

RESOLUTION NO. 20 - 79
WAIVER OF CERTAIN UTILITY LATE FEES IN CONNECTION
WITH THE COVID-19 EMERGENCY

WHEREAS, in response to the emergence of a novel coronavirus and the respiratory disease it causes (“COVID-19”), the World Health Organization (WHO) has officially characterized COVID-19 as a pandemic that constitutes a Public Health Emergency of International Concern; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and accordingly the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52 declaring a State of Emergency for the state of Florida in furtherance of efforts to respond to and mitigate the effects of COVID-19 throughout the state, and most recently extended this State of Emergency in Executive Order Number 20-166; and

WHEREAS, since that time, the Governor has found it necessary and appropriate to issue additional Executive Orders to slow the spread of COVID-19, and has modified existing restrictions to implement a phased re-opening process, and has provided parameters for the conduct of permitted business operations, directed compliance with health and safety practices as established by the Centers for Disease Control and Prevention (CDC), and elaborated other restrictions and modifications to previous orders; and

WHEREAS, in order to fully and effectively respond to the developing threats posed by the novel coronavirus and its associated disease (COVID-19), and in coordination with ongoing emergency actions by the state and federal governments, the Pinellas County Board of County Commissioners (Board) passed Resolution 20-16 declaring a state of local emergency in Pinellas County (Resolution), and subsequently extensions and orders have been issued continuing the state of local emergency based on ongoing threats and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, in response to the COVID-19 pandemic, the Pinellas County Utilities (PCU) Department suspended normal protocols for nonpayment of bills, including water service shutoffs, in order to ensure customers had access to clean water in the interest of public health; and

WHEREAS, specifically, PCU, following the guidance from the American Water Works Association to ensure all customers had clean, safe water at their homes during the COVID -19 pandemic, stopped assessing and collecting delinquency fees on March 15, 2020 (Late Fees); and

WHEREAS, since that time until August 1, 2020, affected accounts accumulated Late Fees that remain outstanding; and

WHEREAS, in order to balance the need to collect fees for use in accordance with established rates with the impacts of the COVID-19 emergency and the impact that emergency as well as the modified billing procedures have had on customers, the Board finds it appropriate to waive certain Late Fees as specified herein;

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the Board of County Commissioners of Pinellas County, Florida, this 10th day of September 2020:

- 1) That based on the facts and circumstances as outlined above, the Board waives the collection of Late Fees associated with PCU's modifications to their billing processes as part of the response to COVID-19, up to the total amount of \$ \$668,320.48.

Severability.

Any provision(s) within this Order that conflict(s) with any State or Federal law or constitutional provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Order.

Effective Date; Duration.

This Order is effective immediately upon filing with the Clerk of the Circuit Court which will happen at the close of this meeting.

This Order is in addition to the Executive Orders issued by Governor DeSantis.

This Order applies to incorporated and unincorporated areas within Pinellas County, but has no application outside of Pinellas County.

This order and prior resolutions and emergency orders remain in force and effect unless modified or superseded.

Commissioner Welch offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Long , and upon roll call the vote was:

AYES: Gerard, Eggers, Justice, Long, Peters, Seel, and Welch.

NAYS: None.

ABSENT AND NOT VOTING: None.

APPROVED AS TO FORM

By: 
Office of the County Attorney