

CITY ORDINANCE NO. CO-117-2023

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING AND RE-ENACTING CHAPTER 94, ARTICLE III, SUBSECTION 94-85(B) OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES TO AUTHORIZE THE UTILITIES DIRECTOR TO PROSPECTIVELY SUSPEND LATE CHARGES ON AMOUNTS PAST DUE FOR ELECTRIC CURRENT, WATER AND WASTEWATER SERVICES FOR A FIXED PERIOD OF TIME, TO DELAY DISCONNECTION OF SERVICES DURING EXTREME WEATHER CONDITIONS AND TO ALLOW REASONABLE PAYMENT PLANS IN APPROPRIATE CIRCUMSTANCES

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, by Ordinance Nos. O-312-1997, O-333-2003 and O-182-2016 the Lafayette City-Parish Council enacted Chapter 94, Article III, Section 94-85 of the Lafayette City-Parish Consolidated Government Code of Ordinances to provide for the billing and payment of electric current, water and wastewater services by users, the assessment of late charges and disconnection of services for failure to timely pay past due charges, the collection of payments, and the assessment of reconnection fees; and

WHEREAS, subsection 94-85(b) specifically provides for the assessment of a late charge of five (5%) percent of past due amounts for electric current, water and wastewater services for residential and commercial customers, and disconnection for failure to pay the late charges timely; and

WHEREAS, extreme weather conditions, natural disasters, pandemics and international conflicts can cause the cost of fuel or purchased power to spike or fluctuate wildly, creating hardship or inability to pay for necessary services, and particularly electric service; and

WHEREAS, Lafayette City-Parish Consolidated Government ("LCG") desires to safeguard the health, safety and welfare of its citizens during times of economic instability, natural disasters and other emergencies; and

WHEREAS, considering the foregoing, LCG desires to authorize the Utilities Director to prospectively suspend the assessment of late charges and disconnects for failure to pay late charges, for a fixed period of time, for one (1) or more of the following reasons: (1) extreme increases in fuel prices; (2) extreme increases in purchased power costs; (3) a disaster or emergency, or both, is declared by executive order or proclamation of the governor which designates an emergency area including the Parish of Lafayette; and

WHEREAS, LCG further desires to authorize the Utilities Director to delay disconnects for residential customers during extreme weather conditions, and to allow reasonable payment plans for outstanding charges in appropriate circumstances.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council,
that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of this ordinance.

SECTION 2: Chapter 94, Article III, Subsection 94-85(b) of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended and reenacted in the following particulars, with words underscored and boldfaced being additions:

ARTICLE III RATES AND CHARGES

Sec. 94-85. Billing and payment of charges; delinquency; connection fee.

(b) All charges owed by any person for electric, water and wastewater services rendered by the system shall be billed and collected as a unit, in accordance with the utility billing and collection procedures and guidelines manual. Failure of any person to pay the combined charges by the indicated due date shall cause such charges to become past due. If such past due charges are not paid within the time set down in the utility billing and collection procedures and guidelines manual, then services shall be disconnected and shall be reconnected only in accordance with the provisions of such manual. In his discretion, the Director may allow a customer to pay outstanding charges on a reasonable payment plan in appropriate circumstances, and delay disconnection as long as the customer complies with the payment plan. Late payment, reconnection and after-hours charges shall be assessed against such accounts in accordance with such procedures and guidelines. If a customer fails to pay the charges for electric, water, and wastewater services by the indicated due date, such charge shall become past due. If the system fails to receive payment by the fifth day following the due date, a late charge of five percent of the amount due shall be added to the amount due from residential customers, and a late charge of five percent of the amount due shall be added to the amount due from commercial customers.

(1) In his discretion, the Director may prospectively suspend assessment of late charges to residential and commercial customers for a fixed period of time, for one (1) or more of the following reasons: (1) extreme increases in fuel prices; (2) extreme increases in purchased power costs; or (3) a disaster or emergency, or both, is declared by executive order or proclamation of the governor affecting the Parish of Lafayette. The Director shall immediately inform the Lafayette Mayor-President and each member of the Lafayette City Council of any such suspension, orally or in writing. The Lafayette City Council may cancel the suspension of late payment charges prior to the fixed termination date set by the Director by resolution. The Lafayette Mayor-President or the Director may also cancel the suspension of late payment charges prior to the fixed termination date.

(2) In his discretion, the Director may delay disconnection of services to residential customers on days when extreme weather conditions exist, until such conditions no longer exist.

SECTION 3: All other provisions and regulations not specifically amended herein shall remain and be in full force and effect.

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

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RECEIVED

JUL 06 2023

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Lafayette Utilities System
Director's Office (7000)

TO: Cydra Wingerter

DATE: July 5, 2023

FROM: Jeffrey Stewart

SUBJECT: City Council Ordinance amending Chapter 94, Article III, Subsection 94-85(b) of the Lafayette City-Parish Consolidated Government Code of Ordinances to Allow for Suspension of Late Charges, Delay Disconnections of Service, and Allow for Payment Plans for Certain Circumstances

Please find attached a City Council Ordinance amending Chapter 94, Article III, Subsection 94-85(b) of the Lafayette City-Parish Consolidated Government Code of Ordinances prepared by the Legal Department (Lawrence Marino).

The existing ordinance obligates the Utilities Director to assess a late charge of five percent (5%) on all past due amounts for electric current, water, or wastewater services to residential and commercial customers. The existing ordinance also obligates disconnection of services for failure to timely pay late charges.

The proposed ordinance adds sub-subsection 94-85(b)(i) to authorize the Utilities Director to prospectively suspend assessment of the late charges for a fixed period of time for one or more of the following reasons: (1) extreme increases in fuel prices; (2) extreme increases in purchase power costs; or (3) a disaster or emergency, or both, is declared by executive order or proclamation of the governor affecting Lafayette Parish. The proposed ordinance also requires immediate oral or written notification of any suspension to the Mayor-President and each member of the City Council. The proposed ordinance also authorizes the City Council to cancel the suspension prior to the fixed termination date set by the Utilities Director by resolution. The Mayor-President or the Utilities Director may also cancel the suspension prior to the fixed date.

The proposed ordinance also adds sub-subsection 94-85(b)(ii) to authorize the Utilities Director to delay disconnection of services to residential customers due to nonpayment of late charges during extreme weather conditions.

The proposed ordinance also amends subsection 94-85(b) to authorize the Utilities Director to allow payment of outstanding charges on a reasonable payment plan, in appropriate circumstances.

The proposed ordinance is intended to safeguard the health, safety, and welfare of LCG's citizens during times of economic instability, natural disasters and emergencies.

Attached are:

1. An Ordinance of the Lafayette City Council Amending and Re-Enacting Chapter 94, Article III, Subsection 94-85(b) of the Lafayette City-Parish Consolidated Government Code of Ordinances to Authorize the Utilities Director to Prospectively Suspend Late Charges on Amounts Past Due for Electric Current, Water, and Wastewater Services for a Fixed Period of Time, to Delay Disconnection of Services During Extreme Weather Conditions, and to Allow Reasonable Payment Plans in Appropriate Circumstances; and
2. Agenda Submittal Form.

Please submit this ordinance for introduction at the City Council meeting on July 25, 2023 with final adoption on August 8, 2023. Should you have any questions, please contact our office.



Jeffrey B. Stewart, P.E.
LUS Director

/lm

Enclosures

LAFAYETTE CITY COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) JUSTIFICATION FOR REQUEST: An Ordinance of the Lafayette City Council Amending and Re-Enacting Chapter 94, Article III, Subsection 94-85(b) of the Lafayette City-Parish Consolidated Government Code of Ordinances to Authorize the Utilities Director to Prospectively Suspend Late Charges on Amounts Past Due for Electric Current, Water, and Wastewater Services for a Fixed Period of Time, to Delay Disconnection of Services During Extreme Weather Conditions, and to Allow Reasonable Payment Plans in Appropriate Circumstances.

2) ACTION REQUESTED: Adoption of ordinance

3) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: July 25, 2023

B) FINAL ADOPTION: August 8, 2023

4) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Internal Memorandum from Legal Department (2 pages)

B) Submittal (1 page)


C) Ordinance (2 pages)

5) FISCAL IMPACT:

 Fiscal Impact (explain)

 X No Fiscal Impact

RECOMMENDED BY:

 07/06/2023
JEFFREY B. STEWART, P.E.
DIRECTOR OF UTILITIES

APPROVED FOR AGENDA BY:


CYDRA WINGERT
CHIEF ADMINISTRATIVE OFFICER