

September 5, 2024

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
David J. Felix CFO

FROM: Sherry L. Kratchmer, Collections Administrator

SUBJECT: Request for Agenda Item Placement
Resolution 2024-064 Authorization to Take Legal
Action Against Charles Long, dba Long's Affordable
Hauling Services

Recommendation:

The City manager recommends approval.

Background:

On March 19, 2024, Charles (Chuck) Long requested the City provide a dumpster for his use at 415 N. Highway 90. Mr. Long agreed to the terms of use for the dumpster and the City delivered a dumpster at said location. From March 19, 2024, to May 2, 2024, Mr. Long contacted the City 11 times to service this dumpster. (See Exhibit A)

To date the balance of Mr. Long's account is \$3,331.68. Mr. Long made a payment of a \$325.00 payment On March 19, 2024.

The due date on the final bill mailed to Mr. Long was May 28, 2024. The City has made attempts via email, telephone, regular and certified mail to collect this debt. Despite our collection efforts no payment has been received.

Attached is an accounting of the transactions associated with Mr. Long's account.

The City Attorney may pursue legal action but only if the Mayor and Council give direction to take such action. This resolution is intended to authorize the City Attorney to take the necessary actions to collect the debt owed to the City.

Budget Appropriation:

None. Pursuant to Ordinance 2023-004, City collection expenses will be added to the debtor's account.

Attachment: Exhibit A

RESOLUTION 2024-064

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO TAKE SUCH ACTIONS, TO COLLECT THE DEBT OWED BY CHARLES LONG, DBA, LONG'S AFFORDABLE HAULING & SERVICES, FOR SANITATION SERVICES PROVIDED BY THE CITY AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, On March 19, 2024, Charles Long requested sanitation services from the City; and

WHEREAS, Mr. Long agreed to the terms of the sanitation agreement and requested the City provide those services 11 times; and

WHEREAS, the balance owed for the services rendered is \$3,331.68, not including collection fees and expenses; and

WHEREAS, the City has made numerous attempts to collect payment on Mr. Long's account; and

WHEREAS, despite the City's efforts to collect payment has not been received; and

WHEREAS, before the City Attorney may pursue legal action, the Mayor and Council must direct him to do so; and

WHEREAS, it is in the best interest of the citizens of Sierra Vista that such legal action be taken.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy, which directs the City Attorney to initiate litigation by specific action of the Mayor and City Council be, and hereby is reaffirmed.

SECTION 2

That the City Attorney is hereby authorized and directed to take such action(s) as may be required to collect the debt owed to the City.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 12TH DAY OF SEPTEMBER, 2024.

CLEA MCCAA, II
Mayor

ATTEST:

JILL ADAMS
City Clerk

APPROVED AS TO FORM:

NATHAN J. WILLIAMS
City Attorney

PREPARED BY:
Sherry L. Kratchmer, Collections Administrator

Exhibit A

Workorder Information			
Date	Service Requested	Requestor Information	Tonnage
03/20/2024	DELIVER ROLLOFF	POC - CHUCK LONG - 520-990-1021	
03/22/2024	ROLLOFF EMPTY RETURN	Please dump and return rolloff. Chuck 520-990-1021	TONS 7.02
03/27/2024	ROLLOFF EMPTY RETURN		TONS 5.90
04/12/2024	ROLLOFF EMPTY RETURN	520-990-1021 Chuck Long	TONS 5.94
04/15/2024	ROLLOFF EMPTY RETURN	520-990-1021	TONS 4.95
04/18/2024	ROLLOFF EMPTY RETURN		TONS 2.40
04/22/2024	ROLLOFF EMPTY RETURN	520-990-1021	TONS 3.48
04/25/2024	ROLLOFF EMPTY RETURN	Chuck Long 520-990-1021	tons 2.90
04/29/2024	ROLLOFF EMPTY RETURN	520-990-1021 Chuck	TONS 5.06
05/01/2024	ROLLOFF EMPTY RETURN	520-990-1021 Chuck	TONS 6.62
05/03/2024	ROLLOFF EMPTY REMOVE	ROLL-OFF.	TONS 4.09

Billing and Payment			
Date	Payment	Billing	Balance
3/19/2024	\$ 325.00		\$ (325.00)
5/7/2024		\$ 2,790.40	\$ 2,465.40
5/28/2024		\$ 802.20	\$ 3,267.60
7/1/2024		\$ 64.08	\$ 3,331.68

Collection Efforts		
Date	City Action	Customer's Response
08/12/24	Mailed Final Notice and final bill Certified Mail, Due Date August 27, 2024.	None
08/05/24	Left another message on Mr. Long's voice mail advising him that he has until August 9 to pay.	None
07/29/24	Left message on Mr. Long's Voice Mail requesting payment	None
07/08/24	Emailed Mr. Long the Final Bill, requesting payment.	None
05/28/24	Mailed final bill to Mr. Long.	None
05/14/24	Emailed Mr. Long the bill for services up to April 30, 2024. Due date 05/28/24	None
03/20/24	Emailed terms with cost of the roll off service to Mr. Long.	Mr. Long emailed the City stating he accepted the terms