

RESOLUTION 2025-22

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN INDIANA
AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN
THE TOWN OF WHITESTOWN, INDIANA
AND
THE BOARD OF DIRECTORS FOR UTILITIES OF THE DEPARTMENT OF PUBLIC UTILITIES
FOR THE CITY OF INDIANAPOLIS AS TRUSTEE OF A PUBLIC CHARITABLE TRUST FOR THE
WATER SYSTEM, D/B/A CITIZENS WATER**

WHEREAS, the Town of Whitestown (the "Town") is a political subdivision existing under the provisions of Ind. Code § 36-5-1, *et. seq.*;

WHEREAS, the Whitestown Town Council (the "Council") is the legislative body of the Town that has the authority to adopt ordinances and resolutions to ensure the efficient performance and operations of the Town;

WHEREAS, the Town is a political subdivision that currently operates a municipally owned utility as that phrase is used in Ind. Code § 8-1-2-1(h) which provides water utility service to customers located in and around the Town; and

WHEREAS, the Board of Directors for Utilities of the Department of Public Utilities for the City of Indianapolis, as Trustee of a Public Charitable Trust for the Water System, d/b/a Citizens Water ("Citizens Water") owns and operates certain water utility assets acquired from the City of Indianapolis ("City" or "Indianapolis") and the Department of Waterworks of the City pursuant to an Asset Purchase Agreement approved by the Indiana Utility Regulatory Commission's ("Commission") July 13, 2011 Order in Cause No. 43936; and

WHEREAS, Citizens Water is an executive department of the City established and operating pursuant to Ind. Code § 8-1-11.1 and its Board serves as the board of the City's utility special taxing district and is an Indiana political subdivision; and

WHEREAS Citizens Water is also a municipally owned utility as that phrase is used in Ind. Code § 8-1-2-1(h) that provides water service to approximately 900,000 customers within Indianapolis and other areas of central Indiana that are outside of the City's corporate boundaries, including parts of Boone, Hamilton, Hancock, Shelby, Morgan, and Hendricks counties; and

WHEREAS, the Town currently purchases all of its requirements for water from Citizens Water; and

WHEREAS, in accordance with Ind. Code § 8-1.5-2-4, the Town has recently taken steps towards selling its municipally owned water utility asset to Citizens Water and would prefer that following the sale, customers of Whitestown would continue to be served by Citizens Water under the same rates

and terms and conditions for service that Citizens Water charges its other water customers throughout central Indiana; and

WHEREAS, Ind. Code § 36-1-7 authorizes the Town and Citizens Water, as political subdivisions, to exercise powers jointly pursuant to a written agreement authorized by ordinance or resolution of each political subdivision and to administer such agreement through a separate legal entity established thereby; and

WHEREAS the Town now desires to enter into a resolution authorizing the transfer of the powers, duties, functions, and obligations of its municipal water utility to Citizens Water pursuant to the adoption, execution, delivery, and performance of an Interlocal Agreement that complies with Ind. Code § 36-1-7; and

WHEREAS, Citizens Water has adopted a substantially similar resolution authorizing the execution, delivery, and performance of the Agreement; and

WHEREAS, the Council now believes it is in the best interest of the citizens of the Town to enter into an Interlocal Agreement with Citizens Water as set forth in more detail below.

NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of Whitestown, Indiana as follows:

Section 1. The foregoing recitals are incorporated herein by reference

Section 2. The Town Council hereby adopts the Interlocal Agreement for the provision of water utility services, by and between the Board of Directors for Utilities of the Department of Public Utilities for the City of Indianapolis as trustee of a public charitable trust for the water system, d/b/a Citizens Water and the Town of Whitestown, Indiana (“Interlocal Agreement”), as attached hereto as Exhibit A.

Section 3. The Interlocal Agreement is entered into pursuant to the requirements of Ind. Code § 36-1-7 and will provide for (a) formation of Citizens Water Resources Whitestown, LLC (“CWR Whitestown”) as an Indiana limited liability company for the acquisition of the Town’s water system to be held for and on behalf of Citizens Water; (b) delegation and/or transfer to, and vesting in CWR Whitestown and Citizens Water of all powers that are necessary, useful or appropriate for the acquisition, ownership and operation directly or through a long term lease with Citizens Water of the Town’s water system for and on behalf of Citizens Water; (c) establishment of a board of CWR Whitestown that consists of members of the Board of Directors for Utilities; and (d) administration of the Interlocal Agreement through Whitestown’s participation in the Advisory Board;

Section 4. This Resolution shall be in full force and effect from and after the date of its adoption.

(Signature Page to Follow)

PASSED AND ADOPTED on this _____ day of _____, by the Town Council of the Town of Whitestown, Indiana by a vote of __ in favor and __ against.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA

Dan Patterson, President

Eric Nichols, Vice President

Cheryl Hancock

Tobe Thomas

Courtenay Smock

ATTEST:

Matt Sumner, Clerk-Treasurer