

ORDINANCE NO. 02-____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HUDSON, INDIANA AMENDING
CHAPTER 9, ARTICLE 1, SECTION 9-11 AND CHAPTER 9, ARTICLE 3, SECTION 9-27
OF THE HUDSON TOWN CODE BY ADDING A SECTION
RELATING TO THE REMOVAL OF
THE TOWN'S WATER UTILITY AND WASTE WATER UTILITY FROM THE
JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION

WHEREAS, the Town Council of the Town of Hudson has determined that it is advisable to remove the Town's municipal water utility and waste water utility from the rate and financing jurisdiction of the Indiana Utility Regulatory Commission and thereby enable the Town Council to change the water rates as required in order to maintain the system and to provide adequate and reliable service to customers without incurring the regulatory delays and significant costs connected with proceedings before the Commission;

AND WHEREAS, the Indiana legislature has adopted legislation (I.C. 8-1.5-3-9.1, et seq.) which permits a municipally owned utility to be removed from the jurisdiction of the Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, if the municipal legislative body adopts an ordinance removing the utility from Commission jurisdiction;

AND WHEREAS, the Council has determined that with the adoption of such an ordinance, the Town will realize an opportunity for costs savings by avoiding Commission charges for staff accounting, engineering and publication of notice associated with rate hearings before the Commission; that the Council will also be able to avoid charges for approval of bond issues and avoid some consulting and legal fees, all at an ultimate cost savings to the customers of the utility;

AND WHEREAS, the Town Clerk/Treasurer, pursuant to the direction of the Town Council, has mailed written notice of this meeting to all rate payers of the utility and to the Commission at least thirty (30) days prior to the final vote on the ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HUDSON, INDIANA:

Section I. Chapter 9, Article 1, Section 9-11 of the Hudson Town Code is hereby amended by adding the section thereto which shall read as follows:

**Sec. 9-11 Removal of Water Utility from the
Jurisdiction of the Indiana Utility Regulatory
Commission**

- a. The municipally owned water utility of the Town of Hudson, Indiana, shall be, and is hereby removed from the jurisdiction of the
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Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness.

b. This amendment shall take effect sixty (60) days after adoption by the Town Council.

Section II. Chapter 9, Article 3, Section 9-27 of the Hudson Town Code is hereby amended by adding the section thereto which shall read as follows:

Sec. 9-27 Removal of Water Utility from the Jurisdiction of the Indiana Utility Regulatory Commission

a. The municipally owned waste water utility of the Town of Hudson, Indiana, shall be, and is hereby removed from 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.

b. This amendment shall take effect sixty (60) days after adoption by the Town Council.

Section III. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section IV. This Ordinance is hereby passed and adopted at a regular meeting of the Town Council of the Town of Hudson, Indiana, this ____ day of _____, 2002.

Chad Minier
President, Town Council

Brian Hayes
Town Council Member

Gene Hamm
Town Council Member

ATTEST:

Atta Hayes, Clerk - Treasurer