

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: August 8, 2011
	Agenda Item No. 38 Roll Call No. <u>11-1384</u> Communication No. <u>11-507</u> Submitted by: Jeb E. Brewer, P.E., City Engineer; William G. Stowe, Assistant City Manager – Public Works Director

AGENDA HEADING:

Amending Municipal Code to delegate to the Treasurer of Des Moines Water Works the authority to certify unpaid rates or charges for sewer service charges, solid waste collection charges, and stormwater management charges to the County Treasurer.

SYNOPSIS:

Recommend the City Council amend the Municipal Code to delegate to the Treasurer of Des Moines Water Works the authority to certify unpaid rates or charges for sewer service charges, solid waste collection charges and stormwater management charges to the County Treasurer, including first reading of the Ordinance and waiving of the second and third reading.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The City has a 28E Agreement with Water Works by which Water Works provides collection services to the City for sewer service charges, solid waste collection charges and stormwater management charges. When charges are unpaid, Water Works prepares a schedule of assessments for certification by the City Council. This process currently takes approximately three to four weeks, whereas with the new legislation noted below, the process is expected to take approximately one week. The new legislation, House File 454, passed this session and which took effect July 1, 2011, and provides:

The governing body of a city utility may, by resolution, delegate to a designee named in the resolution the city utility’s authority to certify unpaid rates or charges to the county treasurer. The City council of a city that is contracting with a city utility for joint billing or collection or both pursuant to chapter 28E may, by ordinance, delegate to such city utility, or the city utility’s designee, the city’s authority to certify unpaid rates or charges to the county treasurer.

Allowing the Treasurer of Water Works to certify the unpaid rates and charges to the County Treasurer will shorten the process for certification of unpaid sewer service charges, solid waste collection charges,

and stormwater management charges to the county treasurer. Iowa law prohibits assessing unpaid rates and charges against a property when the rates and charges were incurred by a previous property owner, and the property is transferred in fee simple and filed with the county recorder prior to certification of the unpaid charges. The City's remedy in that situation is further collection efforts or assessing the unpaid rates and charges against other property owned by the previous property owner. The certification process that is currently in place results in delays in certifying unpaid rates and charges so title transfers often occur prior to the assessments being placed. Delegating the certification process to Water Works will shorten that process and help to get assessments done more quickly and before some transfers of title occur.

There are also general revisions made to the Ordinance to make it more consistent with the actual billing process followed by Water Works.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Continue Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.