

Petitioner's Exhibit 17

TOWN OF WINFIELD, LAKE COUNTY, INDIANA

ORDINANCE NO.: 143-F

AN ORDINANCE AMENDING TOWN SEWER RATE ORDINANCE NO. 143, AS AMENDED BY TOWN ORDINANCE NOS. 143-A, 143-B, 143-C, 143-D, AND 143-E, THE SAME BEING THE TOWN SEWER RATE ORDINANCE, REPEALING ALL ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED HERETO.

WHEREAS, the Town Council of the Town of Winfield, Lake County, Indiana (hereinafter, the "Town Council"), has reviewed the matters pertaining to rates and charges to be collected by the Town from the owners of property served by the Sewage Works of the Town; and

WHEREAS, the Town Council has been informed and advised by the Town Sewer Board, as the jurisdictional body responsible for oversight and management of the Town Sewage Works System, that capital improvements for the Wastewater Collection System are necessary and required based upon conditions found in said collection system and determined to require immediate rehabilitation and capital improvement to properly operate the Sewage Works and Municipal Utility; and

WHEREAS, the Town Council has been further informed and advised that in order to properly operate the Sewage Works System and Town Municipal Utility, extensive collection system improvement is required immediately, and that in order to fund same, it is necessary and appropriate to adjust and amend the Schedule of Rates and Charges collected by the Town of Winfield from the owners of property served by the wastewater utility collection system of the Town so as to collect sufficient revenues to pay capital indebtedness for the Wastewater Collection System and Sewage Works of the Town to operate properly; and

WHEREAS, the Town Council has been further informed and advised by its Sewer Board, as jurisdictional body over the Town Sewage Works and Municipal Wastewater Utility that extensive improvement to the portion of the Wastewater Collection System serving the Doubletree Lake Estates Planned Unit Development Community, and specifically, as identified in the approved, executed and recorded Second Amended Final Development Plan for Doubletree Lake Estates Planned Unit Development, is immediately required; further, that for said mandatory and immediate necessary infrastructure improvement to the aforementioned community (hereinafter, "Doubletree Project Area"), substantial capital financing is required; and

WHEREAS, the Town Council, being duly informed, has been further informed and advised by its Financial Consultants, London Witte Group, as well as the Town Sewer Board, as jurisdictional body of the Town Sanitary District, that it is necessary to immediately raise sufficient revenues to pay capital or bonded indebtedness and operate the utility properly; further, the Town Council has been informed and advised by its aforementioned Financial Advisor Firm, London Witte Group, as well as the Town Sewer Board, as jurisdictional body of the Town Sewage Works and Municipal Wastewater Utility that it is now necessary and appropriate to adjust and amend the Schedule of Rates and Charges collected by the Town of Winfield from the owners of property served by the Sewage Works of the Town so as to collect sufficient revenues to pay capital or bonded indebtedness for the capital improvement projects now deemed mandatory and necessary for the Doubletree Project Area, as well as to properly operate the utility; and

WHEREAS, the Town Council, being duly advised regarding the Wastewater Collection System, as well as the conditions and circumstances in the Doubletree Project Area of the Town of Winfield, has

determined that it is necessary and appropriate to adjust and amend the Schedule of Rates and Charges collected by the Town of Winfield from the owners of property served by the Sewage Works of the Town so as to collect sufficient revenues to pay capital or bonded indebtedness for the Wastewater Collection System operation and capital improvement projects, including for the Doubletree Project Area, as well as to properly operate the Municipal Utility; and

WHEREAS, the Town Council, being duly advised, has further been provided the recommendation of the Town Sewer Board, in its advisory Resolution, noting the necessity of capital improvements in the Doubletree Project Area, and the Town Wastewater Collection System generally, and has considered these advisory recommendations herein for the purposes of this Amendatory Town Sewer Rate Ordinance; and

WHEREAS, the Town Council has held a Public Hearing on the proposed amendment to the Schedule of Rates and Charges to be collected by the Town of Winfield from the owners of property served by the Wastewater Collection System and Sewage Works of the Town in conformance with applicable law; and

WHEREAS, the Town Council, having conducted its Public Hearing, after being duly advised by its Financial Advisors at London Witte Group, as well as the Town Sewer Board, as jurisdictional body with authority over the Town Wastewater Collection System and Sewage Works of the Town, has concluded that amendment to the Schedule of Rates and Charges to be collected by the Town of Winfield from the owners of property served by the Sewage Works of the Town, is necessary and appropriate; further, the Town Council has concurred and agreed that a separate and special category or User Class of rates be adopted related specifically to the direct capital improvements and rehabilitation necessary in the Doubletree Project Area, as well as to amend the Schedule of Rates and Charges for all other owners of property served by the Wastewater Collection System and Sewage Works of the Town; and

WHEREAS, the Town Council, being duly advised by its Municipal Financial Advisor Firm, London Witte Group, its Sewer Board as jurisdictional body with authority over the Town Wastewater Collection System and Sewage Works, and having conducted its own review, while also conducting and holding its Public Hearing on the proposed amendment to the Schedule of Rates and Charges to be collected by the Town from owners of property served by the Wastewater Collection System and Sewage Works of the Town, now concurs and agrees that the Schedule of Rates and Charges to be collected by the Town of Winfield, Lake County, Indiana, from the owners of the property served by the Sewage Works of the Town be amended herewith accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WINFIELD, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That Section 1. of the Town Sewer Rate Ordinance No. 143, as amended after adoption by Town Sewer Rate Amendatory Ordinance Nos. 143-A, 143-B, 143-C, 143-D, and 143-E, be, and the same is now hereby amended to read and add hereafter as follows, namely:

“Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Town Sewer Rate Ordinance, as amended from time to time, shall be as follows:

- (a) “Council” shall mean the Town Council of the Town of Winfield, Lake County, Indiana, or any duly authorized Officials acting in its behalf.
- (b) “Debt Service Costs” shall mean the maximum annual principal and interest payments on all proposed revenue bonds or other long-term capital debt.

- (c) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (d) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (e) "Operation and Maintenance Cost" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that confirm with all related Federal, State and local requirements.
- (f) "Other Service Charges" shall mean tap charges, system development charges, connections charges, area charges, and other identifiable charges other than excessive strength surcharges.
- (g) "Person" shall mean any and all persons, natural or artificial, including an individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (h) "Project" shall mean DLZ Project No. 1764-2143-50 plans and contract documents titled DOUBLETREE EAST SANITARY SEWER REHABILITATION PROJECT, and dated August 18, 2017.
- (i) "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.
- (j) "Shall" is mandatory; "May" is permissive.
- (k) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Town Sewer Rate Ordinance, as amended from time to time, which regulates the connection to the use of public and private sewers.
- (l) "Town" shall mean the Town of Winfield, Lake County, Indiana, acting by and through the duly elected Town Council.
- (m) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities, as specified in this Town Sewer Rate Ordinance herein, as amended from time to time.

- (n) The classes of users of the Sewage Works for the purpose of this Ordinance, as amended from time to time, shall be as follows:

Class I - Residential
Commercial
Governmental
Institutional
Industrial

(Class I shall comprise all users whose premises are served by said Town Sewage Works, except Class II Users, as same are defined hereinafter in this Section 1. of the Town Sewer Rate Ordinance, as amended from time to time).

- (1) **Residential User** – shall mean a user of the treatment works whose premises or building is used primarily as a residence for one (1) or more persons, including all dwelling units, etc.
- (2) **Commercial User** – shall mean any establishment involved in a commercial enterprise, business or service, which based on a determination by the Town, discharge primarily segregate domestic wastes or wastes from sanitary conveniences.
- (3) **Governmental User** – shall mean any Federal, State or local governmental user of the wastewater treatment works, which based on a determination by the Town, discharge primarily segregate domestic wastes or wastes from sanitary conveniences.
- (4) **Institutional User** – shall mean any establishment involved in a social, charitable, religious, and/or educational function, which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- (5) **Industrial User** – shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

Class II – Doubletree Project Area

The Class II User Class herein shall include the persons whose premises are served by the project to be commenced and completed in the Doubletree Project Area, which is specified by the boundaries of the Second Amended Final Development Plan for Doubletree Lake Estates Planned Unit Development approved by the Lake County Plan Commission and Lake County, Indiana, Council October 15, 1996, and duly recorded in the Office of the Lake County Recorder August 1, 1997; that a copy of said recorded Second Amended Final Development Plan is attached hereto and incorporated herein as Exhibit "A". The Class II User Class shall include, as determined by the Town of Winfield, all persons whose premises are outside the above-referenced Second Amended Final Development Plan boundaries, but are benefitted and served by the Wastewater collection system improvements made in the Doubletree Project Area for which Class II User Rates and Charges are established,

as determined by the Town. Further, the Class II User Rates and Charges are resultant of the substantial and mandatory Rehabilitation improvements required in the Doubletree Project Area, as determined and reported to the Town by its Municipal Utility Engineering Firm and specified by the Project Design Plans, as defined and described herein.

Section 2: Every person whose premises are served by said Sewage Works shall be charged for the service provided. These charges are established for each User Class, as defined, in order that the Sewage Works shall recover, from each user and user class, revenue, which is proportional to its use of the treatment works in terms of peak requirements, volume, and load. User charges shall be uniform in magnitude within a designated User Class.

Section 3. For the use of the service rendered by 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 Town, Sewage Works, or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the Wastewater Collection System and Sewage Works of the Town of Winfield. Such rates and charges include 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 and manner determined as follows:

- (a) Sewage service bills shall be rendered and payment shall be required to be made hereafter on a monthly basis.
- (b) Except as herein otherwise provided, the sewage rates and charges shall be based on the quantity of water used or shall be based on the quantity of sewage flow on or in the property or premises subject to such rates and charges as the same is determined by the water meter or sewage flow meter thereby used. Sewage service bills shall be rendered once each month (or period equaling a month).
- (c) The schedule on which said rates and charges shall be determined is as follows:

| | |
|---|--------------|
| Treatment rate per 1,000 gallons: | \$11.95 |
| Automotive Car Washes - Required to Use Metered Rates | |
| Evaporation Discount on Metered Water Usage | 15% Discount |
| Minimum Monthly Charge (up to 2,000 gallons allowed) | \$23.90 |

- (d) For the water usage months of November, December, January, February, March, and April, in each year, metered residential customers shall be charged for waste water volume on the basis of actual monthly water meter readings.
- (e) For the water usage months of May, June, July, August, September, and October, metered residential customers shall be billed on the basis of an average of the individual customer's monthly water meter readings for the prior November, December, January, February, March, and April water meter readings.
- (f) Where the residential customer's actual usage for the May, June, July, August, September, or October billing periods is less than the average use for the previous winter, the lower number shall be used for the volume calculation.

- (g) When a metered residential customer has no usage history for the subject real estate from the base period of November, December, January, February, March, April, or May, in order to calculate a summer adjusted billing, the metered residential customer shall be charged the User Class I amount of \$59.75 per month, or the applicable monthly User Class II charge per monthly billing period for the summer (May, June, July, August, September, October) rate.
- (h) The monthly sewer service charge for each User, if such User is not a metered water customer and such User does not have a sewage flow meter, shall be as follows:

Flat Rate Charges (For Non-Metered Customers ONLY):

| | | |
|--|--------------------|----------|
| Single Family Residential Dwelling – User Class I | Per Home | \$59.75 |
| Single Family Residential – User Class II (includes Doubletree Project Area surcharge) | Per Home | \$69.75 |
| Duplex Residential Dwelling | Per Duplex | \$120.00 |
| Apartment and Condominiums: | | |
| One Bedroom | Per Unit | \$39.00 |
| Two Bedroom | Per Unit | \$58.20 |
| Three Bedroom | Per Unit | \$67.80 |
| Assembly Hall | Per Seat | \$0.60 |
| Bar (without Food Service) | Per Seat | \$1.80 |
| Beauty Salon | Per Customer | \$6.60 |
| Bowling Alley: | | |
| With Bar and/or Food Service | Per Lane | \$24.00 |
| Without Food Service | Per Lane | \$14.40 |
| Church: | | |
| With Kitchen | Per Sanctuary Seat | \$1.20 |
| Without Kitchen | Per Sanctuary Seat | \$0.60 |
| Day Care Center | Per Person | \$3.60 |
| Dentist | Per Chair Plus | \$145.20 |
| | Per Employee | \$14.40 |
| Food Service Operations: | | |
| Cocktail Lounge | Per Seat | \$6.60 |
| Non 24 Hour Restaurant | Per Seat | \$6.60 |
| 24 Hour Restaurant | Per Seat | \$9.60 |
| Interstate 24 Hour Restaurant | Per Seat | \$13.80 |
| Tavern | Per Seat | \$6.60 |
| Curb Service (Drive In) Restaurant | Per Seat | \$9.60 |
| Governmental Entities or Public Authorities | | |
| Required to use metered rates based on water | | |

usage

| | | |
|--------------------------------|---------------------------------|---------|
| Hospital or Medical Facilities | Per Bed | \$39.00 |
| Hotel | Per Room | \$19.20 |
| Kennels | Per Animal Enclosure | \$3.60 |
| Mental Health Facility | Per Patient | \$19.20 |
| Mobile Home Park | Per Lot | \$39.00 |
| Motel | Per Room | \$19.20 |
| Nursing Home | Per Bed | \$19.20 |
| Office Building | Per Employee | \$3.60 |
| Orthodontist | Per Chair Plus | \$72.60 |
| | Per Employee | \$7.20 |
| Outpatient Surgical Center | Per Patient | \$9.60 |
| School: | | |
| Elementary | Per Pupil | \$3.00 |
| Secondary | Per Pupil | \$4.80 |
| Service (Gas) Station | Per Restroom | \$77.40 |
| Shopping Center | Per 1,000 Sq. Ft of Floor Space | \$19.20 |
| | Per Employee | \$3.60 |
| Theater | | |
| Drive In | Per Car Space | \$1.20 |
| Inside Building | Per Seat | \$1.20 |

Doubletree Project Area Surcharge (Class

II):

| | | |
|---------------------|--|---------|
| Surcharge per month | | \$10.00 |
|---------------------|--|---------|

Nonrecurring Charges:

| | | |
|--|----------------|---------|
| Non-Sufficient Funds (Bad Check Charge or Otherwise Dishonored Payment) or the charge incurred by the Town of Winfield from its depository bank, whichever is greater. | per occurrence | \$27.50 |
|--|----------------|---------|

- (i) The monthly rates and charges provided herein shall be applied throughout the year based upon the maximum sewage service required in any month in any calendar year. For example, the user charges based upon employment shall be applied throughout the year based upon the maximum employment of the user for such single maximum employment month, and such maximum usage shall be applied though the year.”

SECTION TWO: That all other provisions of Town Ordinance No. 143, as amended by Town Ordinance Nos. 143-A, 143-B, 143-C, 143-D, and 143-E, the Town Sewer Rate Ordinance, not amended hereby, are herein ratified and reaffirmed, and shall remain in full force and effect.

SECTION THREE. That all existing Ordinances and Town Code Sections, or parts thereof, in conflict with the provisions of this Amendatory Sewer Rate Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FOUR. If any section, clause, provision, or portion of this Town Sewer Rate Amendatory Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Town Sewer Rate Amendatory Ordinance.

SECTION FIVE: That this Town Sewer Rate Amendatory Ordinance shall take effect, and be in full force and effect November 1, 2017, upon passage and adoption by the Town Council of the Town of Winfield, Lake County, Indiana, and publication, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 26th DAY OF October, 2017, BY THE TOWN COUNCIL OF THE TOWN OF WINFIELD, INDIANA.


**TOWN COUNCIL
TOWN OF WINFIELD, LAKE COUNTY, INDIANA**

AYES

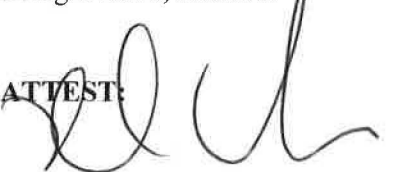

Gerald T. Stiener, President


James Simmons, Vice President


David Anderson, Member


Timothy Clayton, Member


Bridget Baird, Member

ATTEST:

Richard C. Anderson Jr., MBA,
Clerk-Treasurer

NAYES

Gerald T. Stiener, President

James Simmons, Vice President

David Anderson, Member

Timothy Clayton, Member

Bridget Baird, Member