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RESOLUTION NO. XX-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, IMPLEMENTING UTILITY PAYMENT PLANS FOR CUSTOMERS WITH ACCOUNTS SUBJECT TO SERVICE DISCONNECTION FROM MARCH 16, 2020 TO JULY 16, 2020 FOR NON-PAYMENT; AMENDING RESOLUTION 70-2013 TO SUSPEND UTILITY DEPOSIT REVIEWS THROUGH SEPTEMBER 30, 2020 AND TO REPEAL THE DELINQUENT PAYMENTS CATEGORY WHEN DEPOSIT REVIEWS RESUME ON OCTOBER 1, 2020; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, on January 30, 2020, the World Health Organization declared Novel Coronavirus Disease 2019 (COVID-19) a Public Health Emergency of International Concern; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52, which established a State of Emergency for the State of Florida declaring COVID-19 as a public health emergency; and

WHEREAS, due to the COVID-19 pandemic, on March 17, 2020, the City of Lake Worth Beach suspended the disconnection of utility customers for non-payment and waived all late fees; and

WHEREAS, the suspension has allowed utility customers to defer the payment of their utility bills during the COVID-19 pandemic to date; and

WHEREAS, in addition, City staff has engaged in an extensive outreach effort to educate affected customers regarding available assistance in paying utility bills; and

WHEREAS, the City Commission has determined that with over xx.x% of the City's utility receivables delinquent and in arrears greater than 30 and 60 days, the City will end the suspension of disconnections and waiver of late fees as of July 17, 2020; and

WHEREAS, to assist the affected customers, the City Commission has agreed to create a payment plan to allow the affected customers to re-pay the deferred utility charges over 12 months (for residential customers) and over 36 months (for commercial customers) with said payment plan to be portable with each customer should they relocate within the boundaries of City's utility service territory(s) during the period of their payment plan; and

WHEREAS, to further assist the affected customers, the City Commission has agreed to suspend deposit reviews through September 30, 2020 and to repeal the delinquent payments category when deposit reviews resume on October 1, 2020; and,

40 WHEREAS, to further assist all customers, the City Commission has agreed that
41 any customer delinquent in payments leading to a determination of eligibility for service
42 disconnection due to non-payment during the period of March 16, 2020 through July 16,
43 2020, that such event shall not be counted for determination of need for additional deposit.

44 WHEREAS, the City Commission has determined that it is in the best interest of
45 the City of Lake Worth Beach to adopt this resolution.

46
47 NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY
48 OF LAKE WORTH BEACH, FLORIDA as follows:

49
50 Section 1. Incorporation. The foregoing recitals are incorporated into this
51 resolution as true and correct statements.

52
53 Section 2. COVID-19 Utility Payment Plan. For those utility customers with
54 accounts subject to service disconnection during the period of March 16, 2020 to July 16,
55 2020 for non-payment, a payment plan is hereby established to provide for the re-
56 payment of all past due amounts over a period of twelve (12) months for residential
57 customers and thirty-six (36) months for commercial customers. Each utility customer
58 desiring to take advantage of the payment plan must contact the City's Utility Customer
59 Service division to activate the payment plan for the customer's account. Once activated,
60 the past due amount will be divided by the applicable payment plan period (12 or 36
61 months) (the "pro rata amount") and the pro rata amount will be added to the regular
62 monthly utility bill for the duration of the payment plan period. The customer must pay
63 both the pro rata amount and the customer's regular utility bill to avoid late fee(s) and
64 disconnection. A customer with an account subject to service disconnection during the
65 period of March 16, 2020 to July 16, 2020 for non-payment must activate the payment
66 plan no later than ten (10) business days after the customer is disconnected for non-
67 payment accruing prior to July 16, 2020. Thereafter, the payment plan will no longer be
68 available to be activated on a customer's account. If a customer activates a payment plan
69 for their account prior to being disconnected and moves to another location within the
70 City's utility service area, the payment plan shall be portable and shall remain in effect for
71 that customer for the duration of the payment plan period. The customer shall be afforded
72 an additional thirty (30) day payment plan period to account for the customer's relocation
73 within the utility service area.

74
75 Section 3. Deposit Reviews. The reviews of utility bill deposits as required by City
76 of Lake Worth Beach Resolution 70-2013, under sections 3.A.1, 3.A.3, 3.B.1 and 3.B.3,
77 are suspended for all customers through September 30, 2020. Reviews of utility bill
78 deposits as required by Resolution 70-2013 shall resume on October 1, 2020; however,
79 the requirements under section 3.A.3 and 3.B.3 (regarding four (4) delinquent payments
80 within current twelve (12) month period) shall be repealed on October 1, 2020, that any
81 delinquent payments from any customer nor determination of eligibility for service
82 disconnection due to non-payment during the period of March 16, 2020 through July 16,
83 2020 shall not be counted for determination of need for additional deposit.

84
85 Section 4. Severability. If any section, subsection, sentence, clause, phrase or
86 portion of this resolution is for any reason held invalid or unconstitutional by any court of

87 competent jurisdiction, such portion shall be deemed a separate, distinct, and
88 independent provision, and such holding shall not affect the validity of the remaining
89 portions thereof.

90
91 Section 5. Conflicts. All resolutions or parts of resolutions in conflict with the
92 provision of this resolution are hereby repealed.

93
94 Section 6. Effective Date. This resolution shall take effect immediately upon its
95 adoption.

96
97 The passage of this resolution was moved by Commissioner _____, seconded
98 by Commissioner _____, and upon being put to a vote, the vote was as follows:

- 99
100 Mayor Pam Triolo
101 Vice Mayor Andy Amoroso
102 Commissioner Scott Maxwell
103 Commissioner Omari Hardy
104 Commissioner Herman Robinson

105
106 Mayor Pam Triolo thereupon declared this resolution duly passed and adopted on
107 the ____ day of _____, 2020.

108
109 LAKE WORTH BEACH CITY COMMISSION

110
111
112 By: _____
113 Pam Triolo, Mayor

114
115 ATTEST:

116
117
118 _____
119 Deborah M. Andrea, CMC, City Clerk