



ORDINANCE NO. 28440

1 AN ORDINANCE relating to the Department of Public Utilities; amending
2 Chapter 12.01 of the Tacoma Municipal Code, relating to Utility Charges, by
3 adding a new section, to be known and designated as Section 12.01.050
4 entitled "Waiver of utility connection and inspection charges during declared
5 emergency" to waive power and water utility connection and inspection fees
6 for cities in Tacoma Power and Tacoma Water service territories during the
7 current declared state of emergency, relating to the conditions of homeless
8 encampments located in the City, and sunset on October 9, 2017; and
9 declaring an emergency, making necessary the passage of this ordinance
10 and it becoming effective immediately.

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

15 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
16 declaring a state of public health emergency relating to the conditions of homeless
17 encampments located in the City effective through October 9, 2017 ("current
18 declared state of emergency"), and

19 WHEREAS the City Council concluded therein that the ongoing suffering of
20 individuals, families, and unaccompanied youth occupying homeless encampments,
21 and the threat to the public health and safety, will continue in the absence of the
22 immediate implementation of interim measures designed to meet the survival and
23 safety needs of those persons, such as the provision of hygiene facilities, trash
24 collection, sanitary facilities, temporary shelters, outreach and gateway services,
25 safe and stable shelter, potable drinking water, solid waste disposal, and human
26 waste disposal, and



1 WHEREAS the City Manager has presented a three-phase Emergency
2 Temporary Aid and Shelter Program to respond to the homeless crisis and
3 emergent conditions endangering the public health, safety and welfare: mitigation
4 of the conditions in homeless encampments in phase one; provision of emergency
5 shelter and transition services in phase two; and provision of long-term housing in
6 phase three, and

7 WHEREAS the second phase will include the City's establishment of
8 temporary emergency shelter sites on public property, or private property made
9 available by the owners to the City, to be managed and operated by the City, and
10

11 WHEREAS such temporary emergency shelter sites provide necessary
12 community services in response to the declared public health emergency, and

13 WHEREAS the Washington State Constitution Article VIII, section 7,
14 authorizes the use of city funds, including the funds of its municipal utilities, to
15 provide necessary support for the poor and infirm, and specifically, RCW 35.92.380
16 authorizes the waiver connection fees, hook-up fees, or other charges for
17 low-income persons to use the city's utility services (including, but not limited to,
18 water, power, sanitary or storm sewer), and
19

20 WHEREAS the City Council believes it is in the best interests of utility rate
21 payers and the community at large to provide for utility services for the poor and
22 infirm during the current declared state of emergency for the Department of
23 Utilities by waiving connection and inspection fees for cities in Tacoma Power and
24 Tacoma Water service territories establishing facilities for the sheltering of low-
25 income and/or infirm persons during the current declared state of emergency, and
26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WHEREAS Section 4.11 of the Tacoma City Charter requires all matters related to the fixing of rates and charges for utility services to be initiated by the Board and approved by the Tacoma City Council, and

WHEREAS, by adoption of Public Utility Board Resolution No. U-10942 on July 12, 2017, the proposed temporary waiver of connection and inspection fees for cities in Tacoma Power and Tacoma Water service territories establishing facilities for the sheltering of low-income and/or infirm persons during the current declared state of emergency through October 9, 2017, was approved, pending confirmation from the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 12.01 of the Tacoma Municipal Code, relating to Utility Charges, is hereby amended as set forth in the attached Exhibit "A."

Section 2. That, due to the existence of a previously declared public emergency, as declared in Ordinance No. 28430, this ordinance is effective upon passage by an affirmative vote of at least six members of the City Council.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

Requested by Public Utility Board
Resolution No. U-10942



EXHIBIT "A"

**Chapter 12.01
UTILITY CHARGES**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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 October 9, 2017.