

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA,
CALIFORNIA SUSPENDING COLLECTION OF THE LIGHT AND POWER SURTAX
DESCRIBED IN PASADENA MUNICIPAL CODE CHAPTER 4.24 FOR A PERIOD
EQUAL TO SIX MONTHLY OR THREE BI-MONTHLY UTILITY BILLING CYCLES,
AND PROVIDING FOR CUSTOMER REBATES**

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19; and+

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19; and

WHEREAS, on March 4, Pasadena Public Health Officer Dr. Ying-Ying Goh declared a local public health emergency as a result of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of COVID-19; and

WHEREAS, on March 19, 2020, Governor Newsom signed Executive Order N-33-20, limiting public and private gatherings and closing certain non-essential businesses; and

WHEREAS, on March 22, 2020, the Pasadena Public Health Officer adopted a revised Order incorporating Executive Order N-33-20 by reference and ordering certain infection control precautions for essential businesses allowed to operate; and

WHEREAS, the City collects surtax from residents on every light and power bill under Pasadena Municipal Code Chapter 4.24 (“light and power surtax”), which is used to fund undergrounding of utility lines and related improvements; and

WHEREAS, the mandated closure of non-essential business, limitations on essential businesses, and restrictions on public and private gatherings have caused substantial economic hardships for many Pasadena, California residents; and

WHEREAS, the City understands undergrounding utility lines is an essential City function, but that it is necessary in this state of emergency to prioritize the economic health of the City and its residents by rebating surtax collected on light and power bills to current and former customers; and

WHEREAS, Government Code section 8634 states, “During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice”; and

WHEREAS, the actions taken in this Resolution are necessary to alleviate the economic hardships Pasadena Water and Power customers are facing as a result of COVID-19 and the actions taken to limit its spread.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena as follows:

1. The Recitals above are true and correct and are fully incorporated herein by reference.
2. Collection of the light and power surtax is hereby temporarily suspended for six months commencing April 13, 2020, or as soon as practicable thereafter, in order to reduce the economic burden on the City’s ratepayers and taxpayers and to accelerate the drawdown of the Underground Surtax fund balance while funding all anticipated, duly approved eligible capital projects.
3. The City Manager is directed to provide a direct rebate of all light and power surtax paid by each current Pasadena Water and Power customer during 24 months prior to the adoption of this Resolution; actual dates used for such rebate shall be April 1, 2018 through March 31, 2020.
4. The City Manager is further directed to establish and give public notice of a written procedure by which former Pasadena Water and Power customers may submit written claims to request refund of all light and power surtax paid during the 24 months immediately preceding adoption of this Resolution. The City Finance Department shall accept such claims for six months immediately following public notice of the written claiming procedure.
5. The Finance Director shall draw from the light and power surtax fund to cover expenses directly related to the administering of the rebates pursuant to this Resolution.
6. If any provision of this Resolution or the application thereof to any person or circumstance is held to be invalid, the remainder of the Resolution, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Resolution are severable.

Adopted at a special meeting of the City Council of the City of Pasadena this ____ day of April 2020, by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mark Jomsky, City Clerk

Approved as to form:



Lisa Hosey, Assistant City Attorney