

ORDINANCE NO. 1689-11-25

TOWN OF AVILLA, INDIANA

AN ORDINANCE TRANSFERRING RESPONSIBILITY FOR UTILITY BILLING FROM THE CLERK-TREASURER TO THE UTILITIES DEPARTMENT AND ESTABLISHING RELATED PROCEDURES

WHEREAS

1. The Town of Avilla ("Town") owns and operates municipal electric, water, and wastewater utilities under the authority of the Town Council; and
2. The Town purchases wholesale electric power from an external wholesale supplier but provides retail electric service directly to customers; and
3. The Town Council is the governing body for all municipal utilities, there being no utility service board established under IC 8-1.5; and
4. The Clerk-Treasurer is the Town's fiscal officer under IC 36-5-6, responsible for the custody of funds, accounting records, reconciliation, and financial reporting; and
5. Indiana law does not require the Clerk-Treasurer to perform utility billing, and administrative billing functions may be reassigned by ordinance so long as fiscal officer duties remain with the Clerk-Treasurer; and
6. The Town Council finds that assigning all billing functions (electric, water, and wastewater) to the Utilities Department will promote operational efficiency and customer service; and
7. Indiana Code 5-11-1-27 requires the Town to maintain internal controls to safeguard public funds, including utility receipts;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Avilla, Indiana:

Section 1. Definitions.

A. "Utilities" means the Town's electric, water, and wastewater utilities operated by the Town Council.

B. "Utilities Department" means the Town department responsible for operating and administering the Utilities, including billing and customer service functions.

C. "Utility Billing Functions" means all administrative functions associated with customer accounts, including:

1. Opening and closing accounts;
2. Recording meter readings;
3. Calculating and preparing bills;
4. Issuing bills for electric, water, wastewater, and related charges;
5. Receiving payments;
6. Applying payments to accounts;
7. Issuing delinquency and shutoff notices;

8. Maintaining account histories and billing records.

D. "Clerk-Treasurer" means the fiscal officer of the Town responsible for all duties under IC 36-5-6.

Section 2. Transfer of All Utility Billing Functions.

A. As of January 1, 2026 ("Effective Date"), all Utility Billing Functions formerly performed by the Clerk-Treasurer or the Clerk-Treasurer's office are hereby transferred to and shall be performed by the Utilities Department.

B. This includes all billing and customer service functions for:

1. Electric utility service;
2. Water utility service;
3. Wastewater utility service.

C. This ordinance transfers only administrative billing responsibilities.

The Clerk-Treasurer retains all statutory fiscal responsibilities, including:

- Custody of public funds;
- Daily deposits under IC 5-13-6-1;
- Posting receipts to the Town ledger;
- Financial reporting;
- Reconciliation of utility receipts with the utility billing system.

Section 3. Payment Handling and Deposits.

A. The Utilities Department may receive electric, water, and wastewater payments at its office, by mail, electronically, or by other approved means.

B. All utility receipts must be transmitted to the Clerk-Treasurer no less often than daily on business days, with documentation sufficient for posting and reconciliation.

C. The Clerk-Treasurer shall deposit the funds in compliance with IC 5-13-6-1 and maintain the utility funds and accounts on the Town ledger.

D. The Utilities Department and Clerk-Treasurer shall jointly maintain software permissions and access controls to ensure segregation of duties and proper reconciliation.

Section 4. Internal Controls and Procedures.

A. The Utilities Department and Clerk-Treasurer shall develop written procedures covering:

1. Meter reading and data entry;
2. Billing generation for electric, water, and wastewater;
3. Receipt and handling of payments;
4. Account adjustments and credits;
5. Delinquency, shutoff, and reconnection processes;
6. Monthly reconciliation of billing records to ledger totals;

7. Segregation of duties between billing, receipting, and accounting.

B. These procedures must comply with internal control standards required by IC 5-11-1-27 and the State Board of Accounts.

C. Revised internal controls shall be presented to the Town Council for approval by resolution within 15 days of the Effective Date.

Section 5. Customer Service Authority.

A. The Utilities Department shall handle all customer billing inquiries and adjustments authorized by policy.

B. The Town Council retains exclusive authority to:

1. Set and amend electric, water, and wastewater rates;
2. Establish policies for deposits, fees, leak adjustments, late penalties, hardship arrangements, and disconnections;
3. Hear appeals when provided by Town policy.

C. All customer billing records shall be retained in accordance with Indiana record retention laws.

Section 6. Transition.

A. The Clerk-Treasurer and Utilities Department shall work together to:

1. Transfer billing records and account histories;
2. Adjust software permissions and workflow;
3. Coordinate the first full billing cycle under the new structure;
4. Ensure continuous customer service during the transition.

B. The Clerk-Treasurer may provide assistance during the transition to ensure compliance and continuity.

Section 7. Conflict and Repeal.

Any ordinances, resolutions, or policies inconsistent with this Ordinance are hereby repealed to the extent of the conflict.

References to the Clerk-Treasurer performing utility billing shall now refer to the Utilities Department unless they relate to statutory fiscal duties.

Section 8. Severability.

Invalidation of any part of this Ordinance shall not affect the remainder.

Section 9. Effective Date.

This Ordinance takes effect upon its adoption and publication as required by law.

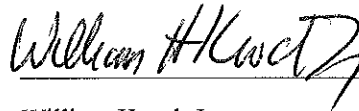
PASSED AND ADOPTED this 19th day of November, 2025

Adopted and Passed this 19 Day of Nov, 2025, by a vote of 3 in favor and 0 opposed.

AVILLA TOWN COUNCIL



Philip Pucket, Jr., President

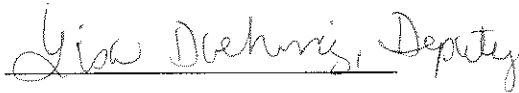


William Krock Jr.



Andrew Uhl

ATTEST:



Rita Grocock, Clerk-Treasurer