

ORDINANCE NO. 1994-02

THE TOWN OF GREENVILLE, INDIANA ORDINANCE
PURSUANT TO IC 8-1.5-3-9.1 REMOVING THE
TOWN'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 Town of Greenville, Indiana, is classified as a town under Indiana law; and,

WHEREAS, the Town of Greenville, 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, or other evidence of indebtedness must be approved by the Town Council of the Town of Greenville, Indiana and by the Indiana Utility Regulatory Commission pursuant to Indiana Code Sec. 8-1.5-3-8 and Indiana Code Sec. 8-1.5-5-2-19; and,

WHEREAS, the Indiana General Assembly has provided in Public Law 82-1988, Section 6 (Indiana Code Sec. 8-1.5-3-9.1) a means by which municipalities may remove their utilities from the Commission's ratemaking and financing jurisdiction through the adoption of an ordinance; and

WHEREAS, the Town Council, as the municipal legislative body of the Town of Greenville, 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 Town's municipal legislative body as allowed by Indiana Code Sec. 8-1.5-3.9.1; and,

WHEREAS, the Town 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 Sec. 5-3-1 at least thirty (30) days prior to the date of such meeting.

WHEREAS, this provision will be a part of the final ordinance if approved. This is included on the first reading solely to reflect how the final ordinance will appear and that the Town will comply with these provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, FLOYD COUNTY, INDIANA:

Section 1. That the Town of Greenville'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 final adoption; provided, however, if within this sixty (60) day period, the Town Council receives a petition in proper form;

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

This Ordinance will not take effect until and unless removal of the Town's water utility from the 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. Upon receipt of a petition of the type described in Section 2 above, the following question shall be certified to the Floyd County Election Board to be placed on the ballot at the next election:

"Shall the municipality owned 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 takes effect without a referendum on the question of removal, written notice of the withdrawal of the Town's water utility shall be mailed to the Indiana Utility Regulatory Commission within thirty (30) days of the date this Ordinance take effect.

PASSED AND ADOPTED by the Town Council of the Town of Greenville, Floyd County, Indiana, on this 7th day of June, 1994.

By: Harold M. Hall
Harold M. Hall, President

By: _____
Robert J. Williams, Member

By: Patricia Sappenfield
Patricia Sappenfield, Member

ATTEST:

Jack E. Sprigler
Jack E. Sprigler,
Clerk-Treasurer

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