

CITY OF Bevil Oaks, Texas

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS, RECOGNIZING THAT THE COVID-19 PANDEMIC HAS RESULTED IN SUBSTANTIAL PHYSICAL AND ECONOMIC HARDSHIP TO ITS CITIZENS; RECOGNIZING THAT THE COUNCIL REQUIRES A POLICY TO PROVIDE TEMPORARY RELIEF FROM UTILITY DISCONNECTION FOR THOSE DIRECTLY IMPACTED BY THE COVID-19 PANDEMIC; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Covid-19 pandemic has created widespread physical and economic hardship for the United States of America and for the City of Bevil Oaks, Texas ("City"); and

WHEREAS, various employers affected by the Covid-19 pandemic have laid off or severely reduced the income-producing opportunities for City citizens; and

WHEREAS, the City's Utility system is governed by Ordinance 245 which directs the Utility Director to enforce late fees and to remove water meters for seriously delinquent utility users; and

WHEREAS, the City remains obligated to use its User Fee to make monthly debt service payments to the bond payment that funded the wastewater treatment project and to the financial institution that funded the mandatory replacement of all the City's water meters; and

WHEREAS, the City remains obligated to the City of Beaumont to make monthly payments for wastewater treatment based upon the amount of ongoing water usage and pursuant to an agreement to retroactively pay for wastewater treatment provided during Hurricane Harvey recovery;

WHEREAS, the City desires to provide compassionate relief to its citizens suffering from physical and economic balanced with principles of sound financial governance in light of its ongoing monthly financial obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS, THAT:

Section 1. The City Council adopts this resolution on behalf of the City of Bevil Oaks Public Utility Department. The Utility Department shall receive authority to do the following:

- a. **Waive** Late fees for a period of up to one month, subject to renewal every thirty days if approved by the Committee identified in Section 3;

- b. **Defer** payment of water/sewer usage charges for no longer than one month, subject to renewal every thirty days if approved by the Committee identified in Section 3.
- c. Users **shall** pay monthly User fees.

Section 2. The Utility Department's authority (subject to the approval of the committee listed in Section 3) to waive late fees, defer water and sewer usage charges is subject to the following limitations:

- a. Receipt of a written request to waive late fees, defer water/sewer usage fees;
- b. Receipt of written proof that the user has suffered Covid-19 related economic hardship, such as an application for Texas Unemployment Benefits, written notice of layoff or other reliable written documents from a third party that verifies hardship.
- c. That the user's account has not been delinquent for a period of no less than ninety (90) days in any way prior to March 1, 2020.

Section 3. If a user requests a waiver or deferral and does not comply with the requirements of Section 2, then the user's written request will be forwarded to a committee formed with a representative from each Ward. The Committee shall review the application and provide a decision in writing to the Public Utility Department. The committee shall be comprised of the following Ward representatives:

- a. Ward 1: Justin Kohler
- b. Ward 2: Barbara Emmons
- c. Ward 3: Doug Mullins, *Mayor Pro Tem.*

Section 4. The Utility Department shall maintain an ongoing record of accounts within the deferral program and provide a monthly summary of impact to the City Council.

Section 5. Repayment of deferred amounts:

- a. The Section 3 committee shall have the authority to enter into agreements with respect to repayment.
- b. Users shall repay as soon as practicable upon expiration of the deferral period as stated in writing by the Section 3 committee with the general expectation of re-payment to be within three (3) months.
- c. All payments (made under any agreement) are due on due date of each month. Failure to pay timely shall constitute a basis for immediate cancellation of all agreements and the Utility Clerk shall be authorized to immediately cut-off water. All past due amounts shall be immediately due.

PASSED AND APPROVED this 23rd day of April, 2020.

CITY OF BEVIL OAKS, TEXAS

By: Rebecca M. Ford
Mayor

ATTEST:

Barbara Emmons
City Secretary