

**SPONSOR: Robert Markovich,  
Councilman at Large  
Dan Spitale  
Councilman at Large  
Janet Venecz  
Councilwoman at Large**

**ORDINANCE NO. 9381**

**An Ordinance Amending Ordinance No. 9379 Being an Ordinance  
Amending and Fixing the Schedule of Sewer Rates and Charges  
to be Collected by the Hammond Sanitary District from the Owners  
of Property Served by the Sewage Works of the District**

**WHEREAS**, on March 28, 2017 the Board of Commissioners (“HSD Board”) of the Hammond Sanitary District (“District”) adopted its Resolution No. 6-2017 Amending and Fixing the Schedule of Sewer Rates and Charges to be Collected by the District from the Owners of Property served by the sewerage Works of the District; and

**WHEREAS**, the Resolution as adopted by the HSD Board contains a typographical error wherein the charge for Total Suspended Solids (TSS) per pound is stated to be \$.21 rather than the intended amount of \$.31 as determined and recommended by the District’s financial advisor Cender & Company, L.L.C, and as advertised in the Notice of Hearing on Proposed Rates and Charges of the Hammond Sanitary District published in accordance with I.C. 5-3-1; and

**WHEREAS**, this error was not discovered until the District’s Resolution No. 6-2017 was submitted to the Common Council (“Council”) and reiterated and incorporated into the Council’s Ordinance No. 9379 approving the rates and charges as provided in I.C. 36-9-25-11(c); and

**WHEREAS**, thereafter on June 27, 2017 the HSD Board introduced its Resolution 34-2017 amending Resolution No. 6-2017 and thereby correcting the error described; and

**WHEREAS**, following publication in accordance with I.C. 5-3-1, a public hearing was held on July 11, 2017 during a regular meeting of the HSD Board at which all the users of the sewage works and owners of property served by the works, including interested parties, had an opportunity to be heard concerning the proposed fee; and

**WHEREAS**, the amended rates and charges established by Resolution No. 34-2017, together with additional revenue that will be generated by the corrected rate for Total Suspended Solids (TSS) of \$.31 per pound are necessary to provide the cost of operation, maintenance, administrative expenses, principal and interest on bonds, and money for a revolving fund; and

**WHEREAS**, the Common Council (“Council”) of the City of Hammond, Indiana (“City”) has been informed of the determination by the Board of Commissioners (“HSD Board”) of the Hammond Sanitary District (“District”) by Resolution 34-2017, that it is necessary to

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secure additional funds for the operation, maintenance, replacements, capital improvements and pay debt service on bonds of the City wastewater treatment and disposal facilities and the City collection system of pumps, sewers and related appurtenances; and

**WHEREAS**, the Council has received the following record of recent actions taken by the HSD Board which:

- a. has determined that it is necessary, being mindful of the City's significant and varied water resources, and the need to protect and enhance the ability of the City to safely and efficiently treat and discharge its wastewater, to improve, reconstruct, replace or upgrade substantial portions of the City Wastewater Treatment System and Collection System in order to provide an environmentally responsible, healthful, efficient and effective means of waste water treatment, all as required by the laws of the United States and the State of Indiana; and
- b. commissioned an analysis through Cender & Company, LLC, District's financial advisor of the costs, both in the recent past and for anticipated future years of providing the minimum amount of funds necessary for the operation and maintenance of the District Wastewater Treatment System together with anticipated capital and Long-Term Control Plan needs and collection system maintenance and improvements; and
- c. considered the adoption of a system of amended and updated sewer rates and charges which justly and equitably distribute the cost for the treatment and disposal of sewage and other waste discharged into the sewerage system of the District together with collection system maintenance and improvements among the various classes of users in the District, all as required by I.C. §36-9-25-11 (a); and
- d. desiring to make said amended sewer rates and charges effective in the City by obtaining the adoption of same in the manner specified by §36-9-25-11,
- e. and adopted and approved Resolution Number 34-2017 on February 28, 2017, which proposed the modification of existing sewer rates and charges for the users of the District's sewerage system; and

**WHEREAS**, the Council has concluded that the adoption of the new system of wastewater rates and charges proposed is in the best interest of all of the residents of the District, that the expense of proper maintenance, planning and development for the wastewater treatment

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and disposal system, and the collection system require adequate resources which are not otherwise obtainable, and that failure to address the wastewater treatment and disposal needs of the District will expose it to worsening water quality, overflows, legal challenges by governmental authorities and even higher costs to its residents; and

**WHEREAS**, based upon the advice of the District’s financial advisor and HSD adopting Resolution No. 34-2017, the Council finds that it is necessary to ratify the amended rates and charges of the sewage works to provide sufficient monies to pay operating and maintenance, replacements and improvements and debt service on the bonds and wishes to spread its action upon the public record through this ordinance.

**THEREFORE, BE IT ORDAINED** by the Common Council of the City of Hammond, Indiana as follows:

**Section 1.** The rates and charges of the Hammond Sanitary District are amended to read as follows:

	<u>Rate</u>
Industrial Customers and Those Customers Subject to Pretreatment	
Total Suspended Solids (TSS) per pound	\$ .31

**Section 2.** The Commercial rate category definition of commercial class of users established by Hammond Sanitary District Resolution No. 38-2014 and approved by City of Hammond Ordinance No. 9263 on September 22, 2014 is hereby amended to add the following provision: “Provided, however, a multi-unit condominium or apartment building served by a single (master) meter shall pay the current residential rate and the base charge for each condominium or apartment unit in the building.”

**Section 3.** In all other respects, the previous rates and charges established by Ordinance No. 9379 shall remain in full force and effect.

**BE IT FURTHER ORDAINED** by the Hammond Common Council that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof and approval by the Mayor.

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**BE IT FURTHER ORDAINED** by the Hammond Common Council that if any part, parts, section, sections, provision, clause or portions of this ordinance shall be adjudged invalid or unconstitutional, such invalidity or constitutionality shall not affect the validity or constitutionality of this ordinance as a whole or of any other part, parts, section, sections, provision or clause or portion of this ordinance.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana this 24<sup>th</sup> day of July, 2017.

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President Janet Venecz /s/  
Hammond Common Council

ATTEST:

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Robert Golec, City Clerk /s/  
City of Hammond, Indiana

PRESENTED by me, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 25<sup>th</sup> day of July, 2017.

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Robert Golec, City Clerk /s/  
City of Hammond, Indiana

The foregoing Ordinance No. 9381 consisting of five (5) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana this 25<sup>th</sup> day of July, 2017.

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Thomas M. McDermott, Jr. Mayor /s/  
City of Hammond, Indiana

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PASSED by the Common Council on the 24<sup>th</sup> day of July, 2017 and APPROVED by the Mayor on the 25<sup>th</sup> day of July, 2017.

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Robert Golec, City Clerk /s/  
City of Hammond, Indiana