purpose of this public hearing is to review and explain the appraisals and receive public comment regarding the possible sale; and

Whereas, Indiana Code §8-1.5-2 also requires the Town Council to determine after the public hearing whether it wishes to proceed with the sale and, if so, to determine by ordinance the manner of sale, price, terms and conditions of the sale, effective date of the ordinance and other matters regarding the sale; and

Whereas, Indiana Code §8-1.5-2 also requires that after the adoption of the ordinance, the Town and the purchaser must submit the transaction to the Indiana Utility Regulatory Commission for approval; and
Whereas, the Town Council believes that it is in the best interests of its citizens and for the ratepayers of the utilities that it proceeds with the sale of the GEM sanitary utility and the GEM water utility, as provided for by law.

IT IS, THEREFORE, RESOLVED, that the Town Council hereby declares that it intends to sell its GEM sanitary and GEM water utilities.

IT IS FURTHER RESOLVED that the Town Council hereby appoints three (3) appraisers, as provided by Indiana law, for the purpose of determining the value of the utilities.

IT IS FURTHER RESOLVED that the Town Manager will negotiate with three qualified appraisers and submit to the Town Council for appointment the names and qualifications of the qualified appraisers.

IT IS FURTHER RESOLVED that the report of appraisers will be due to the Town Council on or before September 15, 2017.

IT IS FURTHER RESOLVED that upon receipt of the appraisers’ report, the Clerk-Treasurer will make the report available for public inspection during normal business hours.

IT IS FURTHER RESOLVED that the Town Council President, the Town Manager, and the Director of Utilities are authorized to take all necessary action to effectuate this resolution.

This resolution is adopted this 21st day of June, 2017.

Cumberland Town Council

Anna Pea, President

Joe Siefker, Vice President
Nicole Bell, Council Member

Brian Gritter, Council Member

Mark Reynold, Council Member

Erica Salmon, Clerk-Treasurer