

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 23, 2020

AGENDA ITEM: Ordinance Amending chapter 14.05 MMC to permit deferred payment plans and waiver of service charges due to COVID-19	
PREPARED BY: Jon Walker	DIRECTOR APPROVAL:
DEPARTMENT: Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

Some Marysville residents are facing economic challenges due to not being able to work, having reduced patronage of their business, or having to close their business during the COVID-19 emergency. The municipal code currently restricts when the City can offer deferred payment on utility accounts and when the service charge for delinquent accounts may be waived. This ordinance authorizes the finance director to waive the service charge and the chief administrative officer to offer a deferred payment plan charge when a water account delinquency is related to an emergency declared by the mayor or governor.

<p>RECOMMENDED ACTION: Staff recommends the Council consider adopting the ordinance.</p> <p>RECOMMENDED MOTION: I move to adopt Ordinance No. _____.</p>
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CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

A PUBLIC EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING CHAPTER 14.05 OF THE MUNICIPAL CODE TO PROVIDE PAYMENT OPTIONS DURING AN EMERGENCY.

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services secretary Alex Azar declared a public health emergency for COVID-19, beginning January 27, 2020; and

WHEREAS, on February 29, 2020, Washington State Governor Jay Inslee proclaimed a public health emergency for COVID-19, beginning February 29, 2020, and issued an additional proclamations further limiting public gatherings and business operations; and

WHEREAS, Snohomish County and the Snohomish Health District have also issued proclamations of emergency and activated their emergency operations centers to deal with this crisis; and

WHEREAS, City of Marysville Mayor Jon Nehring issued a local proclamation of emergency related to COVID-19 for the City of Marysville under MMC 2.12.040 and RCW 38.52.070(2); and

WHEREAS, public health officials have implemented protocols for quarantining individuals who may have been exposed to COVID-19 regardless of whether they are displaying symptoms and for those who have been infected, and further have discouraged anyone with any type of respiratory illness from attending public gatherings to avoid the spread of COVID-19; and; and

WHEREAS, some residents of Marysville are facing economic challenges due to not being able to work or open their business during this emergency or having reduced income due to the emergency; and

WHEREAS, maintaining water and solid waste utilities during this emergency promotes public health and will assist residents in weathering the emergency; and

WHEREAS, amending the municipal code to allow for deferred payments and waiver of service charges on their utility accounts will further public health; and

WHEREAS, to protect the public health this ordinance should take effect immediately on adoption due to the emergency declared by the Mayor and the Governor.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 14.05 of the municipal code is amended as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 4. Effective Date. Because of the current emergency, this ordinance shall become effective immediately and will be published by the city clerk.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2020.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

14.05.040 Delinquent bills – Service charge.

For each notice sent to a utility customer advising the customer that an account is delinquent or that utility service will be discontinued by reason of the delinquency, there shall be a service charge added to the account as set forth in MMC [14.07.005](#). The finance director, or his designee, is authorized to waive the service charge under the following circumstances:

- (1) Where a utility customer has made arrangements with the city, prior to the date the billing is due, for deferral of the payment of the bill;
- (2) Where another public agency must obtain approval for payment of the billing and the customer's payment cycle is inconsistent with the city's billing cycle; or
- (3) In such other circumstances where, in the judgment of the finance director or his [or her](#) designee, the customer can demonstrate a bona fide economic hardship.

[\(a\) If the mayor or governor has declared a state of emergency and the finance director determines that the delinquency is related to the emergency, he or she may waive the service charge.](#)

14.05.070 Involuntary discontinuance of water service.

(1) Water service may be discontinued by the city for any of the following reasons:

- (a) For delinquent and unpaid charges, as specified in MMC [14.05.030](#);
- (b) For the use of water and sewer utilities for purposes or properties other than that specified in the application;
- (c) For willful waste of water through improper or imperfect piping, equipment or otherwise;
- (d) When a customer's piping or equipment does not meet the city's standards, or fails to comply with other applicable codes and regulations;
- (e) For tampering with property of the city utility system;
- (f) In case of vacation of the premises by the customer;
- (g) For the use of the utility lines in a manner which adversely affects the city's service to its other customers;
- (h) For fraudulent or improper obtaining or use of utility service.

(2) Except in the case of danger to life or property, fraudulent use, impairment of service, or violation of law, the city shall use its best efforts to comply with the following procedures prior to an involuntary discontinuance of service:

(a) The city shall send the owner and occupant of the premises, using addresses shown in the city utility records, written notice that water service to the property will be shut off on a date not less than 10 days thereafter unless the delinquencies are paid in full. The notice shall state that the owner and occupant of the premises have a right to a hearing before the city administrator for the purpose of resolving disputed accounts. A request for such a hearing must be made not less than five days prior to the shutoff date. At the hearing the ~~city administrator~~chief administrative officer is authorized to compromise and settle disputes in the interest of justice; provided, the city administrator shall not be authorized to waive or reduce bills which are legitimately due, or to ~~lend the city's credit by allowing~~allow a deferred payment schedule, except that when the mayor or governor has declared a state of emergency and the chief administrative officer determines that the delinquency is related to the emergency, he or she may agree to allow a deferred payment schedule.

(b) If service is not discontinued within three days after the stated shutoff date, unless other mutually acceptable arrangements have been made, the shutoff notice shall become void and a new notice shall be required before the service can be disconnected thereafter.

(c) In the event of a disputed account, at any time before the city shuts off service, the owner or occupant of the premises may tender the amount he claims to be due; provided, that the amount must be reasonably supported by document evidence. The right of the city to thereafter shut off service shall not accrue until the dispute has been administratively or judicially resolved.

(d) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays or any day on which the city cannot reestablish service on the same or following day.

(e) Where service is provided to a master meter, or where the city has reasonable grounds to believe that service is to other than the customer of record, the city shall undertake all reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, an additional five days shall be allowed prior to shutoff to permit the service users to arrange for continued service.

(f) When a city employee is dispatched to disconnect service, that person shall be authorized to accept payment of a delinquent account, plus disconnection and reconnection charges, at the service address if the same is tendered by a check made payable in the exact amount to the order of the city of Marysville.

(g) Charges for disconnection and reconnection of water service, as specified in MMC 14.05.080, shall be added to the account, and shall be paid in full prior to reconnection.

(3) At any time that an owner or occupant of premises requests a closing statement on a water account, or requests a change of the customer's name on such account, the city shall read the water meter and shall issue a statement showing the then-current account balance. If the account is in a delinquent status, the city shall immediately disconnect the water service without the necessity of advance written notice pursuant to subsection (2) of this section.