

**City of Bloomfield, New Mexico
Ordinance 514**

AN ORDINANCE AMENDING ORDINANCE 54, 107, 200, 243, 393, AND 475 RELATING TO UTILITY DEPOSITS AND NEW ACCOUNT CHARGES REQUIRED OF USERS

WHEREAS, Chapter Eighteen (18) Sec. 22 of the Bloomfield Municipal Code governs utility deposits and new account charges required of users within the City of Bloomfield; and

WHEREAS, the City of Bloomfield desires to revise and update the following provisions within Chapter Eighteen (18) Sec. 22 of the Bloomfield Municipal Code

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BLOOMFIELD THAT THE FOLLOWING REVISIONS AND ADDITIONS TO CHAPTER EIGHTEEN (18) Sec. 22 OF THE BLOOMFIELD MUNICIPAL CODE BE IN FULL FORCE AND EFFECT UPON ADOPTION OF THIS ORDINANCE. OTHER THAN THE CHANGES SET FORTH HERIN, ALL OTHER PROVISIONS CONTAINED IN CHAPTER EIGHTEEN (18) REMAIN IN FULL FORCE AND EFFECT:

Sec. 18-22. – New Utility Account Fees and Deposits

1. Deposit Policy

All new applicants for the City of Bloomfield utilities will be processed through the ONLINE Utility Exchange to assess their credit risk.

Residential Applicants:

- a. Residential applicants who pose a minimum credit risk will not be assessed a deposit.
- b. Residential applicants who pose a medium credit risk will be assessed a deposit equal to 1 times the amount of the highest bill for the service address in the previous two (2) years;
- c. Residential applicants who pose a high credit risk will be assessed a deposit equal to 1.5 times the highest bill for the service address in the previous two (2) years.

Commercial Applicants:

- a. Commercial applicants who pose a minimum credit risk will be assessed a deposit equal to 1 times the amount of the highest bill of the service address for the previous two (2) years;
- b. Commercial applicants who pose a medium credit risk will be assessed a deposit equal to 2 times the amount of the highest bill of the service address in the previous two (2) years;
- c. Commercial applicants who pose a high credit risk will be assessed a deposit equal to 3 times the highest bill of the service address in the previous two (2) years.

Industrial and Institution Applicants:

- a. Industrial and institution applicants who pose a minimum credit risk will be assessed a deposit of \$500.00;
- b. Industrial and institution applicants who pose a medium credit risk will be assessed a deposit equal to 2 times the amount of the highest bill of the service address in the previous two (2) years;
- c. Industrial and institution applicants who pose a high credit risk will be assessed a deposit equal to 3 times the highest bill of the service address in the previous two (2) years.

If an applicant poses no credit risk at the time of application but develops a medium or high credit risk due to delinquent payments, "tag" utility disconnects, notice of arrears or return payments, they will be assessed a new or additional deposit per their assessed credit risk.

One meter is required for each residential, commercial, or industrial service connection. An apartment building or mobile home park may be considered by the utility to be a single commercial facility for the purpose of this policy. Council may grant an exception to the individual meter requirement if the plumbing of an existing multiple use or multiple occupant building would prohibit the installation of individual meters at a reasonable cost or would result in unreasonable disruption of the customary use of the property.

2. Deposit Duration

Deposits are required to be paid PRIOR to service being ordered.

All deposits received by the City shall be held in a non-interest-bearing account in a special deposit fund to minimize the city's loss of utility revenues. Funds will be drawn on only in the event the applicant becomes delinquent, or service is set for termination. When an account is set for termination, the deposit shall be applied against the final bill. If the deposit exceeds the final bill and no other outstanding fees or charges exist, then the balance of the deposit shall be refunded to the customer in the form of a check.

Deposits are returned to customers after two (2) consecutive years of service and a good credit history for two (2) consecutive years to include: no delinquent payments, no "tag" utility disconnects, no notice of arrears and no return payments. Customers who make delinquent payments during the initial two (2) years of service shall have their deposit applied to their delinquent account.

In the event a customer has a previous account with an unpaid balance, a new connection will not be allowed until the previous account has been paid in full and a deposit is made on the new account.

3. Letters of Credit

The City of Bloomfield will not accept a letter of credit in lieu of screening an applicant through the ONLINE Utility Exchange.

4. Opting out of ONLINE Utility Exchange

The City of Bloomfield will not allow a new service applicant to opt out of the ONLINE Utility Exchange program.

5. Application Fee

Applicants and/or property owners shall be required to pay a new account, one-time, non-refundable set-up charge in the amount of \$35.00. A new account set-up charge must be paid before service is ordered to begin.

6. Fees for Utility Services

Any fees or charges imposed by ordinance for utility services are payable by the owner by the date designated on the utility bill.

7. Transfer of Deposits

Deposits may be transferred from one location to another if the applicant is the owner of the property at the location for which service is being requested. However, if the amount already on deposit is not equal to the amount of deposit required at the time of the transfer, the property owner must pay the difference between these two amounts. All other applicants will be required to pay the applicable deposit in full each time an account is opened. When the previous account is terminated and all outstanding bills are paid, the previous deposit will be refunded.

Deposit transfers from one customer to another are not allowed.

8. Unclaimed Deposits

The City shall make a reasonable effort to return any unclaimed funds of deposits or overpayment of accounts including good faith adjustments. Per the Unclaimed Property Act of New Mexico, unclaimed funds will become the property of the State of New Mexico and will be held in the State Treasury Office, safe and secure until turned over to the rightful owner or legal heir.

Except for the changes set forth above, the provisions of Chapter 18 Sec. 22 of the Bloomfield Municipal Code are hereby ratified and confirmed.

Intent to Adopt Approved and Signed this 12 day of October 2021.

Cynthia Atencio

Cynthia Atencio, MAYOR

ATTEST:

Crystal L. Martinez Hornberger

Crystal L Martinez Hornberger, City Clerk

(SEAL)

