

Resolution #2020-16

A RESOLUTION TO APPROVE A TEMPORARY MORATORIUM ON THE IMPOSITION OF LATE FEES FOR UNTIMELY WATER PAYMENTS IMPOSED PURSUANT TO ORDINANCE 86-137

Purpose and Finding: As the council is aware, Governor Whitmer signed Executive Order 2020-28 which mandated that all local municipalities continue to provide water service during the state of emergency, not turn off water service during the state of emergency, and reinstate any water service previously terminated during the state of emergency. The Executive Order did not address the issue of late fees. Presently Ordinance 86-137 requires a 10% late fee for untimely payment. There is a concern, especially amongst the elderly residents of the community, over leaving their homes to mail payments and or dropping them off at city hall in order to avoid late fees.

Council Member Spicer moved, supported by Council Member Williamson, to approve the following resolution.

RESOLVED, that the Albion City Council hereby adopts a temporary moratorium on the imposition of late fees required by Ordinance 86-137;

BE IT FURTHER RESOLVED, that late fees under Ordinance 86-137 shall not be imposed from March 17, 2020 through April 30, 2020.

Date: April 20, 2020

Ayes: 7

Nays: 0

Absent: 0

I certify that this resolution was adopted by the City Council of the City of Albion on April 20, 2020.

Jill Domingo
Jill Domingo
City Clerk



Council Action Summary Sheet

Agenda Item #:	
Agenda Item Title:	<i>Temporary Waiver of Fees on Delinquent Water Accounts</i>
Meeting Date:	April 20, 2020
Submitted by:	Tom Mead, Finance Director/Treasurer
Contact Information:	(517) 629-5535; tmead@cityofalbionmi.gov
Agenda Item Approvals:	<input type="checkbox"/> City Clerk <input type="checkbox"/> Finance Director/Treasurer <input type="checkbox"/> City Attorney <input checked="" type="checkbox"/> 4 City Manager

Background Brief: In compliance with the Governor’s Executive Order 2020-28, the City has turned the water back on to all services who were shut off do to nonpayment. In addition, to further comply with the EO, the City will not be shutting off any water service during this coronavirus crisis. This EO was issued in an effort to encourage citizens to stay in their homes to avoid spreading the coronavirus. However, the EO did not address whether or not fees would be imposed on accounts which become delinquent during this time. The City has had requests from citizens, some of which are elderly, who are trying to minimize the number of times they must leave their house to mail payments or travel to the City’s payment drop box, etc. Accordingly, they are concerned about being charged late fees if their water bill payments do not arrive on time.

Alternatives Analysis: If no action is taken, or if the Council decided to not approve the temporary waiver of late fees charged on delinquent water bill accounts, the City will continue to impose the fees as spelled out in the City Charter.

Summary of Previous Council Action: This issue has not come up in the past so no previous action has been taken, nor has any similar request been made in recent years.

Financial Impact: Of course there will be some lost revenue from not imposing fees on delinquent accounts. However, the amount would be very difficult to determine as we will not know how many residents will make their payments late, so we will not know the amount of lost revenue until after the fact. However, for the months of April, May and June of 2019, the City collected \$13,527.18 in delinquent charges/late fees.



Recommended Motion(s): To authorize the City Manager to waive late fees for water and sewer billing payments due and owing but not yet paid between the period of March 17, 2020, and April 30, 2020, due to the State of Michigan declaration of public health emergency as a result of the coronavirus (COVID-19) pandemic; and to authorize the City Manager to extend this waiver for additional periods of time as needed based on issuance of any future Governor's executive orders extending Executive Order 2020-28 and for an additional two weeks beyond the expiration date of any such extensions.

Attachments: Executive Order 2020-28 attached



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2020-28

Restoring water service to occupied residences during the COVID-19 pandemic

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and avoid needless deaths, it is crucial that all Michiganders remain in their homes or residences to the greatest extent possible and wash their hands thoroughly and regularly. Now more than ever, the provision of clean water to residences is essential to human health and hygiene, and to the public health and safety of this state. Correspondingly, many water utilities have already suspended water shutoffs during this difficult time. Due to the vital need to ensure that Michigan residents have access to clean water at home during the COVID-19 pandemic, it is reasonable and necessary to require the restoration of clean water to residences across the State of Michigan throughout this state of emergency. And because it is also vitally important for state government to have up-to-date and accurate information regarding access to clean water, it is reasonable and necessary to require public water supplies to report on the status of water service within their respective service areas.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. A public water supply must restore water service to any occupied residence where water service has been shut off due to non-payment, so long as the public water supply does not have reason to believe that reconnection would create a risk to public health (e.g., due to cross-contamination). To facilitate the restoration of water service, a public water supply must immediately make best efforts to determine which occupied residences within their service areas do not have water service. For purposes of this order, a public water supply's "service area" means the area for which the public water supply collects payment for water service.
2. If a public water supply determines that any occupied residences within its service area have had water service shut off for any reason other than non-payment or that reconnection would create a risk to public health, it must make best efforts to remedy such conditions and restore water service to such occupied residences as soon as possible.
3. As soon as possible and no later than April 12, 2020, all public water supplies that have used water shutoffs as a remedy for non-payment within the last year must report to the State Emergency Operations Center regarding access to water in their service areas. The report must include:
 - (a) An account of what efforts have been made to determine which occupied residences within the public water supply's service area do not have water service.
 - (b) The number of occupied residences within the public water supply's service area that do not have water service as a result of a shutoff due to non-payment.
 - (c) The number of occupied residences within the public water supply's service area that do not have water service as a result of any reason other than non-payment.
 - (d) A certification, if true, that best efforts have been exercised to determine which occupied residences within the service area do not have water service; that, to the best of the public water supply's knowledge, no occupied residences have their water service shut off due to non-payment; that the public water supply has reconnected water service for all occupied residences that can be reconnected without creating a risk to public health; and that the public water supply has exercised best efforts to remedy the conditions that prevent reconnection due to a risk to public health.
4. If a public water supply submits a report under section 3 of this order that does not meet all of the requirements described in section 3, then the public water supply must submit a supplemental report every 30 days until it submits a report that meets all of section 3's requirements.

5. Nothing in this order abrogates the obligation of a resident to pay for water, prevents a public water supply from charging any customer for water service, or reduces the amount a resident may owe to a public water supply.
6. This order is effective immediately and continues until the termination of the state of emergency under section 3 of Executive Order 2020-4.

Given under my hand and the Great Seal of the State of Michigan.

Date: March 28, 2020

Time: 7:09 pm



GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE