

"YES" following such proposal; and to vote against any proposal submitted upon this ballot punch through the ballot card by inserting the punching tool into the hole opposite the word "NO" following such proposal.

Proposition No. 2

Shall a maximum charge of \$3.00 per quarter be levied on the water bills of all flat rate residential accounts and metered residential accounts having six (6) or less dwelling units to provide funds to pay the cost of repairs of leaking service lines of these dwelling units?

___ FOR THE PROPOSITION
___ AGAINST THE PROPOSITION

Section Seventeen. That, immediately upon the passage and approval of this ordinance, the City Register shall certify a copy thereof to the Board of Election Commissioners for the City of St. Louis for action and proceedings by said Board in accordance herewith and as required by law.

Section Eighteen. The provisions of this ordinance providing for maintenance of service lines by the City of St. Louis and the imposition of a surcharge therefore shall be null and void and given no effect if the voters of the City of St. Louis do not authorize the imposition of said surcharge.

Section Nineteen. Severability. If any provision, section, paragraph, sentence or clause of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such division shall not affect the validity of the remaining portions of this ordinance, and to this end the provisions are held to be severable. The Board of Aldermen declares that it would have passed this ordinance, and each provision, section, paragraph, sentence, and clause hereof, irrespective of the fact that any one or more of the provisions, sections, paragraphs, sentences, clauses hereof be declared invalid or unconstitutional.

Section Twenty. This being an ordinance for the immediate preservation of the public peace, health and safety or the residents of the City of St. Louis, it is hereby declared to be an emergency measure within the meaning of Section 20, Article IV of the Charter of the City of St. Louis and shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 5, 1985

NOT FOR SALE

Ordinance 59363
COMMITTEE SUBSTITUTE
BOARD BILL NO. 311



An ordinance to amend subsection 23.04.070 of Section Two of Ordinance 58597 relating to a program for repair of certain water service lines in the City of St. Louis by providing for such service to residential accounts having six or less dwelling units and further providing for a procedure for the implementation of this program including the levying of a surcharge on water bills, and further providing for an election on this surcharge as required by Art. X Sec. 22(a) of the Missouri Constitution, and containing a severability clause and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

Section One. The subsection numbered 23.04.070 of Section Two of Ordinance 58597 approved April 15, 1982 is hereby amended to read as follows:

23.04.070. Service Pipe Repairs — How Made. Whenever any underground service pipe or its attachment that leads from any water main that is maintained by the City Water Division to and including the water line and the T-head valve which line exceeds one year in age and is found to be leaking, and the water assessment is billed to any flat rate residential or metered account having six or less dwelling units and excluding the maintenance and repair of any stop box or its cover on all flat rate residential or metered residential accounts, it shall be the duty of the City Water Division to repair same, if the leak is located within any public street, alley, right-of-way or easement. Whenever any service pipe or attachment leading from the outlet side of the T-head valve to the delivery connection on the premises is out of repair and the owner of said premises, his agent or the occupant thereof refuses or neglects to repair said defect immediately, the water shall be shut off by the Water Commissioner. In case of repairs requiring immediate attention and constituting an emergency impairment,

the water shall be shut off by the Water Commissioner without notice until such repairs are made by the owner of the premises, his agent, or the occupant thereof. Said public street, alley, right-of-way or easement shall be left as nearly as possible in a condition of repair as the same is required by the Code of the City of St. Louis.

Section Two. There is hereby levied an initial surcharge of Two Dollars (\$2.00) per quarter on the water bills of all flat rate residential accounts and metered residential accounts having six (6) or less dwelling units, to provide the funds needed to pay the cost of the repairs to leaking service lines as provided in said Ordinance.

Section Three. The surcharge and eligibility for leaking service line repairs shall become effective seven (7) months from the first day of the month immediately following final approval of this ordinance and provided that approval is first received from the voters of The City of St. Louis as provided herein. Any accounts, which have been issued leak notices prior to that date, shall not be eligible to have the leak repaired under this program.

Section Four. The Comptroller is hereby authorized and directed to establish a Special Account for the deposit of said surcharge and, on the last day of each month, shall transfer from the Waterworks Revenue Fund the funds generated that month from said surcharge to the Special Account. Funds generated by the surcharge shall be deposited in said Special Account and shall be kept separate and apart from all other funds. The funds so collected and deposited in said Special Account shall be used solely for the purpose of paying for the costs reasonably associated with and necessary to administer and carry out the leaking service line project established by said Ordinance No. 58597. All interest generated on deposited funds shall be accrued to the Special Account so established.

Section Five. The Collector of Revenue for the City of St. Louis shall waive all fees pursuant to the collection and related processing of this surcharge.

Section Six. The Water Commissioner shall review the receipts and the expenditures of funds involved in said leakage service line project and shall make a written report to the Board of Estimate and Apportionment setting forth in sufficient detail the receipts and expenditures for the last six (6) months and the anticipated receipts and expenditures for the next six (6) months. Said report shall be delivered to the Board of Estimate and Apportionment before the last day of the month immediately following the end of each six (6) month period from the beginning of the effective date set by Section Two. Provided however, that the Water Commissioner may report at any time to the Board of Estimate & Apportionment if conditions so warrant.

Section Seven. The Board of Estimate and Apportionment shall, upon receipt of the written report from the Water Commissioner, thoroughly review said report and is hereby authorized and directed to recommend to the Board of Alderman an increase in said surcharge, if, and only if, the current level of surcharge will be insufficient to meet the anticipated costs of the leaking service line project. If the Board of Estimate and Apportionment determines that such an increase is necessary it shall only recommend such an increase sufficient to cover the anticipated costs and in no event beyond that level authorized by law. Further, the Board of Estimate and Apportionment shall recommend to the Board of Alderman a decrease in the surcharge if it determines that the existing level is higher than necessary to cover the anticipated costs of the project. Only the Board of Alderman shall have authority, by ordinance to increase or decrease the surcharge herein established.

Section Eight. The Board of Public Service is hereby authorized and directed to let contracts for each service area on an annual basis under the nor-

mal contracting procedure authorized under the Charter. For the purpose of awarding annual contracts to furnish all labor, materials, equipment and supervision necessary to repair leaking water service lines funded by this Ordinance, the City of St. Louis shall be divided into eight service areas. For the purpose of administering this program authorized by Ordinance No. 58597, District 1 shall include wards 11, 12, and 13; District 2 shall be wards 14, 16, 23 and 25; District 3 shall be wards 9, 10 and 15; District 4 shall be wards 6, 7, 8 and 17; District 5 shall be wards 24, 26 and 28; District 6 shall be wards 2, 3, 5 and 21; District 7 shall be wards 4, 18 and 19; District 8 shall be wards 1, 20, 22 and 27. All contracts let under this Ordinance shall be made with licensed, bonded, and certified plumbing contractors utilizing properly marked service vehicles and paying the prevailing hourly wage rates as determined by the Department of Labor and Industrial Relations of Missouri. It is further stated that it is the specific intention of this Board of Aldermen that, other things remaining equal, the annual contracts provided for above shall be awarded to eight (8) different contractors on the basis of competitive bids to insure that service will be provided in the shortest possible time. If the contractor for a district is unable to provide service for any reason, the Water Commissioner shall utilize the employees and equipment assigned to the Water Division to make the necessary repairs. Or, if they are not available to provide the service, the Water Commissioner may call upon the contractor of an adjacent District to provide said necessary service under the terms of his contract.

Section Nine. Minority Participation. In order to insure that there is adequate minority participation in the awarding of repair contract, there shall be established by the Board of Public Service and the Water Division, a twenty-five percent (25%) minority participation goal. The Board of Public Service and the Water Division shall be required to work with the Civil Rights Enforcement Agency (CREA) and

Missouri-Kansas Contractor Association (MoKan) to insure the implementation of this goal.

Section Ten. The Water Commissioner shall have the responsibility of administering all contracts awarded under the provisions of this ordinance, and shall be responsible for determining: if leaking water service line exists; if that leaking water service line is eligible for repair funded by this ordinance; in which service area the condition exists; which contractor shall be assigned to repair the condition; and otherwise seeing that the necessary services are provided.

Section Eleven. All licenses, permits, certificates, inspections, etc., required to insure compliance with the Revised Code of the City of St. Louis in connection with the repairs funded by this ordinance, shall be secured at the contractor's expense.

Section Twelve. An election shall be and the same is hereby called and ordered to be held in the City of St. Louis on the Date of the next subsequent city-wide election, primary regular or special, held subsequent to the approval of this ordinance, for the purpose of submitting to the qualified electors of the City of St. Louis proposals to approve the imposition, levy, and collection of a charge as more particularly set forth and described in Section Fifteen (15) of this ordinance.

Section Thirteen. That the polling places in the various wards and precincts of the City of St. Louis where at the said proposals shall be submitted to the qualified electors of said City shall be those polling places established or to be established by the Board of Election Commissioners for the City of St. Louis, as provided by law.

Section Fourteen. That notice of the submission of the said proposal at the said Election shall be given jointly by the said Board of Election Commissioners and by the City Register of the City of St. Louis by publication in the City Journal, in the St. Louis Globe-Democrat, in the St. Louis Post-

Dispatch, in the Argus, in the South Side Journal, in the Sentinel, and in the North Side Journal, once each week for (3) consecutive weeks, the first publication in each instance to be at least twenty-one (21) days before, and the last publication within two (2) weeks of the day of said election. The notice shall be in substantially the following form:

NOTICE OF ELECTION
CITY OF ST. LOUIS, MISSOURI
TUESDAY, _____

NOTICE IS HEREBY GIVEN that an Election will be held in the City of St. Louis, Missouri on Tuesday, _____ at which there will be submitted to the qualified electors of said City the following proposition:

Proposition No. 2

Shall a maximum charge of \$3.00 per quarter be levied on the water bills of all flat rate residential accounts and metered residential accounts having six (6) or less dwelling units to provide funds to pay the cost of repairs of leaking service lines of these dwelling units from any water main maintained by the City Water Division to and including the Thead valve?

___ FOR THE PROPOSITION
___ AGAINST THE PROPOSITION

Section Fifteen. That the Board of Election Commissioners for the City of St. Louis shall provide the ballots, conduct the election, and certify the results of said election to the Board of Aldermen of the City of St. Louis, as required by law.

Section Sixteen. That the ballots to be used at said election shall be in substantially the following form, to wit:

OFFICIAL BALLOT
CITY OF ST. LOUIS, MISSOURI

INSTRUCTIONS TO VOTERS:

To vote in favor of the proposal submitted upon this ballot, punch through the ballot card by inserting the punching tool into the hole opposite the word