

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held on the 8th day of September, 2020, the following Ordinance:

ORDINANCE NO. 3043

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF GULFPORT, MISSISSIPPI, IN ORDER TO RESUME USAGE BASED BILLING FOR RESIDENTIAL WATER METERED CUSTOMERS INSIDE THE CORPORATE LIMITS, AND FOR RELATED PURPOSES

WHEREAS, pursuant to Section 21-17-5(1) of the Mississippi Code, as amended, the Governing Authority for the City of Gulfport, Mississippi (“City”) has the authority to adopt orders, resolutions or ordinances with respect to municipal affairs, property and finances that are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code from 1972 or any other statute or law of the State of Mississippi; and

WHEREAS, pursuant to Section 21-27-23(d) of the Mississippi Code (1972), the City’s Governing Authority has the authority to own, operate and maintain a water and sewer system; and

WHEREAS, pursuant to Section 21-27-23(e) of the Mississippi Code (1972), the City’s Governing Authority has broad authority to establish, maintain and collect rates for the facilities and services offered by the systems provided by the City, including the water and sewer systems; and

WHEREAS, in early 2020, the City commenced a project to replace all register heads on residential water meters within the corporate limits of the City as part of the City’s comprehensive and continued effort to afford technologically innovative provision of water and sewer services to its customers, with such register heads having the ability to be electronically and remotely read from City’s offices and, therefore, to provide data which will assist customers in their use of water; and

WHEREAS, at the time of commencement of the project, it was believed that it could take the City up to approximately one (1) to two (2) years to properly complete this water meter register head replacement project; and

WHEREAS, in order to facilitate the meter register head replacement project, the City, by way of Ordinance No. 3027 (February 21, 2020), adopted a temporary flat rate billing structure for water and sewer related to ¾” sized meters that are coded as “residential accounts” and located within the City’s corporate limits and for “yard meters” associated with “residential

accounts” and located within the City’s corporate limits; and

WHEREAS, the water meter head replacement project, after diligent work by the City and its contractors, was completed in September 2020, and the need for the temporary flat rate billing structure, as described more fully above and in Ordinance No. 3027, has abated; and

WHEREAS, in light of the foregoing, it is now necessary to repeal Ordinance No. 3027 and return those affected accounts to the billing rates for water (including yard meters) and sewer that were in effect at the time of the adoption of Ordinance No. 3027 (and as such rates may, from time to time, be amended by the Governing Authority of the City of Gulfport).

WHEREAS, those provisions of Chapter 11, Article III, of the City’s Code of Ordinances not in conflict with this Ordinance shall continue to remain in effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1. That the matters and things set forth in the above preamble are hereby accepted as stated as the findings of the Gulfport City Council.

SECTION 2. That bills for water and sewer associated with ¾” sized meters that are coded as “residential accounts” and located within the City’s corporate limits and bills for water associated with “yard meters” involving these “residential accounts” and located within the City’s corporate limits shall, if this Ordinance be adopted unanimously, commence to return to metered bills starting with the first billing cycle following September 15, 2020, and then continue with each billing cycle thereafter, and that Ordinance No. 3027 does therefore stand fully repealed as to each billing cycle as of the return of each billing cycle to metered usage billing from flat rate billing as each such return occurs between September 15, 2020, and November 28, 2020.

SECTION 3. That, upon repeal of Ordinance No. 3027 as set forth herein, Sections 11-64 and 11-66 of Chapter 11, Article III of the Code of Ordinances of the City of Gulfport, Mississippi, should be, and hereby are, amended to reflect the repeal of Ordinance No. 3027 and the rates for water and sewer applicable to ¾” sized meters that are coded as “residential accounts” and located within the City’s corporate limits and currently designated in the City’s Utility Billing system are hereby returned to the rates that were in effect on February 21, 2020, effective immediately or to such rates as may hereafter be adopted by the Governing Authority.

SECTION 4. That, upon repeal of Ordinance No. 3027 as set forth herein, the provisions of Chapter 11, Article III of the Code of Ordinances of the City of Gulfport,

Mississippi, should be, and hereby are, further amended to reflect the repeal of Ordinance No. 3027 and the rates for water applicable to all water meters that are coded as “yard meters” and associated with “residential accounts,” as coded in the City’s Utility Billing system and located within the City’s corporate limits and currently designated in the City’s Utility Billing are hereby returned to the rates that were in effect on February 21, 2020, effective immediately or to such rates as may hereafter be adopted by the Governing Authority.

SECTION 5. That Chapter 11, Article III, Section 11-64(a), first paragraph, of the Code of Ordinances of the City of Gulfport, Mississippi, should be amended to read as follows (note amended text highlighted in gray):

(a) *Meter rates.* The rate for water service delivered through a meter for each monthly period shall be as follows:

October 1, 2018-September 30, 2019:

Two dollars and sixty cents (\$2.60) per one thousand (1,000) gallons of water measured for the first three thousand (3,000) gallons, at the rate of two dollars and seventy cents (\$2.70) per one thousand (1,000) gallons of water measured for four thousand (4, 000) gallons through ten thousand (10,000) gallons, and at the rate of two dollars and eighty cents (\$2.80) per one thousand (1,000) measured for the remainder exceeding ten thousand (10,000) gallons during a monthly period.

October 1, 2019-September 30, 2021:

Two dollars and seventy cents (\$2.70) per one thousand (1,000) gallons of water measured for the first three thousand (3,000) gallons, at the rate of two dollars and eighty cents (\$2.80) per one thousand (1,000) gallons of water measured for four thousand (4, 000) gallons through ten thousand (10,000) gallons, and at the rate of two dollars and ninety cents (\$2.90) per one thousand (1,000) measured for the remainder exceeding ten thousand (10,000) gallons during a monthly period.

October 1, 2021-September 30, 2022:

Two dollars and eighty cents (\$2.80) per one thousand (1,000) gallons of water measured for the first three thousand (3,000) gallons, at the rate of two dollars and ninety cents (\$2.90) per one thousand (1,000) gallons of water measured for four thousand (4, 000) gallons through ten thousand (10,000) gallons, and at the rate of three dollars and no cents (\$3.00) per one thousand (1,000) measured for the remainder exceeding ten thousand (10,000) gallons during a monthly period.

October 1, 2022 and after

Two dollars and ninety cents (\$2.90) per one thousand (1,000) gallons of water measured for the first three thousand (3,000) gallons, at the rate of three dollars and no cents (\$3.00) per one thousand (1,000) gallons of water measured for four thousand (4,000) gallons through ten thousand (10,000) gallons, and at the rate of three dollars and ten cents (\$3.10) per one thousand (1,000) measured for the remainder exceeding ten thousand (10,000) gallons during a monthly period.

SECTION 6. That Chapter 11, Article III, Section 11-66(a), first paragraph, of the Code of Ordinances of the City of Gulfport, Mississippi, should be amended to read as follows:

(a) *Rates for sewerage collection.* The monthly rate for sewerage collection service shall be calculated based upon the quantity of water delivered through a meter or as metered separately as provided in subsection (c) or (f) as follows:

October 1, 2018-September 30, 2019:

Four dollars and seventy cents (\$4.70) per one thousand (1,000) gallons of water measured for the first three thousand (3,000) gallons, at the rate of four dollars and ninety cents (\$4.90) per one thousand (1,000) gallons of water measured for four thousand (4,000) gallons through ten thousand (10,000) gallons, and at the rate of five dollars and ten cents (\$5.10) per one thousand (1,000) measured for the remainder exceeding ten thousand (10,000) gallons during a monthly period.

October 1, 2019-September 30, 2021:

Four dollars and ninety cents (\$4.90) per one thousand (1,000) gallons of water measured for the first three thousand (3,000) gallons, at the rate of five dollars and ten cents (\$5.10) per one thousand (1,000) gallons of water measured for four thousand (4,000) gallons through ten thousand (10,000) gallons, and at the rate of five dollars and thirty cents (\$5.30) per one thousand (1,000) measured for the remainder exceeding ten thousand (10,000) gallons during a monthly period.

October 1, 2021-September 30, 2022:

Five dollars and ten cents (\$5.10) per one thousand (1,000) gallons of water measured for the first three thousand (3,000) gallons, at the rate of five dollars and thirty cents (\$5.30) per one thousand (1,000) gallons of water measured for four thousand (4,000) gallons through ten thousand (10,000) gallons, and at the rate of five dollars and fifty

cents (\$5.50) per one thousand (1,000) measured for the remainder exceeding ten thousand (10,000) gallons during a monthly period.

October 1, 2022 and after

Five dollars and thirty cents (\$5.30) per one thousand (1,000) gallons of water measured for the first three thousand (3,000) gallons, at the rate of five dollars and fifty cents (\$5.50) per one thousand (1,000) gallons of water measured for four thousand (4, 000) gallons through ten thousand (10,000) gallons, and at the rate of five dollars and seventy cents (\$5.70) per one thousand (1,000) measured for the remainder exceeding ten thousand (10,000) gallons during a monthly period.

SECTION 7. All provisions of Chapter 11 of the Code of the Ordinances of the City of Gulfport, Mississippi not in conflict herewith shall remain in full force and effect as heretofore provided.

SECTION 8. To provide for the immediate and temporary preservation of the public peace, health and safety, this Ordinance shall be in full force and become effective immediately upon its passage by unanimous vote and enactment according to law and shall be spread on the minutes of the Gulfport City Council. The Ordinance shall be published according to law and for failure to pass unanimously, shall take effect thirty (30) days after the date of passage.

The above and foregoing Ordinance, after having been first reduced to writing and read by the Clerk, was introduced by Councilmember Pucheu, seconded by Councilmember Sharp, and was adopted by the following roll call vote:

<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSENT:</u>
Casey	None	None
Roland		
Holmes-Hines		
Walker		
Sharp		
Flowers		
Pucheu		

WHEREUPON the President declared the motion carried and the Ordinance adopted, this the 8th day of September, 2020.

(SEAL)

ATTEST:

/s/ Brittany Rodgers

Brittany Rodgers, Clerk of Council

ADOPTED:

/s/ Rusty Walker

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F.B. “Rusty” Walker, IV, President

The above and foregoing Ordinance having been submitted to and approved by the Mayor, this the 9th day of September, 2020.

APPROVED:

/s/ Billy Hewes

Billy Hewes, Mayor