

City of Fellsmere City Council
Agenda Request Form

Meeting Date: February 2, 2023

Agenda Item No. 12(a)

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION
<input type="checkbox"/> DISCUSSION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Consideration of Revising Utility Billing Payment Window to 21 Days

RECOMMENDED MOTION/ACTION: Conduct first reading and set the second reading and public hearing for Ordinance 2023-06 on February 16, 2023.

Approved by City Manager Maion Mathis Date: 1-26-23

Originating Department:	Costs: \$ Funding Source: Acct. #	Attachments: 1. Chapter 78 CofO (O-2023-06)
Department Review: <input checked="" type="checkbox"/> City Attorney _____ <input checked="" type="checkbox"/> Comm. Dev. _____	<input type="checkbox"/> Finance <u> X </u> <input type="checkbox"/> Utility _____ <input type="checkbox"/> FPD _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> City Clerk <u> X </u> <input checked="" type="checkbox"/> City Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u> X </u> Please initial one.

Submittal information: Council meets on the first and third Thursday's of each month. Agenda submittal deadline to the City Clerk is 5:00 p.m. of the last and second Thursday of each month. Therefore the deadline of the Agenda Request Form to the City Manager shall be the last and second Monday prior to the Thursday deadline.

Summary Explanation/Background: As discussed in the Manager's Matters during the 1/12/2023 Council Meeting, staff wishes to return to a 21-day billing cycle instead of the current 28-day billing cycle that was adopted in response to the COVID crisis. A 28-day cycle is creating incorrect billings and unnecessary customer complaints. We had much less confusion when we had the 21-day cycle. Since the number of days is mandated in the City Code, it can only be amended via Ordinance change.

Staff recommends approval.

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FELLSMERE, FLORIDA BY AMENDING CHAPTER 78 UTILITIES, SECTION 78-94 UTILITY BILL PAYMENT SCHEDULE; AND PROVIDING FOR RATIFICATION; AMENDMENT; CONFLICTS; SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Fellsmere, Florida is a duly constituted municipality having such powers and authority conferred upon it by the Florida Constitution and Chapter 166 Florida Statutes; and

WHEREAS, the City Council held duly advertised public hearing(s) and has determined that the amendment(s) to the Code of Ordinances of the City of Fellsmere, Florida is/are in the best interest of the City and that the public health, safety, environmental and general welfare of the citizens of the City will be furthered by the amendment(s) to the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RATIFICATION. The above recitals are hereby ratified, adopted and incorporated herein as legislative findings of the City Council.

SECTION 2. AMENDMENT. That the Code of Ordinances of the City of Fellsmere, Florida Section 78-94, is amended to read as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

SECTION 3. CONFLICTS. All previous ordinances or parts of ordinances, resolutions, or motions of the City which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any section, part of a sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portions hereof and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part.

SECTION 5. CODIFICATION. The provisions of this Ordinance may be incorporated into the Code of Ordinances of the City of Fellsmere, Florida and the word "ordinance" may be changed to "section", "article" or other appropriate word, and the sections of the ordinance may be re-titled, re-numbered or re-lettered, to accomplish such codification. Grammatical, typographical and other like errors may be corrected and additions, alterations and omissions, not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member _____
_____. The motion was seconded by Council Member _____
and, upon being put to a vote, the vote was as follows:

Mayor, Joel Tyson	_____
Council Member Fernando Herrera	_____
Council Member Inocensia Hernandez	_____
Council Member Gerald Renick	_____
Council Member Jessica Salgado	_____

The Mayor thereupon declared this Ordinance fully passed and adopted this _____ day of _____, 2023.

CITY OF FELLSMERE, FLORIDA

ATTEST:

Joel Tyson, Mayor

Maria Suarez-Sanchez, CMC, City Clerk

I HEREBY CERTIFY that Notice of the public hearing on this Ordinance was published in the Press Journal, as required by State Statute, that the foregoing Ordinance was duly passed and adopted on the _____ day of _____, 2023, and the first reading was held on the _____ day of _____, 2023, and that the second and final reading and public hearing was held on the _____ day of _____, 2023.

Maria F. Suarez-Sanchez, CMC, City Clerk

EXHIBIT "A"
TO
ORDINANCE NO. 2023-06

Sec. 78-94. Utility bill payment schedule.

All utility bills are due when rendered, however, customers are allowed ~~28~~21 days from the billing date to pay utility bills in full before they are considered delinquent. At the expiration of ~~28~~21 days, a late payment charge shall be added to the account. At the expiration of the ~~28~~21-day period, a notice of intent to discontinue service (delinquent notice) will be mailed, allowing seven additional days in which to make the required payment. If payment is not received by the dates specified thereon, a cut-off list shall be prepared, at which time an administrative charge shall be added to the account. Such charges shall be set forth in an appropriate rate resolution. In the event service is discontinued for non-payment, re-instatement of service will not be effected until all charges due at the time service was discontinued have been paid including the appropriate utility deposit and the following non-refundable fees:

Services disconnected at the meter shall be charged a re-connection fee plus a disconnection charge. In the event a utility service that has been discontinued for nonpayment is connected by unauthorized personnel, such service shall be disconnected, and the meter removed. This constitutes a second disconnect and an additional service charge shall be made in addition to that required for the first disconnect as stated above. Such fees and charges shall be set forth in the rate resolution.

If a negotiable instrument is tendered to pay a utility bill, such instrument will be processed for payment as soon as possible. If the negotiable instrument is not honored by the institution upon which it is drawn, utility service for which payment was intended shall be subject to immediate discontinuance without further notice. Future payments from customers uttering a non-negotiable instrument may be refused and such payment required to be made in cash, cashier's check or money order. In accordance with F.S.66.251 a service charge in accordance with F.S. 832.08(5) or five percent of the face amount of the check, draft or order, whichever is greater, shall be required when payment is attempted with a non-negotiable instrument.