

DRAFT 9/16/2021 *RLM*

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AUTHORIZING THE CITY MANAGER
TO SUSPEND LATE CHARGES AND DELINQUENCY
PROCESSING FEES FOR WATER, WASTEWATER, AND
GARBAGE COLLECTION SERVICES, AND TO EXTEND
THE SUSPEND THE INTERRUPTION OF WATER
SERVICE, UNTIL DECEMBER 31, 2021**

WHEREAS, on March 12, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a local emergency within the City due to the novel coronavirus (COVID-19), a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, on March 17, 2020, the City Council unanimously ratified and confirmed that proclamation of local emergency by adopting Resolution 979-20. The proclamation of local emergency has since been extended eleven times and was last reviewed and unanimously extended by the City Council on August 31, 2021 (Resolution 1078-21); and

WHEREAS, on March 17, 2020, the City Council, by motion, authorized the City Manager to suspend interruption of water service and waive late penalties for all water customers; and

WHEREAS, on April 2, 2020, the Governor of the State of California issued Executive Order N-42-20 suspending the authority of urban and community water systems to discontinue residential water service, and further directing water systems not to discontinue water service to small businesses in critical infrastructure sectors; and

WHEREAS, on April 7, 2020, the City Council adopted Resolution 982-20, which authorized the City Manager to suspend penalties and delinquency processing fees, as well as extended the suspension of water service interruption for non-payment until June 30, 2020, or until the Governor's Executive Order N-42-20 is lifted, whichever is later; and

WHEREAS, on June 11, 2021, Governor Gavin Newsom issued Executive Order N-08-21, which ordered that Executive Order N-42-20 shall remain in place until September 30, 2021, upon which time it shall expire; and

WHEREAS, the City of Sunnyvale continues to be impacted by the COVID health crisis. On August 2, 2021, as a result of recent significant increase in COVID-19 cases and hospitalizations, the Santa Clara County Health Officer issued a health order requiring face coverings in most indoor settings, and a statewide state of emergency is still in effect; and

WHEREAS, the pandemic hit many Sunnyvale residents and businesses with unprecedented and unanticipated hardship, and for some, the impacts of the pandemic continue with the recent spread of the Delta variant; and

WHEREAS, City staff recommends an additional extension of the penalty and service disconnection suspensions to allow time for customers to get additional support through the City's COVID-19 Utility Bill Assistance program or to set up a payment arrangement for their bills.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Notwithstanding Section 12.50.050 of the Sunnyvale Municipal Code (Late charges for delinquent utility accounts) and Resolution 1060-21 (adoption of the 2021/2022 Fee Schedule), the City Manager is authorized to suspend the late charges and delinquency processing fees for water, wastewater, and garbage collection services, otherwise required by Section 12.50.050 of the Sunnyvale Municipal Code, until December 31, 2021.
2. Notwithstanding Section 12.50.060 of the Sunnyvale Municipal Code (Discontinuation of service—non-payment), the City Manager is authorized to suspend the interruption of water service until December 31, 2021.
3. The City Manager is authorized to resume late charges, delinquency processing fees, and interruption of water service prior to December 31, 2021, if the City Manager determines that economic conditions for residents and businesses have improved so that a threat to the public health, safety, and welfare no longer exists.
4. The City Council finds that the above actions are exempt from the provisions of the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15061(b)(3) in that there is no possibility that the implementation of this ordinance may have a significant effect on the environment.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney