

AMENDMENT NO. 1-2014-0001

This Amendment sets forth changes to Ordinance No. 2014-0001, which established a schedule of rates and charges to be collected by the Elkhart County Regional Sewer District from the owners of property served by the wastewater facilities serving the Heaton Lake service area:

WHEREAS, the Elkhart County Regional Sewer District ("District") has heretofore completed construction of the public wastewater infrastructure serving the Heaton Lake and operates and maintains the sewage works provided therein pursuant to Indiana Code 13-26, as amended;

WHEREAS, it is necessary to establish a schedule of rates and charges to produce sufficient revenue to pay expenses of maintenance and operation and to provide funds for necessary replacements and improvements to the sewage works, all in accordance with Indiana Code 13-26-11 and to pay the principal and interest on acquired revenue bonds in accordance with the applicable bond ordinances; and

WHEREAS, Ordinance No. 2014-0001 as adopted on June 4, 2014, ("Ordinance") established a schedule of rates and charges and the Board of Trustees of the Elkhart County Regional Sewer District now find that it is just and equitable to change and readjust the rates and charges as indicated in this Amendment.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Elkhart County Regional Sewer District, Indiana that Ordinance No. 2014-0001 is hereby amended as follows:

1. **Amendment to Section 3 of Ordinance No. 2014-0001.** The Ordinance will be amended by deleting Section 3 of the Ordinance and inserting the following language in lieu thereof:

Section 3 For the use of the services rendered by sewage works, rates and charges will be collected from rate payers of each and every lot, parcel of real estate, or building whether or not the dwelling unit or building is present, vacant or demolished that is connected with the District sanitary system or otherwise discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary system of the District. Such rates and charges include charges for the use of the sewage works, debt service costs, excessive strength surcharges, and other service charges which rates and charges will be payable as hereinafter provided and will be in an amount determined as follows:

a. The sewage rates and charges will be based on a flat rate using a residential equivalent unit ("REU") as the base. A customer's monthly bill is calculated by multiplying the customer's REU by the applicable rate per REU, as defined in Section

3b, below, and then adding the monthly rate for billing/administrative costs plus any other additional charges owed under this Ordinance. For purposes of this Ordinance, an REU is based on 210 gallons per day ("gpd"). Single family residences and each individual apartment or duplex unit is equal to one REU. Based upon the recent rate study and the unique type of entity, Ideal Beach has been specially evaluated to equal four REUs. The number of REUs applicable to all other entities will be calculated by dividing the customer's estimated average gpd ("Estimated Average gpd" or "Egpd") by 210 gpd and rounding up to the next closest whole number. In identifying the Estimated Average gpd, the customer will use the flow calculation factor shown in Table 11-1 of 327 IAC 3-6-11, as amended from time to time ("FCF"), multiplied by the applicable number of units ("Applicable Unit" or "AU") relevant to the customer. Below is an illustration of the basic formulas and a few examples of how REUs are calculated for other entities:

$$\text{REU} = \frac{\text{Egpd}}{210 \text{ gpd}} \qquad \text{Egpd} = \text{FCF} \times \text{AU}$$

i. Church without kitchen. If Table 11-1 shows an FCF of 3 per sanctuary seat for a church without a kitchen and the church connecting has no kitchen and 150 sanctuary seats, then the Estimated Average gpd for the church is 450 [3 (FCF) x 150 (number of Applicable Units)] and the applicable number of REUs is 3 [450 (average gpd) / 210 = 2.14 rounded up to the next whole number is 3].

ii. Office without showers. If Table 11-1 shows an FCF of 20 per employee for an office without showers and the office connecting has no shower and has 50 employees, then the Estimated Average gpd for the church is 1000 [20 (FCF) x 50 (number of Applicable Units)] and the applicable number of REUs is 5 [1000 (average gpd) / 210 = 4.76 rounded up to the next whole number is 5].

iii. Food service operations: restaurant (not open 24 hours). If Table 11-1 shows an FCF of 35 per seat for a restaurant not open 24 hours and the restaurant connecting is only open for breakfast and 40 seats, then the Estimated Average gpd for the restaurant is 1400 [35 (FCF) x 40 (number of Applicable Units)] and the applicable number of REUs is 7 [1400 (average gpd) / 210 = 6.67 rounded up to the next whole number is 7].

b. Sewage service bills will be rendered once each month (or a period equaling a month). The schedule on which said rates and charges will be determined for all Class I Heaton Lake users is as follows and may be amended from time to time:

i.	January 1, 2023, to December 31, 2023	
	<u>All Heaton Lake Users</u>	<u>Monthly Rate</u>
	Billing/Administration Costs	\$11.50
		<u>Rate per REU</u>
	Operations/Maintenance/Debt Service	\$75.18
ii.	January 1, 2024, to December 31, 2024	
	<u>All Heaton Lake Users</u>	<u>Monthly Rate</u>
	Billing/Administration Costs	\$11.50
		<u>Rate per REU</u>
	Operations/Maintenance/Debt Service	\$76.09
iii.	January 1, 2025, to December 31, 2025	
	<u>All Heaton Lake Users</u>	<u>Monthly Rate</u>
	Billing/Administration Costs	\$11.50
		<u>Rate per REU</u>
	Operations/Maintenance/Debt Service	\$78.65
iv.	January 1, 2026, to December 31, 2026	
	<u>All Heaton Lake Users</u>	<u>Monthly Rate</u>
	Billing/Administration Costs	\$11.50
		<u>Rate per REU</u>
	Operations/Maintenance/Debt Service	\$80.45

c. The monthly rates and charges provided herein will be applied throughout the years identified above based upon the maximum sewage service required in any month in any calendar year. For example, the rates and charges based upon employment will be applied throughout the year based upon the maximum employment of the user for such single maximum employment month, and such maximum usage will be applied through the year.

2. **Remaining Provisions.** The remaining provisions of the Ordinance not amended by this Amendment will remain in full force and effect.

THIS AMENDMENT IS ORDAINED AND ADOPTED this 5th day of October, 2022

ELKHART COUNTY REGIONAL
SEWER DISTRICT

By: Scott Robinia
Scott Robinia, President

By: Lynn Brabec
Lynn Brabec, Secretary

By: Chris Godlewski
Chris Godlewski, Treasurer

By: Mary Cripe
Mary Cripe, Member

By: Dustin K. Sailor
Dustin Sailor, Member

By: George Cornish
George Cornish, Member

By: Gale Gerber
Gale Gerber, Member

ATTEST:

By: Carrie Brunson
Carrie Brunson