

RESOLUTION NO. 1755

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING REGULATIONS ENTITLED "CUSTOMER ACCOUNTS REGULATIONS" TO COMPORT WITH RECENTLY ENACTED LEGISLATION CLARIFYING PARTIES RESPONSIBLE FOR RATES, FEES, CHARGES AND PENALTIES INCURED ON A UTILITY ACCOUNT, AND TO REVISE THE FORMER PROVISIONS REGARDING PAYMENT AND RETENTION OF DEPOSITS PAID BY UTILITY CUSTOMERS; PROVIDING THAT, IF ANY PROVISION IN THIS RESOLUTION IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on August 9, 2001, the Town Council adopted Resolution No. 1030 establishing the new "Prescott Valley Utility Regulations" (Regulations); and

WHEREAS, on November 15, 2001, the Council adopted Resolution No. 1057, amending the Regulations to provide additional time to the account administration and collection process in order to prevent inequities from occurring as a result of delayed postal service; and

WHEREAS, on July 11, 2002, the Council adopted Resolution No. 1102 amending the Regulations to incorporate a new methodology for calculating System Capacity Charges and Water Resource Charges for new residential, commercial and industrial uses that connect to the wastewater and water systems, and to expressly provide for "water only" meters; and

WHEREAS, on April 10, 2003, the Council adopted Resolution No. 1177 amending the Regulations to correspond to certain revisions to the Arizona Revised Statutes related to adoption and administration of improvement district assessments, including clarification that such assessments become a first lien on property, clarification that service of certain notices may be made by mail, and specification that certain additional notices to lienholders would be required before property could be sold at auction for non-payment of assessments; and

WHEREAS, on October 23, 2003, the Council adopted Resolution No. 1228 to clarify that wastewater rates paid by a customer may be reimbursed when it is discovered that a customer's property has not been connected to the wastewater system despite records showing such a connection; and

WHEREAS, on January 13, 2005, the Council adopted Resolution No. 1321 to coincide with changes in Arizona law which a) establish the crime of obtaining utilities fraudulently as a Class 6 felony, and b) restrict government use of complete social security numbers; and

WHEREAS, on December 15, 2005, the Council adopted Resolution No. 1400 to reflect the earlier adoption by the Town (Ordinance No. 576 on January 22, 2004) of the 2003 International Plumbing Code (IPC) in place of the 1994 Uniform Plumbing Code (UPC) and the "Town of

Prescott Valley Administrative Code (PVAC)” in place of the 1997 Uniform Administrative Code (UAC); and

WHEREAS, on September 14, 2006, the Council adopted Resolution No. 1458 to (i) eliminate overlapping billing cycles which was creating confusion as to when accounts became delinquent, (ii) revise the billing format to include more information on usage and account history, (iii) waive deposits in certain circumstances where proof of paying utilities is provided, and (iv) make other minor housekeeping revisions; and

WHEREAS, on March 13, 2008, Council approved Resolution No. 1570 dissolving the Prescott Valley Water District; and

WHEREAS, on November 4, 2010, the Council approved Resolution No. 1724 amending the Regulations to remove provisions related to administration of customer accounts and administration of improvement districts in order to allow such provisions to be adopted as separate regulations; and

WHEREAS, on November 4, 2010, the Council approved Resolution No. 1725 enacting new “Customer Accounts Regulations” to (i) shorten collection timeframes, (ii) address delinquencies resulting from bankruptcy and foreclosure, (iii) clarify rates, fees and charges based on type of utility account, (iv) clarify parties responsible for rates, fees, charges and penalties incurred on a utility account, and (v) recognize technological improvements that allow for electronic transfer of utility account information; and

WHEREAS, on April 20, 2011, the Arizona Legislature enacted HB 2193, effective July 20, 2011, which provides that payment of unpaid water and wastewater service rates shall not be required of anyone other than the person who a municipality has contracted with to provide the service, who physically resides or resided at the property and who received the service; and

WHEREAS, the Council desires to amend the “Customer Accounts Regulations” to correspond to the recently enacted legislation and clarify the parties responsible for payment of rates, fees, charges and penalties incurred on a utility account; and

WHEREAS, the Council further desires to amend the “Customer Accounts Regulations” to provide that property owners and/or tenants applying for utility service who have an account history with the Town for Town utility service shall be exempt from paying an initial deposit provided there is no history of delinquent payments on their previous or existing utility accounts; and

WHEREAS, the Council further desires to amend the “Customer Accounts Regulations” to provide that once a customer establishes a history of no delinquent payments for a period of twelve months, any deposits collected from such customer under the regulations shall be credited to the account or returned to the Customer; and

WHEREAS, the Council finds that the amendments to the “Customer Accounts Regulations” is in the best interests of the Town’s utility customers and promotes the health, safety and welfare of the Town and the customers that it serves;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

1. That the "Customer Accounts Regulations" attached hereto as Exhibit 1 and incorporated herein by this reference, be hereby amended as indicated.
2. That, if any provision in this Resolution is held invalid by a court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.
3. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 14th day of July 2011.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney