

RESOLUTION 14-10

A RESOLUTION OF THE CITY OF NATALIA, TEXAS, ESTABLISHING UTILITY SERVICE POLICIES AND BILLING PROCEDURES FOR WATER, SEWER AND GARBAGE COLLECTION.

WHEREAS, the City of Natalia, Texas, hereinafter referred to as the "City", adopted ordinances regulating utility services for water, sewer, and garbage collection and disposal to existing customers and applicants requesting services within the City's service areas; and,

WHEREAS, the following policies and procedures refer to all terms and conditions under which water, sewer, and/or garbage services are supplied. All utility services furnished by the City, whether inside or outside the incorporated city limits are subject to conform to all other ordinances of the City. The following rules, policies and procedures supplement all previous ordinances, policies and practices pertaining to the City's connection, disconnection, collection of fees and services provided for all utility services that are not in conflict of herein policies and procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NATALIA, TEXAS, THAT UTILITY SERVICE POLICIES AND BILLING PROCEDURES ARE HEREBY ESTABLISHED:

ARTICLE 1

Section 1: Service Area

- A. Water and Wastewater: Any owner, or occupants of any building, land or lot whether residential, household, commercial, or industrial inside the city's incorporated limits will be serviced with water and sewer where services currently exist, and/or where services can be extended to. Services may be provided to outside city limits or extraterritorial jurisdiction if authorized, and is available to extend such services without burden, and only if the extension for services request is beneficial to the City; services extended may be subject to higher utility rates than those services provided inside city limits.

- B. Garbage: The City contracts with a third party contractor for residential, household, commercial and industrial refuse for the collection, transportation, conveyance and disposal of solid waste in accordance with city ordinance. The contractor will provide all necessary equipment, personnel and services, with the exception of billing, to the customers pursuant to the terms of the contract. The City's garbage collection service area is generally limited to inside city limits; however, garbage services may be offered and extended to applicants whose building, land or lot, is being provided water and/or sewer services by the City.

Section 3: Application of Utility Services

- A. It shall be the policy of the City to supply water, sewer, and garbage collection services to applicants requesting services provided they are within the City's service area and, if services currently exist or can be extended to, provided that applicants supply the following information, if applicable:
 - i. Applicants request must be in writing by completing the City's application for services form, and agrees to be responsible for payment of all services rendered and to the provisions set therein.
 - ii. Application for residential utility services must be in the legal name of the person(s) requesting services, and must be residing at the address receiving services; co-applicants may be added to the account who does not reside at the residence. Copies of applicants Texas issued identification or other state licensed identification must be provided and attached thereto.

- iii. Application for commercial utility services must be in the business owner's name and establishment or entity name. Copies of applicants Texas issued identification or other state licensed identification must be provided, and if applicable, the business or establishments state comptroller's tax identification number, and attached thereto.
 - iv. Applicants pay to the City all fees, deposits, connection costs, line extension costs, and any other fees applicable to providing the services requested.
 - v. Applicants will allow City personnel to have access, at no cost to the City, to the applicant's premises at all reasonable hours to read meters, provide notices, collect bills for utility services, trimming of trees, or to inspect, repair, maintain, operate, modify or remove any of the City's property, equipment, utility lines, or city maintained landscaping.
- B. The City does not offer temporary service for water, wastewater or garbage collection services without receipt of deposit for said service requested.

Section 4: Refusal of Service

- A. Request for services may be denied if any applicant(s) owe the City payment for services previously provided by the City.
- B. Request for services may be denied if the Applicant fails to request for service name change for connection or disconnection of an account, if, by the City's sole discretion and opinion that:
 - i. An Account is under someone else's name that does not reside at the same address; or
 - ii. If a Non-applicant did not consent to have the account made under their name; or
 - iii. If the Applicant has died, and has no spouse or power-of-attorney to transfer account names; or
 - iv. To avoid or evade payment of a previous bill or to make required account service deposits, or to disregard any other provision of this policy.
- C. Request for services may be denied if a Landlord of any property owned and managed by the landlord completed and agreed to the terms of the *Addendum to Service Application for "Landlord Water, Sewer, Garbage Service"*, and fails to comply with such conditions agreed thereto.

Section 5: Utility Deposits and Refunds

- A. Deposit amounts are reviewed, revised, established and adopted by Ordinance by the City Council regularly. Deposits are required as a condition of each new service, and all applicants are required to pay the deposit before service is established. The City does not offer temporary service for water, wastewater or garbage collection services without receipt of deposit for said service requested. Deposits are not transferrable from one address to another.
- B. After disconnection of service upon the customer's request, or after thirty (30) days services have been disconnected for nonpayment, the City shall apply the deposit towards the existing balance owed for services. Any overages to be refunded to the customer shall be made by check and directly payable and mailed to accountholder within thirty (30) days from disconnection. Refunds may be picked up in person upon customer's request, and shall only be issued to the individual with proof of identification.
- C. The City may reserve the right to calculate deposits required for multiunit owners, landlords, leasing agents and/or multiple units under construction. Said deposits will be retained at the discretion of the City, and are to be retained until ownership is relinquished and/or new

construction ceases at which time the deposits will be refunded to account holder after receipt of all required payments for utility services provided.

Section 6: Utility Rates and Billing Procedures

- A. Utility rates, including but not limited to water, sewer and garbage, are reviewed, revised, established and adopted by Ordinance by the City Council of the City, and may be amended regularly to adjust to increasing costs of services, management and pumping fees, and overhead for maintenance and operations of the utility department.
- B. Water, wastewater, garbage collection services, surcharges and service fees shall appear on one (1) bill, and shall be considered as one (1) bill, although separately itemized. Failure to pay for the services rendered shall constitute as failure to pay the bill.
- C. The City will bill each customer for all metered and non-metered services provided on a monthly basis. The billing period begins on the 15th of each month and ends on the 15th the next following month. Utility bills will be calculated and mailed at the end of each month, and shall be due by the 15th of each month.
 - i. Payments not received or postmarked by the 15th of the month, and not received before the close of business will be considered late, and a ten percent (10%) late fee will be applied towards the balance due.
 - ii. The final due date is the 25th of each month; payments not received before the close of business on this date will have the untimely-nonpayment fee applied towards the balance due, and services will be disconnected. The untimely-nonpayment fee will be applied immediately to all accounts having a balance exceeding twenty (\$20.00), and will not be waived for services not disconnected by city workers but are on the disconnection list.
 - iii. To have services reconnected or removed from the disconnection list, customers must pay the entire balance due including any late and untimely-nonpayment fees owed on the account.
 - iv. Should the due dates fall on a closed business holiday; the payment due date may be extended to the following business day and must be received by the close of business to avoid any applicable late or untimely-nonpayment fees.
- D. Customers must request an extension on utility payment on or before the final due date. A request for an extension on utility payment is still applicable to late and untimely-nonpayment fees and the entire balance must be paid before 3:00pm of the extension date to avoid being disconnected for nonpayment. Scheduling a payment extension date beyond the 5th of the next month is not authorized.
- E. A customer's utility account will be considered as "unpaid" if the City receives a check returned by a banking institution, and applicable returned check fees, late fees or untimely-nonpayment fees will be applied towards the customer's account. No checks will be accepted to pay for a returned check. The City will not accept checks from customers that have submitted two (2) returned checks for two (2) years from the date of the second check.
 - i. If a returned check is received "before" the final due date, the City will provide notice to the customer, and will make reasonable arrangements for customer to make full payment of said utility bill(s) including applicable fees.
 - ii. If a returned check is received "after" the final due date, the City will disconnect the customers' services immediately upon receipt of a check returned. Full payment of said utility bill(s) including applicable fees must be received prior to services being restored.

- F. Metered services will be read and billed for actual usage, and may be prorated if disconnection of services falls between billing cycles. Non-metered services will not be prorated and will be charged at the monthly rates established.
- G. Billing adjustments shall be calculated by the Utility Billing Clerk for water service consumption in question by customer and found to be justified. Adjustments may be made to sewer services billed if the usage billed was caused by a water leak. The customer must request for a billing adjustment in writing and provide receipt indicating the leak was repaired, and it must be made within the same billing period as repairs. The Utility Billing Clerk, on her own discretion, may make adjustments within reason for other utility services provided shall it be determined that the customer's services were interrupted by the City for water leak repairs, or services were disconnected prior to billing cycle. Billing adjustments shall be authorized only by the City Administrator, or assigned designee, and only once per calendar year.

Section 7: Disconnection of Services

- A. Customers must request for disconnection of services in writing during regular business hours. Same day disconnection requests received after 3:00pm will be disconnected the following business day.
- B. The City may disconnect services for customers whose utility bill is paid by check form and is returned by the banking institution as non-payment, and does not make full payment of said utility bill and applicable fees. Full payment must be received in the form of cash, money order or cashier's check to reconnect services.
- C. The City will finalize a customer's account whose services have been disconnected for nonpayment and have not attempted to restore services within 30 days from the date of disconnection. Any deposits will be applied towards the balance owed for services, and any overages will be refunded back to the customer. If a customer's account has been finalized a new service application must be completed and a new deposit must be collected at the current rates established to restore services.
- D. The Health and Safety Inspector will be notified immediately after a Food Establishment Customer's services have been disconnected for nonpayment of utility services. Food Establishment operations shall cease immediately upon disconnection. Continuing to operate with no water, wastewater or refuse services is a violation of the Health and Safety Code.

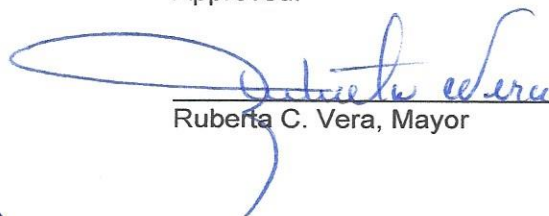
Section 8: Tampering with City Meters, Equipment or have Unauthorized use of Utility Services

- A. City meters, equipment or other property, whether on Customer's premises or elsewhere, shall not be tampered with, relocated, connected to, adjusted, modified, interfered with, or operated by anyone other than employees, agents, contractors or engineers specifically authorized by the City.
- B. Diversion of utility service shall be defined as the unauthorized connection to City facilities, unauthorized use or consumption of utility services, tampering with a meter, equipment or other property of the City, bypassing a meter, equipment or other property of the City, or other instances of diversion, including but not limited to, physically disorienting the meter or other City equipment, attaching objects to the meter to divert or to bypass service or to cause the meter to improperly or inaccurately record the consumption of utility service, insertion of objects into the meter, and any other means of tampering with, bypassing or otherwise modifying or connecting to the City's equipment or property.

- C. The City accepts no responsibility and assumes no liability, and the Customer shall indemnify and hold harmless the City, for damage or injury to Customer, Customer's employees or relatives, or any other person or persons which results from diversion of utility service, tampering, relocating, connecting to, adjusting, modifying, interfering with, or operating any of the City's meters, equipment or property.
- D. In the event of diversion of service, tampering, unauthorized use or consumption, or evidence of attempted unauthorized use of the City's utility service, whether by tampering with the City's meter or equipment or by any other means, all utility service shall be disconnected immediately and without any notice by the City. The Customer or beneficiary of the utility service shall be required to pay all charges, including the following, before any utility service shall be reconnected:
- i. An unauthorized consumption fee as partial compensation to the City for the unauthorized connection, reconnection, use, consumption, diversion of utility service or other tampering with City's meters, equipment or other property.
 - ii. The cost of repair and/or replacement of any and all damaged meters, equipment or other property, and the cost of installing protective facilities or relocating the meter, equipment or other property.
 - iii. The cost of the estimated usage of utility service without City authorization. This charge shall be based on amounts used under similar conditions during preceding years, or may be estimated on the basis of usage trends of similar Customers under similar conditions.
 - iv. All other costs associated with the investigation, evaluation and correction of meter tampering or diversion, including personnel time, travel expenses, engineering expenses and legal expenses.

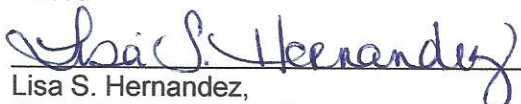
PASSED, ADOPTED AND APPROVED on this the 23rd of September, 2014.

Approved:



Ruberta C. Vera, Mayor

Attest:



Lisa S. Hernandez,
City Administrator/Secretary, TRMC

