

1 BILL NO. G-12-01-30 (AS AMENDED)

2 GENERAL ORDINANCE NO. _____

3
4 AN ORDINANCE AMENDING CHAPTER 52:
5 WATER AND WATERCOURCES
6 CITY OF FORT WAYNE, CODE OF ORDINANCES

7 WHEREAS, the Common Council of the City of Fort Wayne, Indiana last approved
8 a water rate adjustment in October 2005, which was approved by the Indiana Utility
9 Regulatory Commission following a rate analysis study and became effective as of
10 September 1, 2006; and

11 WHEREAS, the Fort Wayne Water Utility has developed a Capital Improvements
12 Plan (CIP) that will allow the Water Utility to continue to provide its customers with safe,
13 reliable and affordable drinking water through sustainable levels of capital spending on
14 treatment facilities' parts and equipment, field maintenance equipment, water main
15 replacement and other structures and facilities positioned throughout the service territory;
16 and

17 WHEREAS, Crowe Horwath LLC was hired by Fort Wayne City Utilities to analyze
18 the Water Utility's pro forma revenues, proposed capital improvements plan, and other
19 projected cash flows in order to arrive at water rates that will generate sufficient funds to
20 meet the fiscal needs of the Water Utility including:

- 21 (A) Payment of all of the legal and other necessary expenses incident to the
22 operation of the utility;
23 (B) Provision of a sinking fund, a debt service reserve, adequate money for
24 working capital and making extensions and replacements to the extent not
25 provided for through depreciation;
26 (C) Provision of money for the payment of any taxes that may be assessed
27 against the utility; and
28 (D) Meeting the financial obligations of the Utility's CIP.

29 WHEREAS, Crowe Horwath LLP has concluded that the existing rates and
30 charges for the use of and services rendered by the Fort Wayne Water Utility do not
produce sufficient revenue to satisfy the requirements of I.C. 8-1.5-3-8, including but not

1 limited to those costs related to the Utility's CIP and therefore recommends that the
2 existing rates and charges should be increased in three phases accomplished 12 months
3 apart in amounts described below.

4 **WHEREAS**, the Board of Public Works of the City of Fort Wayne, Indiana
5 recommends that the Common Council act in accordance with I.C. 8-1.5-3-8 to find and
6 elect that the rates and charges for water service to be paid by users of the system should
7 be sufficient to carry out the obligations of the Water Utility as outlined above, to provide a
8 fair and reasonable return on the Utility plant of the City and to compensate the City for
9 taxes that would be due to the City on the Utility property were it privately owned;

10 **NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE**
11 **CITY OF FORT WAYNE, INDIANA:**

12 **SECTION 1.** That the Common Council of the City of Fort Wayne, Indiana now
13 finds and elects that the rates and charges for water service to be paid by users of the
14 system should be sufficient to carry out the obligations of the Water Utility as outlined
15 above, to provide a fair and reasonable return on the Utility plant of the City and to
16 compensate the City for taxes that would be due to the City on the Utility property were it
privately owned;

17 **SECTION 2.** The following sections of Chapter 52 of the Fort Wayne Code of
18 Ordinances are hereby amended to adjust the rates and charges assessed to Fort Wayne
19 Water Utility customers as recommended by Crowe Horwath LLP in three phases, the first
20 phase to be effective upon approval of said rates and charges by the Indiana Utility
21 Regulatory Commission, the second phase effective 12 months later, and the third phase
22 effective 12 months after the second as shown below:

23 **Sec. 52.15 Water Usage Schedule - Inside City**

24 There shall be and hereby are established for the use of and the service rendered
25 by the waterworks system of the City the following rates and charges based on the use of
26 water supplied by the City Waterworks System

27 (A) Metered rates per month
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Metered Rates Per Month

Rate Per 100 Cubic Feet

(cubic feet)	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
First 2,500 cubic feet	\$ 1.82	\$ 1.98	\$ 2.08
Next 9,500 cubic feet	\$ 1.63	\$ 1.77	\$ 1.86
Over 12,000 cubic feet	\$ 1.52	\$ 1.65	\$ 1.73

(B) Monthly service charges. Each user shall pay a monthly service charge, in addition to usage charges calculated under the metered rate schedule, as follows:

Size of Meter
(inches)

Monthly Service Charges

		<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
5/8"	\$	8.94	9.72	10.21
3/4"	\$	8.94	9.72	10.21
1"	\$	22.76	24.76	26.00
1 1/2"	\$	50.99	55.46	58.24
2"	\$	90.45	98.37	103.31
3"	\$	203.66	221.50	232.62
4"	\$	362.05	393.77	413.53
6"	\$	814.21	885.53	929.98
8"	\$	1,447.86	1,574.69	1,653.74
10"	\$	2,262.06	2,460.22	2,583.72

Sec. 52.16 Cost for Private Fire Protection Service - Inside City.

Fire protection service for use in extinguishing fire only, shall be as follows:

		<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
Private Hydrant Rental (monthly)	\$	38.09	41.43	43.51
Private Fire Line Connection (Quarterly Charge)				
1"	\$	12.57	13.67	14.36
2"	\$	12.57	13.67	14.36
3"	\$	28.57	31.07	32.63
4"	\$	50.28	54.69	57.43
6"	\$	114.28	124.29	130.53
8"	\$	203.41	221.23	232.34
10"	\$	317.68	345.51	362.86
12"	\$	457.10	497.15	522.10
16"	\$	812.50	883.68	928.04

1 **Sec. 52.17 Cost for Municipal Service.**

2 Municipal service to the City shall be \$ 38.09 for Phase I, \$ 41.43 for Phase II and
3 \$43.51 for Phase III, per month, for each fire hydrant inside the city limits.

4 **Sec. 52.18 Charges for Customers Outside Corporate Limits.**

5 There shall be and hereby are established for the use of and the service rendered
6 by the waterworks system of the City of Fort Wayne the following rated and charges
7 based on the use of water supplied by said waterworks system:

8 (A) Metered rates per month.

9

<u>Metered Rates Per Month</u> (cubic feet)	<u>Rate Per 100 Cubic Feet</u>		
	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
First 2,500 cubic feet	\$ 2.09	\$ 2.27	\$ 2.39
Next 9,500 cubic feet	\$ 2.03	\$ 2.21	\$2.32
Over 12,000 cubic feet	\$ 1.90	\$ 2.06	\$ 2.17

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15 (B) Monthly service charges. Each user shall pay a monthly services charge in
16 addition to usage charges calculated under the metered rate schedule, as follows:

17

<u>Size of Meter</u> (inches)	<u>Monthly Service Charges</u>		
	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
5/8"	\$ 10.27	11.17	11.73
3/4"	\$ 10.27	11.17	11.73
1"	\$ 26.17	28.47	29.90
1 1/2"	\$ 58.64	63.77	66.97
2"	\$ 104.01	113.12	118.80
3"	\$ 234.21	254.73	267.52
4"	\$ 416.36	452.83	475.56
6"	\$ 936.33	1,018.35	1,069.48
8"	\$ 1,665.04	1,810.90	1,901.81
10"	\$ 2,601.36	2,829.24	2,971.27

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1 (C) Fire Protection Service.

2 For each fire hydrant

	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
3 Private Hydrant Rental (monthly)	\$ 47.62	\$ 51.79	\$ 54.39
4 Private Fire Line Connection (Quarterly Charge)			
5 2"	\$ 15.71	17.09	17.95
6 3"	\$ 35.71	38.84	40.79
7 4"	\$ 62.85	68.36	71.79
8 6"	\$ 142.85	155.36	163.16
9 8"	\$ 254.26	276.54	290.42
10 10"	\$ 397.11	431.89	453.57
11 12"	\$ 571.38	621.43	652.63
12 16"	\$ 1,015.63	1,104.60	1,160.05

13 (D) The rates and charges for water and fire protection service to the City of New Haven
14 are as follows:

	<u>Phase I</u>	<u>Phase II</u>	<u>Phase III</u>
15 Demand charge (per month)	\$8,121.43	\$8,832.87	\$9,276.28
16 Commodity charge 17 (per 100 cubic feet of water metered)	\$ 1.0899	\$ 1.1854	\$ 1.2449
18 Monthly Service Charge 19 Based on in-city monthly service charge			

20 Fire Protection Services
21 Based on in-city rates and charges per size of connection and number of hydrants

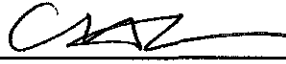
22 **SECTION 3.** Except for the foregoing amendments, the remaining sections of
23 Chapter 52 of the City of Fort Wayne, Indiana, Code of Ordinances shall remain in full
24 force and effect.

25 **SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby
26 repealed, and the existing schedule of water rates and charges shall remain in full force
27 and effect until the schedule of rates and charges fixed by this ordinance shall be
28 approved by the Indiana Utility Regulatory Commission, and until such time as the order
29 of said Commission approving said new rates and charges shall direct.
30

1 **SECTION 5.** This Ordinance shall be in full force and effect from and after its
2 passage and any and all necessary approval by the Mayor and due legal publication
3 thereof; provided however, the schedule of rates and charges herein set out shall not
4 become effective unless approved by the Indiana Utility Regulatory Commission, or until
5 such time as said Commission shall direct.

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7 _____
8 Council Member

9 Approved as to form and legality

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11 
12 _____
13 Carol Helton, City Attorney

BILL NO. G-12-01-03 (AMENDED)

GENERAL ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 52:
WATER AND WATERCOURCES
CITY OF FORT WAYNE, CODE OF ORDINANCES**

WHEREAS, the Common Council of the City of Fort Wayne, Indiana last approved a water rate adjustment in October 2005, which was approved by the Indiana Utility Regulatory Commission following a rate analysis study and became effective as of September 1, 2006; and

WHEREAS, the Fort Wayne Water Utility has developed a Capital Improvements Plan (CIP) that will allow the Water Utility to continue to provide its customers with safe, reliable and affordable drinking water through sustainable levels of capital spending on treatment facilities' parts and equipment, field maintenance equipment, water main replacement and other structures and facilities positioned throughout the service territory; and

WHEREAS, Crowe Horwath LLC was hired by Fort Wayne City Utilities to analyze the Water Utility's pro forma revenues, proposed capital improvements plan, and other projected cash flows in order to arrive at water rates that will generate sufficient funds to meet the fiscal needs of the Water Utility including:

- (A) Payment of all of the legal and other necessary expenses incident to the operation of the utility;
- (B) Provision of a sinking fund, a debt service reserve, adequate money for working capital and making extensions and replacements to the extent not provided for through depreciation;
- (C) Provision of money for the payment of any taxes that may be assessed against the utility; and
- (D) Meeting the financial obligations of the Utility's CIP.

WHEREAS, Crowe Horwath LLP has concluded that the existing rates and charges for the use of and services rendered by the Fort Wayne Water Utility do not produce sufficient revenue to satisfy the requirements of I.C. 8-1.5-3-8, including but not limited to those costs related to the Utility's CIP and therefore recommends that the existing rates and charges should be increased in ~~two~~three phases accomplished 12 months apart in amounts described below.

WHEREAS, the Board of Public Works of the City of Fort Wayne, Indiana recommends that the Common Council act in accordance with I.C. 8-1.5-3-8 to find and elect that the rates and charges for water service to be paid by users of the system should be sufficient to carry out the obligations of the Water Utility as outlined above, to provide a fair and reasonable return on the Utility plant of the City and to compensate the City for taxes that would be due to the City on the Utility property were it privately owned;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the Common Council of the City of Fort Wayne, Indiana now finds and elects that the rates and charges for water service to be paid by users of the system should be sufficient to carry out the obligations of the Water Utility as outlined above, to provide a fair and reasonable return on the Utility plant of the City and to compensate the City for taxes that would be due to the City on the Utility property were it privately owned;

2. The following sections of Chapter 52 of the Fort Wayne Code of Ordinances are hereby amended to adjust the rates and charges assessed to Fort Wayne Water Utility customers as recommended by Crowe Horwath LLP in ~~two~~ three phases, the first phase to be effective upon approval of said rates and charges by the Indiana Utility Regulatory Commission, ~~and the second phase effective 12 months later, and the third phase effective 12 months after the second~~ as shown below:

Sec. 52.15 Water Usage Schedule - Inside City

There shall be and hereby are established for the use of and the service rendered by the waterworks system of the City the following rates and charges based on the use of water supplied by the City Waterworks System

(A) Metered rates per month

Metered Rates Per Month (cubic feet)	Rate Per 100 Cubic Feet		
	Phase I	Phase II	Phase III
First 2,500 cubic feet	\$ 1.82	\$ 2.08	
Next 9,500 cubic feet	\$ 1.63	\$ 1.87	
Over 12,000 cubic feet	\$ 1.52	\$ 1.74	
Metered Rates Per Month (cubic feet)	Rate Per 100 Cubic Feet		
	Phase I	Phase II	Phase III
First 2,500 cubic feet	\$ 1.82	\$ 1.98	\$ 2.08
Next 9,500 cubic feet	\$ 1.63	\$ 1.77	\$ 1.86
Over 12,000 cubic feet	\$ 1.52	\$ 1.65	\$ 1.73

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(B) Monthly service charges. Each user shall pay a monthly service charge, in addition to usage charges calculated under the metered rate schedule, as follows:

Size of Meter (inches)	Monthly Service Charges	
	Phase I	Phase II
5/8"	\$ 8.93	\$ 40.23
3/4"	\$ 8.93	\$ 40.23
1"	\$ 22.76	\$ 26.06
1 1/2"	\$ 50.99	\$ 58.39
2"	\$ 90.45	\$ 103.58
3"	\$ 203.66	\$ 233.23
4"	\$ 362.05	\$ 414.62
6"	\$ 814.24	\$ 932.43
8"	\$ 1,447.86	\$ 1,658.09
10"	\$ 2,262.06	\$ 2,590.51

		Phase I	Phase II	Phase III
5/8"	\$	8.94	9.72	10.21
3/4"	\$	8.94	9.72	10.21
1"	\$	22.76	24.76	26.00
1 1/2"	\$	50.99	55.46	58.24
2"	\$	90.45	98.37	103.31
3"	\$	203.66	221.50	232.62
4"	\$	362.05	393.77	413.53
6"	\$	814.21	885.53	929.98
8"	\$	1,447.86	1,574.69	1,653.74
10"	\$	2,262.06	2,460.22	2,583.72

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Sec. 52.16 Cost for Private Fire Protection Service - Inside City.

Fire protection service for use in extinguishing fire only, shall be as follows:

For each fire hydrant	Per Annum	
	Phase I	Phase II
	\$ 457.08	\$523.44
1" connection	\$ 50.28	\$ 57.60
2" connection	\$ 50.28	\$ 57.60
3" connection	\$ 114.28	\$ 130.88
4" connection	\$ 201.42	\$ 230.32
6" connection	\$ 457.12	\$ 523.48
8" connection	\$ 813.64	\$ 931.80
10" connection	\$ 1,270.72	\$ 1,455.24

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42" connection	\$ 1,828.40	\$ 2,093.88
46" connection	\$ 3,250.00	\$ 3,721.92

	Phase I	Phase II	Phase III
Private Hydrant Rental (monthly)	\$ 38.09	\$ 41.43	\$ 43.51
Private Fire Line Connection (Quarterly Charge)			
1"	\$ 12.57	13.67	14.36
2"	\$ 12.57	13.67	14.36
3"	\$ 28.57	31.07	32.63
4"	\$ 50.28	54.69	57.43
6"	\$ 114.28	124.29	130.53
8"	\$ 203.41	221.23	232.34
10"	\$ 317.68	345.51	362.86
12"	\$ 457.10	497.15	522.10
16"	\$ 812.50	883.68	928.04

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Sec. 52.17 Cost for Municipal Service.

Municipal service to the City shall be \$457.08 and \$523.44 per annum for Phase I and Phase II \$38.09 for Phase I, \$41.43 for Phase II and \$43.51 for Phase III, per month, respectively, for each fire hydrant inside the city limits.

Sec. 52.18 Charges for Customers Outside Corporate Limits.

There shall be and hereby are established for the use of and the service rendered by the waterworks system of the City of Fort Wayne the following rated and charges based on the use of water supplied by said waterworks system:

(A) Metered rates per month.

Metered Rates Per Month (cubic feet)	Rate Per 100 Cubic Feet		
	Phase I	Phase II	
First 2,500 cubic feet	\$ 2.09	\$ 2.39	
Next 9,500 cubic feet	\$ 2.03	\$ 2.32	
Over 12,000 cubic feet	\$ 1.90	\$ 2.18	
	Phase I	Phase II	Phase III
First 2,500 cubic feet	\$ 2.09	\$ 2.27	\$ 2.39

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Next 9,500 cubic feet	\$ 2.03	\$2.21	\$2.32
Over 12,000 cubic feet	\$ 1.90	\$ 2.06	\$2.17

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(B) Monthly service charges. Each user shall pay a monthly services charge in addition to usage charges calculated under the metered rate schedule, as follows:

Size of Meter (inches)	Monthly Service Charges	
	Phase I	Phase II
5/8"	\$ 10.27	\$ 11.76
3/4"	\$ 10.27	\$ 11.76
1"	\$ 26.17	\$ 29.97
1 1/2"	\$ 58.64	\$ 67.15
2"	\$ 104.01	\$ 118.11
3"	\$ 234.21	\$ 268.22
4"	\$ 416.36	\$ 476.82
6"	\$ 936.33	\$ 1,072.29
8"	\$ 1,665.04	\$ 1,906.80
10"	\$ 2,601.36	\$ 2,979.08

		Phase I	Phase II	Phase III
5/8"	\$	10.27	11.17	11.73
3/4"	\$	10.27	11.17	11.73
1"	\$	26.17	28.47	29.90
1 1/2"	\$	58.64	63.77	66.97
2"	\$	104.01	113.12	118.80
3"	\$	234.21	254.73	267.52
4"	\$	416.36	452.83	475.56
6"	\$	936.33	1,018.35	1,069.48
8"	\$	1,665.04	1,810.90	1,901.81
10"	\$	2,601.36	2,829.24	2,971.27

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(C) Fire Protection Service.

For each fire hydrant	Per Annum	
	Phase I	Phase II
	\$ 571.44	\$654.36

2" connection	6	7
3" connection	4	4
4" connection	2	2
6" connection	5	6

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8" connection	1,	4
10" connection	4,	4
12" connection	2,	2
16" connection	4,	4

	Phase I	Phase II	Phase III
Private Hydrant Rental (monthly)	\$ 47.62	\$ 51.79	\$ 54.39
Private Fire Line Connection (Quarterly Charge)			
2"	\$ 15.71	17.09	17.95
3"	\$ 35.71	38.84	40.79
4"	\$ 62.85	68.36	71.79
6"	\$ 142.85	155.36	163.16
8"	\$ 254.26	276.54	290.42
10"	\$ 397.11	431.89	453.57
12"	\$ 571.38	621.43	652.63
16"	\$ 1,015.63	1,104.60	1,160.05

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(D) The rates and charges for water and fire protection service to the City of New Haven are as follows:

	Phase I	Phase II
Demand charge (per month)	\$8,121.43	\$9,300.66
Commodity charge (per 100 cubic feet of water metered)	\$1.0899	\$1.24816
Service charge (per month)		
Based on Meter Size using In-City Rates and Charges		

	Phase I	Phase II	Phase III
Demand charge (per month)	\$8,121.43	\$8,832.87	\$9,276.28
Commodity charge (per 100 cubic feet of water metered)	\$ 1.0899	\$ 1.1854	\$ 1.2449

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Monthly Service Charge
Based on in-city monthly service charge

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Fire Protection Services
Based on in-city rates and charges per size of connection and number of hydrants

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SECTION 3. Except for the foregoing amendments, the remaining sections of Chapter 52 of the City of Fort Wayne, Indiana, Code of Ordinances shall remain in full force and effect.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed, and the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Indiana Utility Regulatory Commission, and until such time as the order of said Commission approving said new rates and charges shall direct.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and due legal publication thereof; provided however, the schedule of rates and charges herein set out shall not become effective unless approved by the Indiana Utility Regulatory Commission, or until such time as said Commission shall direct.

Council Member

Approved as to form and legality

Interoffice Memo

Date: **February 15, 2012**

To: Common Council Members

From: **Len Poehler**, Deputy Director Business Services, Fort Wayne City Utilities

RE: Water Rate Adjustments

Herewith you will find an amended ordinance implementing an across the board water rate adjustment for all customers of Fort Wayne City Utilities.

The Common Council last approved a water rate increase effective September 1, 2006. Since 2006, the rapid aging of our infrastructure, double digit inflation, decreased consumption, and state and federal actions makes it necessary that we request revenue adjustments.

City Utilities has identified main replacement projects that will enable the water utility to reduce the number of main breaks; causing less inconvenience to our customers and creating efficiencies in our maintenance operations. Working with our rate consultant, we have developed a rate recommendation that will allow us to operate and maintain our water production and distribution facilities, provide a sinking fund, a debt service reserve and adequate working capital.

Following review and approval of a water rate adjustment by the Common Council, it will be necessary for the rate proposal to be presented to the Indiana Utility Regulatory Commission (IURC) for approval. The IURC process could take as long as 9-10 months to complete.

The amendment to the ordinance extends the implementation period from two phases to three. I anticipate that we would be ready to implement the first phase of the new water rates early 2013. A second phase of rates would follow 12 months later. The second phase of rates has been reduced and is supplemented by a third phase of rates which will follow the second phase by 12 months.

CC: BOW
Kumar Menon
Diane Brown