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First Reading 03/18/2025
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ORDINANCE 2025-04

AN ORDINANCE AMENDING CHAPTER 49 ENTITLED "AUBURN ESSENTIAL SERVICES" OF THE CITY OF AUBURN CODE OF ORDINANCES

SUMMARY

This ordinance amends and restates Chapter 49 entitled "Auburn Essential Services" of the City of Auburn Code of Ordinances.

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| <input type="checkbox"/> Recorder's Office | <input type="checkbox"/> Publish Public Hearing |
| <input type="checkbox"/> Auditor's Office | <input type="checkbox"/> _____ |
| <input checked="" type="checkbox"/> Clerk's Office | <input type="checkbox"/> Publish O/R after adoption |
| <input type="checkbox"/> Other | <input type="checkbox"/> _____ |
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First Reading 03/18/2025
Second Reading _____

ORDINANCE 2025-04

AN ORDINANCE AMENDING CHAPTER 49 ENTITLED “AUBURN ESSENTIAL SERVICES” OF THE CITY OF AUBURN CODE OF ORDINANCES

SECTION 1. That Chapter 49 entitled “Auburn Essential Services” of the City of Auburn Code of Ordinances is hereby amended as follows and restated in Exhibit “A”:

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- 49.05 AES INFORMATION SERVICES PRIVACY POLICY AND PRIVACY NOTICE

49.01 AUBURN ESSENTIAL SERVICES

The Auburn Essential Services Department provides internet services, ~~cable television services,~~ telecommunication services, and other related services and products that are provided through optical fiber network technology located and available to businesses and residents of the City of Auburn and the surrounding community.

Auburn Essential Services maintains, repairs, and expands the optical fiber services available to the community with the assistance of the City of Auburn, Indiana.

Auburn Essential Services is a Department within the City of Auburn, Indiana and the Department Head of said Department is appointed by the Mayor of the City of Auburn, Indiana.

~~49.02~~ ~~49.02~~ **COUNCIL APPROVAL OF RATES** **49.02 MANAGEMENT OF RATES**

~~The Common Council of the City of Auburn, Indiana shall be responsible for approving a range of charges that may be assessed for services provided by the City of Auburn's Essential Services Department (also known as and referred to as AES).~~

~~The Auburn Essential Services Department shall maintain a rate schedule which shall be approved by the Common Council of the City of Auburn, Indiana. This rate schedule shall set a range of rates for services offered by the Department, by way of data services, phone services, data center co-location services, security services, hosted and/or managed information services, television services, technical consulting or contracting services, professional consulting or contracting services, and any other fiber, information, or telecommunication-based services or products officially offered by the Department.~~

~~The services and costs of services shall be set forth in the rate schedule and shall be consistently applied to all individuals who receive services from the Department.~~

~~The rates charged by Auburn Essential Services Department shall be set based upon the following guiding principles:~~

- ~~1. Competitive Pricing: Products and services shall be priced competitively with other similar products offered by incumbent or other fiber optic providers.~~
- ~~2. Sustainability: Products and services shall be priced such that Auburn Essential Services is independently sustainable, sustainable and will not require significant subsidies from the City of Auburn.~~
- ~~3. Community Value: Products and services shall be provided that offer quality and value to community subscribers.~~
- ~~4. Rates and charges shall be fair and equitable among users within the same class.~~

The Auburn Essential Services Department (also known as and referred to as AES), Management Committee, consisting of the AES General Manager, Operations Manager, ~~Business Development Coordinator~~ along with both designated city council liaisons to AES, and the Mayor, shall set any revised rate schedule pursuant to recommendations from the AES General Manager ~~recommend a revised rate schedule to the mayor for final approval.~~ These rates will determine the costs for services provided by the Department, including, data services, phones services, data center co-location services, security services, hosted and/or managed information services, technical consulting or contracting services, professional consulting or contracting services and any other fiber, information, or telecommunication-based services or products officially offered by the Department.

The services and costs of services shall be set forth by AES and shall be consistently applied to all

individuals who receive services from the Department.

The rates charged by Auburn Essential Services Department shall be set based upon the following guiding principles:

1. Competitive Pricing: Products and services shall be priced competitively with other similar products offered by incumbent or other fiber optic providers.
2. Sustainability: Products and services shall be priced such that Auburn Essential Services is independently sustainable and will not require significant subsidies from the City of Auburn.
3. Community Value: Products and services shall be provided that offer quality and value to community subscribers.
4. Rates and charges shall be fair and equitable among users within the same class.

4.

49.01 49.03 AES CATALOG

~~The residential rate schedule and business rate schedule as approved by the Council shall be made available to the general public and any subscribers who are customers of AES, and an original copy of the range of rates to be charged by Auburn Essential Services shall be maintained by AES and the Clerk-Treasurer of the City of Auburn and published in a manner that provides access to the general public. The Auburn Essential Services Department shall make said rates available for review by the general public upon request. In addition, the residential and business rate schedules shall be prepared by the Auburn Essential Services Department and published on the City of Auburn, Indiana's municipal website. Auburn Essential Services shall establish the specific rates within said range established and authorized by the Common Council.~~

The Auburn Essential Services Department shall maintain a list of services and associated rates internally.

~~49.02~~ **49.04 MANAGEMENT OF RATES**

~~Changes to the rate schedule may be made and implemented by the Common Council of the City of Auburn at the request of the AES Manager from time to time to properly support demand in the local information serviced markets. Said changes to the rates shall be made under the guiding principle set forth in this Ordinance.~~

49.03 49.05 4 OUTSIDE CONTRACTS AND SERVICES

Auburn Essential Services may furnish services outside the municipal corporate limits of the City of Auburn, Indiana. Intergovernmental contracts between municipal corporations as allowed by Indiana law may be used to establish service relationships ~~to~~ with community members outside the Municipal City of ~~auburn~~ Auburn Indiana. Said contracts shall be entered into and approved by the appropriate governing body as established by Indian Code.

Auburn Essential Services may contract and provide services to corporate entities and other individuals in the business arena, when said service will be beneficial to the growth and sustainability of the Department.

Contracts associated with AES shall be approved by the Auburn Board of Public Works.

The budget and claims associated with AES shall be approved by the Common Council.

49.04 49.06 5 AES INFORMATION SERVICES PRIVACY POLICY AND PRIVACY NOTICE

Commitment to Confidentiality

First Reading _____
Second Reading _____

It is the policy of the City of Auburn, Indiana to maintain a services privacy policy and privacy notice. Said policy is available to the public and is incorporated herein by reference.

AES and its associated Information Service Offerings strive to honor the confidentiality of its customers. The AES Information Services Privacy Policy and AES Information Service Internet Access Privacy Notice ("Privacy Policy") is designed to explain the commitment to user privacy and the monitoring activities of AES.

Independent contractors and agents of AES that are acting on behalf of AES in providing the AES Information Services are also bound by the AES Privacy Policy.

Communications regarding this Privacy Policy

If you have any questions concerning the AES Privacy Policy, you may contact AES at <http://www.AuburnEssentialServices.net>. 260.333.0100 phone | 260.920.3354 fax | 210 S. Cedar St., 3rd Floor, Auburn, IN 46706 | aes@ci.auburn.in.us

Revisions to the Privacy Policy


AES reserves the right to update or modify the AES Privacy Policy at any time. Modifications to said Privacy Policy will be given by posting such changes to AES website at <http://www.AuburnEssentialServices.net> and select the "AES Privacy Policy" link, by e-mail, or by postal mail, and clients shall be notified on billing statements. For the most current user policy please contact AES directly or view said policy on the AES internet ~~web-site~~ [website](#).

First Reading _____
Second Reading _____

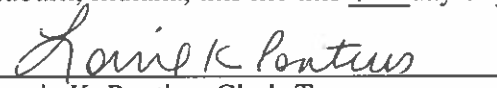
PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this 1st day of April, 2025.


James Finchum, Councilmember

ATTEST:


Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 1st day of April, 2025.


Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 1st day of April, 2025.


David E. Clark, Jr., Mayor

VOTING:

AYE

NAY

Natalie DeWitt



Rod Williams




James Finchum



Dan Braun



David Bundy



Kevin Webb



Emily Prosser



Exhibit "A"

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