

ORDINANCE NO. 4 -02

**AN ORDINANCE AUTHORIZING A WHOLESALE SUPPLY RATE
FOR CERTAIN CUSTOMERS OF THE WATERWORKS OF THE TOWN OF PLAINFIELD,
INDIANA**

WHEREAS, the Town of Plainfield, Indiana (the "Town") provides municipal services to its citizens and other users outside of its corporate boundaries, including the design, construction, maintenance and operation of facilities to distribute treated water to residences, businesses, industries and institutions; and

WHEREAS, the Town has agreed to sell treated water to Indianapolis Water Company pursuant to that certain Wholesale Water Requirements Contract and Connection Agreement, dated September 1, 1999 (the "IWC Contract") and provides that the Plainfield Town Council will establish a "Wholesale Supply Rate" for the sale of such treated water; and

WHEREAS, the Town has determined that there are clearly definable costs associated with selling such treated water pursuant to the IWC Contract; and

WHEREAS, the Town has adopted Ordinance 16-99 entitled "An Ordinance Adopting the Provisions of Indiana Code Title 5 Article 23 Concerning Public-Private Agreements" (the "Ordinance") which provides that the Plainfield Town Council is authorized to enter into the IWC Contract; and

WHEREAS, the Town desires to establish a Wholesale Supply Rate to be charged to certain wholesale users, including Indianapolis Water Company ("IWC") under the IWC Contract.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PLAINFIELD, INDIANA:

Section 1. The Town finds that it is necessary and appropriate that wholesale users of the waterworks pay specified rates and charges for the treated water purchased by such wholesale users.

Section 2. Effective April 1, 2002, there is hereby established the following rates and charges for the use and services rendered by the waterworks system of the Town to certain specified wholesale users (the "Wholesale Supply Rate"). Such rates or charges shall be based upon the following criteria:

For All Usage Per Month (Minimum 60,000,000 Gallans Per Month)

Rate Per 1,000 Gallons

\$0.50 per 1,000 gallons

Notwithstanding the foregoing, IWC shall be charged a minimum of Thirty Thousand Dollars (\$30,000.00) per calendar month during which IWC is obligated to purchase treated water from the Town, all as provided in the IWC Contract, commencing April 1, 2002, the Initial Delivery Date.

Section 3. This Wholesale Supply Rate shall apply only to users who enter into an enforceable agreement with the Town under which the user becomes a Qualified Wholesale User. A Qualified Wholesale User is a user who agrees to each of the following:

1. To use the water supplied by the Water Utility under this rate only for resale to consumers within designated areas and for its own minor usage.
2. To allow the Town to reduce the amount of water available to the user during a water shortage, or at any time in which the supply of water available for the Town to deliver to the user is otherwise diminished over an extended period of time. This reduction shall be the greater of either i) 50% or ii) the same proportion as the amounts supplied to Plainfield's other large commercial and industrial users are reduced or diminished.
3. To provide for a capability and to allow the Town to draw water from water supplies otherwise available to the user in the event of emergency conditions.
4. To provide facilities for the provision of this service or for the cost of such facilities in a manner which is acceptable to the Town.

Section 4. This Ordinance amends and supplements Ordinance No. 18-96, and the rates and charges herein established shall be collected under the IWC Contract and from other designated parties from and after the effective date of this Ordinance.

Section 5. The invalidity of any section, clause, sentence or provision of this Ordinance shall not effect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 6. This Ordinance is effective upon passage and any publication required by law.

PASSED AND ADOPTED by the Town Council of the Town of Plainfield, Indiana, this _____ day of _____, 2002.

PLAINFIELD TOWN COUNCIL

Robin G. Brandgard

Robert M. Ward

Dan P. Young

Kent McPhail

Bill Kirchoff

ATTESTED BY:

Juliana M. Mitchell, Clerk-Treasurer