

**ORDINANCE NO. 1269**

**AN ORDINANCE AMENDING SNOQUALMIE  
MUNICIPAL CODE SECTION 13.12.040(G) TO  
ESTABLISH A PAYMENT PLAN PROGRAM  
FOR ELIGIBLE DELINQUENT UTILITY  
ACCOUNTS DUE TO EMERGENCY  
DECLARATION IMPACTS; AND  
PROVIDING FOR SEVERABILITY AND  
EFFECTIVE DATE.**

**WHEREAS**, the City of Snoqualmie operates a combined water, wastewater and storm water utility pursuant to RCW 35A.80.010 and Chapters 35.67 and 35.92 RCW; and

**WHEREAS**, water, wastewater, and storm water services provided by the combined utility of the City of Snoqualmie are critical to the health and welfare of the citizens of the City; and

**WHEREAS**, on February 29, 2020, Governor Jay Inslee issued Proclamation 20-05 declaring a state of emergency in all counties of the state related to the spread of the Covid-19 virus; and

**WHEREAS**, on March 6, 2020, Mayor Matthew R. Larson issued an Emergency Proclamation declaring the existence of an emergency within the City of Snoqualmie related to the COVID-19 virus, and authorizing the Mayor, City Administrator and City departments to take certain specified actions without regard to time consuming procedure and the formalities prescribed by law (excepting mandatory constitutional requirements); and

**WHEREAS**, on March 9, 2020, the Snoqualmie City Council ratified the March 6, 2020 Emergency Proclamation; and

**WHEREAS**, on March 23, 2022 the City Council of the City of Snoqualmie adopted Ordinance No. 1226, which authorized the Mayor to suspend utility shutoffs during the pendency of an emergency declared by the Mayor, such as the COVID-19 pandemic emergency; and

**WHEREAS**, on March 18, 2020 Governor Inslee issued Proclamation 20-23 which, among other things, imposed a moratorium on water, energy and telecommunications utility shutoffs and late fees; and

**WHEREAS**, Proclamation 20-23 was amended and extended several times, but eventually expired by its terms on September 30, 2021; and

**WHEREAS**, on September 8, 2022, Governor Inslee announced the rescission of all emergency proclamations, effective October 31, 2022; and

**WHEREAS**, the COVID-19 pandemic significantly and negatively impacted Snoqualmie utility customers, who as a result have been unable to keep utility accounts current, thus accumulating delinquent utility account balances due; and

**WHEREAS**, the City Council of the City of Snoqualmie desires to provide assistance to those utility customers negatively impacted by the pandemic while also incentivizing payment in full of past due utility balances;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Snoqualmie, Washington, as follows:

**Section 1. Section 13.12.040(G) Amended.** Section 13.12.040(G) of the Snoqualmie Municipal Code is hereby amended and adopted to read as follows:

**13.12.040 Utility Payment – Due date – Delinquency – Shutoff for nonpayment – Lien**

G. In the event of a bona fide dispute as to the amount of the total due for the utility bill, or existence of substantial past due balance accruing due to the existence of a prolonged declaration of emergency, one or more of the following procedures shall be employed by the finance director:

1. The customer shall first attempt to resolve the matter with the utility clerk.

2. If the dispute cannot be resolved between the customer and the utility clerk, the customer shall have the opportunity to discuss or take this to the finance director whose decision shall be final.

3. Water shutoff ~~shall~~may be delayed during the period necessary to resolve the dispute only in the event the customer contacts the utility clerk during regular business hours more than 48 hours prior to the scheduled shutoff date and pays such portion of the disputed bill as customer acknowledges to be due. The acceptance of such payment shall not be deemed to have waived the city's right to collect the entire balance finally determined to be due, or to impair any right to shut off service if such additional amount is not paid immediately.

4. If the basis of the customer's dispute concerns the accuracy of his water meter, the city shall conduct a test thereof; provided, the customer shall first deposit by money order or check a sum as established by council equivalent to the actual cost of conducting the test. In the event the meter is determined to have been inaccurate so that the customer has been charged for more water than the actual quantity delivered, the customer's deposit shall be refunded and the city shall bear the cost of the test, and shall further refund to the customer for excess charges for a period not exceeding six months. If the meter is determined to be accurate or inaccurate so the customer was charged for less than the actual quantity of water delivered, the customer's deposit shall be applied to the cost of the test.

5. If a utility customer has accumulated a past due utility balance during the course of prolonged emergency declared by the Mayor and/or the Governor of the State of Washington, the finance director is authorized to create and implement an application and procedures for a payment plan program to be utilized in lieu of utility finance charges and/or utility shutoff. Any payment plan shall be subject to the following minimum requirements:

- A. A payment plan term shall not extend more than six (6) months from the date the declaration of emergency ends;
- B. The payment plan shall require the utility customer to pay the current portion of each monthly utility bill, in addition to the payment plan amount of a portion of the past due balance;
- C. Finance charges shall not be imposed and utility service shut off shall not occur during the term of the payment plan unless the customer fails to make payments according to the terms of the payment plan.
- D. The payment plan shall provide for payment in full of the past due balance by the end of the payment plan term.

**Section 2. Effective Date.** This ordinance shall be effective from and after its adoption and the expiration of five days after its publication, as provided by law.

**Section 3. Severability.** If any portion of these chapters is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this chapter.

**Section 4. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code revisor are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**PASSED** by the City Council of the City of Snoqualmie, Washington at a regular meeting thereof and **APPROVED** by the Mayor of the City on this 24<sup>th</sup> day of October 2022.

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Katherine Ross, Mayor

Attest:

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Danna McCall, Interim City Clerk

APPROVED AS TO FORM:

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Bob C. Sterbank, City Attorney