ORDINANCE NO. 28642

AN ORDINANCE relating to the Department of Public Utilities; amending Tacoma Municipal Code 12.01.050 to extend the waiver of power and water utility connection and inspection fees, upon request, for cities in Tacoma Power and Tacoma Water service territories during the current declared state of emergency, relating to the conditions of homeless encampments located in the City, until the declared state of emergency has ended.

WHEREAS, on May 2, 2017, the City Council adopted Resolution No. 39716, directing the City Manager to prepare and present an Emergency Temporary Aid and Shelter Program to respond to the homelessness crisis and to prepare, and present an ordinance declaring a state of emergency, and

WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430 (“Emergency Ordinance”), declaring a state of public health emergency relating to the conditions of homeless encampments located in the City, effective through October 9, 2017, and

WHEREAS, on June 6, 2017, by motion, the City Council approved a temporary emergency aid and shelter plan with a three-phased approach (Mitigation, Stabilization, and Short-Term Transitional Housing) at a projected cost of $3.4 million, and

WHEREAS, on July 12, 2017, pursuant to Resolution U-10942, the Public Utility Board authorized the waiver of connection and inspection fees, upon request, for cities within Tacoma Power and Tacoma Water’s service territories providing facilities for sheltering low-income and/or infirm persons, effective through October 9, 2017, and
WHEREAS Ordinance No. 28440, passed July 18, 2017, authorized the waiver of said connection and inspection fees through October 9, 2017, and further provided that the City Council review the conditions giving rise to the public health emergency to determine whether such conditions warranted keeping in place the extraordinary measures authorized to respond to the public health emergency, and

WHEREAS after review, the City Council passed Ordinance No. 28457 on October 3, 2017, extending the sunset date of the public emergency declaration made pursuant to the Emergency Ordinance from October 9, 2017, to December 31, 2017, and

WHEREAS, on December 12, 2017, the City Council passed Ordinance No. 28477, extending the sunset date of the public emergency declaration from December 31, 2017, to December 31, 2018, and

WHEREAS, on March 26, 2019, the City Council passed Ordinance No. 28577, approving the Public Utility Board's request to renew the waiver of connection and inspections fees retroactive to January 1, 2019, and effective through December 31, 2019, and

WHEREAS, on November 19, 2019, the City Council adopted Ordinance No. 28637, extending the sunset date of the public emergency declaration from December 31, 2019, until such time as there is shelter availability for 95 percent of the unsheltered individuals in Tacoma as noted in the annual Point in Time Count, and
WHEREAS, on November 13, 2019, the Public Utility Board passed Resolution U-11118, authorizing the renewal of the waiver of connection and inspection fees for cities within Tacoma Power/Water’s service territories providing facilities for sheltering low-income and/or infirm persons, effective through the end of the declared state of emergency, and

WHEREAS Section 4.11 of the Tacoma City Charter requires that all matters relating to the “incurring of indebtedness . . . shall be initiated by the Board, subject to approval by the Council, and executed by the Board,” prior to acceptance of the Agreement, and

WHEREAS, by adoption of Public Utility Board Resolution U-11118 on November 13, 2019, the proposed extension of the waiver was approved, pending confirmation from the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Chapter 12.01 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit “A.”

Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not
limited to, the correction of scrivener’s/clerical errors, references, ordinance
numbering, section/subsection numbers, and any references thereto.

Passed ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Chief Deputy City Attorney

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Chapter 12.01
UTILITY CHARGES

Sections:
12.01.010 Utility services establishment.
12.01.020 Utility field collection call.
12.01.030 Invoicing and late payment fee.
12.01.040 Residential conservation loan program charges – Light Division.
12.01.050 Waiver of utility connection and inspection charges during declared emergency.

* * *

12.01.050 Waiver of utility connection and inspection charges during declared emergency.

Pursuant to Washington State Constitution Article VIII, section 7, and RCW 35.92.380, upon request, the Director of Utilities is authorized to waive all electric and water connection and inspection fees for cities (including the City of Tacoma) within Tacoma Power and Tacoma Water service territories that are providing facilities for sheltering low-income and/or infirm persons. Such authority is contingent upon the city passing an ordinance declaring a state of public health emergency. This section shall sunset on December 31, 2019, pursuant to the requirements of Ordinance No. 28637, passed by the City Council on November 17, 2019.