

**Topics Tentatively Scheduled for Study Session Discussion
and**

**Topics Requested for Action at Future Business Meetings of the Twenty-Ninth
Town Council of Highland**

This meeting will be convened as an electronic meeting, pursuant to Governor Holcomb's Executive Orders 20-04, 20-09 and 20-25 and now extended by Executive Order 20-49 through December 31, 2020 allowing such meetings, pursuant to IC 5-14-1.5-3.6 for the duration of the emergency.

People may observe and record the meeting for live streaming by joining the meeting on the Zoom <https://zoom.us/j/93023462586?pwd=bFR5bUEyTXJHdEVpSE5uVityR3lnQT09>

Further, persons wishing to offer comment in the meeting may access the electronic meeting by using the preceding and adding the password for Meeting ID 930 2346 2586, password (code): 347442.

**Monday December 21, 2020:
Study Session 6:30 p.m.
Virtual/Electronic meeting**

This meeting contributes to Agenda building for the plenary meeting. Please, also be aware of the running enrolled list of matters that are likely for the plenary meeting, subject to review by the municipal executive.

- X. Discuss the proposals for insurance for the property and casualty lines plus cyber insurance. Thomas Crowel of the Crowel Insurance Agency to appear.
- X. Review and discuss the proposed the sanitary waste and storm water rates as embedded in Ordinance 1725 as enrolled.
- X. Transfers not exceeding 10% of the budgeted funds pursuant to IC 6-1.10-17, excluding debt service funds to the Rainy Day Fund.

II.

• Plenary Business Meeting of Monday December 28, 2020 Likely matters

- X. Accounts payable vouchers Docket for the period of December 15, 2020, to December 28, 2020 in the amount of _____.
- X. Payroll Dockets for payday of **November** ____ in the amount of \$_____.
- X. Workplace Safety Report for November
- X. Minutes of the Meeting of Monday December 14, 2020.
- X. Administration of Oath for Police Officer Candidate Kenneth D. Norsweather. Appointed by the Town Board of Metropolitan Police Commissioners at its meeting of December 10, 2020 with the effective date of said appointment to 26 December 2020, subject to the administration of oath.
- X. Fixing the Bond for the fiscal officer pursuant to I.C. 5-4-1-18(a)(2).
- X Ordinance Fixing rates and charges as passed by the Board of Sanitary Commissioners
- X. Wage and Salary ordinance

ORDINANCE NO. 1725
TOWN OF HIGHLAND

AN ORDINANCE TO AMEND CHAPTERS 12.20 AND 12.25 OF THE HIGHLAND MUNICIPAL CODE REGARDING MODIFYING AND ESTABLISHING USER FEES FOR THE COLLECTION, TREATMENT AND DISPOSAL OF WASTEWATER AND FOR THE MANAGEMENT OF STORMWATER, PURSUANT TO I.C. 36-9-25 ET SEQ.

WHEREAS, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq; and

WHEREAS, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

WHEREAS, The Legislative Body on July 21, 1969 did establish a Department of Public Sanitation and Sanitary District by passage and adoption of Ordinance No. 586 of the Town, now codified as Chapter 12.10 of the Highland Municipal Code;

WHEREAS, The Town of Highland, is a municipality located in Lake County which operates a Department of Public Sanitation, which has been continuously governed by the provisions of IC 36-9-25 et seq. at least since 1970; and,

WHEREAS, The Board of Sanitary Commissioners, following a public hearing conducted on Tuesday, December 15, 2020, passed and adopted its Resolution No. 2020-24 recommending desirable and necessary changes to Chapters 12.20 and 12.25 of the Highland Municipal Code and commended these to the Town Council for its favor and action;

WHEREAS, The Board of Sanitary Commissioners, has requested that the Town Council of the Town of Highland as the legislative body favor approve and adopt these rates and charges pursuant to IC 36-9-25-11 and thereby put them into force and effect;

WHEREAS, The Town of Highland, through its Town Council now wishes to still further perfect its own organization as well as that of the Department of Public Sanitation and make certain amendments to the ordinance establishing and governing the rates and charges of the Sanitary District, pursuant to IC 36-9-25-11; and,

WHEREAS, The Town Council now desires to favor the recommendations for amendment to the Highland Municipal Code as

recommended by the Board of Sanitary Commissioners for Chapters 12.20 and 12.25 by making these amendments as commended,

Therefore, Now Be it Hereby Ordained by the Town Council of the Town of Highland, Lake County, Inidana as follows:

Section 1. That **Section 12.20.050** of the Highland Municipal Code be hereby repealed in its entirety and amended to add a section to be numbered Section 12.20.050, which shall read as follows:

12.20.050 Billing and collection of charges and rates.

(A) Sewage service bills shall be rendered pursuant to the billing and reading frequencies and practices of the municipal water utility, all pursuant to Chapter 12.05 HMC. Service bills shall be payable at the same time as water service bills of said utility are payable.

(B) Such sewage service bills shall be based upon the rates and charges for the use of and service rendered by the sewage works, as described in this chapter. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owners; but such billings shall in no ~~wise~~ **way** relieve the owner from liability in the event payment is not made as herein required.

(C) **Landlord right to review records of tenant.** The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the district for the purpose of determining whether such rates and charges have been paid by such tenants; provided, that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

(D) The rates or charges made pursuant to the terms of this chapter against any lot, parcel of real estate or building that is connected with and uses the sewage works by or through any part of the sewage system of the district, or that in any way uses or is served by such works, shall be a lien, and the same are hereby declared, made, and constituted a lien upon and against any such lot, parcel of real estate or building. Such lien, after written notice to the owner of any such lot, parcel of real estate or building, shall attach as such rates or charges become due and payable, and shall be superior to and take precedence over all other liens except the lien for taxes, and shall be enforced as hereinafter set out.

(E) **Delinquent Bills and Fees.** ~~Such~~ Rates or charges so established shall be paid **on the due date as stated in such bills, pursuant to Section 12.20.050 (A) of this code. Such rates and charges not paid when due shall be subject to a collection or delinquent payment charge.**

~~within 30 days after same are due.~~ If such rates or charges are not paid **on the due date thereof, as stated in such bills,** after written notice to the owner of any such lot, parcel of real estate or building, the same shall thereupon become and hereby are declared to be delinquent and a penalty of ~~10~~ ten percent (10%) of the amount of such rates or charges shall thereupon attach thereto, which rates or charges, together with the penalty, shall be collectible in the manner hereinafter provided.

~~(E)~~ (F) It shall be the duty of the clerk-treasurer of the town to enforce payment thereof, together with the penalty hereinabove provided.

(1) The clerk-treasurer shall certify to the county auditor a list of such rates or charges, including the amount of the penalty, which have become delinquent according to law.

(2) Such list shall include the name or names of the owner or owners of each and every lot, parcel of real estate or building on which such rates or charges have become delinquent, the description of such premises as shown by the records of the office of the county auditor, and the amount of such rates or charges, together with the amount of the penalty.

(3) It shall be the duty of the county auditor to place and include any such rates or charges, including the amount of the penalty, on the tax list, roll of taxes or tax duplicate, in the appropriate place thereon in respect to the premises on which any such rates or charges and penalty are due and payable, in such manner and pursuant to the terms of IC 36-9-25-11(g), 36-9-23-33 and 36-9-23-34.

(4) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner. If the property is conveyed before the lien can be filed, the municipality shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not more than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be expensed as a bad debt loss.

(5) A lien attaches against real property occupied by someone other than the owner only if the utility notifies the owner not later than twenty (20) days after the time the utility fees become sixty (60) days delinquent. A notice sent to the owner under this subsection must be sent by first class mail or by certified mail, return receipt requested (or an equivalent service permitted under IC 1-1-7-1) to:

(a) the owner of record of real property with a single owner; or

(b) at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice of the delinquency, or to another address specified by the owner, in a written notice to the utility, at which the owner requests to receive a notice of delinquency under this subsection. The cost of sending notice under this subsection is an administrative cost that may be billed to the owner.

~~(D)~~ (G) In addition to the methods of collection of such rates or charges, including the penalty thereon, when the same become delinquent as hereinabove provided, the sewage works shall have the right to foreclose the lien hereinbefore established. In all suits brought to foreclose such lien, the sewage works shall recover the amount of such rates or charges and the penalty thereon, together with a reasonable attorney's fee, pursuant to the terms of IC 36-9-25-11(g), 36-9-23-33 and 36-9-23-34. [Ord. 764, 1978; amended during 2012 recodification; Ord. 1628 § 5, 2016. Code 1983 § 17-20. Code 2000 § 171.05].

(H) The municipality is subject to the fees established under this chapter for services rendered the municipality, and shall pay the fees when due.

Section 2. That **Section 12.25.030 (B)** of the Highland Municipal Code be hereby repealed in its entirety and amended to add a section to be numbered Section 12.25.030 (B), which shall read as follows:

(B) For the periods identified below and thereafter, the following fees and charges are in effect:

Storm Water Management Fees Schedule

(1) For the period beginning **February 1, 2021** and continuing thereafter, the following fees and charges are in effect:

Monthly Fees	
Residential	
Single-Family Unit	\$ 15.22
Multiple-Family Units	
1 to 4 units (each)	\$ 11.39
5 to 12 units (each)	\$ 8.34
Greater than 12 units (each)	\$ 5.30
Non-Residential	
Category 1 (0 - 5,000 sq. ft.)	\$ 15.22
Category 2 (5,001 – 40,000 sq. ft.)	\$ 61.03
Category 3 (40,001 – 100,000 sq. ft.)	\$ 182.51
Category 4 (Over 100,000 sq. ft.)	\$ 304.16

Section 3. That Section 12.20.350 of the Highland Municipal Code be hereby repealed in its entirety and amended to add a new section to be numbered Section 12.20.350, which shall read as follows:

12.20.350 Wastewater Rates and Charges; Collection and Billing.

(A) For users of the sewage works who are also metered users of the municipal water works, the basis for user fees will be comprised of a **separate rate for Storm water management as set forth in Section 12.25.030 of this code, and another set of recurrent rates to cover costs** associated with ~~combined wastewater~~ disposal, collection and ~~wastewater~~ treatment. ~~rate which will be based~~ Users of the sewage works will be charged a flat rate designed to recover fixed costs that shall be based upon metered usage and a second component which will be a flat fee or base rate to be based upon **the size of water meter servicing the user, and a second charge, calculated as a rate upon metered usage**, all pursuant to I.C. 36-9-25-12.

(B) *The monthly base charge shall be based on a water meter size of not more than one size smaller than the service line in which the meter is installed. Water meters shall be read and sewage service bills shall be rendered pursuant to the billing and reading frequencies and practices of the municipal water works utility, pursuant to Chapter 12.05 of this code.*

(C) Rates and charges for wastewater treatment and management services are hereby fixed and shall be comprised of the following metered rates and base charges to be effective beginning **February 1, 2021**:

(1) A Monthly Base rate as set forth in this schedule, which shall be charged unrelated to metered usage:

Meter Size	Base Rate Total
5/8"	\$ 8.42
3/4"	\$ 12.62
1"	\$ 21.43
1 1/4"	\$ 33.52
1 1/2"	\$ 47.40
2"	\$ 82.15
3"	\$186.49
4"	\$331.37

(2) ~~Add a Metered rate~~ **A monthly rate based upon metered usage:**

~~\$ 3.26 \$5.33~~ \$4.85 per 1,000 metered gallons

(3) For users of the sewage works that are unmetered users of the municipal water works, the monthly charge shall be determined by equivalent single-family residential units, except as otherwise herein provided. Sewage service bills shall be rendered pursuant to Section 12.20.350 (A). The schedule on which said rates shall be determined is as follows:

Unmetered monthly User Charge: ~~\$48.57~~ **\$46.33** per unit.

(4) An additional surcharge for each dwelling unit over one serviced through a *single water meter* shall be added to the above rates **and charged according to the following schedule:**

Monthly surcharge: **\$8.49** per unit.

Section 4. That Section 12.20.340 (B) of the Highland Municipal Code be hereby repealed in its entirety and amended to add a new subdivision to the section to be styled as subdivision (B) and numbered Section 12.20.340, which shall read as follows:

12.20.340 Special adjustments

(B) Summer Consumption Protocol. There shall be a summer usage consumption protocol in order that single and two-family residential users of wastewater service shall not be unduly charged for sprinkling their lawns and other summer activities where higher consumption does not have a nexus to cost recovery and wastewater treatment.

(1) There is established a summer usage period in which shall apply to single-family and two-family residential users. The summer usage period applies to metered usage for beginning on the date the meter is read in May, June, July, August, and September and ending on the date the meter is read in September October;

(2) There is established a winter measurement period, which shall comprise the actual metered usage for November, December, January, February and March. An average consumption shall be calculated for the winter measurement period. The average shall be calculated by taking the sum of the actual metered consumption for a customers in the months of the winter period, and dividing the total metered usage by the five months. The average metered usage for the winter measurement period of a customer will be calculated as a single average metered consumption for the billing season to which it applies;

~~The sewer charges associated with metered usage for May, June, July, August, and September shall be calculated on the basis of the average water metered usage in the designated months of winter usage. November and December, respectively. The sewer charges for July and August shall be calculated on the basis of water usage in the months of January and February, respectively.~~

~~(3) In the event that the total actual water usage for said months of May, June, July, August and September in subsection (B)(1) of this section is less than the total actual water usage for said months of November, December, January, February and March, then the charges for the months of May, June, July, August, September shall be calculated on the basis of the total actual water used in these months. During the summer usage period, charges for metered usage shall be based upon the lesser of either actual metered usage for period invoiced or the average metered consumption for the designated winter period.~~

~~(3)(4) The aforementioned consumption protocol will be executed and in effect immediately following the meter readings conducted in May. Notwithstanding the preceding, the summer consumption protocol will be observed on the bills mailed in June, July, August, September and October, where it will conclude. The Superintendent of the Utility and the Billing authority (Clerk-Treasurer) shall jointly determine which bill(s) best reflect the metered usage intended to be captured during the summer usage period.~~

~~(4) (5) The aforementioned provisions shall apply to each lot, parcel of real estate or building which is occupied and used as a single-family residence. Said provisions shall not apply to any premises which are partially or wholly used for multifamily, commercial or industrial purposes. In the event a portion of such premises shall be used for single-family residence, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter and in such case the provisions hereunder shall be applicable to that portion of the premises used for residential purposes.~~

(6) In the event a single-family or two-family residential user for any reason has no actual or insufficient usage associated with the winter measurement period, the Clerk-Treasurer shall be authorized to make a reasonable determination for the average usage that shall be used in calculating the adjustment associated with the summer usage protocol.

(7) Allowances shall not be granted for the filling of swimming pools nor for irrigation outside the summer rate period.

Section 5. The provisions of this ordinance amending the municipal code shall be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a), provided as follows:

(A) That the fees and charges set forth herein shall be made effective from *February 1, 2021* and thereafter, until their repeal or modification by passage and adoption of the necessary enabling instruments;

(B) That pursuant to IC 36-9-25-11(c), the fees and charges imposed by the passage and adoption of this ordinance shall become and be effective upon all users whose property is within the district, having been approved by the Board and Sanitary Commissioners and hereby adopted by the Town Council, which is the municipal legislative body.

Introduced before the Board of Sanitary Commissioners as a resolution on November 17, 2020. The resolution was ordered for a public hearing on December 15, 2020, Following the hearing, the Board passed the resolution as amended and directed that the matter be set before the Town Council for its consideration, all pursuant to IC 36-9-25-11.

Introduced and Filed on the 28th day of December 2020. Consideration on same evening of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 28th Day of _____ 2020, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark J. Schocke, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/ACPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

ARTICLE III RAINY DAY FUND

3.45.175 Establishment.

(A) There is hereby authorized, created and established a fund of the town of Highland, to be called the **rainy day fund**, pursuant to IC 36-1-8-5.1 et seq.

(B) The rainy day fund is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, including meeting exigencies as herein may be defined and such other purposes permitted by IC 36-1-8-5.1 and as are identified in this article.

(C) The sources of funding for the rainy day fund may include the following:

- (1) Unused and unencumbered funds transferred pursuant to and identified in IC 36-1-8-5, 6-3.5-1.1-21.1, 6-3.5-6-17.3, or 6-3.5-7-17.3;
- (2) Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to IC 5-13-9 et seq.;
- (3) An appropriation in the annual budget in the several funds of the municipality as may be identified and approved by the town council, and then transferred to the rainy day fund, subject to the provision of IC 36-1-8-5.1(d);
- (4) Unassigned fund balances which may be identified in the several funds of the municipality, as may be approved by the town council, and then transferred to the rainy day fund, subject to the provision of IC 36-1-8-5.1(d); and
- (5) Any other sources which Indiana law from time to time may authorize.

(D) The rainy day fund is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) In any fiscal year, at any time, the town council may transfer not more than 10 percent of the town's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the rainy day fund as authorized by IC 36-1-8-5.1.

(F) No transfer may be made from a debt service fund, unless such transfer qualifies as a dormant fund balance, under IC 36-1-8-5.

(G) The rainy day fund is established and remains in effect until such time as the fund is repealed or rescinded by action of the town council. [Ord. 1651 § 1, 2017].

3.45.180 Purposes, uses and permissible expenditures.

(A) Subject to the provisions of this section, the town council may at any time by ordinance or resolution transfer to the corporation general fund, or any other appropriated funds of the municipality, money that has been deposited in the rainy day fund.

(B) Expenditures from the rainy day fund shall be used for the following purposes:

- (1) To make temporary, indefinite or permanent transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt as provided in IC 36-1-8-4;
- (2) To pay the deductibles on insurance not already provided for in other funds of the municipality;

(3) To pay monetary settlements, damages or claims in consequence of a legal cause of action;

(4) To pay and provide resources for the reimbursement of costs borne by municipal employees for medical infertility services subject to the ordinance which may authorize and establish such an employee group benefit;

(5) To pay expenses related to repairs of the emergency and weather warning siren system of the town not already provided for in other funds of the municipality;

(6) To pay expenses related to special consulting for fiscal affairs particularly associated with cost of governmental services, costs analysis and related analysis and review;

(7) To pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality;

(8) To pay expenses related to demolition, debris removal and restoration services on real property and improvements owned or leased by the municipality, not already provided for in other funds of the municipality;

(9) To pay expenses related to any other lawful governmental purpose for which money is appropriated by the fiscal body of the municipality.

(C) Notwithstanding IC 36-5-2-9.6, the affirmative vote of four members of the town council is necessary for the following uses of the fund:

(1) To pay the deductibles on insurance not already provided for in other funds of the municipality;

(2) To pay monetary settlements, damages or claims in consequence of a legal cause of action;

(3) To pay expenses related to repairs of the emergency and weather warning siren system of the town not already provided for in other funds of the municipality;

(4) To pay expenses related to the acquisition of real property and improvements by the municipality not already provided for in other funds of the municipality. [Ord. 1651 § 1, 2017].

3.45.185 Expenditure upon appropriation.

Expenditures from the rainy day fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and 36-5-4. [Ord. 1651 § 1, 2017].

3.45.190 Investments authorized.

Money in the rainy day fund may be invested; provided, that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and this chapter. [Ord. 1651 § 1, 2017].

3.45.195 Preservation and disposition of fund assets.

All unused and unencumbered cash on deposit to the credit of the rainy day fund does not revert to the corporation general fund nor to any other fund but shall remain with the rainy day fund until such time as an ordinance is passed and adopted regarding its disposition. An ordinance with the purpose of abolishing and defeasing the rainy

day fund and authorizing a transfer of any remaining unexpended, unencumbered assets of the fund to a particular fund shall not be passed or adopted under suspension of the rules under the provisions of IC 36-5-2-9.6. [Ord. 1651 § 1, 2017].