

RESOLUTION NO. 02-02
WEST CENTRAL CONSERVANCY DISTRICT

A RESOLUTION AMENDING AND RESTATING
WEST CENTRAL CONSERVANCY DISTRICT'S
SCHEDULE OF RATES AND CHARGES TO BE
COLLECTED BY THE WEST CENTRAL CONSERVANCY DISTRICT,
FROM THE USERS OF THE SEWAGE WORKS OF SAID CONSERVANCY
DISTRICT, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Board of Directors of the West Central Conservancy District ("District") adopted Resolution No. 00-03 entitled "**A Resolution Amending and Restating West Central Conservancy District's schedule of rates and charges to be collected by the West Central Conservancy District from the users of the sewage works of said Conservancy District and other matters connected therewith**" ("Rate Resolution") on January 10, 2001; and

WHEREAS, on November 7, 2001 the Board of Directors adopted Resolution No. 01-03 entitled "**A Resolution Amending West Central Conservancy District's Resolution No. 00-03 "A Resolution Amending and Restating West Central Conservancy District's schedule of Rates and Charges to be Collected by the West Central Conservancy District from users of the sewage works of said Conservancy District and other matters connected therewith;"**" and

WHEREAS, the District has employed H.J. Umbaugh & Associates Certified Public Accounts, LLP to conduct a rate study to determine just and equitable rates and charges necessary to permit the District to collect sufficient revenues to provide the funds necessary to pay the principal and interest on revenue bonds issued or to be issued by the District, to provide funds necessary for replacements and improvements to the District's sewer system and to pay expenses of maintenance and operation; and

WHEREAS, the District finds that based upon the advice from its rate consultant H.J. Umbaugh, it is necessary to amend the District's Rate Resolution 00-03, as amended, and modify the Schedule of Rates and Charges so as to produce sufficient revenues to provide the funds necessary to pay expenses of maintenance and operation, and the replacement of improvements to the District's sewer system in a just and equitable manner and to pay the principal and interest on revenue bonds issued or to be issued by the District in accordance with the applicable bond resolutions and to pay line of credit or other financing resolutions; and

WHEREAS, the Board of Directors desires to amend its rate resolution and consolidate all amendments of the District's Rate Resolutions and restate the Rate Resolution in a single resolution embodying all effective terms and conditions of the District's Rate Resolution as of the effective date of this Resolution 02-02.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Central Conservancy District;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Resolution shall be as follows:

(a) "Board" shall mean the Board of Directors of the West Central Conservancy District, or any duly authorized officials acting in its behalf.

(b) "BOD" (Biochemical Oxygen Demand) shall have the same meaning as in the Use Resolution.

(c) "District" shall mean the West Central Conservancy District, acting by and through the Board of Directors.

(d) "Debt Service Cost" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt and interest costs for all District debt.

(e) "EDU" (Equivalent Dwelling Unit) shall mean the average daily amount of sewage flow from a normal residence unit based upon industry standards.

(f) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of Normal Domestic Sewage (as defined herein)

(g) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

(h) NH₃N (Ammonia Nitrogen) shall have the same meaning as in the Use Resolution.

(i) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

B.O.D.	not more than	250	mg/L
S.S.	not more than	250	mg/L
NH ₃ N.	not more than	30	mg/L

As defined by origin, wastewater from segregated domestic and or sanitary conveniences as distinct from wastes from industrial process.

(j) "NPDES (National Pollutant Discharge Elimination System) Permit" shall mean the permit issued by the Indiana Department of Environmental Management for the discharges of wastewaters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.

(k) "Operation and Maintenance Costs" include all costs, direct and indirect, including but not limited to, Replacement Costs (as defined herein) necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and to produce discharges to receiving waters that conform with all related Federal, State and local requirements.

(l) "Other Service Charges" shall mean tap-on charges, connection charges, Facility Utilization Fees, Interceptor Utilization Fees, area charges, and other identifiable

charges other than User Charges, debt service charges and excessive strength surcharges.

(m) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(n) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

(o) "Shall" is mandatory; "May" is permissive.

(p) "Service Area" shall mean the area within the boundary of the West Central Conservancy District as amended from time to time and described in Hendricks Circuit Court, Cause No. 32C01-9107-MI-257.

(q) "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.

(r) "Sewer Maintenance Costs" shall mean the costs to transport sewage and to repair the collection system.

(s) "S.S." (Suspended solids) shall have the same meaning as defined in the Use Resolution.

(t) "Sewer Use Resolution" shall mean a separate and companion enactment to this Resolution, which regulates the connection to and use of public and private sewers.

(u) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of Operation and Maintenance of such works and Debt Service Costs.

(v) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System)

(i) "Residential User" shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

(ii) "Commercial User" shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(iii) "Institutional User" shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a

determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

(iv) "Governmental User" shall mean any Federal, State, or local governmental user of the wastewater treatment works.

(v) "Industrial User" shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

(w) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each User, as defined, in order that the sewage works shall recover from each User revenue to defray the cost of Operation and Maintenance (cost and replacement costs) of the treatment works and to cover Debt Service Costs.

Section 3. For the use of and the services rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the District's sanitary sewer system or otherwise discharges sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the West Central Conservancy District. Such rates and charges include Operation and Maintenance Costs, User Charges, Debt Service Costs, Excessive Strength Surcharges and Other Service Charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(A) For all User Classes except Residential Users the sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read in accordance with the operating practice of Indianapolis Water Company or the meter reading practices of the District as the case may be. For all User Classes except Residential, the Users shall be billed on the same billing cycle employed by Indianapolis Water Company being approximately twenty-one (21) business days (Billing Cycle) provided however if billing is not provided on the Users water bill by Indianapolis Water Company the billing cycle shall be on a monthly basis. The water usage schedule on which the amount of said rates and charges shall be determined as follows:

I. Minimum Billing Cycle Charge — Metered Users

(a)	All Users - except Residential Users.		
	5/8	Inch Water Meter	\$25.11
	1	Inch Water Meter	\$58.26
	1.5	Inch Water Meter	\$131.19
	2	Inch Water Meter	\$224.01
	3	Inch Water Meter	\$511.31
	4	Inch Water Meter	\$887.01

6	Inch Water Meter	\$2,014.11
8	Inch Water Meter	\$3,579.96

II. Flow Charge (per hundred cubic feet)

- (a) All Users except Residential Users.
\$2.21 per hundred cubic feet

III. For Non-Residential Users that are unmetered water users or where accounts meter reading are not available the Minimum Billing Cycle Charge shall be determined by the size of the water service pipe servicing the structure. The Flow Charge shall be determined by the usages based upon standards contained in the latest Indiana Board of Health Publication or 327IAC 3- 6-11 times the Flow Rate of \$2.21 per hundred cubic feet.

(B) For Residential Users of the sewage works:

I. Residential Users (per Billing Cycle)

- (a) Residential Single Family:
\$ 45.00 per billing cycle

(C) Non-Recurring Charges and Other Service Charges

(1) Facility Utilization Fee:

All Classes and All Users: \$ 2,000.00 per EDU; provided however, for Users who are located in the Sugarwood Estates Section 1 and 2 subdivision the Facility Utilization Fee shall be \$1,500.00 until December 31, 2002.

EDU equivalent shall be determined by District Engineer provided however, no User connection shall be less than one EDU

(2) Construction Inspection Fee:

- (a) \$60.00 per hour.
- (b) all other District review, inspection and any other associated costs for proposed development(s) approval, development inspection costs shall be billed by District at District's cost for said service.

(3) Engineering Evaluation Fee:

Fees associated with the plan review for Residential, Commercial, Institutional or Industrial facilities will be the usual and customary charges consistent to such review practices as charged by the District Engineer.

(4) Reconnection Charge:

Actual cost of disconnection and reconnection.

(5) Sewer connection application and inspection fee:

\$250.00 per connection

(6) Dishonored check charge:

\$30.00 per Dishonored check

(7) Interceptor Utilization Fee:

(1) All Classes and All Users:

\$1,000 per EDU provided however, Users within the Lake Forest Subdivision located in Section 10, Township 15 North, Range 1 East Hendricks County, Indiana and the Sugarwood Estates Subdivision Section 1 and 2 located in Washington Township Hendricks County, Indiana requesting connection to the West Central Conservancy District's sewage system are exempt from paying the Interceptor Utilization Fee for any connection to the system through December 31, 2002. On January 1, 2003 any User in the Lake Forest Subdivision or Sugarwood Estates subdivision requesting connection to the West Central Conservancy District sewage system will be required to pay the applicable Interceptor Utilization Fee in effect on that date.:

EDU equivalent shall be determined by the District Engineer.

(D) In order to recover the cost of monitoring commercial, institutional and industrial wastes, the District shall charge the Commercial User, Institutional User and Industrial User the actual cost of sampling and analysis.

Section 4. Special Billing.

(a) In the event a Non-Residential User's lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the District's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the service area and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District. In order to ascertain the rate or charge provided in this Resolution, the owner or other interested party may at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the District for the determining of sewage discharge.

(b) In the event a Non-Residential User's lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the District's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility within the service area, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the District, then the amount of water used shall be otherwise measured or determined by the District. In order to ascertain the rates or charges, the owner or other interested parties may, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measuring acceptable to the District for the determination of sewage discharge.

(c) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the District's sanitary sewerage system, either directly or indirectly, and uses water in excess of 10,000 gallons per Billing Cycle, and it can be shown to the satisfaction of the District that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, wires, volumetric measuring devices or any adequate and approved method of measurement acceptable to the District for the determination of sewage discharge.

Section 5.

(a) In order that the rate and charges may be justly and equitably adjusted to the service rendered to Users, the District shall base its charges not only on the volume, but also on strength and character of the stronger-than-Normal Domestic Sewage and shall require the user to determine the strength and content of all sewage and wastes discharges, either directly or indirectly into the sewage system, in such manner and by such method as the District may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The User shall furnish a control manhole suitably located which shall be available to the District at all times.

(b) Normal Domestic Sewage strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid or suspended solids in excess of 250 milligrams per liter of fluid or total kjehdahl nitrogen in excess of 30 milligrams per liter of fluid. Additional charges for treating stronger-than-Normal Domestic Sewage shall be made on the following basis:

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of .20 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of .20 cents per pound of biochemical oxygen demand for BOD received in excess of 250 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon Ammonia

There shall be an additional charge of .20 cents per pound for ammonia in excess of 30 milligrams per liter of fluid.

(c) The determination of Suspended Solids and Five-day Biochemical Oxygen Demand contained in the water shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973.

Section 6. For service rendered to Harlan Bakeries Inc.'s bakery plant, the terms and conditions of a special contract, authorized by Section 12 hereof as amended from time to time will apply.

Section 7. Such Rates and Charges shall be prepared, billed and collected by the District in the manner provided by law and resolution.

(a) The Rates and Charges for all Users shall be prepared and billed on the same or similar billing cycle used by the Indianapolis Water Company and may be billed on the same bill as charges from the Indianapolis Water Company provided however the District may determine, in its sole discretion, to bill on a monthly basis and to bill separately from Indianapolis Water Company.

(b) The Rates and Charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. Notwithstanding the owner's request the District in its sole and absolute discretion may continue to bill the owner. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the District for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(c) As is provided by statute, all Rates and Charges not paid when due, which is 15 days after the date of the mailing of the bill, are hereby declared delinquent. A penalty of ten percent (10%) of the amount of the bill attaches as a delinquent fee. This amount (being the Billing Cycle bill plus the penalty) becomes the rate and charge for the next billing cycle for which no payment was made. If no payment is made for the subsequent billing cycle, the ten percent (10%) penalty shall be assessed against the sum of the previous billing cycle fee plus ten percent (10%) penalty plus the subsequent billing cycle charge. For all billing cycles not paid when due, the methodology above

describe shall be used. The ten percent (10%) penalty shall be compounded for each billing cycle for which no payment is made. The amount of the Rates and Charges, the compounded penalty, and a reasonable attorney fee may be recovered by the District in a civil action.

(d) If a customer's account is more than four billing cycles in arrears the customer may request in writing that the District suspend the customer's account (Delinquent Account) and establish a new customer account (New Account). The customer shall then enter into a written agreement with the District to pay the Delinquent Account together with eight percent (8%) simple interest ("Delinquent Account Agreement") payable as follows: (a) pay at least \$20.00 or one tenth (1/10th) of the Delinquent Account, (whichever is less); and (b) pay the remainder of the outstanding Delinquent Account within three (3) months. The Delinquent Account Agreement shall also provide that the customer agrees to pay all undisputed future bills for service as they come due. The New Account option shall not be available to a customer who has breached a Delinquent Account Agreement within the twelve months of the request for a New Account.

Section 8.

(a) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the costs of providing services to the various Users, the District may, in its sole and absolute discretion, periodically cause a cost of service study to be made. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from Industrial Users, volume and delivery flow rate characteristics attributed to the various users, the financial position of the District and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

(b) Said studies shall be conducted by officers or employees of the District, by a firm of certified public accountants, a firm of utility rate consultants and/or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, rate consultants and/or engineers as the District shall determine to be best under the circumstances.

Section 9.

(a) The District shall make and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management of the District's sewerage system, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage treatment works, for the regulation, collection, rebating and refunding of such rate and charges. No free service shall be provided to any User of the wastewater treatment facility.

(b) The District is hereby authorized to prohibit dumping of wastes into the District's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the District, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the sewage works.

Section 10. The invalidity of any section, clause, sentence, or provision of this Resolution shall not affect the validity of any other part of this Resolution which can be given effect without such invalid part or parts.

Section 11. No statement or language in this Resolution shall be construed in any manner to conflict with any applicable statute.

Section 12. The Board is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs notwithstanding the terms of this Resolution.

Section 13. The Rates and Charges as herein set forth shall become effective for services rendered on and after the March Billing Cycle.

Section 14. This Resolution shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Directors of the West Central Conservancy District, on the 19 day of February, 2002.

**BOARD OF DIRECTORS OF THE WEST
CENTRAL CONSERVANCY DISTRICT**



Stephen Panagoulas, Chairman



William E. Holland, Vice-Chairman



Paul M. Allen, Secretary

James P. Crowe, Financial Secretary



Karl P. Buelow, Member