



Melbourne City Council
June 14, 2022
City Manager's Item Report

Department:	Financial Services
Presenter:	Ross McGinn
Council District:	N/A
Reading Number:	1
Public Hearing:	No
Quasi-judicial Item (Disclosure Required):	No
Item Number:	C.23.

Subject:

An ordinance amending Chapter 58 of the City Code, entitled "Utilities," relating to the adjustment of water bills for excessive consumption of water.

Background/Consideration:

As discussed at the May 24, 2022 City Council Meeting, this ordinance will amend Chapter 58 of the City Code, specifically Section 58-243(d)(1), which defines the conditions for adjustments the City Manager or their designee can provide to sewer bills related to excessive water consumption. In following City Council's consensus on this item, this amendment will remove the minimum requirement of 10,000 gallons in instances where excessive water consumption did not enter the sanitary sewer system as waste.

Fiscal/Budget Impact:

If it is assumed that all sewer bill adjustments denied by City staff in FY2021 were due to the 10,000 gallon minimum and each adjustment denied was for 9,999 gallons, the City would have received \$7,740 less in revenue. What remains unknown is the number of customers that the 10,000 gallon minimum discouraged from submitting a sewer bill adjustment request to the City.

The fiscal impact of this ordinance is immaterial to the operations of the Water and Wastewater Utility.

Requested Action:

Approval of Ordinance No. 2022-30.

ORDINANCE NO. 2022-30

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, RELATING TO ADJUSTMENTS TO WATER BILLS FOR EXCESSIVE CONSUMPTION OF WATER; MAKING FINDINGS; AMENDING CHAPTER 58 OF THE CITY CODE, ENTITLED "UTILITIES"; AMENDING SECTION 58-243, SEWER SERVICE RATES; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, the City of Melbourne operates a Water and Wastewater Utility System with the intent of full cost recovery principles; and

WHEREAS, rates and charges should be fair and reasonable among customers; and

WHEREAS, the City has a practice of reducing sewer bills for excessive use of consumption provided that it does not enter the sanitary sewer system; and

WHEREAS, at its May 10, 2022 regular meeting, City Council expressed a consensus to reduce the minimum excessive water consumption level from 10,000 gallons to zero.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That Chapter 58 of the City Code of Melbourne, Florida, is hereby amended to read as follows:

CHAPTER 58. UTILITIES

* * * *

ARTICLE IV. WASTEWATER TREATMENT

* * * *

Sec. 58-243. Sewer service rates.

* * * *

(d) Adjustments to bills. The city manager or his designee shall be authorized to provide adjustments to sewer bills resulting from excessive water consumption because of leaks in the water service lines, defective plumbing fixtures, filling of swimming pool, or unusual circumstances where the water did not enter the sanitary sewer system as waste pursuant to the following conditions:

- (1) Excessive water consumption is defined as water consumption resulting from one of the above described causes, where the billed consumption exceeds the average monthly consumption for the previous six months by at least 100 percent ~~and is a minimum of 10,000 gallons above said monthly average.~~

* * * *

SECTION 2. Severability/Interpretation Clause.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal, or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (* * * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 3. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 4. That this ordinance was passed on the first reading at a regular meeting of the City Council on the _____ day of _____, 2022, and adopted on second/final reading at a regular meeting of the City Council on the _____ day of _____, 2022.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

Ordinance No. 2022-30