

**NOTICE OF LA MARQUE
CITY COUNCIL
SPECIAL MEETING
BY TELEPHONE CONFERENCE**

In accordance with order of the Office of the Governor issued March 16, 2020, the La Marque City Council will conduct a Special Meeting on **Monday, October 19, 2020 beginning at 6:00 PM by telephone and video conference** in order to advance the public health goal of limiting face-to-face meetings to slow the spread of the Coronavirus/COVID-19. This Notice, the meeting agenda, and the agenda packet can be found online at:

<https://ci.la-marque.tx.us/AgendaCenter>

THERE WILL BE NO PUBLIC ACCESS TO CITY HALL DURING THE MEETING.

The public will be permitted to offer public comments telephonically as provided below and as permitted by the Mayor during the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

THE PUBLIC TOLL-FREE DIAL-IN NUMBER TO PARTICIPATE IN THE MEETING IS:

1 (346) 248-7799

ONCE YOU ARE CONNECTED, YOU MUST ENTER THE FOLLOWING:

Meeting ID: 92493940502

Press *6 to mute or unmute your phone line. You may also connect to the meeting on your smartphone, tablet or computer by going to the following internet address:

<https://zoom.us/j/92493940502>

Once you are on the website, you may need to enter the following:

Meeting ID: 924 9394 0502

If you require accommodation to participate in this meeting, contact the City Clerk at 409-938-9259 or cityclerk@cityoflamarque.org at least 48 hours prior to the meeting start time.



**1111 Bayou Road
La Marque, Texas
409-938-9202**

Mayor Bobby Hocking

Mayor Pro-Tem Keith Bell- District A

Councilmember Chris Lane- District B

Councilmember Robert Michetich- District C

Councilwoman Casey McAuliffe- District D

**CITY OF LA MARQUE
CITY COUNCIL
SPECIAL MEETING
of
OCTOBER 19, 2020**

Notice is hereby given that the City Council of the City of La Marque, Texas will conduct a Special Meeting via teleconference (ZOOM) on **Monday, October 19, 2020, beginning at 6:00 p.m.**, purpose of considering the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) NEW BUSINESS

a. Discussion/possible action regarding adoption of Ordinance No. **O-2020-0017**, temporarily amending Chapter 68, "Water and Sewers," Section 68-76, "Nonpayment of Charges," of the City Code of Ordinances and adopting a temporary late fee waiver policy due to the COVID-19 public health emergency - City Manager C. Jackson

(4) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on or before October 16, 2020, before 5:30 p.m.

Robin Eldridge, TRMC
City Clerk

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This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Clerk's office at 409-938-9259, or Fax 409-935-0401, or e-mail cityclerk@cityoflamarque.org for further information.
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CITY COUNCIL AGENDA FORM

Meeting Date: October 19, 2020

Prepared by: Charlene Warren

Agenda item: 3a

Reviewed by: Charlene Warren

Charles Jackson

Department: Administration

AGENDA ITEM DESCRIPTION: Discussion/possible action regarding adoption of Ordinance No. O-2020-0017, temporarily amending Chapter 68, "Water and Sewers," Section 68-76, "Nonpayment of Charges," of the City Code of Ordinances and adopting a temporary late fee waiver policy due to the COVID-19 public health emergency

X

ATTACHMENTS FOR REFERENCE

1. Ordinance
2. Utility Late Fee FAQ

STAFF BRIEFING:

- At the September 14, 2020 Council meeting, Council requested an agenda item to discuss the assessment of late fees during the COVID-19 pandemic
- Staff presented options for consideration
- At the October 12, 2020 Council meeting, City Council requested that an ordinance be prepared for the temporary waiver of late fees for water/sewer charges

HISTORY: N/A

TARGET IMPLEMENTATION: October 19, 2020

SIGNIFICANT ACTION DATES:

October 12, 2020 - City Council requested that an ordinance be prepared for the temporary waiver of late fees for water/sewer charges

ACTION:

- | | |
|--|---|
| ☐ Ordinance | ☐ Resolution |
| ☐ Special Presentation | ☐ Proclamation |
| ☐ Finance Report | ☐ Public Hearing |
| ☐ Other | |
| ☒ Mark if this item does not conflict with any Resolution, Ordinance or City Charter, policies, procedures | |

Cost Details:

Budgeted	
Actual Bid	
Estimated Expenditure	
Acct. Name(s)	
Line Item #	
Other Funding	



CITY COUNCIL AGENDA FORM

STAFF'S RECOMMENDATION: Motion to adopt Ordinance No. **O-2020-0017**, temporarily amending Chapter 68, "Water and Sewers," Section 68-76, "Nonpayment of Charges," of the City Code of Ordinances and adopting a temporary late fee waiver policy due to the COVID-19 public health emergency

FISCAL IMPACT: Fiscal impact will be determined by Council's action, if any

ORDINANCE NO. O-2020-0017

AN ORDINANCE OF THE CITY COUNCIL OF LA MARQUE, TEXAS TEMPORARILY AMENDING CHAPTER 68, "WATER AND SEWERS," SECTION 68-76, "NONPAYMENT OF CHARGES," OF THE CITY CODE OF ORDINANCES AND ADOPTING A TEMPORARY LATE FEE WAIVER POLICY DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of La Marque Code of Ordinances ("City Code" Section 68-76 proscribes a late fee on water and sewer payments of ten percent; and

WHEREAS, the President of the United States, Governor of the State of Texas, and Mayor and Council of the City of La Marque have all declared disasters or made similar declarations due to the COVID-19 public health emergency beginning in March 2020 and continuing in some manner through the present; and

WHEREAS, the City Council finds it to be in the best interests of the City to temporarily lower, and in certain cases waive, late fees for water and sewer charges in light of the current public health emergency and its economic impact on City residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

Section 1. Temporary Late Fee Amendment. That, notwithstanding any provision of the City of La Marque Code of Ordinances ("City Code") to the contrary, the late fee for past-due water and sewer payments proscribed by Section 68-76 of the City Code is hereby temporarily reduced from ten percent to seven percent for such late fees assessed on billing cycles starting after October 21, 2020 and ending before January 22, 2021.

Section 2. Temporary Late Fee Waiver Policy. Further, notwithstanding any provision of City Code to the contrary, the late fee for past-due water and sewer payments proscribed by Section 68-76 of the City Code is hereby temporarily waived for payments made between October 21, 2020 and January 22, 2021 for those account holders that provide proof at the time of water and/or sewer payment of at least three months' worth of unemployment benefits receipt from Texas Workforce Commission for months beginning after March 31, 2020, whether or not such months were consecutive.

Section 3. Repeal. This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code provision, except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

Section 4. Severability. In the event any clause, phrase, provision, sentence) or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same

notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Emergency Effective Date. This Ordinance is declared to meet emergency conditions, as provided in Section 2.23 of the La Marque City Charter and, as such, is hereby passed by the City Council on first and only reading. Also, in accordance with Section 2.23 of the La Marque City Charter, this Ordinance so passed shall be final; provided, however, in accordance with City Charter in no event shall this Ordinance remain in place for a period exceeding six months.

PASSED, APPROVED, AND ADOPTED on FIRST and FINAL READING by the City Council of the City of La Marque this ____ day of _____, 2020.

CITY OF LA MARQUE, TEXAS

Bobby Hocking, Mayor

ATTEST:

Robin Eldridge, TRMC, City Clerk

APPROVED AS TO FORM:

Derra Leigh Purnell, City Attorney

Water/Sewer Utility Late Fee COVID-19 Reduction/Waiver Policy

Frequently Asked Questions

Is the City of La Marque doing anything to reduce late fees on City water and sewer bills? Yes, the City Council has temporarily reduced late fees from 10% to 7% of the past due amount for all City of La Marque residential customers.

How long does the reduced fee last? The fee reduction applies to billing cycles starting after October 21, 2020 and ending before January 22, 2021.

I already owe some late fees for bills I received in the mail; will these late fees be lowered? No, fees applicable to billing cycles ending before October 22nd are the same, unless you qualify for a fee waiver. The fee reduction applies only to newly assessed late fees.

How do I qualify for a late fee waiver? The City Council waived late fees on past-due water and sewer accounts for people that received unemployment benefits for at least three months after March 31, 2020. To qualify for this waiver, you must:

- 1) Make a payment on your La Marque water or sewer account between October 21, 2020 and January 22, 2021; and
- 2) Give the Utility Billing Department proof of 3 months of unemployment benefits when you make your payment.

What counts as proof of unemployment benefits? Documentation from the Texas Workforce Commission showing your name, address and a benefit amount that is not zero - this can be in the form of a benefits verification letter, a benefits determination letter showing you are eligible for some benefits, copies of checks from Texas Workforce Commission, or similar documents from the Texas Workforce Commission.

What if I applied for unemployment benefits, but have not heard back yet? You are not eligible for the late fee waiver, but you may still receive the fee reduction if it applies to your late fee situation.

What if I received only partial unemployment benefits because I have a job that is lower paying than my previous job? You may qualify for the late fee waiver if you received any unemployment benefits for at least three months, even if you received only a partial benefit.

What if I received unemployment benefits for three different months? For example, I was unemployed in April, had a job for May and June, then got laid off for July and August? You may still qualify for the late fee waiver, even if your unemployment benefits are for non-consecutive months.

What if I was unemployed but did not receive any benefits? You are not eligible for the late fee waiver if you did not receive any unemployment benefits, but you may still receive the fee reduction if it applies to your late fee situation.

What If I received unemployment benefits and I live in the house, but I am not on the utility account? You may qualify for the late fee waiver if the address on your unemployment benefits documentation matches the address of the utility account.

What if I am unemployed, but I am not able to make a payment before January 22, 2021? You are not eligible for the late fee waiver, but you may still receive the fee reduction if it applies to your late fee situation.