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**CITY OF SAN LUIS  
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SAN LUIS, ARIZONA 85349**

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**CAPTION HEADING:**

**Resolution**

Resolution No. 2138

Temporarily suspending imposition of late penalty charge on water utility accounts due to declared COVID-19 virus emergency.



# *Resolution*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

No. 2138

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, TEMPORARILY SUSPENDING IMPOSITION OF LATE PENALTY CHARGE ON WATER UTILITY ACCOUNTS; TEMPORARILY SUSPENDING SHUT OFF OF WATER SERVICE FOR NON-PAYMENT; AND TEMPORARILY SUSPENDING IMPOSITION OF SHUT OFF FEE DUE TO DECLARED COVID-19 VIRUS EMERGENCY; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Mayor and City Council have issued proclamations declaring an emergency due to the current COVID-19 virus pandemic pursuant to the power granted by A.R.S. §26-311;

**WHEREAS**, the residents of the City of San Luis are experiencing economic difficulties due to the covid-19 virus pandemic and the emergency orders of the Governor of the State of Arizona and the City of San Luis; and

**WHEREAS**, the Mayor and City Council of the City of San Luis desire to not impose unnecessary economic hardship upon the residents of San Luis and recognize that public health, safety, and welfare benefits can accrue to the community due to the continued provision of public utility service during this time of emergency;

**BE IT RESOLVED** by the Mayor and City Council of the City of San Luis, Arizona:

**Section 1.** That the ten percent (10%) late penalty charge on water utility accounts for late payment is hereby suspended and shall not be imposed for any late payment of any water utility charge that was incurred on or after March 13, 2020 until such time as the emergency proclamations of the City of San Luis issued as a result of the COVID-19 virus pandemic shall terminate or November 1, 2020, whichever first occurs.

**Section 2.** That water utility service shall not be discontinued, nor the water shut-off fee imposed for non-payment of utility charges incurred on or after March 13, 2020, until the emergency proclamation of the City of San Luis issued as a result of the COVID-19 virus pandemic shall terminate or November 1, 2020, whichever first occurs.

**Section 3.** For accounts that are past due for amounts of \$200.00 or less, water utility

service shall not be discontinued nor the water shut off fee imposed for non-payment of utility charges incurred on or after March 1, 2020 as long as the customer pays the regular monthly bill beginning with the billing in November of 2020 and agrees to a payment plan and payment schedule to retire the past due amount prior to June 30, 2021. To remain eligible for this deferment program the customer must pay all monthly billings and all payments pursuant to the payment plan. Otherwise they shall not be eligible, and service may be discontinued pursuant to existing ordinances and regulations. This deferment program shall terminate on June 30, 2021.

**Section 4.** For accounts that are past due of more than two hundred dollars (\$200.00), the customer must presently reduce the amount past due to an amount of two hundred dollars (\$200.00) or less and comply with all other conditions as set forth in Section 3 above. Failure to comply with any of these conditions shall result in the service being subject to discontinuance pursuant to existing ordinances and regulations. This deferment program shall terminate on June 30, 2021.

**Section 5.** In the event of a conflict between the provisions of this resolution and any other ordinance, resolution, regulation, or policy of the City of San Luis, the conflicting provisions are hereby repealed, superseded, and replaced, and the provisions of this resolution shall govern.

**Section 6.** If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this resolution.

**Section 7.** It is necessary for the preservation of the peace, health and safety of the City of San Luis, Arizona, that an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

**PASSED, ADOPTED and APPROVED** by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this 26<sup>th</sup> day of August 2020

  
Gerardo Sanchez, Mayor

**ATTEST:**

  
Sonia Cornelio, City Clerk

**APPROVED AS TO FORM:**

  
Kay Marion Macuil, City Attorney