

AMENDMENT NO 1-2016-01

THIS AMENDMENT SETS FORTH CHANGES IN SECTIONS 1.14-1.23, 3.2, AND 9 OF RATE ORDINANCE 2016-01 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 INFRASTRUCTURE SERVICING THE STATE ROAD 13 TIF DISTRICT AND OTHER MATTERS CONNECTED THEREWITH:

WHEREAS, the Elkhart County Regional Sewer District (the "District") has almost completed construction of the public wastewater infrastructure serving the S.R. 13 District; and

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 proposed revenue bonds in accordance with the applicable bond ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE ELKHART COUNTY REGIONAL SEWER DISTRICT, THE FOLLOWING AMENDMENT TO RATE ORDINANCE 2016-01:

The following Section 1.14 will be added to define the term Rate Payor Units. The current Sections 1.14 through 1.23 will become Sections 1.15 through 1.24.

Section 1.14 : Rate Payor Units shall mean the factor identified in the flow calculation factor chart set forth in 327 IAC 3-6-11 for the respective Rate Payor.

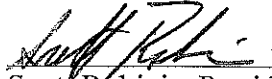
Sections 3.2 and 9 are amended by deletion of the language contained in Sections 3.2 and 9 of Ordinance 2016-01, and by substitution of the following in its place and stead:

Section 3.2 : The estimated average gpd for each Rate Payor will be calculated by using the flow calculation factors identified in 327 IAC 3-6-11, as amended from time to time. Each Rate Payor must provide ECRSD, on or before January 31 of each year, a certified report of the highest number of Rate Payor Units maintained by the Rate Payor at any time in the prior calendar year. Each Rate Payor must also notify ECRSD with a certified report upon a 25% increase in the respective Rate Payor Units since the last date the Rate Payor paid a Capacity Estimated Usage Fee pursuant to Section 9 of this Ordinance. ECRSD may require, at any time, a Rate Payor to provide a certified report of the highest number of Rate Payor Units maintained at any time by the Rate Payor in the prior twelve months. The total number of REU's for each Rate Payor in determining the monthly Rates and Charges provided herein will be equal to the total number of REUs used to compute all Capacity Estimated Usage Fees paid by the Rate Payor.

Section 9 : Each Rate Payor shall pay a Capacity Estimated Usage Fee in the amount of \$700.00 per REU upon each of the following events: (1) prior to being permitted to make any connection; (2) upon any increase of Rate Payor Units exceeding 25% of the certified number of Rate Payor Units provided to ECRSD the last time the Rate Payor paid a Capacity Estimated Usage Fee; and (3) any time White Pigeon Sanitary System requires ECRSD to make a block capacity purchase in connection with the Rate Payor.

THIS AMENDMENT ORDAINED AND ADOPTED this 11th day of May, 2017

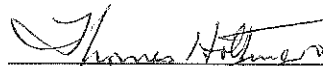
ELKHART COUNTY REGIONAL SEWER DISTRICT BOARD



Scott Robinia, President



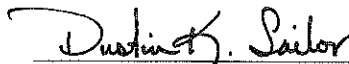
Lynn Brabec, Secretary



Thomas Holtzinger, Treasurer



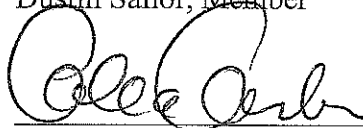
Jeff Troxel, Member



Dustin Sailor, Member

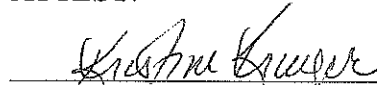


Verba DeMauro, Member



Gale Gerber, Member

ATTEST:



Kristine Krueger, Administrative Assistant