

REQUESTED COMMISSION ACTION:

Consent
 Ordinance
 Resolution
 Consideration/ Discussion
 Presentation

SHORT TITLE
 An Ordinance amending Chapter 50, "Water," of the City of Pompano Beach Code of Ordinances by amending Section 50.06, "Billing," to provide the Finance Director with authority to issue refunds to water customers who were billed in error, with conditions; by amending chapter 51, "Water and Sewers," by amending Section 51.06, "Time and Method of Payment," to provide said authority for wastewater refunds also; Providing for severability; Providing an effective date.

Summary of Purpose and Why:

The purpose of this item is to provide authority for the Finance Director to provide for refunds to utility customers for water and wastewater charges found to have been billed in error. Please note that the current ordinance allows for "adjustments" to customer bills by the Finance Director, but does not specifically afford staff authority to process refund requests (City Commission action would be required in the past). Bond counsel has been consulted to ensure that processing of refunds could be excluded from net revenue coverage of annual debt service calculations governing bond covenants for outstanding water and sewer bonds, as refunds may be excluded as a non-recurring item (expense), as opposed to recurring operation and maintenance expenses for the system.

- (1) Origin of request for this action: Finance Department
- (2) Primary staff contact: Suzette Sibble, Finance Director Ext. 4680
- (3) Expiration of contract, if applicable: NA
- (4) Fiscal impact and source of funding: Fiscal impact will vary based on nature and potential amounts of refund requests. Refund requests have been minimal over the past 10 years.

COORDINATION	DATE	RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Finance	3/31/15	<u>Approval</u>	<u>S. Sibble</u>
City Attorney	3/31/15	<u>Approve</u>	<u>[Signature]</u>
Budget	3-31-15	<u>Approve</u>	<u>[Signature]</u>

City Manager [Signature] [Signature]

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration
Workshop		
1 st Reading <u>4/14/15</u>	1 st Reading _____	Results: _____
Approved		
2 nd Reading <u>4/28/15</u>	_____	_____
_____	_____	_____
_____	_____	_____



City Attorney's Communication #2015-786

March 31, 2015

TO: Suzette Sibble, Finance Director
FROM: Gordon B. Linn, City Attorney
RE: Amendment of Water & Sewer Ordinance to Allow for Refunds

As requested in your memorandum of March 30, 2015, Finance Department Memorandum 15-62, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE AMENDING CHAPTER 50, "WATER," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.06, "BILLING," TO PROVIDE THE FINANCE DIRECTOR WITH AUTHORITY TO ISSUE REFUNDS TO WATER CUSTOMERS WHO WERE BILLED IN ERROR, WITH CONDITIONS; BY AMENDING CHAPTER 51, "WATER AND SEWERS," BY AMENDING SECTION 51.06, "TIME AND METHOD OF PAYMENT," TO PROVIDE SAID AUTHORITY FOR WASTEWATER REFUNDS ALSO; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please carefully review the ordinance to ensure that it meets with your request.

GORDON B. LINN

/jrm
l:cor/finance/2015-786

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 50, "WATER," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.06, "BILLING," TO PROVIDE THE FINANCE DIRECTOR WITH AUTHORITY TO ISSUE REFUNDS TO WATER CUSTOMERS WHO WERE BILLED IN ERROR, WITH CONDITIONS; BY AMENDING CHAPTER 51, "WATER AND SEWERS," BY AMENDING SECTION 51.06, "TIME AND METHOD OF PAYMENT," TO PROVIDE SAID AUTHORITY FOR WASTEWATER REFUNDS ALSO; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of its proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission has been held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had the opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 50.06, "Billing," of Chapter 50, "Water," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 50.06 BILLING.

...

(D) The Finance Director or his or her designee shall have the authority to process customer refunds based on an error in the City's assessment of charges against a customer's account based upon consistently applied procedures adopted by the Finance Department. All refund requests must be presented in writing to the City from the customer.

~~(D)~~ E) Charges for potable water services and facilities, charges for reuse water, charges for wastewater services and facilities and charges for Stormwater Management fees shall be rendered to the utility customers served by the city utility on one bill provided that the charges shall be listed separately thereon and provided, further, that no customer may pay the charges for any service thereof without

simultaneously paying the charges for the others thereof. City will attempt to establish similar accommodations with other providers of water and wastewater service within the area described in § 53.04.

SECTION 2. That Section 51.06, "Time and Method of Payment," of Chapter 51, "Water and Sewer," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 51.06 TIME AND METHOD OF PAYMENT.

All statements for wastewater service shall be submitted monthly on the same statements as the charges for water service and shall be due and payable at the same time as the statement for water service. However, the charge for wastewater service shall be made a separate item, and nonpayment of the charge shall render the user and owner of the premises subject to the provisions and penalties provided for nonpayment of water bills as governed under §§ 50.07 and 50.08. All wastewater charges shall be assessed on the basis of rate type assessed for water service. Any and all provisions of Chapter 50 of this code relating to costs, payments, ~~and fees~~ and refunds shall be equally applicable to wastewater accounts.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective immediately upon passage.

PASSED FIRST READING this _____ day of _____, 2015.

PASSED SECOND READING this _____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

GBL/jrm
3/31/15
l:ord/ch50/2015-282