

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: November 7, 2011
	Agenda Item No. 39 Roll Call No. <u>11-1892</u> Communication No. <u>11-688</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 correct sewer, solid waste and/or stormwater liens placed in error, to make corrections required by Polk County due to district or parcel identification issues and to correct assessment schedules when liens are not authorized by statute to be placed or where payment has been made.

SYNOPSIS:

Recommend the City Council amend the Municipal Code to delegate to the Treasurer of Des Moines Water Works the authority to correct sewer, solid waste and/or stormwater liens placed in error, to make corrections required by Polk County due to district or parcel identification issues and to correct assessment schedules when liens are not authorized by statute to be placed or where payment has been made, 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 Des Moines Water Works by which Des Moines Water Works provides collection services to the City for sewer service charges, solid waste collection charges and stormwater management charges. When charges are unpaid, Des Moines Water Works prepares a schedule of assessments for certification by the City Council. In August, the Council delegated the authority to the Des Moines Water Works Treasurer to certify unpaid sewer, solid waste and stormwater rates and charges to the County, pursuant to authority granted by House File 454.

This revised procedure shortens 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. Frequently, when the assessment schedule is certified to the County Treasurer, some of the properties have been transferred and a lien cannot be imposed. City staff

working with Des Moines Water Works agrees that there needs to be a mechanism for correcting the certification schedule. In other situations, payment has been received or there are issues related to district or parcel identification numbers and those must be corrected before Polk County will levy the lien. In other situations, an error may have been made and needs to be corrected. The proposed ordinance authorizes the Des Moines Water Works Treasurer to take those actions.

PREVIOUS COUNCIL ACTION(S): NONE

Date: August 8, 2011

Roll Call Number: 11-1385

Action: [Final](#) consideration of ordinance above, (waiver requested by the Engineering Department), requires 6 votes. Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,034. Motion Carried 7-0.

Date: August 8, 2011

Roll Call Number: 11-1384

Action: [Amending](#) Chapter 118 of the Municipal Code, regarding collection procedures and preparation of assessment schedule for wastewater collection and treatment services and to delegate to the Treasurer of the Des Moines Water Works authority to forward unpaid charges to the County Treasurer. ([Council Communication No. 11-507](#)) Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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