

CITY COUNCIL MEETING

AGENDA ITEM V.



**CITY OF FRANKLIN
COUNCIL AGENDA REPORT**

July 16, 2014

From: Judie Milner, Finance Director

Subject: Ordinance 07-15

Recommendation:

I recommend the Council approve Ordinance 07-15 changing the sewer code to 1) match the late payment fee in the water code as adopted by City Council in ordinance 04-15 on July 7, 2014 and 2) remove the language "at the discretion of the tax collector" recommended in ordinance 06-15 for the water fund code.

Suggested Motions:

August 4, 2014

Councilor moves, "I move the City of Franklin City Council set a public hearing for _____ at 6:06pm regarding the adoption of Ordinance 07-15 a change to the Franklin Municipal code chapter 245-16J changing the late payment fee from \$5 to \$10 and eliminating the language "at discretion of the tax collector".".

September , 2014

Councilor moves, "I move the City of Franklin City Council adopt Ordinance 07-15 changing Franklin Municipal Code chapter 245-16J.".

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. Ordinance 06-15 addresses this change in the water code and is on the agenda for public hearing in September.

This ordinance, 07-15, will make the same changes in the sewer code as addressed in ordinances 04-15 and 06-15 for the water code. These codes have typically mirrored each other for consistency.

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. In addition, the increased late payment fee may bring in revenue more timely in order to avoid the late fee.

Alternatives:

Leave code as is with tax collector discretion and late payment fee of \$5. This will be inconsistent with the water code.

Attachments/Exhibits:

Ordinance 07-15



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax (603) 934-7413
cityhall@franklinnh.org

ORDINANCE #07-15

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 245. SEWERS

§ 245-16. Sewer charges.

J. 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 **\$5 10** will be assessed to all accounts to which a disconnect notice is forwarded. Service discontinued shall not be restored until all charges owed, 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	_____		

**Ordinance #07-14
Page 2**

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