

ORDINANCE NO. 18-\_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 102 (LEGISLATIVE FINDINGS), 107 (AUTHORITIES, POWERS AND DUTIES OF UTILITIES CHIEF EXECUTIVE OFFICER), AND 112 (USER CHARGES FOR UTILITY SERVICE), AND CREATING A NEW SECTION 120 (STORMWATER SERVICE FEE BILLING) OF ARTICLE 1 (GENERAL PROVISIONS) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CHANGES RELATED TO STORMWATER BILLING

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 102 (Legislative Findings) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.1.102: LEGISLATIVE FINDINGS:

\* \* \*

C. The City Charter directs that Utilities funds be kept separate from the Municipal General Fund of the City **and from other City enterprises**. It is intended that Utilities' revenues will come from the rates and prices it charges for goods and services rather than from taxes.

\* \* \*

Section 2. Section 107 (Authorities, Powers and Duties of Utilities Chief Executive Officer) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.1.107: AUTHORITIES, POWERS AND DUTIES OF UTILITIES CHIEF EXECUTIVE OFFICER:

\* \* \*

E. Make and enforce rules and regulations as may be necessary for the regulation, collection, rebating and refunding of user charges for utility services **and/or for residential Stormwater service fees collected by Utilities as provided by Section 14.8.109 of this Code.**

\* \* \*

Section 3. Section 112 (User Charges for Utility Service) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.1.112: USER CHARGES FOR UTILITY SERVICES:

\* \* \*

B. The Chief Executive Officer shall make and enforce the rules and regulations as may be necessary for the regulation, collection, rebating and refunding of user charges for utility services **and/or for residential Stormwater service fees collected by Utilities as provided by Section 14.8.109 of this Code.**

\* \* \*

Section 4. Section 120 (Residential Stormwater Service Fee Billing) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

**12.1.1120: RESIDENTIAL STORMWATER SERVICE FEE BILLING:**

Utilities has been authorized by the electors of the City to contract with the City, on behalf of its Stormwater Enterprise, to invoice, bill, and collect residential Stormwater service fees directly to the owners or occupants of property. In the context of this provision, "bill" includes invoice, bill, and collect. Upon such an agreement, for the billing of residential properties, Utilities will bill Utilities' applicable customers and those customers will constitute the owners or occupants of residential properties as established in Section 14.8.109 of this Code. Utilities will bill the established fee in each applicable Utilities bill period to each applicable customer through Utilities standard billing practices. Utilities' bill periods may not align with calendar months, but customers will be billed the appropriate residential Stormwater service fees over time. Utilities may prorate residential Stormwater service fees when an applicable customer is billed for a partial bill period. Upon termination of utility service, no partial residential Stormwater service fee refunds will be granted, as the residential Stormwater service fee is incurred in full upon billing.

Except for refunds processed through Utilities' standard operating procedures, in the event that any residential Stormwater service fees collected by Utilities and paid to the Stormwater Enterprise are required to be refunded, the Stormwater Enterprise will be responsible to make such refunds and to comply with any applicable requirements. In accordance with Colorado Springs City Charter 13-80, the City Attorney will defend any claim brought against Utilities related to residential Stormwater billing. Subject to recovery from other parties, the Stormwater Enterprise will be responsible for costs and legal expenses associated with such defense.

In the event billing and collection of residential Stormwater service fees, or any component portion of such fees, is handled by Utilities, such charges will be deemed to constitute "user charges" and be subject to the collection procedures and remedies provided in Sections 12.1.112 and 12.1.113 of this Code, in the same manner as for utility service. In such case, Utilities employees designated by the Chief Executive Officer will have the same powers and authority granted herein to City employees designated by the Stormwater Enterprise Manager to take actions for collection of residential Stormwater service fees and enforcement.

Section 5. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this

ordinance be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2018.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Council President

ATTEST:

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Sarah B. Johnson, City Clerk