

ORDINANCE NO. 2011-1060

AN ORDINANCE OF THE CITY OF FULSHEAR TEXAS REVISING FEES CHARGED FOR DELINQUENT WATER & SEWER UTILITY SERVICES; REPEALING ALL PREVIOUS ORDINANCES, PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, in the interest of Fiscal Responsibility, it has been deemed in the best interest of the City of Fulshear, Texas to revise the fees charged for delinquent water and sewer utility services within the City limits; AND

WHEREAS, the City Council of the City of Fulshear, Texas believes that the goal of financial stability is best attained through the fee structure contained herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise the fees charged for delinquent water and sewer utility services within the City limits.

SECTION 2.0

ADOPTED: The City Council of the City of Fulshear hereby adopts the following:

- (a) A fee of \$7.00 per delinquent letter
- (b) A fee of \$30.00 per door tag – notice of delinquency
- (c) A fee of \$77.00 per disconnect/reconnect due to delinquency during business hours
- (d) A fee of \$100.00 per reconnect due to delinquency after business hours
- (e) A fee of \$100.00 per pulled meter reinstall due to delinquency during business hours
- (f) A fee of \$125.00 per reinstall meter due to delinquency after business hours
- (g) A fee of \$25.00 per transfer
- (h) A fee of \$35.00 per returned check on non-sufficient funds/stop payment
- (i) A fee of \$30.00 per turn off

SECTION 4.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 5.0

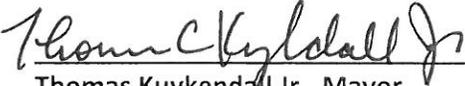
REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day following the date of adoption.

SECTION 7.0

PUBLICATION: The City Secretary/ Administrator is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law. Further they are directed to individually notify all customers outside the City Limits in keeping with State Law.



Thomas Kuykendall Jr., Mayor

ATTEST:



D. Gordon Offord, City Secretary



CITY OF FULSHEAR

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MEMO

To: City Council

CC: Mayor Kuykendall & Mr. Snipes

From: Kristi Brashear

Date: December 8, 2011

Re: Delinquent Water & Sewer Fees

In review of the current fees charged to customers for delinquency, I have found that it is time to propose an increase in rates. The fees charged for delinquencies should be reviewed and adopted annually with the City budget. The last time these fees were reviewed for adoption was in 2008.

Customers in Fulshear are charged these fees in excess of their water and sewer bill as penalties when their account becomes delinquent. Under the current agreement between the City and SouthWest Water Company, the City agrees to pay SWWC specific fees for these kinds of services (See attached spreadsheet). Additionally, under this agreement the charges for service provided by SouthWest Water are based on the current CPI (Consumer Price Index) which SWWC evaluates annually to adjust our rates. As such, the rates the City has been charged for this service have increased, while the customer rates have stayed the same.

After evaluating the current rates billed to the customer versus the rates SWWC is charging the City I am recommending increases in the rate charged to the customer. The attached spreadsheet will show you what the charge is for, what the customer is being billed, and what SWWC is billing the City as well as my recommended increases.

Please note that I did not recommend increases for some of these fees, but merely ask that they be a pass through expense to the customer, while others I am recommending a substantial increase. For instance, the charge for an NSF check was increased significantly because we also incur bank charges for these types of transactions. Most businesses are charging a \$35.00 fee for any NSF check. The other proposed charges were designed to just be more uniform. There was no percentage basis for these changes. I did not use a specific method in how I calculated these fees. I met with Jason Demel last week and we discussed the proposed changes and evaluated how they compared with other districts and determined the recommended charges to be fair in comparison.

If you have any questions regarding this subject or would like to discuss with me further, please contact me.

Thank you,


Kristi J. Brashear

Delinquent Billing Comparison

Classification	Billed to		Billed to City		New Proposed	
	Customer	Customer	by SWWC	Customer	Customer	Customer Billing
Turn Off	\$	26.18	\$	26.18	\$	30.00
Delinquent Letters	\$	6.60	\$	6.28	\$	7.00
Door Tag - Notice of Delinquency	\$	25.00	\$	25.00	\$	30.00
Disconnect/Reconnect Due to Delinquency(during Bus. Hours)	\$	77.00	\$	38.68	\$	77.00
Reconnect Due to Delinquency(after Bus. Hours)	\$	100.00	\$	100.00	\$	100.00
Pulled Meter/Reinstall due to Delinquency(during Bus. Hours)	\$	93.50	\$	89.00	\$	100.00
Reinstall due to Delinquency (after Bus. Hours)	\$	123.50	\$	100.00	\$	125.00
Transfer Fees	\$	22.00	\$	20.94	\$	25.00
NSF Check	\$	6.00	\$	6.28	\$	35.00