

By Representatives Crady, Fuller, Dennis, Arnall, Thrasher
and Wise

1 A bill to be entitled
2 An act relating to the Jacksonville Electric
3 Authority; amending chapter 92-341, Laws of
4 Florida, being the Charter of the City of
5 Jacksonville; authorizing the JEA to assess
6 civil penalties of at least \$2,000 per
7 violation for violations of the Industrial
8 Pretreatment Program under the Clean Water Act
9 that each day of an ongoing or continuing
10 violation shall be deemed to be a separate
11 violation; providing an effective date.

12
13 WHEREAS, on June 1, 1997, the Consolidated City of
14 Jacksonville transferred its Water and Sewer Utility to the
15 Jacksonville Electric Authority (JEA), and

16 WHEREAS, under its National Pollutant Discharge
17 Elimination System (NPDES) permits, JEA operates an industrial
18 pretreatment program (formerly operated by the Consolidated
19 City of Jacksonville), as authorized under ss. 307(b) and
20 407(b) of the Clean Water Act, which program regulates the
21 discharges of industrial wastes to JEA's wastewater treatment
22 facilities, and

23 WHEREAS, administration of the federal NPDES program
24 has been delegated to the Florida Department of Environmental
25 Protection, and

26 WHEREAS, the NPDES regulations of the U.S.
27 Environmental Protection Agency (40 CFR 403.8(f)(1)(vi)(A))
28 and the rules of the Florida Department of Environmental
29 Regulation (Rule 62-625.500(2)(5)a, Fla. Admin. Code) require
30 that industrial pretreatment control authorities, like JEA,
31 have authority to seek or assess civil or criminal penalties

1 in at least the amount of \$1,000 a day for each violation by
2 industrial users of pretreatment standards and requirements,
3 and

4 WHEREAS, section 125.69(2), Florida Statutes,
5 authorizes county ordinances establishing fines up to \$2,000 a
6 day, if necessary for a county to carry out a federally
7 mandated program, and

8 WHEREAS, JEA, in operating the wastewater treatment
9 plants formerly owned and operated by the Consolidated City of
10 Jacksonville, is continuing to provide industrial pretreatment
11 discharge services formerly offered as county services by the
12 Consolidated City of Jacksonville, and

13 WHEREAS, JEA seeks clear and unambiguous authority to
14 assess the civil penalties necessary to comply with the
15 federally mandated NPDES program and protect its water supply
16 system, NOW, THEREFORE,

17

18 Be It Enacted by the Legislature of the State of Florida:

19

20 Section 1. Section 21.04 of article 21 of chapter
21 92-341, Laws of Florida, is amended to read:

22 (Substantial rewording of section. See
23 s. 21.04, chapter 92-341, Laws of Florida,
24 for present text.)

25

26 ARTICLE 21. JACKSONVILLE ELECTRIC AUTHORITY

27

28 Section 21.04. Powers.--JEA shall have the following
29 powers, in addition to powers otherwise conferred:

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1 (a) To construct, own, acquire, establish, improve,
2 extend, enlarge, reconstruct, reequip, maintain, repair,
3 finance, manage, operate, and promote the utilities system.

4 (b) To acquire for the use of the utilities system by
5 grant, purchase, gift, devise, condemnation by eminent domain
6 proceedings, exchange, lease, or in any other manner, all
7 property, real or personal, or any estate or interest therein,
8 including without limitation, property used:

9 (1) In connection with the generation, transmission,
10 and distribution of electric power and energy.

11 (2) In connection with the collection, storage,
12 treatment, processing, disposal, transmission, and
13 distribution of water and wastewater including, but not
14 limited to, raw water, potable water, nonpotable water,
15 chilled water, and reused water; however, JEA shall have no
16 power or authority for the function of stormwater runoff and
17 drainage management.

18 (3) In connection with the production, procurement,
19 extraction, manufacture, transmission, transportation,
20 distribution, and storage of natural gas.

21 (4) In connection with the production of steam, the
22 mining, extraction, development, production, manufacture,
23 procurement, transportation, handling, storage, processing, or
24 reprocessing of fuel of any kind, to likewise acquire any
25 facility or rights with respect to the supply of water, any
26 rights with respect to minerals, including, but not limited
27 to, coal, petroleum coke, natural gas, and oil, and bio-mass
28 facilities for the processing of byproducts derived from the
29 operation of the utilities system, solid waste disposal and
30 environmental protection facilities, communication and
31 computer facilities, and any other property, equipment,

1 facilities, or property rights whatsoever determined by JEA to
2 be necessary or convenient in connection with the operation,
3 promotion, financing, construction, management, improvement,
4 extension, enlargement, reconstruction, reequipment,
5 maintenance, repair, decommissioning, or disposal of the
6 utilities system or any part thereof, and to sell, lease, or
7 otherwise transfer, with or without consideration, any such
8 property when in JEA's discretion it is no longer needed or
9 useful, or such sale, lease, or transfer otherwise is in the
10 best interest of JEA, all upon such terms and conditions as
11 JEA shall by resolution fix and determine. The right of
12 eminent domain conferred herein shall be exercised by JEA in
13 the manner provided by law. If JEA leases any real property to
14 another agency, firm, corporation, or individual, it shall
15 cause said lease or leases to be recorded with the clerk of
16 the circuit court as a matter of public record. JEA shall not
17 sell real property for less than the appraised value as
18 recorded by the property appraiser for Duval County, unless
19 approved by the council. If there is no recorded appraised
20 value, then JEA shall request the property appraiser for Duval
21 County to provide an appraisal prior to the sale of the real
22 property.

23 (c) To furnish electricity, water, sanitary sewer
24 service, natural gas, and other utility services as authorized
25 herein to any person or entity, public or private, within or
26 without the city and for said purposes shall have the right to
27 construct and maintain electric lines, pipelines, water and
28 sewer mains, natural gas lines, and related facilities in and
29 along all public highways and streets within or without the
30 city.

31

1 (d) To sell power and energy, water, sanitary sewer
2 service, natural gas, and other utility services as authorized
3 herein at wholesale and retail or to provide transmission or
4 other services of any kind to any person or entity, public or
5 private, within or without the state, directly by JEA
6 indirectly through other entities and jointly through
7 associations with other utilities or entities engaged in these
8 activities.

9 (e) To enter into contracts with any person or entity,
10 public or private, deemed necessary or desirable by JEA in
11 connection with carrying out its powers and duties.

12 (f) To fix, pledge to establish or establish, levy,
13 regulate, impose, and collect rates, assessments, fees, and
14 charges for the use or benefit of the utilities system and to
15 alter and amend same from time to time, which rates,
16 assessments, fees, and charges shall result in JEA receiving
17 or possessing an amount which, together with accumulated
18 balances from prior years available therefore is not less than
19 is required to operate and maintain a self-liquidating or
20 self-sustaining utilities system. When establishing or
21 altering rates, assessments, fees, or charges for retail
22 service, JEA shall first give notice of and hold a public
23 hearing in the City of Jacksonville. The notice shall be
24 published not less than 1 week in advance in at least one
25 newspaper of general circulation in the city. Said notice
26 shall be at least one-fourth page in size, inviting the public
27 to be present and heard. JEA shall have the power to impose
28 sanctions to enforce compliance with any rule or regulation
29 which JEA may adopt in the management and operation of, or the
30 sale or use of any utility service provided by JEA from the
31 utilities system including, without limitation, electricity,

1 water, sewer, and natural gas services. The city and other
2 public bodies shall be required to pay for any utility
3 services provided by JEA upon the same basis as other users.

4 (g) To sue and be sued, implead and to be impleaded,
5 complain and defend in all courts, to adopt and use a
6 corporate seal, to apply for, hold and own patents and
7 copyrights, to sell or license patents, copyrights, patented,
8 or copyrighted materials to other public or private entities.
9 Prices or fees for such sales or licensing may be based upon
10 market considerations. JEA may designate how proceeds from
11 such sales or licensing shall be used. Prices or fees for the
12 sale of copyrighted data processing software, as defined in s.
13 119.083, Florida Statutes, shall be established pursuant to s.
14 119.083, Florida Statutes.

15 (h) To make or cause to be made such surveys,
16 investigations, studies, borings, maps, drawings, and
17 estimates of cost and revenues as it may deem necessary, and
18 to prepare and adopt a comprehensive plan or plans for the
19 location, relocation, construction, improvement, revision, and
20 development of the utilities system.

21 (i)(1) To issue revenue bonds or revenue certificates
22 of JEA for the purpose of financing or refinancing the
23 utilities system, including, without limitation, the financing
24 of any one or more enlargements, expansions, developments,
25 replacements, acquisitions, or modernizations of the utilities
26 system, any expenses of the utilities system, any reserves
27 deemed necessary or desirable by JEA and any other purpose not
28 otherwise prohibited by law, and retiring any bond, note, or
29 revenue certificate issued under this article, or any bond,
30 note, or revenue certificate issued by or on behalf of the
31 city to finance the water and sewer utilities previously owned

1 or operated by the city, and for any combination of one or
2 more such purposes in any single issue of revenue bonds or
3 revenue certificates. At the discretion of JEA, such bonds or
4 revenue certificates may be issued for any one or more of the
5 several utility systems of JEA, or any combination thereof.

6 (2) The bonds or revenue certificates of each issue
7 shall be authorized by resolution of JEA, which resolution
8 shall contain such provisions relating to the protection and
9 security of the holders of the bonds or revenue certificates,
10 including their rights and remedies, and the rights, powers,
11 privileges, duties, and obligations of JEA with respect to the
12 same. Such resolution may also contain provisions providing
13 for the pledge of all or any part of the revenues of the
14 utilities system, to which may, at JEA's discretion, be
15 limited to the revenues of one or more of the several utility
16 systems, to secure the payment of the bonds or revenue
17 certificates of any issue and may provide for the pledge of
18 other funds and accounts of JEA. Such resolution also shall
19 determine the timing and manner of sale, which may be public
20 or private; maturities; rate or rates of interest, which may
21 be fixed or may vary at such time or times as provided or in
22 accordance with a specified formula or method of determination
23 (subject to any legal limitations on interest, as established
24 by s. 215.84, Florida Statutes, or according to said section
25 as it may from time to time be amended); and other terms and
26 conditions of the bonds or revenue certificates, provided that
27 JEA may delegate to the chair, managing director, or other
28 officer or employee of JEA designated by JEA the power to
29 determine any such terms or conditions. However, the amounts
30 and maturities of such bonds or revenue certificates and the
31 interest rate or rates of such bonds or revenue certificates

1 shall be within the limits prescribed by JEA and its
2 resolution delegating to the chair, managing director, or such
3 other officer or employee of JEA the power to authorize the
4 issuance and sale of such bonds or revenue certificates, and,
5 in the case of the total aggregate amount of bonds or revenue
6 certificates issued by JEA, within the limits prescribed by
7 ordinance of the council. In case any officer whose signature
8 or facsimile of whose signature shall appear on any bonds or
9 revenue certificates shall cease to be such officer before the
10 delivery of such bonds or revenue certificates, such signature
11 or such facsimile shall nevertheless be valid and sufficient
12 for all purposes the same as if such officer had remained in
13 office until such delivery. All bonds and revenue certificates
14 issued under the provisions of this article shall have and are
15 hereby declared to have all the qualities and incidents of
16 negotiable instruments under the negotiable instruments law of
17 the state. The issuance of such bonds and revenue certificates
18 shall not be subject to any limitations or conditions
19 contained in any other law.

20 (3) Bonds or revenue certificates and refunding bonds
21 or refunding revenue certificates issued pursuant to this
22 article if sold by bid shall be sold to the bidder whose bid
23 produces the lowest true interest cost to JEA. JEA may
24 restrict the bidders in any sale by prequalification or
25 otherwise and may reserve the right to reject any or all bids.
26 Prior to any sale by bid of bonds or revenue certificates JEA
27 shall cause notice to be given in such manner and at such time
28 as JEA shall determine. Said notice shall specify such matters
29 relating to the bonds or revenue certificates offered for sale
30 as JEA shall determine and shall state the manner in which
31 bids shall be given. JEA may reserve the right to waive any

1 informalities or irregularities if JEA determines that such
2 actions are in its best interest. In no event shall said bonds
3 or revenue certificates be sold at a net interest cost to JEA
4 in excess of the legal limit, as established by s. 215.84,
5 Florida Statutes, or according to said section as it may from
6 time to time be amended.

7 (4) In no event shall general obligation bonds be
8 issued hereunder.

9 (5) Bonds or revenue certificates may be issued by
10 resolution of JEA, subject only to the approval by ordinance
11 of the council of the aggregate principal amount of such bonds
12 or revenue certificates.

13 (j) To borrow money and to issue notes for any purpose
14 or purposes for which bonds or revenue certificates may be
15 issued under the provisions of this article, in accordance
16 with the provisions of this article relating to the issuance
17 of bonds or revenue certificates, and to refund the same and
18 to issue notes in anticipation of the receipt of the proceeds
19 of the sale of any such bonds or revenue certificates.

20 (k) To borrow money from the city, for any period not
21 to exceed 1 year, to provide JEA with working capital to meet
22 routine or emergency cash requirements and to maintain
23 adequate inventories, at such interest rates and upon such
24 conditions concerning the method of borrowing, the time and
25 manner of payment and the maximum amount that may be on loan
26 at any time, as are determined by ordinance of the council; to
27 lend money from one of its utilities operations to another of
28 its utilities operations for such period, at such interest
29 rates and upon such other conditions concerning the method of
30 borrowing, the time and manner of payment and the maximum
31 amount that may be on loan at any time, all as determined by

1 JEA; and to borrow money from lending institutions, including
2 borrowing as part of a commercial paper or other short-term
3 note financing program which may include provision for payment
4 upon demand by the purchaser or purchasers, as authorized by
5 resolution of JEA. When authorized by resolution of JEA, such
6 notes, including renewals, may be sold by officers of JEA at
7 public or private sale and delivered by such officers to the
8 purchaser or purchasers thereof within the limitations and
9 restrictions contained in such resolution. Such loans between
10 utility systems and such borrowings from lending institutions,
11 or between one or more of the utility systems, including
12 borrowing as part of a commercial paper or other short-term
13 note financing program, will not require the approval of the
14 council.

15 (l) To enter into contracts determined by JEA to be
16 necessary or desirable for the prudent management of JEA's
17 funds, debt, or fuels, and any and all other commodities used
18 for the several utility systems including, without limitation,
19 interest rate swaps, option contracts, futures contracts,
20 contracts for the future delivery or price management of
21 power, energy, natural gas, or other related commodities,
22 hedging contracts, other risk management techniques,
23 securities lending agreements, and forward purchase contracts.

24 (m) To invest money of JEA not required for immediate
25 use, including proceeds from the sale of any bonds, revenue
26 certificates, or notes, in such obligations, securities, and
27 other investments as JEA shall deem prudent, subject to any
28 agreement with bondholders, revenue certificate holders, or
29 note holders.

30 (n) To enter into joint project agreements as provided
31 by part II of chapter 361, Florida Statutes, for the purpose

1 of implementing a project, as such term is defined in part II
2 of chapter 361, Florida Statutes. A copy of all such joint
3 project agreements shall be filed with the council and the
4 mayor at least 30 days prior to the effective date of the
5 agreement. Anything in this provision to the contrary
6 notwithstanding, any joint project agreement that involves a
7 transfer of any function or operation that comprises more than
8 10 percent of the total of the utilities system by sale,
9 lease, or otherwise to any other utility, public or private,
10 or any joint project agreement that involves the issuance of
11 debt not previously authorized by paragraph (i)(2), shall
12 require prior approval of the council.

13 (o) To enter into agreements with one or more other
14 electric utilities, public or private, and related contracts
15 with respect to joint electric power projects as provided in
16 section 2 of chapter 80-513, Laws of Florida, as amended. The
17 provisions of chapter 80-513, Laws of Florida, shall govern
18 and control JEA in all respects in the carrying out of a joint
19 electric power project authorized thereunder notwithstanding
20 any provision of the charter or of the Ordinance Code of the
21 City of Jacksonville which may be in conflict therewith.

22 (p) To transfer, sell, finance, lease, or otherwise
23 provide services or products, or byproducts, developed or used
24 by JEA incident to the exercise of the powers conferred by
25 this article, including, but not limited to, energy
26 performance contracting, water, sewer, and natural gas (and
27 any other utility service hereafter provided by JEA)
28 contracting, power marketing services, the testing and
29 maintenance of customer-owned facilities such as transformers,
30 capacitors, lighting, HVAC systems, water cooling and heating
31 systems, energy management systems, etc.; the temporary

1 leasing of JEA facilities such as oil storage tanks; the
2 supply of steam or other thermal energy; the provision of
3 specially conditioned power on the premises of customers and
4 the provision of services or products to build, transfer,
5 lease, finance, operate, or sell cogeneration facilities,
6 small power production facilities, specially conditioned
7 power, energy conservation, energy efficiency, and dispersed
8 generation to other electric utilities both within and without
9 the state or to any wholesale or retail customers of JEA, upon
10 such terms and conditions as JEA shall by resolution fix and
11 determine; and to transfer, sell, finance, lease, or otherwise
12 provide services, products, or byproducts developed or used by
13 JEA incident to the exercise of the powers conferred by this
14 article, in the delivery of water, wastewater, and natural gas
15 services, including, but not limited to, the financing,
16 testing, maintenance, and operation of customer owned
17 facilities used in water, wastewater, and natural gas
18 functions. However, JEA will not enter into any activity
19 pursuant to this section in addition to those activities
20 listed herein without first providing written notice of such
21 activities to the council auditor no less than 30 days before
22 the commencement of such activity. Nothing in this article
23 shall authorize or be construed to authorize JEA to transfer
24 any function or operation which comprises more than 10 percent
25 of the total of the utilities system by sale, lease, or
26 otherwise to any other utility, public or private, without
27 approval of the council. So long as there are outstanding any
28 of the city's "capital project revenue bonds" as originally
29 authorized pursuant to Ordinance 97-1054-E, the council may
30 approve only such transfer which does not materially adversely
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1 affect future receipts of JEA contributions as defined
2 therein.

3 (q) To voluntarily collect from customers and
4 ratepayers the sum of \$1 or more per month to be deposited
5 into an elderly or handicapped or low income customer
6 emergency trust fund administered by JEA. The proceeds of such
7 trust fund may be expended periodically by JEA for the purpose
8 of providing financial assistance to elderly or handicapped or
9 otherwise needy low income residents living within the service
10 area of JEA for the payment of their utilities needs. The
11 method of administration of such trust fund, including the
12 collection and distribution thereof, shall be as provided by
13 ordinance of the council.

14 (r) To jointly or separately plan, finance, operate,
15 use, share costs of, sponsor, publicize, or otherwise
16 participate in projects, systems, programs, or measures to
17 promote or implement electric and natural gas energy,
18 electrotechnologies, water, wastewater, and natural gas
19 conservation and efficiency, power conditioning, and load
20 management, including, but not limited to, energy, water, and
21 wastewater conservation, energy efficiency and conditioning or
22 load reducing or load shaping modifications to the maintenance
23 and operating procedures and facilities of a building or
24 facility or in the installation therein; energy, water, and
25 wastewater conserving and energy efficiency modifications to
26 windows and doors, pipes, pumps, and motors; caulking and
27 weatherstripping; insulation; automatic energy control
28 systems; load management systems; hot water systems;
29 replacements or modifications of lighting fixtures; and energy
30 recovery and recycling systems; and research and development
31 relating thereto within or without the state.

1 (s) To delegate any act authorized pursuant to this
2 article to any officer, employee, or agent of JEA as it may
3 deem necessary or desirable for the prudent management of JEA.

4 (t) To do all acts and deeds necessary, convenient, or
5 desirable, incidental to the exercise and performance of the
6 powers and duties granted to JEA in this article.

7 (u) Express authority is given JEA to enter into any
8 contracts, leases, or other agreements with other governmental
9 bodies, either local, state, or federal, for the purpose of
10 carrying out any of the provisions, powers, or purposes of
11 this article. JEA is expressly prohibited from appropriating
12 or expending any of its funds for payments, contributions, or
13 transfer to any nonprofit organization or any other group,
14 association, or entity other than those whose primary purpose
15 directly involves the electric, water, wastewater, and natural
16 gas utility, (or any other utility which may, in the future,
17 be operated by JEA) industries, or electric energy, water,
18 wastewater, and natural gas (or any other utility which may,
19 in the future, be operated by JEA) related matters.

20 (v) If JEA determines that it is necessary or
21 appropriate for it to provide, operate, or maintain any other
22 utility system or function other than electric, water,
23 wastewater, and natural gas, JEA shall by resolution identify
24 such additional utility system or systems or function or
25 functions and indicate its desire to provide such utility
26 service or services or function or functions to the council.
27 Upon the adoption and approval of this resolution by JEA and
28 the council, voting as separate entities, JEA, with respect to
29 the specified system or systems, shall be vested with all
30 powers set forth herein or in general law that would, but for
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1 the provisions of this article, apply to such specified
2 utility system or systems.

3 (w) To exercise all powers granted to the city with
4 regard to sewage collection and disposal and to water supply
5 pursuant to chapters 170 and 180, Florida Statutes, including
6 the issuance of bonds or notes in anticipation thereof payable
7 from special assessments under chapter 170, Florida Statutes.

8 (x) To coordinate carefully with the Department of
9 Public Works of the City of Jacksonville and the Jacksonville
10 Transportation Authority the planning and execution of
11 engineering and construction projects involving underground
12 work and streets and highways to seek to minimize the total
13 cost of such projects and to reduce disruption to the citizens
14 of the city to the maximum extent possible.

15 (y) To expend JEA funds up to 1.5 percent of the prior
16 year's gross revenues to promote the efficient use of JEA's
17 services through public education including exhibits,
18 conferences, displays, tours, and other events customary to
19 the utilities industry and also to publicize, advertise, and
20 promote the objects of this article and to promote the
21 objectives of JEA in the manner set forth by resolution of
22 JEA. Accordingly, JEA may expend its funds to make known to
23 the users, potential users, and public in general the
24 advantages, facilities, resources, products, attractions, and
25 attributes of the services provided by JEA and to further
26 create a favorable climate of opinion concerning the
27 activities and projects authorized and indicated by this
28 article. JEA may also, to the extent permitted by the laws of
29 the State of Florida, expend funds in cooperative efforts to
30 and with other agencies, both public and private, in
31 accomplishing the purposes enumerated and indicated by this

1 article; and in furtherance thereof. JEA may also authorize
2 expenditures for any and all of the purposes herein
3 enumerated, including, but not limited to, meals, hospitality,
4 and entertainment of persons in the interest of promoting and
5 engendering good will toward the activities and projects
6 herein authorized. Whenever an expenditure of funds for any of
7 the foregoing purposes is made by a member or employee of the
8 authority, JEA may reimburse such member or employee therefor,
9 but only after such expenditures have been duly authorized by
10 JEA or its managing director if so delegated to do so. JEA
11 will provide a list of proposed promotional expenditures each
12 year to the council auditor.

13 (z) To allocate costs between the electric, water,
14 sewer, natural gas, and any other utility system operated now
15 or in the future by JEA on a cost-accounted basis.

16 (aa) To assist the City of Jacksonville and any of its
17 departments and independent agencies in the development of
18 joint financing programs for the purpose of financing capital
19 improvement programs for the City of Jacksonville and any of
20 its departments and independent agencies.

21 (bb) To enter into such interlocal agreements
22 authorized by, and to become a member of such separate legal
23 entity or entities created pursuant to chapter 163, Florida
24 Statutes, as JEA shall determine by resolution are necessary
25 or desirable to accomplish the purposes enumerated and
26 indicated by this article; and, to the extent permitted by the
27 laws of the State of Florida, to enter into such joint
28 ventures, partnerships, joint ownership arrangements, or other
29 similar arrangements with other persons or entities, public or
30 private, as JEA shall determine by resolution are necessary or
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1 desirable to accomplish the purposes enumerated and indicated
2 by this article.

3 (cc) To allocate and allot the sums appropriated by
4 the council in JEA's annual budget for more specific purposes
5 and to transfer from time to time during the fiscal year,
6 without further council approval, appropriated funds including
7 capital outlay funds from one of the purposes for which funds
8 are appropriated to another of such purposes, if, in the
9 discretion of JEA, such transfer is necessary to carry out all
10 of the purposes for which funds were appropriated, subject to
11 applicable law; however, nothing in this section shall
12 authorize JEA to transfer appropriated funds from its
13 operating budget to its capital outlay budget or vice versa,
14 without prior approval of the council. This includes the
15 financing of power conditioning and energy conservation
16 equipment for both residential and nonresidential customers
17 providing that the receivables at any point in time will not
18 exceed 10 percent of the prior year's utilities systems'
19 revenues. A written summary of all budget transfers shall be
20 provided to the council auditor at the end of each quarter.

21 (dd) To the extent permitted by the laws of the State
22 of Florida, to have ownership and membership in separate
23 organizational entities, including, but not limited to,
24 corporations to conduct utility related activities and
25 functions. A copy of all such ownership agreements shall be
26 filed with the council and the mayor at least 30 days prior to
27 the effective date of the agreement.

28 (ee)(1) To shut off and discontinue the supplying of
29 services of one utility system, to any and all users of the
30 utilities system, for the nonpayment, when due, of the rates,
31 assessments, fees, or charges, for facilities or services of

1 that particular utility system, or for facilities or services
2 of any other utility system.

3 (2) To deny any application for services of one
4 utility system, to any and all users or potential users of the
5 utilities system for nonpayment, when due, of rates,
6 assessments, fees, or charges for facilities or services of
7 that particular utility system, or for facilities or services
8 of any other utility system.

9 (ff) To assess civil penalties in an amount up to but
10 not to exceed \$2,000 to be paid to the authority for violation
11 of industrial pretreatment protective regulations. Each day a
12 violation continues shall be a separate violation.

13 Section 2. This act shall take effect upon becoming a
14 law.

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