



Legislation Text

File #: 2021-25, **Version:** 2

MOTION TO PASS PROPOSED ORDINANCE 2021-25 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE 2021-25 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES FLORIDA, AMENDING CHAPTER 50 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "WATER AND SEWER REGULATIONS;" PROVIDING FOR REVISIONS TO THE CITY'S WATER AND SEWER REGULATIONS, AS DETAILED IN EXHIBIT "A," ATTACHED HERETO AND INCORPORATED HEREIN, INCLUDING DEFINITIONS, FEES, PAYMENT REQUIREMENTS AND ENFORCEMENT; PROVIDING THAT ORDINANCE 1964 AMENDING SECTIONS 50.35 AND 50.36 TO BE CONSISTENT WITH THE REQUIREMENTS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT REMAINS IN FULL FORCE AND EFFECT AND UNAFFECTED BY THE CHANGES TO CHAPTER 50 APPROVED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY EXPLANATION AND BACKGROUND:

1. On April 24, 2021, the City entered into a contractual agreement with Tyler Technologies, Inc. (Tyler-Munis) for the purchase of Software as a Services f for the new City Enterprise Resource Planning or "ERP". This new system will bring many changes to the various City processes including Customer Service; the overriding intention being the transition of Customer Service to current, on-line ways of doing business. Customers will be able to setup and manage their accounts completely online.
2. In order to accommodate this new ERP software, and to update business practices related to utilities services as recommended by City staff, several changes are required to Chapter 50, entitled Water and Sewer Regulations of the City's Code of Ordinances, of the City's Code of Ordinance, as set forth in the attached Exhibit "A".
3. No changes to monthly water or sewer rates are proposed in this Ordinance.
4. City staff would like to call attention to the following substantive changes to Chapter 50:

A. The addition of a CUSTOMER SERVICE FEE SCHEDULE - A review of the Customer Service sections of the City Code has revealed a number of outdated charges or fees which need to be updated. City Staff is recommending that a list be compiled and termed the "CUSTOMER

SERVICE FEE SCHEDULE” to accurately define and manage these various fees. These include items such as “turn-on and turn-off”, backflow delinquents, hydrant meter deposits and the like.

I. It is the City’s intent to recover its actual costs and adjust the fees accordingly. Therefore, adjustments due to changes in City costs may be issued by the City Manager on an as-needed basis. Upon approval by the City Manager, the CUSTOMER SERVICE FEE SCHEDULE, and any amendments or adjustments thereto, shall be reported to the City Commission and absent objection will take effect on the dates provided in the schedule. The draft CUSTOMER SERVICE FEE SCHEDULE is attached.

B. Conversion of Joint Owner-Tenant Accounts to Owner-Only accounts - Since mid-2013, the utility service application process for rented or leased spaces has been a dual application for both Owner and Tenant. This will now revert to Owner-Only accounts. The Utilities Division has reviewed the Commission tapes from April 17, 2013 and June 05, 2013 where this matter was brought forward by Commissioner Shechter. The following main points were discussed by the Commission at that time. Following each point, Utilities Division comments are offered to address each question.

I. The legality of Owner-only accounts - During the April 17, 2013 meeting, the City Attorney’s Office stated that there was no legal objection to Commissioner Shechter’s item “REQUIRING ALL WATER AND SEWER ACCOUNTS IN THE CITY TO BE OPENED IN THE NAME OF THE PROPERTY OWNER”. Further, the City Attorney’s Office has provided the attached Memorandum No. 2013-001 which states that Florida law “does not prohibit a municipality from declining to contract with tenants.” Therefore, Owner-Only Accounts are legal. A copy of the Memorandum from the City Attorneys office is attached.

II. Proper Identification - In order to open an account in the new system, the property owner will be required to upload to his online account, a PDF copy of his valid, government issued picture ID (passport, state ID, driver’s license etc.) and a PDF copy of proof of property ownership such as a warranty deed.

III. Account certification through applicant attestation - In order to open an account in the new system, the property owner will be required to attest to the truthfulness of their application by checking a box during the on-line account sign-up, or account inception. By checking this box, the property owner is attesting to the following statement provided by the City Attorney’s Office. This will replace the current notary requirement:

“Pursuant to §837.06, Florida Statutes, a person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duties shall be guilty of a misdemeanor of the second degree, punishable as provided in §§775.082 and 775.083, Florida Statutes. Under the penalties of perjury, I declare that I have read the foregoing application and that the facts asserted in it are true.”

IV. Collections through the lien process - The City will continue the process of placing a lien on the property in an effort to collect past-due accounts. Owner-Only accounts will streamline this process and improve collections as it is well known that liens can only be placed on the property. The City currently has no ability to lien tenant/owner accounts.

V. Broward County Property Tax Collection Fraud - During the 2013 Commission discussions, there was a concern that Owner-Only accounts may promote property tax fraud. City Staff placed a call to Broward County Property Appraiser Marty Kiar. Mr. Kiar indicated that his office does use owner-tenant account information as one of several tools at their disposal. He further indicated that, should Pembroke Pines go to Owner-Only accounts, that move would not hamper their fraud process.

VI. Surrounding Cities - Research indicates that surrounding City's including Davie, Hallandale Beach, Weston, Lauderdale Lakes and Margate practice Owner-Only accounts. A copy of this research is attached.

5. Various public outreach initiatives are underway. The following list of outreach components provided to the Mayor, Vice Mayor and Commission on November 4, 2021 for their information (Please note that some of the publish dates are subject to change):

- A. "Coming Soon" flyers/articles have been posted in the City Connect newspaper - June/July 2021; August/September 2021; and already submitted for December/January editions
- B. New Utility Billing System, New Utility Bill and online Citizen Self-Service (CSS) portal notification and City website link information posted on the back of utility bills from May 2021- to current billing (Nov 2021)
- C. Placed "Coming Soon" and general information page on City's website - 5/24/2021
- D. The "Coming Soon" advertisement was placed on city social media - Facebook, Instagram and Twitter: June 7, June 21, July 1 and August 9, 2021
- E. Coming Soon advertisement was placed on Pines Media TV all through June, July and August 2021
- F. Frequently Asked Questions (FAQ) notification with typical questions and answers presently being reviewed and will be posted on website by 11/8/2021
- G. New Bill Explanation power-point presentation for upload to YOUTUBE (to be completed and posted on all media platforms 11/08/2021)
- H. Overview of the New Utility Billing System and Citizen Self-Service portal video under production (anticipated completion and posting on YOUTUBE and all media platforms 11/15/2021)
- I. Citizen Self-Service page-by-page explanation power-point presentation for upload to YOUTUBE and all media platforms to be completed by 11/11/2021

6. The passage of this Ordinance and the changes to Chapter 50: Water and Sewer Regulations are required for the City to "Go-Live" with the ERP software in December 2021. Administration recommends passing proposed ordinance 2021-25.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** There is no additional cost for these changes, but the Utility Department estimates additional revenues of \$418,715. These additional revenues are reimbursements to cover the cost of providing the service.
- b) **Amount budgeted for this item in Account No:** Not Applicable
- c) **Source of funding for difference, if not fully budgeted:** A budget adjustment will be done to increase charges for services and reduce the beginning retained earnings. The net effect on budgeted revenues is zero.
- d) **5 year projection of the operational cost of the project:** Not Applicable
- e) **Detail of additional staff requirements:** Not Applicable