

ORDINANCE NO. 2020-12-069

RATIFICATION OF EMERGENCY ORDER 20-12

**(Participation in Urbana & Champaign Sanitary District COVID-19
Financial Assistance Program For Sanitary Sewer & Stormwater Utility Bills**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, on March 16, 2020, the City Council adopted Ordinance No. 2020-03-015, Temporary Emergency Ordinance to Address the COVID-19 Pandemic; and

WHEREAS, on April 16, 2020, the City Council adopted Ordinance No. 2020-04-24 that reaffirmed Ordinance No. 2020-03-015; and

WHEREAS, the City has adopted ordinances that establish sanitary sewer and stormwater utility fees for use of the City’s sewer systems and in connection with stormwater runoff (UCC Secs. 24-16, 24-17 and 14-7; and

WHEREAS, on May 7, 2012, the City Council adopted Resolution No. 2012-04-022R, A Resolution Approving an Intergovernmental Agreement with the Urbana & Champaign Sanitary District For Billing Services that authorized the execution of an intergovernmental agreement with UCSD so that UCSD can bill and collect, on behalf of the City, the City’s sanitary sewer and stormwater utility fees from property owners in exchange for payment of three percent of billed revenues for UCSD services rendered; and

WHEREAS, on March 9, 2020 the Governor of the State of Illinois issued a Disaster Proclamation due to the COVID-19 pandemic; and

WHEREAS, the State of Illinois (Illinois Commerce Commission) has entered into one or more agreements with certain utilities in order to provide for assistance for persons who are adversely affected

financially as a direct or proximate result of the COVID-19 pandemic, e.g., loss of jobs, loss of businesses, reduced working hours, loss or reduction of salaries and wages; and

WHEREAS, currently Governor Pritzker’s Restore Illinois Plan for the Region 6 in which the City is located is in Tier 3 Mitigation; and

WHEREAS, Section 10 of Article VII of the Illinois Constitution and the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) enables the City and the Urbana-Champaign Sanitary District (“UCSD”) to enter into cooperative agreements among themselves; and

WHEREAS, the City seeks to participate with UCSD in providing financial assistance to citizens unable to pay their sanitary sewer and stormwater utility bills due to the City because of financial hardships caused by the COVID-19 pandemic; and

WHEREAS, the City’s participation in the aforesaid UCSD COVID-19 financial assistance plan intends to provide property owners within the City who have suffered financial hardship due to COVID-19 with temporary relief from sanitary sewer and stormwater utility fees that includes authorization to “write-off” delinquent bills up to a maximum cap to be determined by the City; and

WHEREAS, the City Council has reviewed Emergency Order 20-12 attached hereto and made a part hereof and believes that it benefits the public health, safety and welfare of residents of the City of Urbana.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

The City Council, after reviewing Emergency Order 20-12 attached hereto and made a part hereof, hereby ratifies and confirms the said Emergency Order and the same shall remain in full force as provided in Section 5 of the said Emergency Order. Notwithstanding, the immediate foregoing, the City Council shall have the authority to repeal this Ordinance prior to the lifting or termination of the Governor’s disaster declaration and the Mayor’s Declaration of Emergency.

Section 2.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

PASSED BY THE CITY COUNCIL this ____ day of _____, 2020.

AYES:

NAYS:

ABSTENTIONS:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, 2020.

Diane Wolfe Marlin, Mayor

COVID-19 RELATED EMERGENCY ORDER



Under Authority of TEMPORARY EMERGENCY ORDINANCE NO. 2020-03-015

EMERGENCY ORDER NO. 20-12

Authorizing Participation in Urbana & Champaign Sanitary District COVID-19-Related Financial Assistance Program Regarding Sanitary Sewer & Stormwater Utility Bills

Effective Date: Upon execution of this Emergency Order No. 20-12 by the Mayor.

EXPLANATION: This Emergency Order 20-12 (“Order”) authorizes the City of Urbana’s (“City”) participation with the Urbana & Champaign Sanitary District (“UCSD”) in a COVID-19 financial assistance plan to provide temporary relief from sanitary sewer and stormwater utility fees, which includes the authorization to “write-off” portions or all of delinquent bills up to a maximum cap to be determined by the City.

AUTHORITY TO ISSUE EMERGENCY ORDER: Ordinance No. 2020-03-015 – Temporary Emergency Order to Address the COVID-19 Virus Pandemic, Section 13; Ordinance No. 2020-04-024 – Reaffirmation of Ordinance No. 2020-03-015 and Reissuance of Mayor’s Authority to Issue Temporary Declaration of Emergency; Urbana City Code Sections 24-16, 24-17 and 14-7.

ISSUER OF EMERGENCY ORDER 20-12: Diane Wolfe Marlin, Mayor.

WHEREAS, the City has established sanitary sewer and stormwater utility fees for use of the City’s sewer systems and in connection with stormwater runoff in accordance with Chapter 24, “Utilities”, Article II, “Sewers”; Division 1, “Generally”, Section 24-16, “Sewer Use Charges”, and Section 24-17, “Sewer Use Charges”, and Chapter 14, “Licenses and Permits”, Section 14-7 “Schedule of Fees” that provide for the charging of fees for such use; and

WHEREAS, on May 7, 2012, the City Council adopted Resolution No. 2012-04-022R, A Resolution Approving an Intergovernmental Agreement with the Urbana & Champaign Sanitary District For Billing Services that authorized the execution of an intergovernmental agreement with UCSD so that UCSD can bill and collect, on behalf of the City, the City’s sanitary sewer and stormwater utility fees from property owners in exchange for payment of three percent of billed revenues for UCSD services rendered; and

WHEREAS, on March 9, 2020 the Governor of the State of Illinois issued a Disaster Proclamation due to the COVID-19 pandemic; and

WHEREAS, the State of Illinois (Illinois Commerce Commission) has entered into one or more agreements with certain utilities in order to provide for assistance for persons who are adversely affected financially as a direct or proximate result of the COVID-19 pandemic, e.g., loss of jobs, loss of businesses, reduced working hours, loss or reduction of salaries and wages; and

WHEREAS, the City seeks to participate with UCSD in providing financial assistance to citizens unable to pay their sanitary sewer and stormwater utility bills due to the City because of financial hardships caused by the COVID-19 pandemic; and

WHEREAS, the City's participation in the aforesaid UCSD COVID-19 financial assistance plan intends to provide property owners within the City who have suffered financial hardship due to COVID-19 with temporary relief from sanitary sewer and stormwater utility fees that includes authorization to "write-off" delinquent bills up to a maximum cap to be determined by the City.

1. Participation in UCSD Assistance Plan. The City shall participate in the following COVID Assistance Plan being coordinated by the UCSD, which acts as the City's billing agent pursuant the above referenced intergovernmental agreement that requires UCSD to bill and collect the City's sanitary sewer and stormwater utility fees from property owners in exchange for payment of three percent of billed revenues for UCSD services rendered. The Program shall generally follow the following procedures:

a. Qualification for Write-Off. If residents of the city qualify for assistance under the income standards applicable to the Champaign County Regional Planning Commission's ("RPC") Low-Income Heating Electricity Assistance Plan (LIHEAP) and also have a past due amount with their UCSD bill relating to the City's Sanitary Sewer and Stormwater Utility Fee, they may be eligible for having some of the past due amount written off the UCSD bill.

b. Past-Due Amount Write-Off. If a ratepayer is eligible, their name and account address would be forwarded to UCSD by RPC for review of their bill status, and to determine if other eligibility requirements are met. If they qualify, UCSD staff will write-off the appropriate amount as set forth herein from the ratepayer's bill due to the City.

c. Maximum Write-Off. The maximum amount of Urbana charges to be written off a given account is the lesser amount of whatever is past due or \$50

d. Total Maximum Write-Off. The maximum amount to be written off for all Urbana charges is one percent (1%) of the City's FY19 income, which is \$28,320.52. Once this amount is exceeded, no additional write-offs would be processed for Urbana's portions of bills unless authorized by the City.

e. Eligible Property Owners. As UCSD bills property owners, the write-offs will only be eligible to owner-occupied homes.

2. Implementation of Sanitary Sewer and Stormwater Utility Assistance. The Directors of the Human Resources and Finance Department and the Public Works Department, or their designees, shall be and hereby are authorized to take such actions as they jointly deem necessary in order to implement the assistance program provided by this Order.

3. Effect of Emergency Order 20-12. The provisions of this Order shall take temporary precedence and supersede any conflicting provisions of the Urbana City Code for the duration of this emergency order.

4. Code in Effect. All other sections of the Urbana City Code not in conflict with this Order shall remain in full force and effect, and are made applicable to this Order.

5. Duration of Emergency Order 20-12. This Emergency Order 20-12 shall expire on the later of (i) when the City Council repeals its Ordinance Nos. 2020-03-015 and 2020-04-024 or (ii) when the Mayor repeals or terminates her Temporary Declaration of Emergency or this Emergency Order 20-12.

DATE: 12-01-2020

Diane Wolfe Marlin
Diane Wolfe Marlin, Mayor

ATTEST: Phyllis D. Clark by Wendee. Smith
Phyllis D. Clark, City Clerk - deputy clerk