

Bond Case Briefs

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PUBLIC UTILITIES - INDIANA

Graham v. Town of Brownsburg

Court of Appeals of Indiana - May 21, 2019 - N.E.3d - 2019 WL 2181195

Homeowners brought action against municipality for declaratory and injunctive relief, regarding an ordinance which raised water utility rates.

The Circuit Court granted summary judgment in favor of municipality, based on failure to exhaust administrative remedies. Homeowners appealed.

The Court of Appeals held that administrative review would not have been futile.

Administrative review of homeowners' constitutional challenge against a municipal ordinance, which raised water utility rates for those dwelling outside of municipal boundaries, would not have been futile, and thus homeowners were required to exhaust administrative remedies prior to seeking judicial relief; upon conducting administrative review, municipality could have decided to change or repeal the ordinance on the basis of double-charging or harassment of annexation remonstrators.