

**MINUTES
CITY OF LAKE WORTH BEACH
ELECTRIC UTILITY CITY COMMISSION MEETING
BY TELECONFERENCE
TUESDAY, AUGUST 25, 2020**

The meeting was called to order by Mayor Pam Triolo on the above date at 6:00 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 (arrived at 6:04 PM) and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah M. Andrea.

PLEDGE OF ALLEGIANCE: led by Vice Mayor Andy Amoroso.

AGENDA - Additions / Deletions / Reordering:

There were no changes to the agenda.

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

City Clerk Andrea read the public comment submitted by the following:

Ramsay Stevens, former member of the Electric Utility Advisory Board (EUAB) wrote to ask the Commission to respond to the EUAB's request to discuss the potential for a demand response program, a community solar program, and opportunities to faster realize the economic potential of the South Eastern National Marine Renewable Energy Center.

APPROVAL OF MINUTES:

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

A. July 28, 2020

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

NEW BUSINESS:

A. Resumption of City utility disconnects for non-payment

Ed Liberty, Electric Utility Director, introduced the presentation of the accounts in arrears, customers who had signed up for the payment plan and outreach to agencies. He said that the delinquent accounts were tracked daily; 1826 customers would have been subject to cut with delinquent amounts of \$658,652 that would have tripped the disconnects but the total balance due was \$1,168,834. He explained that there was an aging report showing 30 and 60 days late for combined water, sewer and electric, but frequently accounts were paid before 30 days. He said that electric was 13.7% in arrears, water and sewer were 14.8 in arrears and at least 4% were 60 days late. He showed the average, minimum and maximum amounts in arrears for residential and commercial as well as the deposits on hand. He said that only 73% of residential

accounts were covered by deposits and 94% of commercial. He stated that there was an outreach program to contact customers and no accounts had been shut off. He reported that 828 customers had requested to go on the payment plan and the County had given \$63,327 towards payments but some accounts were still in review. He stated that most municipalities had resumed disconnects and FPL had not determined a resumption date.

Action: Motion made by Commissioner Robinson and seconded by Commissioner Hardy to not shut off any water in the City while the eviction moratorium was in force.

Action: Amended motion made by Commissioner Hardy and seconded by Commissioner Robinson to not shut off water in the City while a person was domiciled until a date uncertain.

City Attorney Goddeau said that the motion indicated that water and electric would be treated separately and explained that a friendly amendment approved by the maker would not require a vote.

Comments/requests summary:

1. Mayor Triolo asked if the disconnect date could be set until the end of September because residents had not received their unemployment checks.
2. Commissioner Maxwell stated that the City was now in the sixth month of people not paying their bills. He said that the longer the issue went on, the more difficult it would be and almost 1,000 people had not responded to any of the City's outreach attempts. He said that the bigger issue was how to get the 1,000 customers to step up and make arrangements to pay their utility bills.

Commissioner Robinson said that his concern was water so that the resident could be clean and sanitary while waiting for the eviction process; electric would be a later conversation.

Commissioner Hardy opined that the City should not turn off people's water because they did not have the money to pay, which would make the home uninhabitable during these extraordinary times.

Discussion ensued regarding points of order and information.

Commissioner Hardy asked how relevant it would be that many residents in the City did not have the means to pay because they did not qualify for any assistance and therefore would not contact the City.

City Attorney Goddeau stated that according to Robert's Rules, each Commissioner had ten minutes in total to speak including all bites of the apple.

Commissioner Hardy said that it was unknown when people would regain their jobs and it seemed cruel to turn off water when the circumstances were beyond their control and the health of the customer was the community's health.

3. Vice Mayor Amoroso stated that there were 1,000 customers who had not stepped up, but there was County assistance to help them. He said that people had no problem coming to collect food, but could not contact the City about their utility bills. He iterated that people

who were struggling could prioritize to make sure to pay their utility bill in support of their families.

4. Commissioner Robinson stated that water was a safety issue and it was understood that people would leave the City without paying their bills. He said that there was a difference between not having water and not having electricity.

City Attorney Goddeau pointed out that all dwellings had to have both electricity and water according to the City's property maintenance code; a moratorium on the provision would be necessary to allow someone to stay in a dwelling with just water.

Commissioner Robinson asked for a vote and said that it would be important to allow people to have water until they left the dwelling.

5. Commissioner Hardy asked what the cascading effects would be.

City Attorney Goddeau responded that if someone remained in a property without water and/or electricity, the property owner would be cited. She said that the portion of the property maintenance code would not be enforced under the emergency powers.

6. Vice Mayor Amoroso asked if the City was still under compassionate code.

City Attorney Goddeau said that the City was still under compassionate code, but she wanted to ensure that there was not a disconnect between utility and code.

7. Commissioner Maxwell asked how the City would differ from the other cities that had resumed disconnects.

Mayor Triolo asked Mr. Liberty to show the slide with the resumptions of disconnects. She read the few cities that had not resumed and the all cities that had resumed disconnections. She suggested that if a deadline were put on the resumption, perhaps it would encourage people to get help or get on the payment program.

Mr. Liberty said that the EU looked at trends geographically but there were people from whom they had not heard in spite of the thousands of phone calls; it was unknown if the properties were inhabited. He stated that people might call if the power were disconnected, but some might not call at all because the property was vacant.

Commissioner Hardy asked if 4% of customers had moved out of the City and if there was a list of the number of people affected in each city.

Mr. Liberty said that the customer count was not taken into consideration and there was a high degree of turnover in the City. He stated that power was being put into properties that could be vacant; a new resident could move in and use the power without opening an account nor getting a bill. He iterated that some mechanism was needed to determine the status of over 1,000 people who had not contacted the City. He asked for guidance from the Commission.

Commissioner Hardy asked for particulars of the mountain of debt for water percentage and dollar-wise. He said that the outstanding debt was a drop in the bucket regarding the revenue of the utilities.

Commissioner Robinson asked if the owner would be notified if the power was shut off and questioned the \$9,000 water bill.

Franco Bellitto, Customer Service Manager, replied that only the account holder would be notified. He stated that the customer with the \$9,000 bill had been contacted and a leak had been discovered.

City Attorney Goddeau stated that staff had been directed to be compassionate and there would be ongoing discussion.

Commissioner Maxwell agreed with Mayor Triolo about extending the moratorium until September 15 and said that facts were needed to see which properties were occupied. He said that the City could not continue without getting evidence about what should be done for the future.

Vote: Voice vote showed: AYES: Commissioners Hardy and Robinson. NAYS: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell.

Action: Motion made by Commissioner Hardy and seconded by Commissioner Robinson to extend the moratorium on water shutoffs until Tuesday, September 15, 2020.

City Attorney Goddeau stated that someone other than the maker needed to amend a motion.

Vote: Voice vote showed: AYES: Commissioners Hardy and Robinson. NAYS: Mayor Triolo, Vice Mayor Amoroso and Commissioner Maxwell.

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to extend the moratorium on disconnects of water and electric through September 14, 2020.

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

ADJOURNMENT:

Action: Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to adjourn the meeting at 7:30 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: October 6, 2020

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