

**PORT LABELLE UTILITY SYSTEM  
ADVISORY BOARD MINUTES**

**September 21, 2009  
Hendry County Board of County Commissioners Chambers  
25 E. Hickpochee Avenue  
LaBelle, FL 33035  
1:00 P.M.**

**Board Members Present:**

George Davis, Chairman  
Han Mouthaan  
Warren Grant

**Board Members Absent:**

Paul Samerdyke  
Richard Bass

**Other Attendees Present:**

Roger Greer, PLUS Director  
Yvonne Cayce, PLUS Staff Assistant

John Capece, PLUS Advisory Board Facilitator

**1) Call to Order**

George Davis, Chairman, called the meeting to order at 1:00 p.m. on Monday, September 21, 2009.

**2) Review of Minutes**

Copies of the June 25, 2009 minutes were distributed and reviewed by members. Motion to accept was made by Warren Grant and seconded by George Davis. Motion carried.

**3) Service Recognitions – Janet Taylor, BOCC Chair**

Commissioner Taylor was unable to attend the meeting today. Service recognitions will be rescheduled.

**4) Director's Report – Roger Greer**

Roger Greer presented to the Board the following statistics:

Water Plant Usage for August = 9,218,900 gallons	This Time Last Year = 10,833,500 gallons
Average Per day = 297,383 gallons	This Time Last Year = 349,467 gallons
Max. Per day = 362,400 gallons	This Time Last Year = 390,300 gallons
Wastewater Treated for August = 6,926,000 gallons	This Time Last Year = 7,859,000 gallons
Average Per day = 223,000 gallons	This Time Last Year = 262,000 gallons
Max. Per day = 289,000 gallons	This Time Last Year = 364,000 gallons

Apr. - June: Meter Sets = 0      New Requests = 0      Outstanding = 64

Roger added that he is considering making some changes in the Utility to have it operate more efficiently. He shared information he had received from other utilities regarding third party billing. Some utilities send statements to the owners, as well as, the tenants who have the service in their names. If for some reason the tenant does not pay the utility bill, the owner will be required to do so. Others are allowing the service to be put in the owner's name, only. Counties have passed resolutions in order to bill in this manner.

John Capece interjected that before pursuing this issue, it would be advantageous to review the State rental laws to be certain of compliancy.

Mr. Greer informed the Board that he is considering offering a “one-time” abatement for customers who have experienced excessively high bills due to leaks. He will assemble information on this and present it to the Board at a later date for their review and input.

He added that, recently, he assisted customers with high bills due to *confirmed* leaks. Their bills were adjusted by charging the gallons used at the lowest rate. He felt this to be fair as the customers did not willfully use the water or demonstrate any negligence on their part as to conservation. As for the sewer, it is capped at 8000 gallons, so the customer’s monthly consumption was averaged and credit was given for gallons used over and above the average. Although the meter reading system is able to detect continuous usage through the meter, it is not real time, but registers the alert only at the time that the meter is read which is once a month. For those customers showing up on the leak alert report, courtesy letters are sent informing them and asking them to check their plumbing. However, unless a leak is substantial, it is undetectable unless seen and reported. Usually, by the time PLUS is notified, the water has already registered through the meter. If a customer suspects a leak, it can be detected simply by checking the flow indicator on the meter when it’s known that no water is being used in the home.

Roger next brought to the attention of the Board the issue of performing diagnostics or running data logs on meters. He discovered while attending a recent workshop that most utilities charge for this service. He feels that Port LaBelle Utility should offer one free data log per customer if requested. Any subsequent requests would incur a specific charge. He will discern what this charge should be and will bring up for discussion with the Board at a future meeting.

John Capece stated that some utilities are setting up real time networks. Although the capability exists, Roger said he feels it’s beyond our means. He added that the company that PLUS purchased meters from expressed a desire to get a fixed base system in the state of Florida in order to promote their product. PLUS has a tower that could be used for their antenna, so he will pursue this venture with them. This system would prove to be extremely advantageous not only to the utility, but to the customer as well.

Roger also informed the Board that he feels the Utility should impose a late payment fee. This fee could be a flat fee as some other utilities charge, or could be a percentage based on the delinquent amount. There are numerous customers every month calling for extensions on their payment due date. Others are rushing in at the last minute to pay their past due amount on the morning they are scheduled for shut off. This presents a chaotic situation for both the Clerk’s office and the PLUS office. Customers demand that the Clerk call the PLUS office, and the PLUS office assistant call the field tech to see if their meter has, in fact, been shut off. If not, the customer argues that a reconnect fee is not due. Customers are sent letters informing them that they have until a certain time and day to pay. If payment is not posted by this designated time, the late fee would be automatically charged to the account. It’s believed that this may serve as a deterrent to those customers who consistently wait until the last possible moment to pay. Roger will continue to research options available for this feature in the billing system and will present his recommendation to the Board members at a later date.

John Capece stated that he would like to see more modern billing and collection mechanisms implemented. Roger answered by stating that we do offer automatic bank draft, but most customers do not wish to avail themselves of this service. He added that he looked into an online bill pay system (Click to Gov); however, the cost to implement was estimated at \$35,000 which our budget cannot support.

John stated that the basics are available now by putting in a tie between the billing and the current data base and setting up a password system. The key is moving the data from the current platform into the platform

already established for all of PLUS customers, which could be done with overlays. Passwords would have to be created for each customer, however, and this could prove to be more troublesome than it's worth.

#### **5) Water Consumption Data – John Capece**

Before reviewing the water consumption graph, John asked Roger Greer if any more customers had requested to have their meters pulled. Roger said that no more meters have been pulled. He added that customers going through the foreclosure process want the meters pulled so they will not be billed the monthly base fee for the months preceding the final judgment. Roger checked with North Port Utilities to see how they handle this situation. They are doing just as PLUS. The customer is billed the base fee until the bank has the certificate of title. If a customer insists on having their meter pulled, we will pull the meter for we cannot force them to be our customers. If the meter is pulled, however, there should be a charge to reinstall it at a later date. Roger discussed this with County Attorney, Mark Lapp, who suggested a charge of \$300.00 to reinstall the meter. Herein lays a problem, however, in that the customer requesting the meter be pulled doesn't care about a future charge as he or she will not be the one paying it. How fair, then, would it be to charge the new customer coming in who needs to have the meter installed for service? This dilemma will continue to be pondered and dealt with in an effort to reach a reasonable solution.

John Capece suggested that we lien the properties in order to collect the accrued fees. Yvonne Cayce responded by saying that she has researched this option. She requested and received copies of liens filed with the Clerk of Court and reviewed the wording of these documents to see if PLUS could adapt the form to their particular needs. Most liens are worded to show a specific amount due against the property. PLUS, however, will require a specifically worded lien tailored to reflect a changing balance due to the monthly fee accrual. John stated that he would have one of his students, a law student in particular, work on creating a lien for PLUS.

John Capece directed the Board's attention to the water consumption graphs and stated that there's been no new connections for the past several months, nor requests for connections. The consumption has set into a fairly steady pattern. Around January 2007 the consumption patterns changed, so the statistics were redone and the blue lines on the graph were altered so the pattern for the last three years is more accurate. The new patterns show an average use of about 71 gallons per person per day. There was a spike of 626,000 for one day in September.

Roger interjected that this spike was due to a leak on a 4-inch line in Glades County. He also clarified to John and the Board that the boiled water notice was not related to this leak, but stemmed from a problem at the water plant. The plant was down for a time while repairs were made to a leaking connection. The repair was almost complete when the pumps shut down. This shutdown resulted due to the contractor, or someone at the time the plant was put online, programmed the pumps to shut off at 10 ft. This setting was too high and the settings have since been adjusted. However, when the pumps went down, pressure was lost in the entire system. DEP was notified, a boil water notice was issued, and samples were collected to insure that there was no contamination. Typically, people tend to panic when a boil water notice is issued; however, it is just a precautionary action. It doesn't mean that there is something wrong with the water.

John redirected the Board's attention back to the graph commenting on the regular pattern for the past three years, as well as, some interesting drops from month to month. As for the wastewater plant, we had our standard summer infiltration where ground water is getting into sewer lines. This kicked the amount of water processed up into the 65% range in July and 62% in September of our overall plant capacity. Normally, actual delivery of wastewater is about 55% so anything above that tends to reflect infiltration into the system. It doesn't look like it's getting any worse than previous years, so it seems to be stable at this point.

Han Mouthaan questioned if the condos across from the hotel and the marina were on the public sewer system, and Roger stated that they are. In addition, Roger explained that the marina, being a commercial account, is charged per thousand for water and per thousand for sewer. For example, if a boat customer comes in and pumps out 2000 gallons of wastewater, that customer is also refilling the boat reservoir with 2000 gallons of water. Residential customers have a cap on sewer up to 8000 gallons; however, there is no cap on sewer for commercial.

#### **6) Banyan Special Assessment Modification – John Capece**

John Capece provided to the Board members a copy of an email from County Attorney, Mark Lapp regarding the special assessment. It is still in process with budgetary issues being sorted out, so there are no real changes at this time.

#### **7) Water Use Permit – John Capece**

John has been communicating with South Florida Water Management District, sending emails and files. They indicated that they would look at some of the new models that have been submitted. John added that they tend to look at models in various ways; therefore, he ran models in almost every possible way using numerous variations. Hopefully they will approve one of these models, especially since the permit has been expired for two years now. They, however, do not seem to be concerned with this issue, perhaps because we are the lowest per capita consuming utility. We have done all that we can and have complied with all requests in an effort to get this permit. As long as we are still under consideration, we should be okay and should not be penalized.

Roger Greer expressed his concern regarding this issue. He stated that he will contact Shane Parker, County Engineer, and ask that a meeting be scheduled with Terry Bengtsson of SFWMD in an effort to resolve this matter.

#### **8) Septic Utility – John Capece**

Handouts were given to the Board members for this discussion. John stated that a septic utility takes responsibility for the septic tanks, annual inspections, maintenance, and possible replacements if there's absolute failure of the system. There are reasons why we would want to consider a septic utility. We have regulations for the TMDL's (Total Maximum Daily Loads) implemented which represents real costs to the County for pollution reduction. Failure to meet the pollution reduction goals could have negative implication. By taking proactive steps and making sure that we are maintaining our existing septic tanks and drain fields properly, we could help minimize the cost that the County would be facing system wide regarding the TMDL issue. This has been 13-14 years coming and has finally reached the implementation stage. We also have the issue of making the transition from septic tanks to central sewer which is mandated at 33% build out. Although a long way out, now is the time to be thinking about it. When that comes about, it still requires the BOCC to vote and this Board to vote to recommend these systems. It is then we will hear from those customers who have already invested thousands of dollars in septic systems and are now being required to pay an additional \$10,000 assessment to hook up the central sewer. It could possibly turn into a big battle like they had in Cape Coral and Marco Island and every other place confronted with the central sewer issue. By setting up the septic utility, you have the potential to address this.

John invited the Board members to go over certain scenarios as presented on spreadsheet handouts. Hypothetical situations were reviewed and discussed regarding the following: existing septic tanks, growth rate, monthly fees for tank owners and owners of undeveloped lots, operating expenses, and annual inspections.

It would be advantageous, John stated, to obtain information from other utilities as to what structure they are using with their septic utility. There's a whole range of costs associated with this type of utility that has to be considered. We have to determine what is fair and reasonable for our consumers.

#### **9) Other Issues**

Han Mouthaan asked if the rate study was finalized. Roger Greer answered that it was completed and a small rate increase was suggested. However, Roger does not want to increase rates now with the economy at an all time low.

Han also asked if the ranchettes would ever be considered for utility service. Roger answered that if connections were requested by the homeowners, they would have to pay for the infrastructure, and service would be provided.

#### **10) Schedule Next Meeting & Adjourn**

The next meeting is scheduled for December 8, 2009 at 2:00 p.m. in the Hendry County BOCC Chambers

The meeting was adjourned at 2:20 p.m.

*\*\* Addendum 11/12/09: Due to a conflict in using the BOCC Chambers, the meeting was rescheduled for Wednesday, December 9, 2009 at 2:00 p.m. in the Chambers.*