

City of Norcross

*65 Lawrenceville Street
Norcross, GA 30071*



Meeting Agenda

Monday, April 20, 2020

6:30 PM

Teleconference

Copy and paste the link below to join the meeting

<https://zoom.us/j/95565678633>

Special Called Meeting

Mayor Craig Newton

Mayor Pro Tem Josh Bare

Councilmember Andrew Hixson

Councilmember Elaine Puckett

Councilmember Matt Myers

Councilmember Bruce Gaynor

- A. **Call to Order by Craig Newton**
PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES
- B. **Roll Call (recorded)**
- PH. **Public Hearings**
- D. **Items for Discussion**
 - 1. [20-5694](#) **Amendment to Emergency Ordinance Deferring Payment of Electrical Service**
Amendment to Emergency Ordinance deferring payment of Electrical Service effective April 20, 2020

[ORD XX-2020 Amendment to Emergency Ordinance deferring payment of Electrical Service](#)
- E. **Adjourn to Executive Session Legal Personnel, and Real Estate**
- F. **Signed by _____ Mayor Craig Newton**
- G. **Attest _____ Monique Lang, City Clerk**



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#: 20-5694 **Version:**

Type: Agenda Item **Status:** Agenda Ready

File Created: 4/17/2020 **In Control:** Special Called Meeting

On Agenda: 4/20/2020 6:30 PM **Status:** Reviewed

Title: Amendment to Emergency Ordinance Deferring Payment of Electrical Service

Sponsors:

Code Sections:

Attachments:

1. [ORD XX-2020 Amendment to Emergency Ordinance deferring payment of Electrical Service](#)

Title
Amendment to Emergency Ordinance Deferring Payment of Electrical Service

Drafter
Mayor Craig Newton

ORDINANCE NO. __-2020

**EMERGENCY ORDINANCE TO MEET A PUBLIC EMERGENCY AFFECTING LIFE,
HEALTH, PROPERTY AND PUBLIC PEACE PURSUANT TO
THE NORCROSS CITY CHARTER SEC. 2.24
BY AMENDING SEC. 43-1 SUBPARAGRAPH (12)
TO DEFER PAYMENT FOR ELECTRICAL SERVICE PROVIDED TO RESIDENTIAL
OR BUSINESS ADDRESSES WITHIN THE CITY LIMITS OF THE CITY OF
NORCROSS DUE TO FINANCIAL HARDSHIP**

WHEREAS, the Mayor and Council of the City of Norcross, Georgia is the duly elected governing authority for the City; and

WHEREAS, beginning in late 2019, the severe acute respiratory syndrome coronavirus 2, SARS-CoV-2, emerged causing a novel coronavirus disease, COVID-19, which has now become a worldwide pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) indicates that there is continued evidence of widespread community transmission in Georgia; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 updates show ever increasing numbers of confirmed cases of persons infected with the COVID-19 virus, an ever-increasing number of persons hospitalized after contracting COVID-19 and an ever-increasing number of deaths due to COVID-19; and

WHEREAS, one of the purposes of the Georgia Emergency Management Act of 1981 is to confer upon the Governor and the executive heads of the governing bodies of the political subdivisions of the state emergency powers; and

WHEREAS, pursuant to O.C.G.A. Section 38-3-28, the City is authorized to make, amend, and rescind orders, rules, and regulations as necessary for emergency purposes and to supplement carrying out the emergency management laws; and

WHEREAS, the Mayor and Council of the City of Norcross ("Mayor and Council") declared a state of local emergency on March 17, 2020; and

WHEREAS, the Mayor and Council passed its first Emergency Ordinance, Ord. No. 04-2020 on March 23, 2020, and its second Emergency Ordinance No. 06-2020 on March 30, 2020 pursuant to the Norcross City Charter Sec. 2.24; and

WHEREAS, the Governor of the State of Georgia issued executive Order no. 04.02.20.01 renewing the public health state of emergency and ordering certain temporary actions to protect the health, safety and welfare of all Georgians; and

WHEREAS, the Governor's Executive Order no. 04.02.20.01 further suspended the powers of counties and cities conveyed in titles 36 and 38, including those powers enumerated in Code Sections 36-5-22.1 and 36-35-3 to the extent of suspending enforcement of any local ordinance or order adopted or issued since March 1, 2020, which the stated purpose or effect or responding to a public health state of emergency, ordering residents to shelter-in-place, ordering a quarantine, or combatting the spread of coronavirus or COVID-19 that in any way conflicts, varies or differs from the terms of the Governor's executive Order No.04.02.20.01 and all subsequent executive orders modifying said executive order; and

WHEREAS, the Governor's Executive Order no. 04.08.20.02 further renewed the Public Health State of Emergency for an additional thirty (30) days; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross permits the Mayor and Council for the City of Norcross to convene on call of the mayor or three (3) councilmembers to meet a public emergency affecting life, health, property or public peace, and promptly adopt one (1) or more emergency ordinances, provided that but such ordinances do not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except as provided by law; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that such emergency ordinances shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that an emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) councilmembers shall be required for adoption; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that such an emergency ordinance shall become effective upon adoption or at such later time as it may specify; and

WHEREAS, Section 2.24 of the City Charter for the City of Norcross further provides that an emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

WHEREAS, on April 13, 2020 the Mayor and Council voted to amend Sec. 43-1, subparagraph (12) of Chapter 43 entitled "EMERGENCY ORDINANCES" of the Code of Ordinances for the City of Norcross, to prevent the termination of electrical service to any Norcross Power customer due to non-payment until May 15, 2020; and

WHEREAS, the Mayor and Council find that it is reasonable and appropriate to provide a mechanism for Norcross Power customers to request deferment of payment due to financial hardship for electrical service provided to any residential or business address within the City

Limits of the City of Norcross for the months of March, April, May, and June, 2020 to be repaid in six equal payments during the months of July through December, 2020; and

WHEREAS, the Mayor and Council further find that it is reasonable and appropriate to delegate authority to the City Manager to review the requests for deferment of payment due to financial hardship and to grant him the discretion to approve or deny each such request;

NOW THEREFORE, the Mayor and Council hereby further amend Sec. 43-1, subparagraph(12) of Chapter 43 entitled “EMERGENCY ORDINANCES” of the Code of Ordinances for the City of Norcross, to add provisions for the deferment of the payment of electrical utility bills, as is more particularly set forth below.

ENACTING CLAUSE. The Mayor and City Council of the City of Norcross, Georgia, hereby ordains that the adopted Code of Ordinances, is hereby amended as more particularly set forth below. It is the intention of the Mayor and City Council, and it is hereby ordained that the following provisions shall become and be made a part of the Code of the City of Norcross, and the Sections in the Code in the Ordinance be renumbered to accomplish that intention.

I. **Declaration.** A local state of emergency exists due to the Coronavirus Disease 2019 (COVID-19) pandemic as set forth in the Declaration of Local State of Emergency Dated March 17, 2020 of the City of Norcross, which is hereby incorporated into this Ordinance by reference as if fully set forth herein. The Georgia Governor’s Executive Order no. 04.08.20.02 further renewed the Public Health State of Emergency for the State of Georgia for an additional thirty (30) days, through May 13, 2020.

II. **Amendment.** Sec. 43-1, subparagraph (12) of Chapter 43 entitled “EMERGENCY ORDINANCES” of the Code of Ordinances for the City of Norcross is deleted in its entirety and the following substituted in lieu thereof, as follows:

“Sec. 43-1 – Restrictions on Certain Businesses and City Facilities for the Duration of the State of Local Emergency.

....

(12) Electrical Utility Bills.

- i. Norcross Power customers billed for electrical service provided to any business or residential address within the city limits of the City of Norcross that are currently suffering under a financial hardship, as defined below, such that they are unable to pay for electrical service as it comes due may apply to the City Manager for a Deferred Electrical Service Payment Plan (hereinafter referred to as the “Norcross DESP Plan”).
- ii. The Norcross DESP Plan will apply only to Norcross Power customers being billed for electric service provided to an address within the city limits

of the City of Norcross.

- iii. Norcross Power Customers may apply for the Norcross DESP Plan by submitting a statement of inability to pay and requesting the deferment of payment due to financial hardship (hereinafter the “SIP-DESP Form” attached hereto as Exhibit “A.”
- iv. “Financial Hardship” as used in this Emergency Code Sec. 43-1 (12) means that the Norcross Power customer cannot keep up with debt payments and bills such that the total amount owed each month for basic living expenses is greater than the customer’s monthly income from all sources due to a circumstance beyond the customer’s control. Financial Hardship can be due to involuntary unemployment or underemployment, excessive medical bills, providing support for a member of the customers immediate family (father, mother, grandparent, son, daughter, sibling, aunt or uncle) or other similar circumstances.
- v. The City Manager for the City of Norcross is hereby granted the discretion and authority to consider statements of inability to pay and requesting the deferment of payment due to Financial Hardship to approve or deny each such request on its merits.
- vi. The Norcross DESP Plan will defer the payment for electrical service provided by Norcross Power for the months of April, may and june of 2020, as follows:
 - 1. The deadline for payment of all electrical services provided by Norcross Power (including residential service, general service, industrial service and combination residential or commercial service) for the months of April, may and june of 2020 are hereby extended until June 30, 2020.
 - 2. Payment for such electrical service accruing for the months of March, April and May 2020 shall be deferred and become due and payable to the City in six (6) equal installments in the months of July through December 2020.
 - 3. Interest and penalties for late payment of such electrical service shall not begin to accrue until July 31, 2020.
 - 4. All electrical service bills accruing after June 30, 2020 shall become due and payable in the normal course after July 1, 2020.
 - 5. The principal amount of the electrical service bill is not waived.

- vii. SIP-DESP Forms for the Norcross DESP Plan must be received by the City Manager by no later than 5:00 p.m. on Friday, May 1, 2020. No SIP-DESP Form received after Friday May 1, 2020 will be considered or approved.
- viii. Norcross Power is hereby directed to refrain from taking any actions which would result in the termination of electrical service to any Norcross Power customer due to non-payment until May 15, 2020, Norcross Power customers shall remain responsible for the payment of the principal amount of their electrical bill.
- ix. This paragraph 43-1 (12) supersedes and replaces Sec. 43-1 (12), as previously amended on April 13, 2020, as of the effective date of this Ordinance. All ordinances or parts thereof in conflict with any provision or any section, subsection, paragraph, subdivision or clause of Sec. 43-1 (12) are suspended until December 31, 2020.
- x. The provisions of Sec. 43-1 (12) shall remain in effect until December 31, 2020, notwithstanding the repeal, expiration or termination of the Local State of Emergency.
- xi. This amendment to Sec. 43-1 (12) becomes effective immediately upon its adoption by the Mayor and Council of the City of Norcross as specified in Sec. 2.24 of the City Charter.
- xii. This amendment to Sec. 43-1 (12) may also be repealed by adoption of a repealing ordinance in the same manner specified in Sec. 2.24 of the City Charter for adoption of emergency ordinances.”

III. **Effective Date.** This Amendment to Sec. 43-1, subparagraph (12) of the Emergency Ordinance becomes effective immediately upon its adoption by the Mayor and Council of the City of Norcross as specified in Sec. 2.24 of the City Charter.

IV. **Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this Emergency Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this Emergency Ordinance.

V. **Repealer.** All ordinances or parts thereof which conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the ____ day of _____, 2020.

Craig Newton, Mayor

ATTEST:

Monique Lang, City Clerk

EXHIBIT “A”

STATEMENT OF INABILITY TO PAY AND REQUEST FOR DEFERRED ELECTRICAL SERVICE PAYMENT PLAN

STATEMENT OF INABILITY TO PAY AND REQUEST FOR DEFERRED ELECTRICAL SERVICE PAYMENT PLAN

Customer Name: _____

Address: _____

Phone: _____

Email: _____

Norcross Power Account No. _____

Service Address: _____

Please tell us why you are unable to pay your Norcross Power Bill as it becomes due:

Are there any unusual Financial Circumstances or Demands for Financial Resources? _____
If so, Please explain...

**UNDER PENALTY OF PERJURY, I HEREBY ACKNOWLEDGE THAT THE
INFORMATION GIVEN HEREIN IS TRUE AND CORRECT. I AUTHORIZE THE
CITY OF NORCROSS TO VERIFY ANY INFORMATION CONTAINED IN THIS
DOCUMENT FOR THE SOLE PURPOSE OF ASSESSING FINANCIAL HARDSHIP.**

Signature of Person Making Request

Date

Signature of Spouse/Other

Date