



SPECIAL MEETING AGENDA
SPRINGVILLE CITY COUNCIL MEETING
APRIL 01, 2020 AT 7:00 P.M.
ELECTRONIC MEETING

NOTICE OF ALL-ELECTRONIC MEETING to minimize the potential spread of COVID-19, and as authorized by Utah Governor Gary Herbert's March 18, 2020 Executive Order #2020-05, the Springville City Council will conduct an all-electronic Special Council Meeting beginning at 7:00 p.m. on Wednesday, April 1, 2020. There will be no public access to the Springville City Council chambers. Those desiring to join the meeting must do so electronically.

To participate by computer, tablet or smartphone click the link below.

<https://zoom.us/j/548888020>

If you are unable to participate online, you can listen to the meeting over the phone. Instructions can be found at [Virtual Meeting Instructions](#)

CALL TO ORDER

1. Consideration of an Ordinance to amend Springville City Code Section 2-4-102 concerning Electronic Meetings - John Penrod, Assistant City Administrator/City Attorney
2. Consideration of a Resolution concerning the handling of utility accounts during the Nationally declared emergency - Bruce Riddle, Assistant City Administrator/Finance Director
3. Discussion of policy matters related to city operations during the pandemic

ADJOURNMENT

CERTIFICATE OF POSTING - THIS AGENDA IS SUBJECT TO CHANGE WITH A MINIMUM OF 24-HOURS NOTICE- POSTED 03/31/2020

In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Recorder at (801) 489-2700 at least three business days prior to the meeting.

Meetings of the Springville City Council may be conducted by electronic means pursuant to Utah Code Annotated Section 52-4-207. In such circumstances, contact will be established and maintained by telephone or other electronic means and the meeting will be conducted pursuant to Springville City Municipal Code 2-4-102(4) regarding electronic meetings. s/s - Kim Crane, CMC, City Recorder





STAFF REPORT

DATE: March 31, 2020

TO: Honorable Mayor and City Council

FROM: John Penrod, City Attorney
Cari Thomsen, Paralegal

SUBJECT: CONSIDERATION OF AN ORDINANCE REGARDING ELECTRONIC MEETINGS.

RECOMMENDED MOTIONS

Motion to approve Ordinance No. ____ that amends the City's electronic meeting ordinance.

BACKGROUND

Several years ago, the City Council adopted an ordinance to allow the City Council to hold electronic meetings. At the time the ordinance was adopted, the City Council wanted the ability to join a meeting should Councilmembers not be able to physically attend the meeting. Accordingly, the City's current ordinance is only for the City Council and requires the City Council and is not flexible to meet changing needs.

State law requires that before an electronic meeting is held by a public body, the public body must adopt an ordinance, resolution or rule to hold electronic meetings. The proposed ordinance covers all public bodies of Springville City and provides flexibility as allowed by law to adjust electronic meetings to meet needed circumstances. The ordinance does the following:

- Removes all electronic meeting provisions from the City Council "meeting" section of the Code and establishes a chapter in the Code for electronic meetings.
- Defines "public body" broadly to include all Springville City public bodies.
- State law requires an anchor location for an electronic meeting where the public may observe the public portions of the meeting. The proposed ordinance names the Council chambers as the City Council's anchor location and allows other public bodies to determine their own anchor locations. Recently, the Governor through an executive order suspended the need to have an anchor location so

that people are not physically gathered in one location and social distancing is maintained.

- Instead of requiring an anchor location, the Governor’s order states that a public body must “provide a means by which interested persons and the public may remotely hear or observe, live, by audio or video transmission the open portions of the meeting.” The proposed ordinance allows the City to follow State orders, such as the Governor’s current order.
- Other provisions of the proposed ordinance are to comply with State law and allow public bodies to be as flexible as allowed by law in holding electronic meetings.

FISCAL IMPACT

None.

Attachments: Proposed Ordinance

Ordinance No. XX-2020

AN ORDINANCE AMENDING SPRINGVILLE'S ELECTRONIC MEETINGS ORDINANCE BY REMOVING ORDINANCE LANGUAGE FROM SECTION 2-4-102(4) OF THE SPRINGVILLE CITY MUNICIPAL CODE AND ESTABLISHING AN ELECTRONIC MEETINGS ORDINANCE THAT WORKS FOR ALL OF SPRINGVILLE'S PUBLIC BODIES.

WHEREAS, State law allows the City Council or other City public bodies to hold electronic meetings if the City has adopted a resolution, rule, or ordinance governing the use of electronic meetings; and

WHEREAS, the City adopted standards and procedures for City Council electronic meetings to be held under Ordinance #17-2016; and

WHEREAS, at the time the City adopted its electronic meetings ordinance, it did not contemplate a pandemic and the need for all Springville public bodies to hold electronic meetings; and

WHEREAS, the Governor has recently issued an Executive Order dated March 18, 2020 that amends some of the requirements for electronic meetings; and

WHEREAS, on April 1, 2020, in a public meeting, the Springville City Council found that this ordinance is in the interest of the health and welfare of its citizens and is appropriate and necessary to allow all public bodies to continue to hold electronic meetings when needed and to adjust such meetings to meet temporary State orders.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SPRINGVILLE, UTAH AS FOLLOWS:

SECTION 1. SECTION AMENDED: Section 2-4-102 of the Springville City Code is hereby amended to read and provide as follows:

Section 2-4-102 Meetings.

(1) The City Council shall hold regular meetings on the first and third Tuesday in each month; provided, that when any national, state, or local holiday or election occurs on any said first or third Tuesday, the regular meeting shall be held as scheduled, cancelled or rescheduled as directed by the Mayor. In no case shall any less than one (1) meeting per month be held in accordance with Section [10-3-502](#), Utah Code Annotated 1953. Said regular meeting shall be held at the City Offices, 50 South Main Street, Springville, Utah. The hour of said meeting shall be at 7:00 p.m.

(2) Other meetings of the City Council may be scheduled as directed by the Mayor for discussion or presentation purposes and may include, but are not limited to, work/study

meetings and retreats. These meetings must comply with the Open and Public Meetings Act, Title [52](#), Chapter [4](#), Utah Code Annotated 1953. However, the City Council shall make no final decision or any action on any matter in such aforesaid meeting.

(3) If at any time the business of the City requires a special or emergency meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the Council. The order shall be entered in the minutes of the Council. The order shall provide at least three (3) hours' notice of the special meeting, and notice thereof shall be served by the City Recorder on each member who did not sign the order by delivering the notice personally, verbally, or electronically. The personal appearance by a member of the governing body at any specially called meeting constitutes a waiver of the notice required in this section.

~~(4) Electronic Meetings. Meetings of the Springville City Council may be conducted by electronic means pursuant to Section [52-4-207](#), Utah Code Annotated 1953. In such meetings, contact will be established and maintained by electronic means.~~

~~(a) Definitions. The following terms are defined as follows for the purpose of this section:~~

~~“Anchor location” means the Council chambers located in the Springville City Civic Center, located at 110 South Main Street, Springville, Utah, where interested persons and the public may attend and monitor the open portions of the meeting.~~

~~“Electronic meeting” means a public meeting of the City Council convened and conducted by means of a telephonic conference device or other electronic means, allowing each member of the City Council to be in contact with the anchor location and participate concurrently with all other members of the City Council in the conduct of such meeting.~~

~~“Meeting administrator” means the City Recorder or another employee of the City specifically assigned and designated to operate the electronic meeting equipment at the anchor location to assure that all members of the City Council are continuously able to participate in the electronic meeting and to advise the party conducting the meeting of the initiation, recess, if appropriate, or adjournment of an electronic meeting.~~

~~(b) Notice of Electronic Meetings. The City Council may convene electronic meetings when necessary pursuant to specific public notice of an electronic~~

~~meeting by posting written notice of the electronic meeting at the anchor location and providing notice in accordance with Section [52-4-202](#), Utah Code Annotated 1953. Notice of the electronic meeting shall also be provided to each member of the City Council at least twenty-four (24) hours before the meeting, including a description of how members will be connected to the electronic meeting. The notice to members of the City Council shall indicate the process, including telephone numbers, access codes, Internet addresses, etc., in order to connect to the electronic meeting.~~

~~(c) Quorum Verification. Before an electronic meeting may be called to order, all members of the City Council shall be given an opportunity to participate in the meeting and no electronic meeting shall be convened unless the quorum of the City Council is able to participate either in person or electronically in the meeting.~~

~~(d) Public Attendance. Each electronic meeting shall be convened by the meeting administrator by announcing the parties present at the meeting and by making available to members of the public at the anchor location an amplified speaker enabling members of the public to hear the comments of City Council members and participate, if appropriate.~~

~~(e) Conduct of Meeting. Upon determining that a sufficient number of the City Council is present for the electronic meeting to be convened and members of the public can adequately hear the comments of all members of the City Council and participate, if appropriate, the Mayor or Mayor Pro Tem shall formally convene the meeting and take or cause a roll call of those participating. The Mayor or Mayor Pro Tem shall provide opportunity for each matter on the agenda to be presented and discussed in an order set forth in the agenda, as amended.~~

~~(f) Compliance with Law. In all other respects, electronic meetings shall be conducted and recorded, and minutes shall be kept, as required by law.~~

SECTION 2. SECTION ADOPTED: Title 2, Chapter 4A of the Springville City Municipal Code is hereby adopted to read and provide as follows:

Chapter 4A

Electronic Meetings

Section 2-4A-101 Purpose.

Meetings of the Springville City Council and all other Springville City public bodies may be conducted by electronic means pursuant to Section 52-4-207, Utah Code Annotated 1953. In such meetings, contact will be established and maintained by electronic means.

Section 2-4A-102 Definitions. The following terms are defined as follows for the purpose of this section:

“Anchor location” means the physical location from which (i) an electronic meeting originates, or (ii) the participants are connected. The anchor location is the space or facilities at which interested persons and the public may attend and monitor the open portions of the meeting and will meet the anchor location requirements in Section 52-4-207 of the Utah Code Annotated. The City Council’s anchor location shall be the Council chambers located in the Springville City Civic Center, located at 110 South Main Street, Springville, Utah. All other public bodies will have as their anchor location the physical place specified by public notice that meets State requirements for anchor locations. The City Council and all other public bodies may also use an anchor location, or have no anchor location, as allowed by State order, directive, law, rule or regulation.

“Electronic meeting” means a public meeting convened or conducted by means of a conference using electronic communications.

“Meeting administrator” means the City Recorder or another employee of the City specifically assigned and designated to operate the electronic meeting equipment at the anchor location to assure that all members of the public body are continuously able to participate in the electronic meeting and to advise the individual conducting the meeting of the initiation, recess, if appropriate, or adjournment of an electronic meeting.

“Public Body” means a Springville City public body that meets the definition of public body under Utah’s Open and Public Meetings Act (the “Act”). See Section 52-4-104(9) of the Utah Code Annotated. The different public bodies of Springville City include the City Council, the Planning Commission and all other boards, commissions, committees and groups that meets the definition of public body under the Act.

Section 2-4A-103 Electronic Meeting Requirements.

(1) Notice. Any public body may convene electronic meetings when necessary pursuant to specific public notice of an electronic meeting by posting written notice of the electronic meeting and providing notice in accordance with Section 52-4-202, Utah Code Annotated 1953. Notice of the electronic meeting shall also be provided to each member of the public body for which the meeting is being held at least twenty-four (24) hours before the meeting, including a description of how members will be connected to the electronic meeting. The notice to members of the public body shall indicate the process, including telephone numbers, access codes, Internet addresses, etc., in order to connect to the electronic meeting.

(2) Request for Electronic Meeting. In the event a member of a public body desires to join a scheduled meeting through electronic means, the member shall make such a request at least 24 hours prior to the scheduled meeting.

(3) Quorum Verification. Before an electronic meeting may be called to order, all members of the public body shall be given an opportunity to participate in the meeting and no electronic meeting shall be convened unless the quorum of the public body is able to participate either in person or electronically in the meeting.

(4) Public Attendance. Each electronic meeting shall be convened by the meeting administrator by announcing the parties present at the meeting enabling members of the public to hear the comments of City public body members and participate, if appropriate.

(5) Conduct of Meeting. Upon determining that a sufficient number of the City public body is present for the electronic meeting to be convened and members of the public can adequately hear the comments of all members of the public body and participate - if appropriate, the chairperson of a public body shall formally convene the meeting and take or cause a roll call of those participating. The chairperson shall provide opportunity for each matter on the agenda to be presented and discussed in an order set forth in the agenda, as amended.

(5) Compliance with Law. In all other respects, electronic meetings shall be conducted and recorded, and minutes shall be kept, as required by law. A public body may adjust any and all requirements for electronic meetings under this chapter based on temporary or amended State orders, directives, laws, rules or regulations.

SECTION 3. EFFECTIVE DATE: This ordinance shall become effective immediately upon passage and posting.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Springville City, Utah this ___ day of April, 2020.

END OF ORDINANCE

ADOPTED by the City Council of Springville, Utah, this ____ day of April, 2020.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder



STAFF REPORT

DATE: March 31, 2020
TO: Honorable Mayor and City Council
FROM: Bruce Riddle, Finance Director
SUBJECT: TEMPORARY UTILITY BILLING POLICY

RECOMMENDED MOTION

The Finance Department recommends adopting Resolution _____ amending certain policies and procedures related to utility billing during the COVID-19 pandemic as outlined in the attached policy.

SUMMARY OF ISSUES/FOCUS OF ACTION

The Springville City Code and certain policies of the City require utility service disconnection for non-payment by customers. During the current declared national emergency related to the COVID-19 pandemic, staff feels it prudent to consider temporary, alternative policies and procedures to assist customers in weathering financial hardships that may occur as a result of an economic downturn during the pandemic.

BACKGROUND

The Federal and Utah State governments have declared a state of emergency in response to the COVID-19 pandemic. Various federal and state orders, directives and recommendations have resulted in alteration to school schedules, closed businesses, other activities that affect the local economy and have resulted in increased unemployment claims. Investor owned utilities in the state as well as municipally owned utilities in neighboring communities have announced changes to policies and procedures during this crisis when an uptick in customer bill delinquencies is expected.

DISCUSSION

Attached to this report are two potential policies.

- Exhibit A is a policy that relaxes a few of the City's policies relating to fee waivers and payment extensions, but keeps intact the policy to disconnect customers for non-payment if they have not negotiated a payment arrangement.
- Exhibit B is a more lenient policy that would suspend late fees, penalties and shut-offs for the duration of the current pandemic emergency. Customers would

remain responsible for their utility bills, but late fees and penalties would be waived during the emergency period and no shut-offs would occur.

- Staff recommends adopting Exhibit A as the policy associated with the resolution.

ALTERNATIVES

The Council has the option of doing nothing and leaving the current policies intact with no alterations. The Council could also make changes to either of the two proposed policies to reflect a different policy direction from the Council.

FISCAL IMPACT

The fiscal impacts of the policy change are difficult to project with accuracy since the number of residential and commercial customers that might seek relieve is unknown. However, in a typical year, late fees of approximately \$10,000 per month and past-due balance penalties of approximately \$7,000 per month are generated. Thus, if these fees are waived, the City would forego approximately \$17,000 per month in fees and penalties.

Additionally, there is a risk of more bad debt as a result of relaxed payment extension policies. In a typical year, the bad debt associated with utilities is approximately \$40,000 (less than 0.2% of all utility revenue).

RESOLUTION #2020-XX

A RESOLUTION AMENDING CERTAIN POLICIES AND PROCEDURES RELATED TO UTILITY BILLING DURING THE COVID-19 PANDEMIC AS OUTLINED IN EXHIBIT ___.

WHEREAS, the World Health Organization has declared the coronavirus outbreak a pandemic; and,

WHEREAS, as a result of said pandemic, certain Springville City residents and business owners have suffered financial hardships; and,

WHEREAS, Springville City Council is aware of said hardships and is desirous of assisting said residents and business owners;

NOW, THEREFORE, be it resolved that the City Council of Springville, Utah authorizes the Mayor to amend utility billing policies and procedures as outlined in Exhibit ___:

PART I:

This resolution applies to residential and commercial customers.

PART II:

Any issues resulting from this resolution will be reviewed by the Finance Department's Treasury Division on a case-by-case basis and approved by the Mayor.

This resolution is effective upon approval and will remain in effect until discontinued in writing by the Mayor.

END OF RESOLUTION.

PASSED AND APPROVED this 1st day of April 2020.

Richard J. Child, Mayor

ATTEST:

Kim Crane, City Recorder

Exhibit A
COVID-19 Temporary Utility Payment Policy

Finance Department

Effective: April 2, 2020

Revised:

Purpose: The purpose of this temporary policy is to provide temporary changes to the utility bill payment and shut-off policy during the COVID-19 pandemic. Operational changes in terms of payment methods are intended to help prevent spread of the disease. Changes to the payment and shutoff policy are intended to provide temporary relief to customers experiencing financial hardship as a result of the COVID-19 pandemic. This policy will remain in effect during the COVID-19 state emergency declaration or until revoked by written order of the Mayor.

Policy:

1. Utility Billing

- a. Bill Calculation. Utility bill calculation, processing and mailing will continue as normal. Customers will remain responsible for utility consumption and charges for service accrued to their accounts.
- b. Payments. Utility bill charges remain due and payable by the due date on the billing statement. Customers are encouraged to use payment options other than face-to-face or cash payment at the Civic Center cashier windows. Online, phone and drop-box options exist with more information available on the City's website (<https://www.springville.org/utility-services/>).

2. Shutoffs and Late Payments.

- a. Shutoffs. Shutoffs will continue consistent with existing policy unless customers proactively contact the Treasury Department to make payment arrangements. The Treasury Department will be authorized to relax the payment extension policies in order to accommodate more customers. The Treasury Department will follow guidelines for payment extensions and payment arrangements as outlined in the attached flowchart.
- b. Late Fees. Until further notice, assessment of late fees on delinquent accounts will be suspended.
- c. Penalties. Effective April 2, 2020 and until further notice, assessment of the past due balance penalty of 1.5% will be suspended. Once the COVID-19 Temporary Utility Payment Policy is repealed, any and all past due account balances will again become subject to past due balance penalties.

3. Customer Assistance.

- a. Customer Responsibility. Customers remain responsible for utility charges that accrue to their accounts. Seeking relief from payment obligations and accessing other assistance programs is solely the responsibility of the customer.
- b. Payment Arrangements. The Treasury Department administers departmental policy regarding payment arrangements. The Treasury Division will be authorized to administer payment arrangements under the temporary guidelines attached herewith.
- c. Hardship Fund. The City maintains a Hardship Fund, which is administered by a committee according to City Ordinance. More information is available from the Treasury Division. This fund will continue to function normally.
- d. Other Resources. The Treasury Division maintains a list of resources available to utility customers struggling to pay their bill. Customers are encouraged to use these resources.

Utility Bill Payment Processing Cycle and Temporary Payment Arrangement Guidelines

Current Process	Proposed Temporary Adjustments
1 st Day of the month (A) a billing is created for services used during the previous month. Due by the 25 th of month (A).	
25 th bills due, a grace period begins between 26 th and end of month before late fees are generated.	
On the 1 st of month (B), penalties (1.5%) are generated on all balances that were not paid on the 25 th .	Suspend penalties until after pandemic beginning with the April billing cycle that will be calculated the first week of May.
10 days before the third Wednesday of the month shut off notices are sent out with a \$10.00 fee.	Suspend \$10.00 fee for shut off notice generation until after the pandemic.
Friday before shut off - everyone possible is notified by phone.	Add an additional Monday notification.
Tuesday before shut off - everyone possible is notified by phone.	
Through Tuesday 10-day extensions accepted with a promissory signature to pay the past due and current amount due.	Alter the payment arrangement to have the past due payable in 10 days, and the current month payable 10 days after that.
Third Wednesday in month (B) is the set date for shut offs for non-payment from the 25 th of month (A) this has a \$40.00 re-connect fee for the costs involved in electric and finance.	Allow customers that are shut off to be reconnected without payment if they sign the previously noted agreements.
Around the 27 th to 29 th the extensions are due. At this point customer owes past due from month (A) and now the past due amount from month (B) and month (C) is being created.	Currently customers may only have one payment arrangement every six months. Under the temporary policy, a payment arrangement will be allowed every month during the pandemic as long as the previous arrangement was honored.

Exhibit B
COVID-19 Temporary Utility Payment Policy

Finance Department

Effective: April 2, 2020

Revised:

Purpose: The purpose of this temporary policy is to provide temporary changes to the utility bill payment and shut-off policy during the COVID-19 pandemic. Operational changes in terms of payment methods are intended to help prevent spread of the disease. Changes to the payment and shutoff policy are intended to provide temporary relief to customers experiencing financial hardship as a result of the COVID-19 pandemic. This policy will remain in effect during the COVID-19 state emergency declaration or until revoked by written order of the Mayor.

Policy:

4. Utility Billing

- a. Bill Calculation. Utility bill calculation, processing and mailing will continue as normal. Customers will remain responsible for utility consumption and charges for service accrued to their accounts.
- b. Payments. Utility bill charges remain due and payable by the due date on the billing statement. Customers are encouraged to use payment options other than face-to-face or cash payment at the Civic Center cashier windows. Online, phone and drop-box options exist with more information available on the City's website (<https://www.springville.org/utility-services/>).

5. Shutoffs and Late Payments.

- a. Shutoffs. Until further notice, disconnection of utility services for non-payment will be suspended.
- b. Late Fees. Until further notice, assessment of late fees on delinquent accounts will be suspended.
- c. Penalties. Effective April 2, 2020 and until further notice, assessment of the past due balance penalty of 1.5% will be suspended. Once the COVID-19 Temporary Utility Payment Policy is repealed, any and all past due account balances will again become subject to past due balance penalties.

6. Customer Assistance.

- a. Customer Responsibility. Customers remain responsible for utility charges that accrue to their accounts. Seeking relief from payment

obligations and accessing other assistance programs is solely the responsibility of the customer.

- b. Payment Arrangements. The Treasury Department administers departmental policy regarding payment arrangements. The Treasury Division will be authorized to administer payment arrangements under the temporary guidelines attached herewith.
- c. Hardship Fund. The City maintains a Hardship Fund, which is administered by a committee according to City Ordinance. More information is available from the Treasury Division. This fund will continue to function normally.
- d. Other Resources. The Treasury Division maintains a list of resources available to utility customers struggling to pay their bill. Customers are encouraged to use these resources.

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