**RESOLUTION NO. 22-897-18**

**A RESOLUTION OF THE CITY OF JOHN DAY AUTHORIZING CITY STAFF TO ISSUE WATER AND SEWER CREDITS TO JOHN DAY BUSINESSES IMPACTED BY THE COVID-19 PANDEMIC; AND RELATED MATTERS**

WHEREAS, the City Council (“Council”) of the City of John Day (“City”), an Oregon municipal corporation, desires to issue water and sewer credits as financial relief for John Day businesses impacted by the Covid-19 pandemic (collectively, the “Credits”); and

WHEREAS, City is the beneficiary of certain Covid-19 relief funds granted through the American Rescue Plan Act (“ARPA); and

WHEREAS, Council has statutory authority in the John Day Charter to exercise fully all its powers possible under this charter and under United States and Oregon law; and

WHEREAS, Title 7, Chapter 4 of the City Code, establishes Water Use Regulations that allow Council to establish a fee schedule and other water rates, charges, and fees related to water consumption from the water system by resolution; and

WHEREQAS, Title 7, Chapter 5 of the City Code, established Sewer Use Regulations that allow Council to establish a fee schedule and other sewer rates, charges, and fees related to use of the sewer system by resolution; and

WHEREAS, Council has established water rates through Resolution No. 21-853-01 and sewer rates through Resolution No. 21-854-02 (collectively, the “Rate Resolutions”); and

WHEREAS, Council sees fit to issue Credits to certain businesses based on rates established in the aforementioned resolutions;

NOW, THEREFORE, BE IT RESOLVED that City of John Day resolves as follows:

1. Findings. The above-stated findings contained in this Resolution No. 22-897-18 (this “Resolution”) are hereby adopted.

2. Issuance of Credits. The Council hereby authorizes and approves the City Manager, and/or his delegees, to issue credits to Water and Sewer customers who are licensed businesses within the John Day city limits. Credits shall be issued based on all of the following criteria:

1. Accounts must be verified to belong to a licensed business operating in John Day.
2. Business account owner shall provide City Manager with a certified statement of dates during the Covid-19 pandemic, from January 2020 through June 2022 inclusive, for which their business was closed to the public as a result of the pandemic.
3. City Manager shall issue Credits on a prorated basis for each day the business was closed, up to but not exceeding the monthly base rates, as established in the Rate Resolutions.

3. Reporting. The Council hereby directs the City Manager to prepare a report of the Credits issued within the management discussion and analysis section of the upcoming fiscal year 2022 audit.

4. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

ADOPTED by the City Council of City of John Day and signed by the mayor this 26th day of July, 2022.

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Ron Lundbom, Mayor

ATTEST:

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Corum Ketchum, Interim (Pro Tem) City Manager