

RESOLUTION 617

A RESOLUTION OF THE CITY OF WHITE SULPHUR SPRINGS, MONTANA, ADOPTING A POLICY AUTHORIZING THE MAYOR TO NEGOTIATE REPAYMENT AGREEMENTS ON PAST DUE CITY ACCOUNTS, AND WAIVE LATE FEES ON CERTAIN AGREEMENTS.

WHEREAS, the City of White Sulphur Springs maintains accounts including but not limited to water and sewer services and garbage services, and monitors payment on these accounts and assesses late fees when such accounts are in arrears; and

WHEREAS, the accounts, when in arrears, are subject to the filing of a lien on property associated with the account, and additional late fees may be accrued and assessed through these lien filings; and

WHEREAS, the City occasionally receives requests from account holders and property holders to resolve past due accounts and release liens, and

WHEREAS, such requests generally involve a request to waive some part or all of the late fees assessed as part of a repayment schedule; and

WHEREAS, the City Council desires to allow the Mayor to negotiate these requests at the Mayor's discretion, and then present the repayment agreements for final approval in certain circumstances.

NOW THEREFORE, BE IT ORDAINED AND RESOLVED BY THE CITY OF WHITE SULPHUR SPRINGS, THE CITY ADOPTS THE FOLLOWING POLICY AUTHORIZING THE MAYOR TO NEGOTIATE LATE FEE WAIVERS AND REPAYMENT AGREEMENTS:

The City of White Sulphur Springs authorizes the Mayor to negotiate with those customers and others who desire to resolve past due accounts which have accrued a late fee with the goal of reducing past due accounts and lien filings. The Mayor shall be granted discretion in negotiation.

- 1) The Mayor is authorized to review the payment history, the amount of arrearage, the amount of late fees accrued, and to consider the payment abilities of the individual or entity requesting resolution of a past due account.
- 2) The Mayor is authorized to negotiate a re-payment schedule and may, in cases wherein the Mayor believes a waiver is warranted, waive some part or all of the accrued late fees in exchange for the re-payment of the past due account.
- 3) Repayment agreements shall be reduced to writing.
- 4) Such agreements shall be secured by sufficient collateral when the amount of the agreement is more than five hundred dollars (\$500.00) or has been the subject of a lien filing.
- 5) All agreements shall be executed after appearing on the Agenda and receiving consent as required by this policy.

While granted discretion, the Mayor:

- a. may not waive any of the legitimately accrued past due account total, other than the late fees, without the consent of the City Council.
- b. may seek advice and tentative consent from individual Council members when necessary between City Council meetings in order to timely negotiate with past due account holders.

Waivers:

- 1) The Mayor may waive up to 6 months' worth of late fees without the consent of the City Council. Such negotiated agreements shall be reported to the City Council during the Mayor's report each month.
- 2) The Mayor may present to the City Council any request for a waiver of less than 6 months' worth of late fees, when, in the Mayor's discretion, the nature of the request is believed to warrant City Council discussion.
- 3) The Mayor shall present any request for a waiver of greater than 6 months' worth of late fees on any account for approval by the City Council by placing it on the Agenda as a "consent" item.
 - a. Items on the Consent Agenda of any meeting may be pulled from this Agenda and considered on the regular Agenda of the same meeting if any Council member has a question or concern.
 - b. Consent Agenda items are not subject to discussion, but only a vote of consent.
- 4) Any repayment agreement placed on the Agenda for discussion may not be considered if the requestor or a representative of the requestor is not present for the discussion.
 - a. The matter may be continued one (1) time and then the requestor shall be required to re-negotiate the repayment.
 - b. The Clerk/Treasurer shall send a written notice to the requestor of the date/time of the meeting during which the agreement will be discussed.
- 5) Any item moved from the Consent Agenda to a discussion item when the requestor is not present may have the item considered unless the Council member moving the item has specific questions for the requestor.
 - a. If the item so moved in the absence of the requestor is denied, the requestor may request reconsideration on a future Agenda when the requestor is present.

In any negotiation where the account has been converted to a lien properly filed with the County Clerk and Recorder, the Mayor is authorized to withdraw the lien filing upon execution of a signed agreement for repayment which is properly secured by collateral, and may refile the lien in the Mayor's discretion, at any time after a payment is missed under the repayment agreement.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the 6th day of January, 2019.



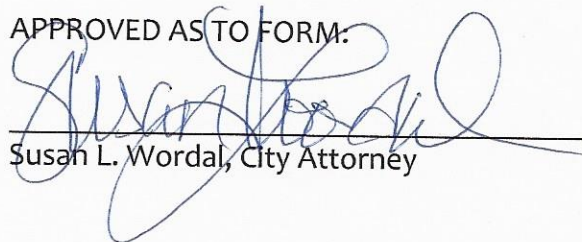
Rick Nelson, Mayor

ATTEST:



Michelle Stidham, City Clerk

APPROVED AS TO FORM:



Susan L. Wordal, City Attorney