

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: June 2, 2020

Consent []
Public Hearing []

Regular **M**

Department: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: Resolution of the Board of County Commissioners of Palm Beach County Florida revising the Palm Beach County Water Utilities Department's (PBCWUD) Uniform Policies and Procedures Manual (UPAP).

Summary: The UPAP contains fees, standards, legal documents, policies and procedures that govern the provision of potable water, reclaimed water and wastewater services within the PBCWUD service area. PBCWUD updates the UPAP from time to time to ensure compliance with recently enacted laws and ordinances to ensure that it continues to enable effective and efficient delivery of utility services. The proposed changes to the UPAP contained in the resolution include: modification to allow the Department Director to have the authority to modify/waive rates, fees, and charges not to exceed \$200,000.00 for new or existing customers where there are unusual or extenuating circumstances which support the application of said modification or waiver; when the modification or waiver results in a documented projected positive operational and/or financial benefit to PBCWUD which is greater than or equal to the amount of the modification or waiver; and when the modification or waiver is based on sound utility ratemaking principles and in compliance with applicable law. (Chapter 1); define composition of the Administrative Review Panel to handle Customer's disputes (Chapter 2); modification to allow Developers to extend capacity reservation for unused Equivalent Residential Connections (ERCs) at the original agreement rate before the expiration of the previous five (5) year term, and to renew agreements up to one (1) year after the expiration of the agreement (Chapter 3); addition of Environmental Requirements for all new developments and redevelopments (Chapter 4); addition of the Environmental Protection Agency (EPA) compliance of the Dental Amalgam and Hazardous Waste Pharmaceutical Programs (Chapter 5); and modification of Construction Plan Review and Inspection Fees for residential and non-residential customers (Chapter 6). A more detailed summary of the proposed changes is attached to this agenda item. The proposed changes were reviewed and approved by the PBCWUD Advisory Board on April 24, 2020. Finance and Administration Countywide (MJ)

Background and Justification: Since 1981, PBCWUD has utilized the UPAP Manual as the guiding document for providing services to the public. The UPAP is a codification of the PBCWUD rates, fees, policies and procedures, governing the provision of potable water, reclaimed water and wastewater services. Over the years, various revisions have been made to the UPAP in an effort to update the manual to comply with changes in state law and regulations, and to improve the overall level of service provided by PBCWUD. None of these changes rises to the level of a significant change in Board of County Commissioners policy.

Attachments:

1. Resolution with Attachment "A" (Black-lined version)
2. Revision version of UPAP recommended for change
3. Summary of Proposed Changes

Recommended By: Jim Stiles 5-5-2020
Department Director Date

Approved By: _____
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
In-Kind Match County	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
NET FISCAL IMPACT	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund _____ Dept. _____ Unit _____ Object _____

Is Item Included in Current Budget? Yes X No _____

Does this item include the use of federal funds? Yes _____ No X

Reporting Category N/A

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.

C. Department Fiscal Review: _____ GE

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] 5/17/2020 OFMB [Signature] 5/14/2020
[Signature] 5/18/2020 Contract Development and Control

B. Legal Sufficiency:

[Signature] 5/21/2020
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO. R2020_____

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA, REVISING THE WATER
UTILITIES DEPARTMENT'S UNIFORM POLICIES AND
PROCEDURES MANUAL (UPAP).**

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, has adopted the "Water Utilities Uniform Policies and Procedures Ordinance", which provides that the Board of County Commissioners may establish, by resolution, a Uniform Policies and Procedures (UPAP) Manual to establish fees, standards, standard legal documents, policies and procedures for the Water Utilities Department (Department); and

WHEREAS, the Department has recently completed a review of UPAP; and

WHEREAS, the UPAP is a codification of the Department's rates, fees, policies and procedures; and

WHEREAS, the Department is proposing various revisions to the UPAP to ensure compliance with recently enacted laws and ordinances, and to ensure that it continues to enable effective and efficient delivery of utility services. The proposed changes include but are not limited to: modification to allow the Department Director to have the authority to modify/waive rates, fees, and charges for new or active customers (Chapter 1); modification of the Administrative Review Panel to handle Customer's disputes (Chapter 2); modification to allow Developers to extend capacity reservation for unused Equivalent Residential Connections (ERCs) at the original agreement rate before expiration of previous five (5) year term, and to renew agreements up to one (1) year after expiration of the Agreement (Chapter 3); modification of Environmental Requirements for all new developments and redevelopments (Chapter 4); modification of the Environmental Protection Agency (EPA) compliance of the Dental Amalgam and Hazardous Waste Pharmaceutical Programs (Chapter 5); and modification for Construction Plan Review and Inspection Fees of \$75.00 for residential and non-residential customers (Chapter 6).

WHEREAS, the Board of County Commissioners of Palm Beach County desires to adopt this Resolution revising the UPAP and deems adoption of the same to be in public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and incorporated as if fully set forth herein.
2. The revisions to the UPAP as set forth in Attachment "A", attached hereto and incorporated herein, are hereby adopted for inclusion in the UPAP.
3. Each and every other term and condition of the UPAP shall remain in full force and effect, and the UPAP is reaffirmed as revised herein.
4. The provisions of this Resolution shall become effective upon adoption.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the motion passed as follows:

Commissioner Dave Kerner, Mayor
Commissioner Robert S. Weinroth, Vice Mayor
Commissioner Hal R. Valeche
Commissioner Gregg K. Weiss
Commissioner Mary Lou Berger
Commissioner Melissa McKinlay
Commissioner Mack Bernard

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2020.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk and Comptroller

By _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By _____
County Attorney

Attachment 3

UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP) SUMMARY OF PROPOSED CHANGES June 2020

Chapter 1 – Overview and Definitions

- Under 1.1.9, Page 2, adds the Department Director will have the authority to modify/waive rates, fees, and charges for new or active customers.
- Under 1.2.5, Page 3, adds a definition for Amalgam, Amalgam Separator, Amalgam Waste, Existing Amalgam Source and New Amalgam Source. This change is in Chapter 5 for consistency in UPAP.
- Under 1.2.6, Page 3, adds a definition for ANSI/ADA Standard No. 108. This change is in Chapter 5 for consistency in UPAP.
- Under 1.2.20, Page 4, adds a definition for Cash Only.
- Under 1.2.34, Page 6, adds a definition for Credit Card Chargeback.
- Under 1.2.51, Page 7, adds a definition for Dishonored Payment.
- Under 1.2.63, Page 8, adds to the definition under Firelines, (3) Dedicated Fire Line which is a fireline that serves only one (1) specific business or residence.
- Under 1.2.70, Page 9, adds a definition for Hazardous Waste Pharmaceutical.
- Under 1.2.71, Page 9, adds a definition for Healthcare Facility.
- Under 1.2.81, Page 10, adds a definition for ISO 11143.
- Under 1.2.105, Page 13, adds a definition for Pharmaceutical.
- Under 1.2.117, Page 14, adds a definition for Promise To Pay (PTP).
- Under 1.2.127, Page 16, adds a definition for Reverse Distributor.
- Throughout Chapter 1, the word non-residential replaces the word non-commercial. This change is for consistency throughout UPAP.
- On Page 20, adds the abbreviation for ADA, American Dental Association.
- On Page 22, revises the abbreviation for PCCP as Prestressed Concrete Pipe.
- On Page 22, adds the abbreviation for PTP, Promise To Pay.

Chapter 2 – Customer Service

- Under 2.1.2, Service Initiation – Existing Installations; Page 1, Request for Service at the Customer Service Center, adds the word “Valid” before expiration date.
- Under 2.1.2, Service Initiation – Existing Installations, Page 2, adds customer’s responsibility to have the site ready for meter installation when fees are paid.
- Under 2.1.3, Service Classification, Page 3, clarifies how Connection Fees and Guaranteed Revenue Fees are determined.
- Under 2.1.16, Account Information Request, Page 6, adds a new section for customer’s requests for account history records.
- Under 2.2 Billing, 2.2.1 Account Deposits, (7) Deposit Refund Credit, Page 8, modifies the past due notices to two (2) in a twelve (12) month period. Prevent the reinstatement of the deposit requirement if customer elects to sign up for auto debit for a period not less than 13 months and GMC status is reached.

UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP)
SUMMARY OF PROPOSED CHANGES
June 2020

Chapter 2 – Customer Service (continued)

- Under 2.2.8 Dishonored Payments, Page 10, adds for more than one (1) dishonored payment in a 24-month period, the customer will have to pay their account by cash only for a period of 12 months.
- Under 2.2.9 Credit Card Chargebacks, Page 11, adds a new section that a chargeback will be debited to the customer's account.
- Under 2.2.12, EFT Investigations Account Cleanup, Page 11, adds a new section for a payment sweep at the end of each fiscal year.
- Under 2.2.13, Administrative Reviews, Page 11, adds a new section for the composition of the Administrative Review Panel.
- Under 2.2.21, Payment Plans, Page 15, adds Department Director or designee may authorize a payment plan for a period up to two (2) years.
- Under 2.2.25, Authority to Lien Property for Unpaid Fees, Page 16, added a Satisfaction of Lien will be executed and recorded within a reasonable period of time; however, the County may defer when there is a reason to believe the Customer will not continue to make recurring or final payments.
- Under 2.3.1, All Potable Water and Reclaimed Water Through Meters, Page 17, clarifies the customer will install only one (1) meter when multiple meters are not feasible and ERC value and type of use will be determined by the Department.
- Under 2.3.5, Inaccessible or Damaged Meters, Page 18, clarifies the customer will not be charged for correcting the situation himself, and adds the customer will be sent a notice and an invoice when PBCWUD has to correct the situation.
- Under 2.3.9, Fire Line Meters, Page 19, adds a non-dedicated fireline is the Owner of Record's responsibility and a payment of a dedicated fireline is the service account holder.
- Under Exhibit "D", Page 23, modifies the notarial certificate under Chapter 117, Florida Statute.

Chapter 3 – Concurrency and Facilities Extension

- Under 3.1.2, Development Agreements, Page 1, clarifies the Developer with expired Agreements and wants to reserve capacity must enter into a Standard or Non-Standard Development Agreement.
- Under 3.1.5, Guaranteed Revenue Fees Due Prior to Service Initiation, Page 2, modifies the rates for Guaranteed Revenue Fees to be at the current rate, unless there is a different fixed rate in the Agreement.

**UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP)
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Chapter 3 – Concurrency and Facilities Extension (continued)

- Under 3.1.8, Capacity Expiration, Page 3, modifies Developers may extend capacity reservation for unused ERCs at the original agreement rate before the expiration of the previous five (5) year term and may renew Standard Development Renewal Agreements (SDRAs) up to one (1) year after the expiration date of the Agreement.
- Under 3.9, Development Agreements (Prior to January 2017), Page 11, deletes agreements prior to January 2017 because the agreements from 2015 have expired.
- Under Standard Development Agreements (SDAs), clarifies the Total Accrued Amount (TAA) at the current rate(s).
- Under SDAs, clarifies the Property Owner's payment of a new Mandatory Agreement Payment (MAP) at the original Agreement rate.
- Under SDAs, at the time of Service Initiation, the MAP required for amendment will be at the original Agreement rate(s).
- Under the SDAs, clarifies the Property Owner agrees to pay all fees at the current rate(s).
- Under Exhibit "N" Page 69; clarifies that the required MAP payment to amend the SDA is based on the original SDA rate for the additional ERCs/ERICs.
- Under Exhibits modifies the notarial certificate under Chapter 117, Florida Statute.

Chapter 4 – Minimum Design and Construction Standards

- Removes the following sections from Chapter 4 for inclusion in the Department's Minimum Design and Construction Standards.

Project Submittal Requirements
Pre-Construction Meeting Requirements
Design Guidelines

These sections provide technical guidance with no documented policy that requires the approval of the Board of County Commissioners. In addition, PBCWUD has a need to update these sections continuously due to necessary changes in PBCWUD standards.

UNIFORM POLICIES AND PROCEDURES MANUAL (UPAP)
SUMMARY OF PROPOSED CHANGES
June 2020

Chapter 4 – Minimum Design and Construction Standards (continued)

- Modifies the Product Approval Process adding construction of new facilities to review and evaluate in the utility system; and to the Product Evaluation Committee (PEC) adding two (2) more members and include one (1) member from the following WUD sections: Construction Services, Utility Maintenance, Utility Plan and Utility Operations.
- Adds Section 4.7 Environmental Requirements for all new developments and re-developments.

Chapter 5 – Pretreatment Program

- Adds the Dental Amalgam and Hazardous Waste Pharmaceutical for Compliance, Pretreatment and Applications under the WUD Pretreatment Program.
- Adds a One-Time Compliance Report for Dental Amalgam Discharges.

Chapter 6 – Fees

- Under 6.2.1 Construction Plan Review Fee, Page 11, modifies the fee to \$75.00 for residential and non-residential.
- Under 6.2.2 Construction Inspection Fee, Page 11; modifies the fee to five (5) percent of the total estimated cost for improvements and modifies the minimum to \$750.00 for residential and non-residential projects.
- Under 6.3 Service Initiation Fees, Page 2, adds payment of Service Initiation Fees will only be accepted after all Plan Review approvals are set in Development Tracking System.
- Under 6.8 Miscellaneous Fees, Page 12, adds the Hydrant Relocation Fee of \$35.00.

Chapter 7 – Cross-Connection/Backflow Prevention

- Under 7.3.3 Installation, Maintenance and Re-certification Responsibilities, Page 4, adds the Department encourages all vendors and organizations to submit backflow test results using the E-Backflow web portal found on the Department's website.