

**MINUTES
CITY OF LAKE WORTH BEACH
SPECIAL CITY COMMISSION MEETING
BY TELECONFERENCE
THURSDAY, JUNE 18, 2020, - 6:00 PM**

The meeting was called to order by Mayor Triolo on the above date at 6:04 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL:

Present were Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell, Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and Deputy City Clerk Melissa Ann Coyne.

PLEDGE OF ALLEGIANCE: led by Commissioner Omari Hardy.

NEW BUSINESS:

- A. Report update on the Lake Worth Beach, School District and Palm Beach County (ISS) Wifi Project brought forward by Mayor Triolo and Vice Mayor Amoroso

Erica Whitfield, Palm Beach County School District (PBCSD) Representative, introduced Adam Miller and Mark Howard from the School District and Michael Butler from PBC; she thanked Jessica Savidge from the City. She gave a presentation regarding ensuring access to quality distance learning opportunities for all and stated the School District's Mission and Vision. She said that when COVID-19 started, there was no normal school setting, but the School District was able to give out 68,000 laptops throughout the County. She said that they monitored if students were logging in and teachers would drive by their houses to contact them. She said that some areas in the community did not have access to Wifi and some people would not give any information to sign up. She stated that the solution would be to connect and collaborate with public and private partners to bridge the divide to access sustainable, in-home broadband internet. She spoke about the importance of the various opportunities that would be available to connected students and their families, including education, telemedicine and financial services. She said that lower income Americans only used smartphones to access the internet and that 31.2% of LWB students did not have internet at home. She said that West Palm Beach had created internet infrastructure by accessing points on FPL poles and traffic signals and the families would need a device in their homes. She spoke about the plan for the \$10m in CARES Funds to be used by December 30 for the buildout of infrastructure in coverage areas prioritized with PBC & School District, pole attachments to LWB electric poles and the one-time & recurring costs. She stated that LWB was in an excellent position due to having its own Electric Utility and the recurring annual cost would be \$5,000. She explained the roles that the different agencies would have, how a municipal Wifi mesh would be created and how many students would be impacted. She showed the heat map of LWB with many areas that were struggling and had no internet access, which affected 5,760 students. She expressed appreciation for the City's responsiveness.

Comments/requests summary:

1. Mayor Triolo thanked Mrs. Whitfield and said that she supported the initiative.
2. Commissioner Maxwell thanked Mrs. Whitfield for the presentation and for acknowledging LWB's effort to provide Wifi for all its students. He said that the plan was very exciting and asked how many students would get the Wifi booster.

Mrs. Whitfield stated that they would reach out to fund raising organizations to fund the 5,760 students needing Wifi.

Mr. Miller stated that they would ensure that only students who needed the booster would get it.

Commissioner Maxwell asked about the Wifi speed, the capacity and the timing to receive the equipment.

Mr. Butler replied that it would be on the upper end of basic service and the capacity would be very high. He said that permitting had already begun and the equipment had been ordered; the goal was to be done by the end of July.

City Manager Bornstein stated that there would be some permitting, which could be done quickly and as in-kind contribution for the pole attachments. He said that the City did not own all the poles but planned to advocate for pole attachments from the other companies.

Commissioner Maxwell asked how they School District would ensure the laptops would be returned.

Mrs. Whitfield replied that the laptops could be tracked.

3. Vice Mayor Amoroso thanked everyone who had worked on getting Wifi. He asked if there was a shortage of laptops, if companies like AT&T or Verizon had a buy in and if any non-profits had any funding available.

Mrs. Whitfield stated that most of the children had been covered.

Mr. Miller explained that devices were still being distributed and the School District asked the families who needed devices.

Mr. Howard responded that Comcast was a partner and there were other funders; they were looking for sponsorships to help families that could not afford the \$10 a month. He said the City could use its leverage to ensure that every student would have access.

Mrs. Whitfield stated that they could reach out to some non-profits to see if any funding would be available.

Vice Mayor Amoroso suggested that any new developments in the City for residents

with children could fund the Wifi extenders and asked which cities would come on board.

City Attorney Goddeau replied that the idea should be discussed with the School Board because it was hoping to collect impact fees to cover school costs related to development and that an interlocal agreement between the City and the School Board would be required.

Mrs. Whitfield replied that there were ongoing conversations with the corridor cities.

City Manager Bornstein clarified that there were annual lease payments for the pole connections that would have to be discussed.

4. Commissioner Robinson thanked Mrs. Whitfield and her staff for the important plan. He asked if the County would only give \$10 million to the schools.

Mrs. Whitfield replied that there would be \$50 million for food, but the \$10 million was only for the Wifi project for which the School District had specifically requested funding and there would be Federal funding coming through the State such as \$3 million for summer programs.

Commissioner Robinson asked about the cost of a Wifi connection throughout the City and said that more money should go towards education.

City Manager Bornstein said that he would suggest that the City waive the pole connections for the project.

Mr. Butler said that the School District was looking for any vertical attachments to minimize ongoing expenses and that the City benefitted from having its own poles.

Mrs. Whitfield stated that some areas were not able to connect.

Mr. Howard explained that the goal was to connect the students to Wifi and the \$50 was a one-time fee for the box that would be returned when no longer needed. He said that they were looking for funding for the fee.

5. Commissioner Hardy thanked everyone for their work on behalf of the community. He said that it was essential for students to be connected to the internet and asked if there had been outreach to get responses to the survey concerning internet connectivity.

Mrs. Whitfield said that there was a dashboard that indicated how many students logged in on a daily basis.

Mr. Howard stated that there was data regarding the students' engagement and there were some students who rarely connected. He said that there were paper forms at the food distribution sites and a list of those students was provided to the schools to obtain family information such as barriers or if the students were getting information another way. He said that there would be more engagement when schools were back in session.

Commissioner Hardy asked if the upload and download speeds would hold up, if the County had tested the equipment and about the useful life of the equipment.

Mr. Butler stated that the speeds would be upgraded over time, the County currently used and tested the equipment for several years and could maintain the equipment remotely and a five-year useful life was expected.

Commissioner Hardy said that sustainable bonus program could be used to have developers contribute money towards education.

City Attorney Goddeau replied that she would have to work with William Waters, Community Sustainability Director, for changes to the sustainable bonus or economic development programs. She said the City would have to be careful with the parameters.

Commissioner Hardy said that the lifting of the eviction moratorium could affect the City's plans and should be looked into.

6. Mayor Triolo expressed appreciation for the School Board taking the City's needs into consideration.

Melissa Coyne, Deputy City Clerk, stated that there were no public comment cards.

B. Resumption of Disconnects for Non-Payment and Implementation of Utility Bill Payment Plan

Ed Liberty, Electric Utility Director, gave a summary of the delinquent accounts and said that there had been partial payments, but the total outstanding from the 1789 accounts was \$1.1 million. He said that there was \$722,818 in deposits, but some accounts did not have a deposit. He stated that the average bill for commercial accounts was \$1,366 and \$541 for residential accounts subject to cuts. He said that the again report looked at accounts that were 30 and 60 days late; 14.6% of all utility accounts were late. He said that City Staff had undertaken an outreach program via web on the City's web site, phone and direct mail campaigns to affected customers to make them aware of sources of assistance in paying utility bills; 619 applications for assistance by City utility customers had been received by the Palm Beach County assistance agency; 302 would receive assistance and 55 had received assistance in the amount of \$21,, 216 were being reviewed and the rest were pending additional documentation. He reported that the City had spoken to all the local municipalities to see what their suspension policies were; LWB was one of the most generous, stopping the disconnects early on and ending them possibly on July 17. He showed the re-payment plans being offered by other utilities with a range of six to 12 month for repayment. He stated that there would be a policy discussed by the EUAB and then brought before the Commission in July.

Mr. Liberty said that the EU was looking for direction regarding restarting the disconnects on July 17 in order of the meter read cycles, which would spread disconnects out and give almost a month's notice to customers. He proposed that the repayment plan would include the delinquent and outstanding balances and divide it equally over the repayment period. He suggested that the bill reviews to reset deposits be suspended until the next fiscal year and that suspensions not count against customers going forward; the goal was to help

customers get caught up.

Comments/requests summary:

1. Commissioner Hardy asked how potential evictions after July 1 would affect the City's ability to collect on the accounts and if the repayment plan could follow them.

Mr. Liberty responded that the normal process was for the account to be finalized and the deposit applied to the outstanding balance; if more were due, the tenant would be responsible because the customer's liability followed them indefinitely. He stated that there would be a resolution presented to the Commission to set the policy.

Commissioner Hardy stated that the payment plan should be honored if someone moved.

2. Commissioner Maxwell asked how many customers became delinquent after the disconnections stopped and how a payment plan could be arranged for customers that could not be reached. He asked if a standard form could be put in the utility bills to make it easier for customers to participate and suggested giving customers three options for a repayment plan.

Mr. Liberty replied that about 27 customers had had service disconnected per day before the pandemic and stated that almost all of the delinquent customers became so after the disconnections were suspended. He said that the repayment plan would be heavily advertised so that the delinquent customers would call the City before July 17, but many would call when their service was disconnected and then go on the payment plan. He said that a fixed payment plan would be preferred as it would be difficult to customize a plan for each customer and that the information could be included in the bills.

Commissioner Maxwell said that there would be customers who would not pay the outstanding balance and asked if there could be an incentive for people to pay, like a ten percent discount.

3. Vice Mayor Amoroso asked if Mr. Liberty had considered any waiver or lowering of deposits for new customers.

Mr. Liberty responded that options had been looked at and would be brought forward after input from the EUAB; he stated that there was a concept for no deposits required of new customers who went on a pre-paid plan.

Vice Mayor Amoroso said that the pre-paid option should be discussed at the same time as the repayment plan. He asked if there would be reconnect or late fees.

Mr. Liberty said that there was a concept to convert the repayment plan to the pre-paid system, but the system would have to be tested before it was rolled out. He suggested starting customers on the repayment plan.

4. Commissioner Robinson asked if there were a difference between late and delinquent accounts and if the resolution from 2013 was still operational regarding deposits. He

asked if there would be an option at the July 28 EU meeting regarding the pre-paid option. He commended Customer Service for reaching out to customers and being compassionate.

Mr. Liberty replied that past due accounts had not crossed into delinquent accounts and the EU was operating under Resolution 70-2013, which specified that an external agency would run a credit check and advise the EU about the appropriate deposit. He said that July 28 EU meeting would have a discussion regarding the pre-paid system with a recommendation from the EUAB and would be vetted for legality.

City Attorney Goddeau responded that there should be options regarding deposits so that the City would receive the correct payment; she would be looking into the options.

Commissioner Robinson questioned the subjectivity of the agency determining the deposit amounts and said that people who were struggling should not have more obstacles. He asked what customers could expect on July 18 if they had not paid their bill.

Franco Bellitto, Customer Service Manager, responded that the system would return a red, yellow or green answer to the credit check agency; if the response were green, the deposit would be waived, yellow would have a reduced deposit and red would have a higher deposit. He explained that LWB did not disconnect customers until they had not paid for 42 days. He said that notices would be mailed to all of the delinquent customers with information so that they could establish a payment plan.

Mr. Liberty replied that there would be shut offs beginning on July 18, but only for customers whose meters would be read that day. He said that the philosophy with pre-pay would be to improve the customer's experience and turn on the power remotely.

Commissioner Robinson asked if the in-kind services for the Wifi would be on the EU meeting and if the City could get funds for the EU operation.

Mr. Liberty replied that it would be, as the EU charged fees for pole attachments.

5. Commissioner Maxwell said that the agency doing the credit checks was beneficial to the City and a fair process. He opined that a deposit system was necessary to compensate for people who did not pay their bills. He volunteered to test out the pre-pay system.
6. Commissioner Hardy said that a pre-paid system could address the problem with customers skipping out on their bills and looked forward to voting on the issue. He expressed concern that a customer who was evicted would be able to have the payment plan ported and requested that it be added to the motion.
7. Mayor Triolo asked how July 17 was chosen for the disconnections to resume and if it would be easier and what the financial impact would be to resume on August 1.

Mr. Liberty replied that the date was to have been 30 days from the meeting to give

customers adequate notice.

Commissioner Hardy spoke in favor of extending the moratorium until August 1. He asked how long a person would have to vacate after receiving a Writ of Possession.

Vice Mayor Amoroso asked Mr. Liberty if the payment plan would move with the customer and said that he would add an amendment to his motion as well as for extending the moratorium.

City Attorney Goddeau replied that the Writ could be executed within 24 hours but would vary.

Commissioner Maxwell said that it could take 30 days to get a Writ of Possession and that it was not necessary to extend the moratorium.

Discussion ensued regarding the feasibility of porting the payment plan.

Mayor Triolo stated that the community would assist those having a difficult time and customers could contact the EU to work out payments.

Deputy City Clerk Coyne read the comments submitted by the following:

Ramsay Stevens, as a member of the EUAB, wrote to request that the EUAB be allowed to discuss opportunities to make the utility more sustainable and to provide economic relief to our community.

Cheryl Rashkin wrote that the Utility Fund would have a huge loss to the budget for this fiscal year and asked about persons who needed this assistance.

Action: Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve the following:

- a) The City utility service disconnects shall resume on July 17, 2020 in order of meter read cycles, and
- b) The implementation of City utility payment plans for customers with accounts subject to service disconnection during the period of March 16, 2020 to July 16, 2020 for non-payment, upon request by customer, and
- c) The payment plans shall provide for payment of current and past due amounts over a period of 12 months for residential customers and 36 months for commercial customers, and
- d) The reviews of utility bill deposits as required in City Resolution 70-2013 Sections 3.A.1, 3.A.3, 3.B.1, and 3.B.3 be suspended for all customers through September 30, 2020, and
- e) When the reviews of utility bill deposit reviews resume (October 1, 2020), that any delinquent payments from any customer during the period of March 16, 2020 through July 16, 2020, not be counted for determination of need for additional deposit, and
- f) (amendment) The payment plans will be portable should a customer move.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

ADJOURNMENT:

Action: Motion made by Vice Mayor Amoroso, and seconded by Commissioner Robinson to adjourn the meeting at 8:40 PM.

Vote: Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

Pam Triolo, Mayor

ATTEST:

Deborah M. Andrea, CMC, City Clerk

Minutes Approved: July 7, 2020

A digital audio recording of this meeting will be available in the Office of the City Clerk.