

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE
RETROACTIVELY SUSPENDING LATE PAYMENT
CHARGES FOR CITY-PROVIDED WATER SERVICE
BILLED ON A BI-MONTHLY BASIS AND MULTI-FAMILY
DWELLING SOLID WASTE COLLECTION SERVICE
BILLED ON A MONTHLY BASIS, WITH DUE DATES
RANGING FROM MARCH 17, 2020 THROUGH JUNE 30,
2020**

WHEREAS, Section 9.10.1210 of Chapter 9.10 of Title 9 of the San José Municipal Code provides that, except as otherwise provided elsewhere in Chapter 9.10, the owner of each residential parcel in San José shall pay each solid waste collection service charges bill within the due date stated on the billing statement, that payments not made by the due date as indicated on the billing statement shall be deemed delinquent, and that, for any solid waste collection service charges that are not billed on the tax roll, when a bill becomes delinquent, a late charge in an amount set forth in the Schedule of Fees established by resolution of the City Council of the City of San José ("City") shall be added to the bill; and

WHEREAS, Section 15.08.330 of Chapter 15.08 of Title 15 of the San José Municipal Code provides that any bill for municipal water service not paid by the due date specified in the bill shall be deemed delinquent, and that, if any bill for municipal water service becomes delinquent, a late charge in an amount set forth in the Schedule of Fees established by resolution of the City Council shall be added to the bill; and

WHEREAS, on March 10, 2020, the City Council adopted a resolution ratifying and extending the Director of Emergency Services' Proclamation of March 6, 2020 of the existence of a local emergency resulting from the community spread of the coronavirus known as COVID-19 in the City of San José; and

WHEREAS, both the County of Santa Clara ("County") and the Governor of the State of California have issued orders directing that individuals shelter at their place of residence except as permitted under such orders which in the case of the County is scheduled to remain in effect through May 3, 2020, unless amended or extended (collectively, "Shelter in Place Orders") to reduce the spread of COVID-19; and

WHEREAS, in light of the financial consequences of the Shelter in Place Orders, the City desires to suspend late payment charges for City-provided water service billed on a bi-monthly basis and multi-family dwelling solid waste collection service billed on a monthly basis, with due dates ranging from March 17, 2020 through June 30, 2020 in order to provide financial relief to individuals and businesses in San José; and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-004, Government Funding Mechanism, or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Late payment charges for multi-family dwelling solid waste collection service billed on a monthly basis pursuant to Section 9.10.1210 of the San José Municipal Code are retroactively suspended for billings with due dates ranging from March 17, 2020 through June 30, 2020.

SECTION 2. Late payment charges for City-provided water service billed on a bi-monthly basis pursuant to Section 15.08.330 of the San José Municipal Code are retroactively suspended for billings with due dates ranging from March 17, 2020 through June 30, 2020.

SECTION 3. All other provisions of Chapters 9.10 and 15.08 of the San José Municipal Code not modified by this Ordinance shall remain in full force and effect.

PASSED FOR PUBLICATION of title this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk