INTRODUCED BY: **ORDINANCE NO. 2010-11**

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV. WATER AND SEWER CHARGES, SECTION 23-88 ADDITIONAL CHARGE FOR DELINQUENT PAYMENT, AND SECTION 23-89 NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE OF FAILURE TO PAY CHARGES; RECONNECTING FEE; SECTION 23-90 IMPACT FEE REVENUE RESTRICTIONS AND SECTION 23-105 BILLING AND PAYMENT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach has determined that it is necessary to amend the following.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA, that:

Section 1. Sec. 23-88 Additional charge for delinquent payment, shall be amended as follows:

~~**Sec. 23-88. Additional charge for delinquent payment.**~~

~~If any bill for the use of the services and facilities of the water system and/or sewer system shall be and remain due and unpaid on or after the twenty first day after the bill shall have been submitted to the consumer, an additional charge of ten (10) percent thereof shall be added thereto.~~
~~(Code 1959, § 24-34; Ord. No. 92-2-12, § 1, 12-7-92)~~

Section 2. Sec. 23 -89. Notice of proposed termination of service; ~~administrative hearing;~~ disconnecting service for failure to pay charges; reconnecting fee shall be amended as follows

Sec. 23-~~89~~88 Notice of proposed termination of service; ~~administrative hearing;~~ disconnecting service for failure to pay charges; reconnecting fee shall be amended as follows

If any bill for the use of the services ~~and facilities of the water system and/or the sewer system~~ shall be ~~and remain~~ due and remain unpaid after the twentieth day of each billing cycle an additional charge of ten (10) percent thereof shall be added. ~~in which the same shall have been submitted to the customer, a written notice shall be provided, which shall apprise such customer of the past due amount, the disconnection and the availability of an administrative hearing~~. ~~Upon such request, the city manager or his designee will afford an administrative hearing at the convenience of the customer to consider any complaint of erroneous or incorrect billing and to review any disputed bill and to rectify any error~~. Should such customer ~~either~~ fail for a period of nine (9) additional days ~~to seek such an administrative hearing or fail~~ to pay any sum determined to be properly due ~~as a result of such administrative procedures,~~ all services to such customer ~~so in arrears~~ shall be immediately disconnected and shall not be reconnected until all past due bills for ~~water and/or sewer~~ services are paid in full, together with a reconnection charge of twenty five dollars ($25.00) during normal City Hall business hours and seventy-five dollars ($ 75.00) during other hours.
(Code 1959, § 24-35; Ord. No. 90-2-1, § 1, 1-8-90; Ord. No. 1998-08, § 1, 4-6-98; Ord. No. 1999-15, § 1, 12-6-99)

Sec. 23-~~90~~89 Impact fee revenue restrictions.

(a) The city hereby establishes two (2) separate accounts into which deposits shall be made for the accumulation of the equivalent future value of the city's grant from the state department of environmental regulation for state assistance under F.S. § 403.1838 (Step 2 + 3 Grants). The account shall be separated as follows:
(1) Sewerage system capital improvement account--Source wastewater system impact fees.
(2) Sewerage system capital improvement account--Other sources.
All impact fees collected hereunder shall be deposited in the account as set forth above and used only for the purpose of expanding the city's sewer system. Funds may be disbursed from this account only upon authorization by the city council upon determination by the city council that the proposed expenditure is for the expansion of the system within the intent and meaning of the law of this state. Notwithstanding this provision, revenues of impact fees may be pledged for borrowing for purposes of sewer system expansion in the same manner as any other source of revenue.
(b) Deposits to the sewerage system capital improvement account shall commence not later than the end of each one-year period beginning with the date of initiation of operation of the complete grant funded treatment works. Beneficial occupancy shall be deemed the date of initiation of operation of the complete grant funded treatment works. The number of annual deposits shall be twenty (20), which is the design life of the treatment works as calculated by the city's consulting engineers.
Deposits into the sewerage system capital improvement accounts shall be made annually, or, at the discretion of the city's finance director, more frequently. Deposits shall be made not later than on the last business day preceding the anniversary date of beneficial occupancy. The city does not have any plans at present for early termination of deposits into the sewerage system capital improvement accounts. The city may, however, make repayments into these funds upon the recommendation of the city's finance director and approval of the city manager. Deposits may be terminated once the sum of deposits equals the required annual deposit multiplied by the required number of annual deposits.
The sources of revenue for the required deposits shall be as follows:
(1) Wastewater system development charges (to the extent permitted by law);
(2) Current year surpluses from the revenue fund;
(3) Prior year surpluses from the revenue fund;
(4) Wastewater system user charges.
Deposits into the sewerage system capital improvement accounts shall be invested in accordance with the city's normal practice for investment of funds, but shall be accounted for separately.
The aggregate amount of the annual deposits into the sewerage system capital improvement accounts shall be determined by the following formula:

$$D = \frac{G\, i(1 + i)}{(1 + i)\ DL-1}\ DL$$

where:
TABLE INSET:

D	=	required annual deposit
G	=	grant amount actually received by city
i	=	0.078
DL	=	20 years

(c) Accrued monies in the sewerage system capital improvement accounts shall be expended for any permissible purpose including, but not limited to, the following:
(1) Capacity expansion of any wastewater system facility;
(2) Replacement of any wastewater system component which has reached the end of its design life;
(3) Repair and/or replacement of treatment plant, pumping station or major transmission facilities in the event that these items are undertaken as part of capacity expansion or upgrade necessary to meet more stringent effluent limitations required by a regulatory agency or are necessitated as the result of man-made or natural disaster.

(d) The city shall engage a certified public accounting firm to prepare and submit annually to the state department of environmental regulation a certification that the revenue generation system has been maintained in accordance with Chapter 17-50, Florida Administrative Code.
(e) The city may amend this section from time to time as warranted in order to comply with modifications to Chapter 17-50, Florida Administrative Code.
(Code 1959, § 24-36; Ord. No. 1996-24, § 3, 10-7-96)

Secs. 23-~~91~~90 23-100. Reserved.

Section 3. Sec. 23 -105. Billing and payment shall be amended as follows**:**

Sec. 23-105. Billing and payment.

The stormwater utility fee is to be paid as billed to the owner, tenant, or occupant of each utility account, which is subject to the stormwater fee. ~~persons using the services and facilities of the stormwater management system shall be rendered bills or statements.~~ The bills for stormwater management shall be submitted on the same bills as the charges for water and sewer services; provided however that stormwater management service be made a separate item on such bills. Such bills for stormwater management shall be due and payable monthly. Each utility account shall be billed a flat rate fee as established by ~~the~~ resolution of the city council for both residential and non-residential classes.

~~Additional charge for delinquent payment.~~ If any bill for the uses of the services and facilities of the stormwater management system~~, shall be and~~ remain due and unpaid ~~on or~~ after the ~~twenty first~~ twentieth day of each billing cycle ~~after the bill shall have has been submitted to the consumer,~~ an additional charge of ten (10) percent thereof shall be added. ~~thereto. If any bill for the use of the services and facilities of the stormwater management system shall be and remain unpaid after the twentieth day of~~ each billing cycle ~~in which the same shall have been submitted to the customer, a written notice shall be provided, which shall apprise such customer of the past due amount, the disconnection and availability of an administrative hearing. Upon such request, the city manager or his designee will afford an administrative hearing at the convenience of the customer to consider any complaint of erroneous or incorrect billing and to review any disputed bill and to rectify any error.~~ Should such customer ~~either~~ fail for a period of nine (9) additional days ~~to seek such an administrative hearing or fail~~ to pay any sum determined to be ~~properly~~ due ~~as a result of such administrative procedures,~~ all services to such customer so in arrears shall be immediately disconnected/discontinued and shall not be reconnected or service shall not be reestablished until all past due bills for water, trash/garbage collection, stormwater and/or sewer services are paid in full together with a reconnection charge of twenty-five dollars ($25.00) during normal City Hall business hours and seventy-five dollars ($75.00) during other hours.
(Ord. No. 2002-02, § 5, 5-6-02)

Section 4. The Ordinance shall become effective immediately upon its passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette
Vice Mayor Fred E. Lee
Councilor Eric Pardee
Councilor Kara Tucker
Councilor John Weldon

Passed on First Reading this day of , 2010.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette
Vice Mayor Fred E. Lee

Councilor Eric Pardee
Councilor Kara Tucker
Councilor John Weldon

Passed on Second and Final Reading this day of ,2010.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney