



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.2.

8/4/2020

Subject:

Sunset Review: BCC-38 Delinquent Utility Accounts

Fiscal Impact:

None

Dept/Office:

Utility Services

Requested Action:

It is requested that the Board of County Commissioners retain BCC-38 with modifications, Utilities Delinquent Accounts

Summary Explanation and Background:

BCC-31, Sunset Review of Programs, Services, Ordinances, Policies and Administrative Orders, requires that Policies are to be reviewed every three years to determine relevance, appropriate assignment, duplicitousness and to maintain current statutory law updates.

BCC-38, Utilities Delinquent Accounts, describes the process for customer notification and collection of delinquent water and sewer utility bills in the North Brevard, Barefoot Bay and San Sebastian Service Areas. The cities of Cocoa and Melbourne collect County utility payments within their respective service areas and maintain their own procedures for delinquent accounts.

BCC-38 provides that each delinquent account receives separate and individual notice of the delinquency, the contact information of the customer service representative authorized to consider customer complaints and resolve billing errors and the office hours when the representative is available. The policy is modified to include the current process for the collection of delinquent accounts, which includes offering customers a payment extension and installment plans. Accounts not paid in accordance with the procedures identified in the policy will be sent to the County's collection agency and the property will have a lien placed against it in accordance with Florida Statute if staff's attempts at collection are unsuccessful.

The Policy has been reviewed by both Utility Services Staff and the County Attorney's Office.

Clerk to the Board Instructions:

Send original and Clerk Memo to Utility Services Dept, Attn: Rose Lyons



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001

Fax: (321) 264-6972

Kimberly.Powell@brevardclerk.us

August 5, 2020

M E M O R A N D U M

TO: Edward Fontanin, Utility Services Director Attn: Rose Lyons

RE: Item F.2. Sunset Review: BCC-38 Delinquent Utility Accounts

The Board of County Commissioners, in regular session on August 4, 2020, executed and approved the retention of Policy BCC-38, Utilities Delinquent Accounts. Enclosed is the fully-executed Policy BCC-38.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for. Donna Scott
Kimberly Powell, Clerk to the Board

/cld

Encl. (1)

cc: County Manager

SUNSET REVIEW

POLICY/ADMINISTRATIVE ORDER NUMBER: BCC-38

POLICY/ADMINISTRATIVE ORDER NAME: Utilities Delinquent Accounts

Pursuant to Board Policy BCC-31, the review process for programs, services and existing ordinance shall be performed at three levels:

Department: Utility Services

Please review with recommendations to the County Manager (and/or) Advisory Board.

Citizen Group: Recommendation to be submitted to the Board of County Commissioners

County Commission: To receive results of Department and Citizen Group reviews:

REVIEW TO INCLUDE (BUT NOT LIMITED TO):

1. What is the need being met and who benefits: (Quantify)
Utility Customers
2. Is this Policy/Administrative Order duplicative? ☐ Yes ☒ No
If yes, please explain.
3. Can another agency perform this function? ☐ Yes ☒ No
If yes, please explain.
4. County Funding ☒ Yes ☐ No
5. Should this Policy/Administrative Order be
☐ Eliminated
☐ Modified
☒ Continued
6. Is there an acceptable alternative? ☐ Yes ☒ No
If yes, please explain

The date(s) the Citizen Group/Advisory Board will review. N/A

The date the Board of County Commissioners will review results. 7/7/20

Edward Fontanin, PE, Utility Services Director
Name, Title

June 5, 2020
Date



POLICY

| | | |
|---|--------------------|--|
| | NUMBER: | BCC – 38 |
| TITLE: Utilities Delinquent Accounts | CANCELS: | <u>May 17, 2016</u> |
| | APPROVED: | <u>August 4, 2020</u> |
| | ORIGINATOR: | <u>Utilities Services Dept.</u> |
| | REVIEW: | <u>August 4, 2023</u> |

I. OBJECTIVES.

To implement the system for the notification and payment of delinquent accounts, the disconnection of service and the process for the collection of delinquent accounts.

II. DEFINITIONS.

- A. Customer Service Representative- billing technician or any personnel as authorized by the Director.
- B. Utility bill is a Utility Services Statement or notice, including Second or Final Notices.

III. REFERENCES.

- A. Section 110-38, Sewer and Water Bills of the Brevard County Code of Ordinances.

IV. DIRECTIVES.

- A. Payment of Accounts.

Utility bills are due when rendered and are payable via E-Z pay automatic payment, via the online portal, in person at or by mail addressed to the applicable Utility Finance office noted on the utility bill. Utility bills are the obligation of the owner of the property receiving sewer and water services, as well as the obligation of any occupant or other person in whose name sewer and water services are listed.

B. Delinquent Accounts.

1. Billing Procedures for Delinquent Accounts.

- a. If the full amount of the utility bill is not paid within 30 days of the billing or statement date, the utility bill becomes delinquent.
- b. If the utility bill becomes delinquent, a Second Utility Bill shall be issued by the County and shall be due when rendered.
- c. If the full amount of the Second Utility Bill is not paid within 10 days of the billing date of the Second Utility Bill, then a Final Notice shall be issued and shall be due when rendered.
- d. If the full amount of the Final Notice is not paid within 10 days of the billing date of the Final Notice, then the County shall discontinue sewer and water services.
- e. Upon discontinuation of sewer and water services, if the full amount due and owing on the account is not paid within 10 days then the delinquent account shall be sent to collections. If the full amount due and owing on an account is not paid within 90 days of being sent to collections, then the County may file a lien as provided for hereinbelow.

2. Utility Bills for Delinquent Accounts. Utility bills for delinquent account shall contain the following information:

- a. Effective date of discontinuation and applicable service charge.
- b. Procedure for resolution of billing disputes including:
 - (1) Phone number and address of customer service representative authorized to consider customer complaints and resolve billing errors.
 - (2) Office hours during which customer service representative is available for customer conferences.

3. Final Notices of Delinquent Accounts. Final Notices of Delinquent Accounts shall be issued to the mailing address and service address and shall contain the following information:

- a. Effective date of discontinuation and applicable service charge.
- b. Procedure for resolution of billing disputes including:

- (1) Phone number and address of customer service representative authorized to consider customer complaints and resolve billing errors.
- (2) Office hours during which customer service representative is available for customer conferences.

C. Dispute Resolution Process.

1. All complaints shall be heard by the person or persons designated as customer service representatives by the Brevard County Utility Services Director.
2. Customer service representatives are authorized to review disputed utility bills and correct all errors due to overcharges, charges for services not rendered, payments not credited to account, multiple billings, computer errors, incorrect meter readings, correction of under/overestimated bills and adjustments for unbilled charges.
3. The customer shall be permitted to offer informal evidence to the customer service representative to support the allegations of the complaint.
4. The customer service representative shall render a decision on the customer's complaint within 48 hours of the customer conference and notify the customer of the decision.

D. Requests for Payment Extensions and Installment Method Payment Plans.

1. Payment Extensions.

- a. The Utility Services Department may grant one payment extension of no more than seven days per customer per calendar year for the payment of the monthly utility bill.
- b. The request must be made prior to the scheduled date for discontinuation of service.
- c. In the event of a declared state of emergency in Brevard County, the Utility Service Department may permit additional payment extensions for the period of that emergency and for a reasonable period of time thereafter as authorized by the Director.

2. Installment Method Payment Plans.

- a. The Utility Services Department may grant payment by an installment method.

b. The request must be made prior to the scheduled date for discontinuation of service.

E. Liens for Delinquent Utility Bills for Sewer And Water Service.

1. All delinquent utility bills for sewer and water services chargeable against the owner of real property shall constitute liens against such real property.
2. Such liens may be recorded in the public records on behalf of the County by the Director and may be enforced by the County in any manner allowed by law.
3. Once an owner has satisfied the delinquent utility bill, a document to release the lien shall be recorded in the public records on behalf of the County.

V. RESERVATION OF AUTHORITY.

The authority to issue and/or revise this policy is reserved to the Board of County Commissioners of Brevard County, Florida.

Attest:


Scott Ellis, Clerk

Bryan Lober, Chair
Brevard County
Board of County Commissioners

As approved by the Board on: August 4, 2020.