AGENDA ITEM HISTORY SHEET

ITEM TITLE

Amend Ordinance No. 2012-17

AGENDA NO.

AGENDA DATE: 4/19/2024

FUNDING CERTIFICATION (Finance Director) (Signature, if applicable)

MANAGEMENT STAFF REVIEW (Signature)

MAYOR (Signature)

ITEM HISTORY (Previous Council reviews, action related to this item, and other pertinent history)

Ordinance No. 2012-27 states that "SECTION TWO:
A 10% penalty shall be added to any bill if payment is not received by 4:30 pm on the 25th day of the month said bill is issued." Billing dates changed in 2019.

ITEM COMMENTARY (Background discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

Biling dates changed in 2019 and Ordinance No. 2012-27 was not updated to refelect when the 10% penalty fee is applied now.

SECTION TWO:
A 10% penalty shall be added to any bill if payment is not received by 4:30 pm on the 1st day of the next month said bill is issued

(This section to be completed by the Mayor)

ACTION PROPOSED (Motion for Consideration)

REQUEST FOR LEGAL SERVICES

REQUEST FOR:

- ○ Agreement/Contract
- ○ Bid/Advertisement/Legal Notice
- ○ Grant Application/Proposal
- ○ Lease/Deed
- ○ Legal Opinion/Action
- ◉ Ordinance
- ○ Public Hearing
- ○ Resolution

REQUESTED BY:

Name Tim Fournier

Title PW Director

Date Requested 4/17/2024

Completion Date By 4/19/2024

Agenda ☑ Yes ☐ No Date 4/19/2024

INSTRUCTIONS:

Prepare and submit original only. Explain reason for request below. The question, or supporting data, should be stated as fully and in as precise terms as possible. All pertinent facts and any Code reference should be set out and **SUCH DOCUMENTS AS ARE NECESSARY SHOULD BE ATTACHED.**

Please be specific about what you wish the City Attorney to do.

Attach is an amendment to Oridnance No. 2012-27. The 10% fee is billed on the 1st of the month after the bill is issued not 25th as 2012-27 states.

Please review the wording, it reads wonky to me.

ROUTE TO:	INITIALS:	DATE:	COMMENTS:
1) Department Director	TF	4/17/2024	
2) Finance Director			Fund Acct # _____ Funding Available Yes No
3) City Attorney	ARE	4/17/24	one clerical mistake
4) Department Director	TF	4/17/24	Fixed clerical error
5) Mayor	CT	4/18/24	

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 2012-27 TO COLLECT LATE FEES FOR WATER AND SEWAGE BILLS, TO DECLARE AND EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, measures need to be taken to ensure collection of late penalties for nonpayment of water and sewer bills and to clarify payment deadlines:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS:

SECTION ONE:

A bill for water and sewer service issued during any month is due and payable on or before the 25th day of the month said bill is issued.

SECTION TWO:

A 10% penalty shall be added to any bill if payment is not received by 4:30 pm on the 1st day of the next month said bill is issued.

SECTION THREE:

If said bill is not paid by the first day of the following month a final notice shall be issued. If payment is not received by 4:30 p.m. on the 10th day of the month in which the final notice is issued, a $25.00 fee shall be assessed and services shall thereafter be terminated. In order for services to be restored, the outstanding bill, 10% penalty, $25.00 fee and any additional charges will have to be paid in full prior to restoration of the services. If full payment, including the outstanding bill, 10% penalty, $25.00 fee and any additional charges are paid prior to physically shutting off services, then services may or may not be shut off, depending on when payment is made and the number of current work orders being processed.

SECTION FOUR:

It is noted that the night drop box is opened on the 25th day of the month and the 10th day of the month at 4:30 p.m. and any payment made to that box after 4:30 p.m. on the 25th day of the month and the 10th day of the month shall be deemed delinquent.

SECTION FIVE:

It is noted that payments received from third party processors on the 25th day and 10th day of the month shall be deemed delinquent after the third party processors' designated cut off time such that the City of Bryant will receive notifications of payment before 8:00 a.m. the next business day.

SECTION SIX:

If either the 25th or 10th falls on a Saturday or Sunday or legal holiday in which the City of Bryant offices are closed, payment will be due by 4:30 p.m. the next business day or the third party processor cut off time so that payments will be received by the City of Bryant by 8:00 a.m. the second business day following the weekend or holiday.

SECTION SEVEN: An emergency is hereby declared, it being necessary to protect the health and safety of the citizens of Bryant, Arkansas, and this Ordinance shall have full Force and effect April 30th, 2024.