

Committee Members:

- Grant Russel, at-large – Committee Chair
- Joshua Palmer, Ward 7
- Randy Greeno, at-large

Staff:

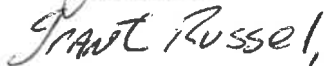
- Tammy Zsembik, Billing Supervisor
- Jason Phillips, Water Treatment & Distribution Superintendent
- Dave Beach, WPCO Superintendent
- Jeremy Kalb, City Engineer

Meeting Start Time: 5:04 pmMeeting End Time: 5:18 pm**Guests:**Rob MARTIN, SSD
Dan DiARMONT, Ward 4-elect

_____**Agenda:**Call to OrderRoll CallNew Items

sewer rules amendments via Ordinance No. 2023-134

Adjournment

Randy Greeno, Water & Sewer Committee Chair

COMMITTEE REPORT

THE CITY COUNCIL OF THE CITY OF FINDLAY, OHIO

The **WATER AND SEWER COMMITTEE** met on December 5, 2023 to discuss sewer rules amendments via Ordinance No. 2023-134.

We recommend

- further clarification to the language and drafting of an amended ORD 2023-134

Aye Nay

Grant Russel MODICA
Grant Russel, Chairman

LEGISLATION: _____

Aye Nay

Randy Greeno SECOND
Randy Greeno

DATED: December 5, 2023

Aye Nay

Josh Palmer
Josh Palmer

COMMITTEE:
WATER & SEWER

WATER AND SEWER COMMITTEE MEETING

REGULAR SESSION

DECEMBER 5, 2023

COUNCIL CHAMBERS

COMMITTEE MEMBERS PRESENT: Grant Russel, At-Large Committee Chair, Councilman Palmer, Ward 7, Councilman Greeno, At-Large
OTHERS PRESENT: Service-Safety Director Martin, City Engineer Kalb, Council-Elect DeArment, Ward 4

This WATER AND SEWER COMMITTEE meeting was called to order at 5:04pm on Tuesday, December 5, 2023.

Committee Chair Russel began the meeting by explaining that the streaming software was not working at the start of this meeting, so it was being voice-recorded instead of livestreamed and then will be transcribed into meeting minutes.

Tonight's meeting is to discuss Ordinance No. 2023-134. An email was sent out with the proposed language changes that Committee Chair Russel would like to have the Word version document become part of the minutes. He asked Service-Safety Director Martin to provide a copy of the Word document for this to be included with these minutes. He asked Councilman Palmer and Councilman Greeno if they have read the proposed changes. Both Councilman Palmer and Councilman Greeno verbally stated they have read them. Committee Chair Russel asked if there are any concerns with any of the proposed changes. Both Councilman Palmer and Councilman Greeno verbally stated that they have no concerns with the proposed changes to which Committee Chair Russel replied that he was of the same feeling, but thought there was some minor wordsmithing needed.

Committee Chair Russel said that the only changes he was looking at was in the last section where it says "Once a plan is approved, then penalties and fees are waived for the duration of the payment plan as long as the following stipulations are maintained during the term of the payment plan" there is a list of seven (7) bullet points with only two (2) of them being relevant of having to be maintained throughout the payment plan in order to satisfy the payment plan, which is to keep the bill current and make payments on a monthly basis. Everything else is about what went into the payment plan: 1) to keep the bill current and 2) make payments on a monthly basis. Everything else is about what went into the payment plan, who has liability, if the liability goes with the tenant or stays with the landlord, etc. It was stated that the payment plan has to be established at the City of Findlay Utility Billing Office, but that is not really a stipulation of something that needs to be maintained. Committee Chair Russel would like to clean that up and then he feels it is good to go.

Service-Safety Director Martin added that per his email with Committee Chair Russel, it was suggested to have the second (2nd) and sixth (6th) bullet points can be categorized as stipulations to the agreement leaving bullets 1, 3, 4, 5, and 7 as attributes, but that those terms (i.e. 'stipulations' & 'attributes') do not seem like proper words and would like to wordsmith them. Councilman Palmer suggested changing them to be criteria. Committee Chairman Russel noted that there are a bunch of items above it and that they could be bullet points: for residential customers with extraordinary situations; that someone being a tenant in which there has to be a landlord signature; that these plans are not to be used with regular delinquent shut off notices; that they are limited to one-time per customer unless in extreme situations; a payment plan must be established in-person at the Utility Billing Office which is a bullet point. The payment plan goes with the tenant if the tenant moves within the City, which is a bullet point. The description of what someone entering into the program has to maintain has been mixed with descriptions of the plan. He is looking for the separation of those and then this is good to go.

It used to be that the person that owns the property is responsible for the water, but in this situation, the City is stating that the tenant is responsible. A payment plan will not even be established unless the landlord has signed off on it. Service-Safety Director Martin replied that some of the transition of trend on that is that the landlord is putting the tenants notice on the bill versus the landowner including it in their monthly rent. When talking about the onus on a tenant versus the landlords, that is the shift of the landlord putting it on them (then tenant). It needs to identify that both the tenant and the landlord both have skin in the game.

Committee Chair Russel asked if the water bill is still a lean on the property. Service-Safety Director Martin replied it is and that the owner needs to be aware that the tenant is responsible the way their contract is established. Committee Chair Russel pointed out that the way this is written, the City does not care what the tenant/landlord relationship is. Tenants, who do not have ownership of the property need to have their landlord present to sign a document. There has to be proof of ownership of the property.

Service-Safety Director Martin asked if the AD-HOC COMMITTEE would like him to break out the two (2) points of the stipulation and create a narrative of these bullet points for clarity. Committee Chair Russel asked if Ordinance No. 2023-134 is getting its second reading during tonight's Regular Session City Council meeting. Service-Safety Director Martin replied that is correct.

Councilman Greeno asked if bullet points 2 and 6 are required. Service-Safety Director Martin replied those are stipulations. Committee Chair Russel does not have a problem with the word stipulation, but where it appears. It is in the wrong place. Councilman Palmer added that it should be with the account balance verbiage. It should be part of the rules and before the table. Service-Safety Director Martin asked if the two (2) items the committee wants as stipulations are 1) that the bill must remain current and 2) payment plans must be maintained on a monthly basis. Councilman Palmer replied no, those two (2) stay where they are and the others move up on the table. Service-Safety Director Martin asked if the narrative under the table with the word stipulation makes sense for those two (2) and the rest of them move above it. Councilman Palmer replied that is correct because that is more of an explanation of what the plan rules inside the criteria that is being used below that.

Committee Chair Russel pointed out that the last statement (payment plans are signed off by the property owner) is redundant and does not need to be repeated. That can be deleted. The landlord's signature can be changed to be landlord's written approval. He asked if the landlord has to physically come to the Utility Billing Office and sign. Service-Safety Director Martin replied it is a new adapted process. There needs to be either a written signature or something that states they are aware of it, or they have to come in. Committee Chair Russel replied that he would hope that the City's billing office is bending over backwards to contact property owners to say this is what is going on at their property. Service-Safety Director Martin replied that they do communicate with the property owners. He does not feel that if a property owner has a tenant managing their own water bill, that they should have to follow them into the Utility Billing Office and instead, can just have some sort of written communication that could be supportive and on record that they are aware of it. That would be sufficient. Councilman Greeno replied that the City does not want to drag them in to sign every time, but that contacting property owners every time a tenant comes in to sign up is a must. Committee Chair Russel asked if it should be worded that if an account holder is a tenant, the landlord's signature is required before a plan can be established. He asked how they will obtain a landlord's signature at the Utility Billing Office after a payment plan is established. The landlord has to sign off on it in some manner. It does not matter where they do so, but that they do have to sign off on it. Service-Safety Director Martin replied that he will think about how to add context to establish that without making the landlord come in. There has to be a way to accomplish that without both the owner and tenant having to come in. City Engineer Kalb asked how it would play out if it is a managed property. Committee Chair Russel replied that this will not be amended tonight and that during discussion, small changes can be discussed to specifically clarify the person in the payment plan's responsibilities versus the design of it which will be an amended Ordinance for the next meeting. Councilman Palmer added that it could be an email acknowledgement from the property owner. Service-Safety Director Martin asked the committee if that would suffice the Utility Billing Supervisor and Superintendent. He wants to ensure that they are okay with this process. He will make these changes and share the revised document electronically before the next meeting.

Committee Chair Russel moved to that the committee recommends further clarification to the language of drafting an amended Ordinance No. 2023-134, seconded by Councilman Greeno. There were no further comments or questions. All were in favor.

Service-Safety Director Martin asked if a WATER AND SEWER COMMITTEE meeting will be held before the next City Council meeting for revision as long as revisions are emailed. Committee Chair Russel replied that the committee is not permitted to meet by email, but that if the committee is comfortable with him working Service-Safety Director Martin to come up with the necessary language and have it ready for the next meeting, he can do so. Or, the committee can meet again before the next City Council meeting, which would need to meet next week in which Councilman Palmer replied that the committee understands the intent and does not feel another meeting is necessary. Service-Safety Director Martin replied that he wanted to make sure the committee had the opportunity since the Ordinance will be up for its third reading during the next Regular Session City Council meeting on December 19, 2023.

The meeting adjourned at 5:18pm.



COMMITTEE CHAIRMAN

Robert Martin

From: Robert Martin
Sent: Thursday, December 7, 2023 10:40 AM
To: Grant Russel
Cc: Jason Phillips
Subject: water rule changes
Attachments: water rule changes Dec 7 RMM.docx

Grant,

Please see the attached with recommendations from W&S committee. I highlighted changes in yellow. Additionally I deleted the final statement which was redundant about the plan needing signed off by the property owner. We already have a process in place to accommodate landlords to be able to fill out a form and sign it for the tenant to provide at UB while establishing service. I added language to support that. Please let me know if you have anything else.

Thanks

Rob Martin BSN, MBA
Service Safety Director

City of Findlay, Ohio
Phone: 419-424-7119
www.findlayohio.com



V. Billing for Service

6. Utility Bill Adjustment process in response to the reconciliation of utility bills status post the water meter transmitter replacement project

- A. The following is the criterion to determine if an adjustment is warranted and how it will be calculated:
- The last actual read recorded in the billing system will be compared to the actual read at the time of installation of new equipment or repairs.
 - If the last estimation is higher than the actual, physical read, credit will be issued for the account.
 - If the last estimation is lower than the actual, physical read, the difference will be evaluated
 - If the difference between the billed amount and the recorded usage is greater than 500%, a one-time adjustment may be made to the account up to a 75% discount with approval from the Mayor and/or Service-Safety Director.
 - If after the adjustment, a payment is still needed, please refer to the section titled "Utility Billing Payment Plan Rules".
- B. Underground leaks unfounded during the transmitter replacement project, prior to a bill being issued, a one-time adjustment to the account up to a 75% discount with approval from the Mayor and/or Service-Safety Director may be considered. This is only for situations that have met the criteria set forth in section 4, "Adjustment for Leak".
- C. If the underestimation is for any other situation please refer to section titled "Utility Billing Payment Plan Rules".

7. Utility Billing Payment Plan Rules

The City of Findlay understands the criticality of having working water and sewer services. It is common practice for the Utility Billing Office to be in contact with account holders to aid in keeping their utility bills current. It is the City's desire to make every effort to support the account holder should a payment plan become necessary due to financial hardships stemming from a large utility bill.

Upon completion of an extensive investigation of an account, including but not limited to payment history, payment status of other accounts, current payment history and circumstances that caused the large account balance, the Utility Billing staff may offer the below Payment Plan to the account holder.

Negligence of the account holder or property owner excludes the account from the Payment Plan.

If the account holder is a tenant, the landlord's signature is required before the plan can be established. This can be accomplished in person at the Utility Billing Department or by completing the Variance Authorization Letter which can be found on the City of Findlay Water Department website.

This is offered for residential customers with extraordinary situations only. The plans are not to be used with regular, delinquent/shut off notices. These plans are limited to one time per customer unless evaluated by the Mayor and Safety Service Director for extreme situations. The following points must be adhered to:

- Payment plans will be established in person at the Utility Billing Office
- The payment plan remains with the property and is the responsibility of the tenant to inform the property owner
- If a tenant moves and stays in the City, the payment plan will remain with the tenant
- If a tenant leaves town the payment plan will be the responsibility of the property owner
- If an account becomes delinquent and water is shut off due to nonpayment, the balance of the payment plan, the current bill and the reconnection fee shall be due prior to the water service being restored to the property.

Account Balance	Length of Payment Plan
Under \$100	Not eligible for payment plan
\$100-\$500	Up to Six (6) months to pay
\$501 - \$1,000	Up to Twelve (12) months to pay
\$1,001 - \$1,500	Up to Eighteen (18) months to pay
\$1,501 and above	Up to Twenty-four (24) months to pay

Payment plans must be approved by the Mayor or Service-Safety Director. Once a plan is approved, then penalties and fees are waived for duration of the payment plans as long as the following stipulations are maintained during the term of the payment plan:

- Bills must remain current during the agreed upon payment plan term
- Payment plans will be paid on a monthly basis by the due date (generally the 12th) of each month