

MARANA ORDINANCE NO. 2023.013

RELATING TO FINANCE; RETROACTIVELY WAIVING ALL WATER METER MONTHLY BASE RATE AND WASTEWATER MONTHLY SERVICE FEES REQUIRED UNDER SECTION 14-6-1 OF THE MARANA TOWN CODE, ALONG WITH ANY ASSOCIATED FEES, FOR ALL MARANA WATER AND WASTEWATER CUSTOMERS THAT HAVE BEEN INCLUDED ON THE WATER DEPARTMENT'S VACATION DISCONNECT LIST BEYOND THE SIX-MONTH VACATION DISCONNECT PERIOD FROM THE TIME THESE CUSTOMERS EXCEEDED THE SIX-MONTH VACATION DISCONNECT PERIOD UP UNTIL MAY 2, 2023

WHEREAS the Town Council is authorized by A.R.S. § 9-240(A) to control the finances of the Town; and

WHEREAS Section 14-6-1 of the Marana Town Code requires Marana water and wastewater customers to be charged monthly fees for utility service; and

WHEREAS the Town Council, via Ordinance No. 2021.008, adopted an amended comprehensive fee schedule on May 18, 2021, which was made a public record by and attached as Exhibit A to Resolution No. 2021-071; and

WHEREAS from time to time the Town Council has adopted amendments to the comprehensive fee schedule, most recently on October 18, 2022, via Ordinance No. 2022.023; and

WHEREAS the comprehensive fee schedule includes water meter monthly base rate fees and wastewater monthly service fees; and

WHEREAS Section 14-6-3(P) of the Marana Town Code establishes a vacation service fee for customers on vacation and the comprehensive fee schedule states that interruption of service and billing pursuant to the vacation service fee is good for up to six months; and

WHEREAS over the years, the Water Department has paused billing and added customers to its vacation disconnect list; and

WHEREAS during the vacation disconnect period, the billing meter is shut off and padlocked, which does not allow for any water consumption; and

WHEREAS in January of 2023, the Marana Water Department implemented a new Customer Information System (CIS), which is used for billing all water and wastewater customers; and

WHEREAS the new CIS has automated processing capabilities, and it recently has uncovered at least 33 customer accounts on vacation disconnect status beyond the allowable six-month period; and

WHEREAS the Water Department has identified and put measures in place to prevent this issue from reoccurring going forward and recommends that the monthly water and wastewater base rate fees, along with any associated fees, for all water and wastewater customers that have been on the vacation disconnect list beyond the six-month vacation disconnect period be waived up until the effective date of this ordinance; and

WHEREAS the Mayor and Council of the Town of Marana find that waiving the fees addressed in this ordinance is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Marana, Arizona, as follows:

SECTION 1. All water meter monthly base rate and wastewater monthly service fees required under Section 14-6-1 of the Marana Town Code, along with any associated fees, including late fees, as included in the Town's comprehensive fee schedule adopted by the Town Council and amended from time to time, for all Marana water and wastewater customers that have been included on the Water Department's vacation disconnect list beyond the six-month vacation disconnect period are hereby retroactively waived beginning from the time these customers exceeded the six-month disconnect period up until May 2, 2023. Notwithstanding the waiver of these fees for these customers, all Marana water and wastewater customers shall still be required to pay all other required rates and fees.

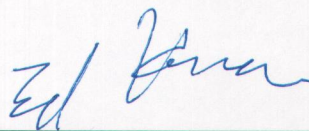
SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of the this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

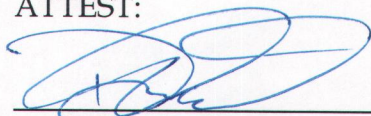
SECTION 5. This ordinance is administrative, and shall be effective immediately.

PASSED AND ADOPTED by the Mayor and Council of the Town of Marana, Arizona, this 2nd day of May, 2023.



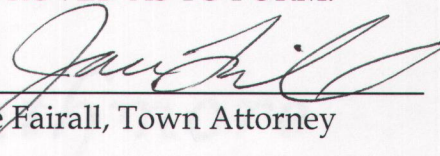
Mayor Ed Honea

ATTEST:



David L. Udall, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney

