

RESOLUTION NO. R2024-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING THE “CITY OF YUMA UTILITY REGULATIONS”, AS ADOPTED BY ORDINANCE O2006-35, GOVERNING THE USE OF THE WATER AND SEWER SYSTEM AND PRESCRIBING UTILITY RATES AND FEES TO REINSTATE A WATER RESOURCE TRUST FUND

WHEREAS, the City of Yuma’s water supply is a natural resource asset and must be protected; and,

WHEREAS, the Water and Sewer Commission of the City of Yuma has recommended to the City Council the need to establish funds for the protection and enhancement of this natural resource; and,

WHEREAS, the establishment of these funds would be of public benefit to the residents of the City; and,

WHEREAS, these funds are to be used for the following general purposes as they apply to water resource protection: major legal expenses; acquisition of water rights; water supply enhancements; legislative assistance; water source protection information and education; and other purposes as determined by the City Council; and,

WHEREAS, at the November 15, 2023 regular City Council meeting, City Council approved a Notice of Intention to adjust water and waste water utility rates as fees as required by Arizona Revised Statutes (A.R.S.) § 9-511.01; and,

WHEREAS, a report titled “Report on Reinstating the Water Resource Trust Fund” dated December 11, 2023, was placed on file with the Yuma City Clerk and available to the public via the City’s website; and,

WHEREAS, in accordance with A.R.S. § 9-511.01, a public hearing was held in front of the Water and Sewer Commission meeting on Tuesday, January 16, 2024 at the Thomas F. Allt Utilities Complex, 270 West 13th Street, Yuma, Arizona 85364 and a second public hearing was held at the regular City Council meeting of Wednesday, January 17, 2023 in City Council Chambers; and,

WHEREAS, both public hearings were advertised in the Yuma Sun on Sunday, November 19, 2023 and on Saturday, December 9, 2023; and,

WHEREAS, the Water and Sewer Commission recommends reinstating the Water Resource Trust Fund originally created and adopted by City Council through Resolution R2558 on September 1988.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code Section 193-18 authorizes the City Council to prescribe utility rates by Resolution.

SECTION 2: There is hereby established a Water Resources Trust Fund. All monies derived from a Water Resource Trust Fund surcharge shall be allocated to this Fund.

SECTION 3: Section 2.2 of Article I, Water Regulations, “City of Yuma Utility Regulations”, as adopted by Ordinance O2006-35, is amended to include the following:

D. Water Resources Trust Fund Surcharge

A Water Resource Trust Fund surcharge shall be added to the monthly utility bill. This surcharge shall be in the amounts shown for residential, multi-family, commercial, and industrial water services.

1. Residential \$1.00 per month
2. Multi-Family \$2.00 per month with an additional 50 cents per month for each dwelling unit, capped at \$10.00 for dwelling units (maximum surcharge \$12.00 per account)
3. Commercial \$2.00 per month
4. Industrial \$10.00 per month

SECTION 4: All expenditures from the Water Resource Trust Fund must be approved by the City Council by motion.

SECTION 5: The surcharge adopted by this Resolution shall become effective and be reflected on water bills issued August 1, 2024 through November 30, 2025.

SECTION 6: The collection of surcharges adopted by this Resolution shall sunset when fund balances exceed \$500,000 but may be reinstated when deemed necessary by City Council resolution. At such time the City Council determines that there is no longer a need for the Water Resource Trust Fund, any monies still on hand at such date shall be transferred to the Water Utility Fund Restricted Account for water plant capacity.

SECTION 7: The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared invalid, unenforceable or unconstitutional by the valid judgment of a court of competent jurisdiction, such invalidity, unenforceability or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraph or sections of this Resolution.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney