

**RESOLUTION NO. 2004- /**  
**DEPARTMENT OF STORM WATER MANAGEMENT,**  
**TOWN OF BARGERSVILLE, INDIANA**

**A RESOLUTION OF THE DEPARTMENT OF STORM WATER MANAGEMENT  
OF BARGERSVILLE, INDIANA, APPROVING A NEW SCHEDULE OF RATES  
AND CHARGES FOR THE DEPARTMENT OF STORM WATER ANAGEMENT.**

WHEREAS, the Board of Directors ("Board") of the Department of Storm Water Management ("Department", also known as the "Storm Water Utility") of the Town of Bargersville, Indiana ("Town"), is responsible for the collection and disposal of storm and surface water in the Town; and

WHEREAS, the Town created the Department and Board pursuant to Ordinance No. 2000-9; and

WHEREAS, all territory within the corporate boundaries of the Town is included in and constitutes the special taxing district known as the Bargersville Storm Water District ("District"); and

WHEREAS, IC 8-1.5-5-7 provides that the Board, after approval by the Town Council of the Town, may assess and collect user fees from all the property of the Storm Water District; and

WHEREAS, the Board previously determined to enact the user fees pursuant to IC 36-9-23, and the Town Council authorized such user fees recommended in accordance with IC 36-9-23-26; and

WHEREAS, the Board previously adopted a policies and procedure manual ("Policy Manual") regarding the implementation and operation of the Department; and

WHEREAS, the Board has conducted internal studies and has received reports from H.J. Umbaugh & Associates and M.D. Wessler & Associates (collectively, the "Reports") regarding certain needs of the District and the projects to fulfill those needs and has made a determination as to the amounts that must be expended to complete the projects so included; and

WHEREAS, the Board, based upon the Reports, has determined that the rates and charges previously enacted are insufficient and that it is necessary and desirable to raise the rates and charges previously enacted in order to provide for the operation and maintenance of the storm water system as well as to provide money to fund existing and proposed projects (the "Projects"); and

WHEREAS, the Board has applied for funding from the U. S. Department of Agriculture, acting through Rural Development ("RD"), and the Department of Commerce ("DOC") to fund the Projects, but such funding does not appear to be sufficient, and the Board may apply for additional funding from RD and/or may sell open market bonds and/or issue bond anticipation notes for the additional funding; and

WHEREAS, the rates and charges necessary to provide for the operation and maintenance of the storm water system as well as to provide money to fund for the Projects will differ depending on whether the necessary additional funding may be obtained in full from RD or whether it is necessary to obtain open market funding;

WHEREAS, the Board has determined that a new schedule of rates and charges (the "storm water utility fee") should be established at this time;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Department of Storm Water Management of the Town of Bargersville, Indiana, as follows:

1. The monthly storm water utility fee will consist of two parts, an administrative fee and a user fee.
2. The monthly administrative fee will cover storm water utility overhead and will be charged to all residential, non-residential and combined residential/business properties. For combined residential/business properties that receive separate utility bills for the residence and the business, both the residential portion and the business portion of the property will be charged the administrative fee.
3. The monthly user fee will be uniform for all residential properties, which will be assigned one (1) Equivalent Residential Unit ("ERU"). This allocates that all residents of the Town of Bargersville place demands on the storm water system and benefit from the storm water management activities.
4. The monthly user fee for non-residential properties will be determined using an ERU multiplier, which will be calculated by dividing the total impervious surface area within the property by the base ERU of 2,350 square feet. This method allows for the non-residential property user fees to be based upon the demand the property places on the storm water system as compared to the demands of the average residence. The ERU for a non-residential property shall not be less than one ERU.

5. The monthly user fee for combined residential/business properties will be one (1) ERU for the residential portion and the ERU multiplier will be calculated for the business portion.

6. The monthly administrative fee will be \$1.10.

7. (A) The monthly user fee per ERU will be \$8.36 if additional funding is obtained from RD.

(B) The monthly user fee per ERU will be \$10.70 if additional funding is obtained from an open market bond issue.

8. If the monthly storm water utility fee is not paid by the due date stated on the bill, a late charge of ten percent (10%) will be assessed, together with costs of collection, if any, including reasonable attorney's fees.

9. The total monthly storm water utility fee and the policies and procedures for determining impervious surface area, establishing the ERU and its multiplier, and billing and collection procedures and the credit process are described in the Policy Manual, which Policy Manual (as amended from time to time) is incorporated herein by reference.

10. The Secretary of the Board is hereby directed to file a copy of this resolution with the Town of Bargersville, Indiana, and request approval by and through its Town Council, of the rates and charges as set forth above.

11. The sections, paragraphs, sentences, clauses, phrases and words of this resolution are separate and severable, and if any word, phrase, clause, sentence, paragraph or section of this resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this resolution.

12. The rates and charges approved in this resolution are effective upon passage of an ordinance by the Town Council approving this resolution and the rates and charges authorized herein in accordance with IC 36-9-23-26 and upon a determination of the source of additional funding. The rates and charges shall be billed on the first billing cycle of the Town's utilities after approval of such ordinance by the Town Council of the Town and after determination of whether additional funding will be obtained from RD or from an open market bond issue.

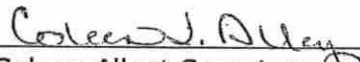
13. This resolution is effective upon passage.

Adopted on November 29, 2004.

BOARD OF DIRECTORS OF THE  
DEPARTMENT OF STORM WATER  
MANAGEMENT OF THE TOWN  
OF BARGERSVILLE, INDIANA

By:   
Roy Carlsgaard, President

ATTEST:

  
Coleen Allen, Secretary 