



ORDINANCE NO. 28415

1 AN ORDINANCE relating to the Department of Public Utilities and Environmental
2 Services Department; amending Chapter 12.01 of the Tacoma Municipal
3 Code by amending Section 12.01.030, "Invoicing and late payment fee," to
4 clarify the authority of the Director of Public Utilities and Director of
5 Environmental Services to grant waivers and adjust late fees and charges.

6 WHEREAS the City of Tacoma, Department of Public Utilities, Power
7 Division (d.b.a. "Tacoma Power") is recommending an amendment to
8 Chapter 12.01 of the Tacoma Municipal Code to clarify the authority of the
9 Director of Public Utilities and the Director of Environmental Services to grant
10 waivers and adjustments to late fees and charges, and

11 WHEREAS, pursuant to Tacoma City Charter Section 4.11, revisions to
12 Tacoma Power rates and regulations require approval by the Public Utility Board
13 and City Council, and

14 WHEREAS a public hearing was held on this matter by the Public Utility
15 Board ("Board") on February 8, 2017, and the Board approved the recommended
16 change at its regular meeting held on February 22, 2017, and

17 WHEREAS the recommended changes to TMC 12.01.030 is in the best
18 interest of the citizens of Tacoma and the customers of Tacoma Power; Now,
19 Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 12.01 of the Tacoma Municipal Code is hereby amended by amending Section 12.01.030 thereof, as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

Acting City Attorney

Requested by Public Utility Board
Resolution No. U-10909



EXHIBIT "A"

**Chapter 12.01
UTILITY CHARGES**

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12.01.030 Invoicing and late payment fee.

A. Invoices for City utility services may be issued by mail and/or electronic means. Any invoice shall be deemed issued on the date it is deposited in the United States Post Office with postage paid and/or electronically made available by Customer Services for customer review, and such methods of issuance shall be evidence of receipt of the invoice by a customer.

B. A late payment fee will be assessed for delinquent utility account invoices(s) for City residential utility customers, the late payment fee will be assessed on each invoice that is not paid in full within 30 days from the date issued. For all other City utility customers the late payment fee will be assessed on each invoice that is not paid in full within 24 days from the date the invoice is issued. The late payment fee shall be as follows:

Utility Amount Balance	Late Payment Fee
\$0 - \$9.99	\$0
\$10.00 and over	1% of balance with a \$3.00 minimum

After the initial delinquency and failure to pay, the late payment fee shall compound on a monthly basis at the above-stated rate or 1 percent per month, whichever is more. The fee will be assessed on the past due balance, and each utility will receive the portion assessed for its past due balance.

The late payment fee will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

~~C. The Director of Utilities is authorized to waive the late payment charges under the following circumstances:~~

- ~~1. Residential utility customer who (1) qualifies as low income, (2) receives supplemental security income, or (3) is disabled and receives federal or state funds pursuant to the criteria set forth in TMC Section 12.06.165; or~~
- ~~2. If the customer is a public agency or Indian Tribe that, due to governmental or similar processing delays, has substantial difficulty in paying accounts within 30 days.~~

C. Notwithstanding TMC 1.06.226, and except as otherwise provided in this Code or applicable state law, utility service charges or fees due and owing the City may be waived or adjusted by the Director of Utilities, or by the Director of Environmental Services Department as the case may be, or their respective designees by express delegation. Such waiver or adjustment authority may only be exercised under the following circumstances:

- 1. Amounts billed to an eligible residential utility customer, pursuant to TMC 12.06.165, 12.08.360, 12.09.090 and/or 12.10.400 who (1) qualifies as low income, (2) receives supplemental security income, or (3) is disabled and receives federal or state funds;
- 2. Late payment fees billed to a customer that is a public agency or Indian Tribe and that, due to governmental or similar processing delays, has substantial difficulty in paying accounts within 30 days;
- 3. Amounts billed in error or in cases where written evidence has been presented demonstrating such irregularity that waiver or reasonable adjustment is necessary to avoid substantial injustice to the Customer;
or
- 4. Pursuant to written procedures promulgated by the Director of Finance and approved by the Director of Utility and the Director of Environmental Services Department.

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