

BOARD OF DIRECTORS FOR CWA AUTHORITY, INC.

RESOLUTION NO. CWA1-2011

**RESOLUTION ESTABLISHING PROCEDURES FOR PROMULGATION OF
REGULATIONS**

WHEREAS, the Department of Public Utilities of the City of Indianapolis ("City"), acting by and through the Board of Directors for Utilities (and on behalf of the utility special taxing district by the Board of Directors for Utilities) is vested by Indiana Code 8-1-11.1 with the power to own and operate utility properties of any kind within the City or outside the City within the limits authorized by law, and to own all utility property related or belonging thereto;

WHEREAS, pursuant to Special Ordinance No. 4-2010 and Special Ordinance No. 7-2010 (collectively, the "Ordinances"), the City and Citizens Energy Group ("Citizens") have entered into an Asset Purchase Agreement pursuant to which the transfer and delegation to, and vesting in and exercising by Citizens, of all of the powers, duties, functions and obligations of the Sanitary District ("District"), the Department of Public Works and the Board of Public Works with respect to the wastewater system will be transferred to Citizens;

WHEREAS, CWA Authority, Inc. (the "Authority"), is an Indiana nonprofit corporation established pursuant to an "Interlocal Cooperation Agreement for the Provision of Utility Services (Wastewater)" (the "Interlocal Agreement") entered into among the Department of Public Utilities for the City of Indianapolis d/b/a Citizens Energy Group ("Citizens"), acting by and through the Board of Directors for Utilities, and the City of Indianapolis (the "City") and the Sanitary District of the City of Indianapolis, acting by and through the Board of Public Works (the "District");

WHEREAS, pursuant to the Interlocal Agreement Authority possesses all the powers that are necessary, useful or appropriate to acquiring, owning and operating the wastewater system and/or having jurisdiction over disposal of sewage, including industrial wastes or other wastes; and

WHEREAS, such powers include the power to enact resolutions that have the force and effect of law and to enforce such and resolutions; now; therefore:

BE IT RESOLVED AND ORDAINED BY THE BOARD OF DIRECTORS OF CWA AUTHORITY, INC., AS FOLLOWS:

Promulgation of Administrative Regulations.

Sec. 101. Definitions.

As used in this resolution, the following terms shall have the meanings ascribed to them in this section.

- (a) "Board" means the Board of Directors for CWA Authority, Inc.
- (b) "Authority" means CWA Authority, Inc.

(c) "Regulation" means the whole or any part of a statement by the Authority of general applicability that:

- (1) has or is intended to have the effect of law; and
- (2) implements, interprets or prescribes laws or policy of the Authority.

Sec. 102. Application.

The Board may adopt regulations only by complying with the procedures of this resolution unless a statute specifically provides otherwise.

Sec. 103. Notice of promulgation of regulations.

Before the Board adopts any regulation notice shall be published in a newspaper of general circulation in Marion County and contiguous counties one (1) time, at least ten (10) days prior to the date set for the hearing. The notice shall include a statement: (i) of the time and place of the hearing; (ii) a general description of the subject matter of the proposed regulation; (iii) reference to the fact that a copy of the proposed regulation is on file in the office of the Authority where it may be examined; and (iv) name the date by which the board must receive any written comments to the proposed regulation. No regulation shall be invalid solely because the reference to the subject matter thereof in such notice is inadequate or insufficient.

Sec. 104. Filing of proposal.

At least five (5) copies of a proposed regulation shall be on file in the office of the Authority from the date of publication of the notice required by section 103 continuously to the time of the hearing. Any interested persons shall be given an adequate opportunity to inspect and obtain a copy of the proposed regulation in accordance with IC 5-14-3.

Sec. 105. Submission of written comments.

Any person desiring to submit written comments to a proposed regulation shall file such comments with the Authority no later than three (3) days prior to the date set for the hearing.

Sec. 106. Hearing.

On the date set for a hearing on a proposed regulation, any interested party shall be afforded an adequate opportunity to participate in the formulation of the proposed regulation through the presentation of facts or arguments or the submission of written data or facts. All relevant matters presented shall be given full consideration by the Board. All hearings conducted by the Board shall be open to the public.

Sec. 107. Adoption or continuance.

At the conclusion of a public hearing held pursuant to this section, the Board may adopt such regulations or may provide for the continuation of the hearing as the board may deem appropriate, which further hearings may be held without the requirement of publication notice if

the date and time of next consideration is announced concurrently with the decision to continue the hearing.

Sec. 108. Written transcript of hearing;

The Authority shall provide a written transcript of the audio tape recording of the hearing upon request. Persons requesting a written transcript shall pay the reasonable cost of preparing the written transcript.

Sec. 109. Publication.

After adoption of such regulations, the Board shall publish notice two (2) times, at least seven days apart, after regulations are adopted, that the Board has adopted certain regulations, giving the general title thereof and stating that copies are available for inspection and copying in the office of the Authority.

Sec. 110. Effective date.

Regulations are effective and enforceable thirty (30) days after the date of first publication as provided in Section 109.

Sec. 111. Alteration of existing rules or regulations.

The Board shall comply with the procedures required for initial promulgation of regulations whenever the Board desires to repeal, rescind or amend any regulation.

Sec. 112. Enforcement of regulations.

A violation of any regulation promulgated in accordance with this resolution may be subject to enforcement by the Authority in accordance with the applicable resolution of the Board.

Sec. 113. Collection of rules and regulations; collection of resolutions.

The Board shall be responsible for maintaining and making available to the public the collection of all:

- (1) regulations promulgated by the Board; and
- (2) resolutions adopted by the Board.

Sec. 114. Temporary regulations.

The Board may in case of emergencies or temporary circumstances adopt a regulation which by its terms will expire not more than thirty (30) days after its adoption provided notice of the adoption of the same is promptly published in accordance with Sec. 109.

Sec. 115. Effective date.

This resolution shall be effective upon passage by the Board and thirty (30) days after publication of this resolution in accordance with IC 5-3-1.

Adopted this 9th day of February 2011, by a vote of 6 ayes and 0 nays.

BOARD OF DIRECTORS
CWA AUTHORITY, INC.


President

Attest:


Secretary