

RESOLUTION NO. C-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH INCREASING THE AMOUNT OF THE ADMINISTRATIVE CHARGE ESTABLISHED TO COVER CITY COSTS INCURRED BECAUSE OF THE LATE PAYMENT OF UTILITY BILLS

The City Council of the City of Long Beach resolves as follows:

Section 1. There is hereby imposed an administrative charge for the late payment of utility bills issued by the City of Long Beach in the amount of 4% (four percent) of the total amount outstanding and unpaid on the bill at the time it is deemed to be late but in no event shall the administrative charge be less than \$4.00 (four dollars). This administrative charge shall be referred to herein as a "late payment charge" or "late charge." A monthly utility bill is deemed to be late and subject to a late charge if the customer's monthly payment is not received by the City and applied to the account on or before the date specified on the bill as the date the late charge shall apply. The late charge shall be imposed thereafter each month against the customer's total outstanding utility bill which remains late and unpaid, including all prior months unpaid late charges and taxes. If customer pays less than the full amount of outstanding charges on a utility bill, the payment shall be applied first to the least current charges remaining on the bill.

Sec. 2. The purpose of the late charge is to recover the costs to City of administering and processing late payments, the cost associated with the loss in the time value of money due to the late payment, and to encourage timely future payment to the City by charging the additional costs to City for customer's failure to remit or timely pay the City for utility services.

Sec. 3. This resolution shall take effect immediately upon its adoption by

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1 the City Council, and the City Clerk shall certify to the vote adopting this resolution.
2 However, it shall be operative only as to delinquent utility bills issued on or after
3 October 1, 2004.

4 Sec. 4. Resolution No. C-28251, adopted September 16, 2003, is hereby
5 replaced in its entirety and rescinded.

6 Sec. 5. Constitutionality, Severability. If any section, subsection,
7 sentence, clause or phrase of this Resolution is for any reason held to be invalid or
8 unconstitutional by the decision of any court of competent jurisdiction, such decision
9 shall not affect the validity of the remaining portions of the Resolution. The City Council
10 hereby declares that it would have passed this Resolution and each section, sub-
11 section, sentence, clause and phrase hereof, irrespective of the fact that any one or
12 more of the sections, sub-sections, sentences, clauses or phrases hereof be declared
13 invalid or unconstitutional. Additionally, the determination of an unconstitutional or
14 invalid section, subsection, clause or phrase shall have the effect of reviving the prior
15 section, subsection, sentence, clause, or phrase as previously set forth in Resolution
16 No. C-28251, if by doing so the defect can be cured, as though it had never been
17 amended by this Resolution.

18 I hereby certify that the foregoing resolution was adopted by the City
19 Council of the City of Long Beach at its meeting of _____, 2004, by the

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1 following vote:

2 Ayes: Councilmembers: _____

3 _____

4 _____

5 _____

6 Noes: Councilmembers: _____

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8 Absent: Councilmembers: _____

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City Clerk

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