

ORDINANCE 2020.5.2

AN ORDINANCE TEMPORARILY WAIVING UTILITY LATE FEE AND ADMINISTRATIVE FEE IMPOSITION AND COLLECTION; SUSPENDING UTILITY DISCONNECTIONS THAT SHOULD RESULT FROM THE LATE PAYMENT OF SUCH UTILITY BILLS, IN RESPONSE TO THE INABILITY OF UTILITY CUSTOMERS TO PAY UTILITY BILLS AS A RESULT OF COVID-19; UNTIL JULY 1, 2020, WHEN UTILITY BILLS GENERATED IN JUNE, 2020 ARE DUE; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Flatonia, Texas is a Type A general law municipality acting pursuant to Chapter 5 of the Local Government Code; and

WHEREAS, in December 2019 a novel coronavirus, now designated COVID-19, was detected in Wuhan City, Hubei Province, China. Symptoms of COVID-19 include fever, cough and shortness of breath. Outcomes have ranged from mild to severe illness and in some cases death; and

WHEREAS, on March 11, 2020 the World Health Organization (WHO) declared COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a proclamation declaring a state of disaster for all counties within the State of Texas in response to the spread of COVID-19; and

WHEREAS, on March 13, 2020, Fayette County Judge Joe Weber issued and signed a Declaration of Local Disaster for Fayette County, Texas; and

WHEREAS, on March 24, 2020, Mayor Bryan Milson executed a Declaration of Local Disaster for the City of Flatonia pursuant to section 418.108(a) of the Texas Government Code; and

WHEREAS, on March 31, 2020, the Mayor and City Council of the City of Flatonia ratified, reinstated, continued and renewed the Disaster Declaration executed and signed by the Mayor on March 24, 2020, and extended the same until May 30, 2020; and

WHEREAS, on March 31, 2020, Governor Abbott issued Executive Order GA-14 implementing essential services and activities protocols for the entire State of Texas; superseding any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restrict essential services allowed by this executive order or allows gatherings prohibited by this executive order, and further provided that local officials may enforce the executive order as well as local restrictions that are consistent with the executive order; starting effective 12:01 a.m. on April 2,

2020, and continuing through April 30, 2020, subject to extension based on the status of COVID-19 in Texas and the recommendations of the Center for Disease Control (CDC) and the White House Coronavirus Task Force; and

WHEREAS, the Flatonia City Council has established fees for late payments for utility services within the Code of Ordinances, in accordance with the City’s authority under state law; and

WHEREAS, under Texas Local Government Code Section 552.001b, the City Council has broad authority to regulate water, sewer, gas or electricity systems (collective, the “Utility Systems”) in a manner that protects the interests of the City; and

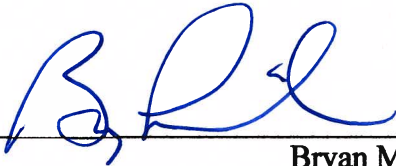
WHEREAS, during this disaster, the City Council wishes to delegate to the City Manager the authority to temporarily waive the imposition of the utility systems late fee and administrative fee associated with such late payments, as well as the collections of such late fees and administrative fees, and to postpone disconnections; and

WHEREAS the City Council has investigated and determined that it is advantageous, beneficial and in the best interest of the citizens of Flatonia to temporarily waive utility system late fee and administrative fee imposition and collection and postpone disconnections during the Declaration of a Local Disaster and until July 1, 21020, when the June 2020 utility bills are due, or until such later time as amended by the City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLATONIA, TEXAS, THAT:

1. The findings set out in the preamble to this ordinance are in all things approved and adopted.
2. The City Council hereby delegates to the City Manager the ability to temporarily suspend the imposition of the 10% late fee and the administrative fee incurred in connection with late payments and collections of such fees for utility systems for the period beginning March 1, 2020, when February utility bills were due, until July 1, 2020, when the June 2020 utility bills are due.
3. The City Manager may retroactively credit any such fees imposed during the period March 1, 2020 through July 1, 2020, to any utility customer whose account was charge late or administrative fees or penalties.
4. All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are temporarily suspended to the extent of such conflict, and the provision of this ordinance shall be and remain controlling as to the matters resolved herein, until rescinded or amended by the City Council.
5. This ordinance shall be effective immediately from and after is passage and publication as required by law and shall apply retroactively to the utility bills due on or before March 1, 2020, April 1, 202, May 1, 2020, and June 1, 2020.

PASSED AND APPROVED on this 12th day of May 2020, with 5 Council members voting for and 0 Council members voting against.




Bryan Milson
Mayor

ATTEST:



Melissa Brunner, TRMC, CMC
City Secretary

APPROVED AS TO FORM:



Maria Angela Flores Beck
City Attorney

