

**ORDINANCE NO. 2784**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 2 ADMINISTRATION, BY AMENDING ARTICLE II OFFICERS AND EMPLOYEES, DIVISION 2 MANAGER, SECTIONS 2-56 DEPUTY TOWN MANAGER AND 2-57 ACTING TOWN MANAGER, AND CHAPTER 66 UTILITIES OPERATIONS, ARTICLE II RATES AND CHARGES; BILLING AND COLLECTION, SECTION 66-73 PROCEDURE TO CHALLENGE UTILITY BILLS; CORRECTION OF UTILITY BILLS AND CHAPTER 66 UTILITIES OPERATIONS, ARTICLE IX UTILITIES BOARD, SECTION 66-391 MEMBERSHIP; RELATED TO TITLE CHANGE OF DEPUTY TOWN MANAGER; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Gilbert operational structure includes the roles and responsibilities of Town Departments, including the Town Manager's Office; and

WHEREAS; the Common Council of the Town of Gilbert, Arizona desires to update the Code of Gilbert, Arizona to ensure proper and accurate reference to positions within the Town Manager's Office.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I.     In General.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article II Officers and Employees, Division 2 Manager, Section 2-56 Assistant deputy manager, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 2-56. – ~~Deputy~~ ASSISTANT town manager.**

The manager may appoint one or more ~~deputy~~ ASSISTANT town manager(s) who shall serve at the pleasure of the manager.

The Code of Gilbert, Arizona, Chapter 2 Administration, Article II Officers and Employees, Division 2 Manager, Section 2-57 Acting Town manager, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 2-57. - Acting town manager.**

In the event of the absence or unavailability of the manager, ~~his~~ THE MANAGER'S powers and duties shall be performed by the following officers of the town and they are so appointed in the following order as each succeeding officer may be absent or unavailable:

- (1) ~~deputy~~ ASSISTANT town manager(s) (in the order as provided in this section);
- (2) Police chief;
- (3) Fire chief;
- (4) Finance and management services director.

In the event there is more than one ~~deputy~~ ASSISTANT town manager, the manager shall maintain with the town clerk a list identifying the order of succession for each ~~deputy~~ ASSISTANT town manager.

The Code of Gilbert, Arizona, Chapter 66, Utilities Operations, Article II Rates and Charges; Billing and Collection, Section 66-73 Procedure to challenge utility bills; correction of utility bills, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 66-73. - Procedure to challenge utility bills; correction of utility bills.**

///

(b) A person who believes a utility bill or any charge related to a utility service is incorrect shall:

- (1) Submit a claim in writing to the town finance director on a form approved by the town. The dispute will be reviewed by the finance director. An adjustment or determination will be provided to the customer in writing.
- (2) Any customer who feels aggrieved by the determination of the finance director ~~or his designee~~, or by the discontinuation, suspension, or refusal of utility service may file an appeal within 15 days from receipt of the determination. The appeal must be in writing and filed with the ~~deputy~~ ASSISTANT town manager appointed by the manager to oversee appeals pursuant to this article. The decision of the ~~deputy~~ ASSISTANT town manager is final.

///

The Code of Gilbert, Arizona, Chapter 66, Utilities Operations, Article IX Utilities Board, Section 66-391 Membership, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 66-391. - Membership.**

The membership of the utilities board shall consist of the town public works director, water superintendent, wastewater superintendent, streets superintendent, finance director, ~~deputy~~ ASSISTANT town manager and one member of the council appointed by the council. The public works director shall be the ~~chairman~~ CHAIRPERSON of the utilities board.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

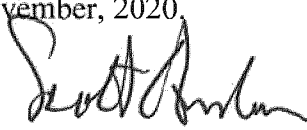
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 10<sup>th</sup> day of November, 2020 by the following vote:

AYES: Anderson, Hendrix, Koprowski, September, Taylor, Tilque, Yentes


NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this 10<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Scott Anderson, Mayor

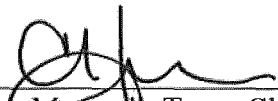
ATTEST:

  
tw Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Christopher W. Payne, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2784 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 10<sup>TH</sup> DAY OF NOVEMBER, 2020, WAS POSTED IN FOUR PLACES ON THE 11 DAY OF NOVEMBER, 2020.

  
\_\_\_\_\_  
for Lisa Maxwell, Town Clerk

