



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

ORDINANCE NO. 306

AN ORDINANCE OF THE CITY OF SAN LUIS, ARIZONA AMENDING UTILITY PROCEDURES AND PRACTICES FOR WATER, WASTEWATER AND SOLID WASTE SERVICES; REPEALING ANY CONFLICTING PROVISIONS, AND PROVIDING FOR SEVERABILITY

WHEREAS, the City of San Luis, Arizona operates the water and wastewater systems of the City and provides sanitation services as enterprise funds;

WHEREAS, said funds have been deficient in their revenues and creates a condition wherein general revenue funds are used to subsidize the accounts;

WHEREAS policies, practices, and charges with respect to establishment of utility accounts, meters, connections, billings, and collections were last reviewed in 1996; and

WHEREAS pursuant to a rate study in 2010 and the policy of the City Council adopted in 2010 to correct these deficiencies so that proper financial planning and budgeting for fiscal year 2011/2012 may occur,

BE IT ORDAINED by the Council of the City of San Luis, Arizona, as follows:

SECTION 1: Section 11-2-2(B) Payment of Bills shall be amended to read as follows:

B. All or any portion of the bill provided for in Subsection A of this Section not paid on or before the 28th day of the month the bill is mailed or presented shall be subject to a late charge of ten percent. Should all or any portion of a bill which is 30 days outstanding remain unpaid on the 15th day of the following month, a second bill will be mailed a reminder that the bill is outstanding and the outstanding balance needs to be paid. Should all or any portion of a bill which is 60 days outstanding remain unpaid, a disconnect notice will be mailed and/or served by leaving a copy of said notice at the location of utility service that the bill is outstanding and that service will be discontinued after five days of the date of notice if payment is not received pursuant to procedures set forth in subsection D below unless the City Manager, for good cause, grants an extension of time.

SECTION 2: Section 11-2-2(D) Payment of Bills shall be amended to read as follows:

D. When water service is to be discontinued for non-payment as provided for in division (B) above, the City Manager shall cause written notice to that effect to be served by mail, or by leaving a copy of said notice at the location of utility service, addressed to the customer or consumer whose service is to be discontinued. Within five calendar days of service of the notice, the consumer or customer must:

(1) Pay the entire amount due:

(2) Obtain from the City Manager, or his or her authorized agent, the extension of time provided above; or

(3) File with the City Clerk a written request for a hearing before a hearing officer designated by the City Manager to show cause why service should not be discontinued. The hearing officer is hereby authorized to adjudicate contested bills of not more than \$500. Contested bills of more than \$500 may be appealed to Council. Filing of a request for hearing will stay the action to discontinue service until the hearing has been held and the findings thereof have been announced. After service of the notice of proposed termination of service and failure on the part of a customer or consumer to avail himself or herself of the remedies provided herein, service may be discontinued forthwith.

SECTION 3: Section 11-2-4 (C) Application For Service And Payment Responsibility shall be amended to read as follows:

(C) In all cases where water service or wastewater service is used on any premises and the payment thereof is guaranteed by the property owner or his agent, such must settle for the full amount charged against the property. If a previous occupant or customer failed to pay the charges incurred in full, a deposit of at least triple the previous unpaid bill will be required for the re-establishment of service to the property, unless the property owner has guaranteed payment.

SECTION 4: Section 11-3-1 Deposit Required shall be amended to read as follows:

(A) There shall be a minimum deposit on all new accounts for water service and all accounts that are being re-established after discontinuance for non-payment an amount as may be set by resolution of City Council for each unit of service, unless the bill is guaranteed in writing by the property owner where the consumer is the actual owner of the property. A larger than minimum deposit may be required, as determined by the City Manager, if necessary because of large consumption of water or due to history of previous unpaid charges for the subject property. Deposits shall be maintained by the City until the account is closed or terminated. Any and all deposits shall be returned following turnoff of

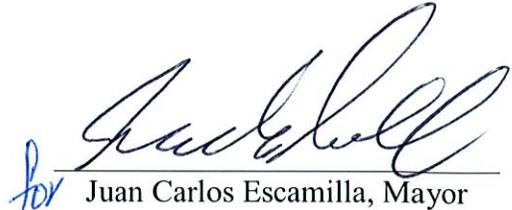
service upon demand of the depositor only after all bills and other charges have been satisfied and any demand shall be made within 60 days of turnoff.

(B) Unless the bill is guaranteed in writing by the property owner where the consumer is the actual owner of the property, there shall also be collected with all consumer accounts upon their establishment a security deposit.

SECTION 5: In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superceded, and replaced, and the provisions of this ordinance shall govern.

SECTION 6: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona, this 13th day of JULY, 2011.

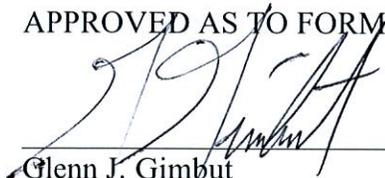

for Juan Carlos Escamilla, Mayor

ATTEST:



Sonia Cuello, City Clerk

APPROVED AS TO FORM:



Glenn J. Gimbut
City Attorney