



**ORDINANCE 2023-10**

**AN ORDINANCE OF THE CITY OF AUBURN, INDIANA, CONCERNING REMOVAL OF THE CITY OF AUBURN'S MUNICIPAL WATER UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION**

WHEREAS, the City of Auburn, Indiana, (the "City"), has previously established a municipal water utility for purposes of operating water facilities and providing potable water service to customers in and around the City; and

WHEREAS, the rates, charges, evidence of indebtedness, and certain other matters concerning the City's municipal water utility are regulated by the Indiana Utility Regulatory Commission (the "IURC"); and

WHEREAS, the Common Council of the City (the "Council") recognizes that, pursuant to Indiana Code § 8-1.5-3-9 and 9.1, the majority of municipal water utilities in the State of Indiana have been removed from the IURC's jurisdiction as to rates, charges, evidence of indebtedness, and certain other matters; and

WHEREAS, the Council believes that: (i) the City is capable of appropriately establishing rates and charges, determining appropriate levels of indebtedness, and otherwise operating the City's municipal water utility without incurring the expense associated with the IURC's jurisdiction over such matters; and (ii) the City's municipal water utility should be removed from the IURC's jurisdiction; and

WHEREAS, the Council believes that it is important to obtain the input of the City's municipal water utility customers prior to completing the removal of the City's municipal water utility from the jurisdiction of the IURC; and

WHEREAS, at least thirty (30) days prior to the date of adoption of this ordinance, the City caused to be mailed to all ratepayers of the City's municipal water utility and to the IURC written notice of the meeting of the Council at which this ordinance would be considered for adoption (the "Public Meeting"); and

WHEREAS, at the Public Meeting, the City provided an explanation of the removal process and all ratepayers of the City's municipal water utility and representatives of the IURC were provided with an opportunity to comment on the matter of the removal of the City's municipal water utility from the IURC's jurisdiction;

NOW, THEREFORE, be it ordained by the Common Council of the City of Auburn, Indiana that:

Section 1. Pursuant to Indiana Code § 8-1.5-3-9.1, the City's municipal water utility is hereby removed from the jurisdiction of the IURC for the approval of rates and charges and the issuance of stocks, bonds, notes, or other evidence of indebtedness, and any other applicable matters.

Section 2. Except as described in Section 3 hereof, this ordinance shall take effect sixty (60) days after the date of its adoption.

Section 3. If, within sixty (60) days of the adoption of this Ordinance, the Council receives a petition: (i) that is signed by at least the number of the registered voters of the City required under Indiana Code § 3-8-6-3 to place a candidate on the ballot; and (ii) that requests the Council to submit the question of removal from the IURC jurisdiction to the registered voters of the City at the next election, the Council will certify the public question to the county election board in accordance with Indiana Code § 8-1.5-3-9.1.

Section 4. Within thirty (30) days after this ordinance becomes effective, the Mayor and/or Clerk-Treasurer shall mail to the IURC written notice of the withdrawal of the City's municipal water utility from the IURC's jurisdiction.

Passed and adopted by the Common Council of the City of Auburn, Indiana, this 5<sup>th</sup> day of September 2023.

COMMON COUNCIL  
CITY OF AUBURN, INDIANA

  
\_\_\_\_\_  
Council Member

ATTEST:

  
\_\_\_\_\_  
Patricia M. Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, on the 5 day of September, 2023.

  
\_\_\_\_\_  
Patricia Miller, Clerk-Treasurer

This Ordinance approved and signed by me, the Mayor of the City of Auburn, Indiana, on the 5 day of September, 2023.

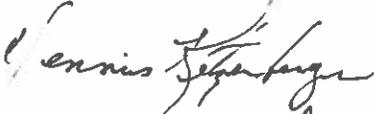
  
\_\_\_\_\_  
Michael D. Ley, Mayor

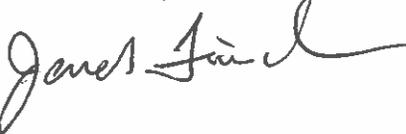
VOTING:

AYE

NAY

Natalie DeWitt  
*President*

Dennis Ketzenberger 

James Finchum 

Dennis K. Kruse, II

Kevin Webb 

David Bundy 

Emily Prosser 