

CITY COUNCIL MEETING

AGENDA ITEM IV



From: Judie Milner, Finance Director

Subject: Ordinance 06-15

Recommendation:

I recommend the Council approve Ordinance 06-15 eliminating the language “at discretion of tax collector” as brought forward during the July 7, 2014 City Council meeting.

Suggested Motions:

August 4, 2014

Councilor moves, “I move the City of Franklin City Council set a public hearing for _____ at 6:05pm regarding the adoption of Ordinance 06-15 a change to the Franklin Municipal code chapter 289-21E eliminating the language “at discretion of the tax collector”.”.

September , 2014

Councilor moves, “I move the City of Franklin City Council adopt Ordinance 06-15 changing Franklin Municipal Code chapter 289-21E.”.

Discussion:

Ordinance 04-15 was adopted at the July 7, 2014 Council Meeting changing the water late payment fee from \$5 to \$10. During discussions at this meeting, several councilors commented on the “at discretion of the tax collector” language which is also included in Chapter 289-21E. The language is ambiguous and leaves room for interpretation and potential inconsistent treatment of delinquent bills. In addition, it puts the additional burden on the tax collector as some delinquent account holders take advantage of the system to avoid the shut off of service for not paying their bill. After discussing this with the City Tax Collector, Municipal Services Director and City Manager, we recommend eliminating the wording from the City Code so that everyone is treated fairly and consistently.

Concurrences:

Manager Dragon, Director Sullivan, and City Clerk/Tax Collector Burbank concur.

Fiscal Impact:

This change eliminates potential impact of Tax Collector forgiving revenue by not collecting the fees as adopted.

Alternatives:

Leave code as is with tax collector discretion.

Attachments/Exhibits:

Ordinance 06-15



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

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Franklin, NH 03235

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ORDINANCE #06-15

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Fourteen;

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 289-21E, Water Charges, is changed as follows (changes bold and italicized):

Chapter 289. WATER

Article III. Rules and Regulations

§ 289-21. Charges.

E. Delinquent bills. If any charges are not paid within 30 days after the billing date, such unpaid charges shall be subject to a service charge of 1 1/4% per month, 15% per annum. If the charges are not paid within 30 days after the billing date thereof, all services furnished by the system may be discontinued, after proper notice. ~~*Upon the discretion of the tax collector, overdue accounts will be notified.*~~ A late payment fee of \$10 will be assessed to all accounts to which a disconnect notice is forwarded. Service discontinued shall not be restored until all charges owed and interest, penalties and costs incurred have been paid in full.

Effective September 1, 2014.

Roll Call:

Councilor Boyd	_____	Councilor Feener	_____
Councilor Clarenbach	_____	Councilor Giunta	_____
Councilor Cournoyer	_____	Councilor Starkweather	_____
Councilor Desrochers	_____	Councilor Barton	_____
Councilor Dzujna	_____		

Approved: _____
Mayor

Passed: _____

I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Holly Burbank is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A true copy, attested: _____
Holly Burbank, City Clerk

Date



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CITY OF FRANKLIN NOTICE OF PUBLIC HEARING & MEETING

In accordance with the provision of Chapter 31, Division 2 of the Franklin Municipal Code, notice is hereby given that the City of Franklin will hold a Public Hearings on _____, September ____ at 6:05 p.m. in the Council Chambers, Franklin City Hall concerning Ordinance #06-15 regarding a change in language concerning Chapter 289-21E of the Municipal Code.