



**AGENDA  
CITY OF LAKE WORTH BEACH  
ELECTRIC UTILITY CITY COMMISSION MEETING  
IMMEDIATELY FOLLOWING THE SPECIAL MEETING  
BY TELECONFERENCE  
TUESDAY, JUNE 30, 2020 - 6:15 PM**

**ROLL CALL:**

**AGENDA - Additions / Deletions / Reordering:**

**PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**

**APPROVAL OF MINUTES:**

A. [May 26, 2020](#)

**NEW BUSINESS:**

A. [Resolution No. 21-2020 – Establishing a Payment Plan for Utility Accounts](#)

**ADJOURNMENT:**

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

**MINUTES  
CITY OF LAKE WORTH BEACH  
ELECTRIC UTILITY CITY COMMISSION MEETING  
BY TELECONFERENCE  
TUESDAY, MAY 26, 2020 - 6:00 PM**

The meeting was called to order by Mayor Pam Triolo on the above date at 6:00 PM by teleconference from City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

**ROLL CALL:** Present were; Mayor Pam Triolo; Vice Mayor Andy Amoroso; and Commissioners Scott Maxwell (absent for the roll, arrived at 6:03 PM), Omari Hardy and Herman Robinson. Also present were City Manager Michael Bornstein, City Attorney Christy L. Goddeau and City Clerk Deborah Andrea.

**PLEDGE OF ALLEGIANCE:** led by Vice Mayor Andy Amoroso.

**AGENDA - Additions / Deletions / Reordering:**

There were no changes to the agenda.

**PRESENTATIONS:** (there is no public comment on Presentation items)

- A. Electric Utility Update by Edward Liberty
- B. Ed Liberty, EU Director, reminded the Commissioners that he distributed hard copies of the Annual Report and pointed out the gains in solar energy in the future and stated that by 2024, all of the City's energy will be from carbon-free resources and by 2025, the City's carbon footprint would have been reduced by more than 50% from 2005. He said that the EU was working on an app and thanked members of the EUAB, the Commission and staff who were testing it. He announced that the EUAB would present ideas to the Commission regarding utility deposits. He thanked the EU employees who had been working split shifts on the conversion project, which would relieve the load on the system. He stated that the unions and customer service had been doing a great job; 4,000+ monthly customers who used to pay in person or open accounts at the annex were processing everything remotely. He said that the bulk of the workforce would transition back on June 1 with social distancing and protections in place.

Vice Mayor Amoroso thanked Mr. Liberty and the EU staff for the app, a great, new tool. He asked when the app would be operational and about the pre-pay option, which would alleviate the need for a large deposit and help to pay during season when funds were lower.

Mr. Liberty replied that the app would be tested for another 30 days to work through any glitches. He said that there was a big negative outlay for small businesses and it would be helpful for smaller families moving into homes that had been occupied by larger families; the deposit was based on previous ownership.

Commissioner Maxwell asked how the pre-paid program worked if someone did not make the payment.

Mr. Liberty stated that there would be a warning and then the meter would be shut off remotely.

Commissioner Robinson thanked Mr. Liberty for moving the City towards the future and said that education would be important.

Mr. Liberty gave an update of energy use, potential revenue reductions, utility receivables and a revenue recovery plan. He said that it was important to note that the EU was growing in spite of the crisis; the residential capacity was growing. He said that the residential use was up and commercial use was down because of COVID-19. He reviewed a 7+5 forecast (seven months actual, five forecasted) with potential revenue reductions, explaining that the EU looked at the ramifications of customers dropping off by ten or fifteen percent. He said that the customers were still there, but were not paying. He stated that the utility (electric, water and sewer) exposure has increased by 228% from March 18 to May 26 for accounts that are almost 60 days in arrears. He showed the different payment methods and said that credit card payments were growing at a cost in fees to the City.

Vice Mayor Amoroso asked how many accounts were not being paid, about the cost to the City of payment methods and if there could be a way to bring the numbers down.

Mr. Liberty replied that the credit card fees added a substantial cost to the City and that Bruce Miller, Financial Services Director, would be looking into reducing the fees or if the customer could pick up that expense. He stated that a nearby utility had the customer pay the credit card fee.

Commissioner Robinson asked for data on partial payments.

Franco Bellitto, Customer Service Manager, replied that he would get the data for the Commission.

Commissioner Maxwell asked why February had 3,000 less payments than the following three months and if there were incentives for auto-pay. He suggested that there be a consideration of other incentives for auto-pay.

Mr. Liberty responded that it could be related to the billing cycle or that people paid before their service would have been disconnected.

Mr. Bellitto stated that there was a one-time \$25 credit for those signing up for auto-pay or paperless billing.

Commissioner Hardy asked about the budgeting for credit card fees. He requested that there be a yearly comparison in the future.

Mr. Liberty replied that the fees would be about \$400,000 next year.

Commissioner Maxwell said that it seemed as though people were moving from a cash payment to a credit card payment.

Mr. Bellitto explained that there were higher fees for customers paying with rewards credit cards and that the vendor could charge the fee to the customer.

Mayor Triolo opined that more people were paying with credit cards because they were out of work and not getting a paycheck.

Vice Mayor Amoroso asked if the fee was shopped around and if the EU could block the use of rewards cards.

Mr. Bellitto responded that the City had the lowest fees and that a rewards credit card could not be blocked because the system would not recognize a rewards card versus a regular card.

Mr. Liberty spoke about the applying the utility deposits to the outstanding balances and said that there would still be over \$300,000 in exposure to the City. He stated that each account had a different deposit and some accounts did not have a deposit. He said that it would be a policy decision from the Commission whether to allow the use of deposits towards derelict accounts.

Commissioner Maxwell asked how many customers without deposits were in arrears.

Mr. Bellitto replied that he would look up the information and report back.

Commissioner Hardy asked if and how the customer would rebuild the deposit if it were used to pay late bills.

Mr. Liberty responded that the deposit would be used as a one-time payment and then have a grace period after which the customer would be able to rebuild their deposit. He said that a payment plan would only be for the late bills, not the deposit. He stated that he would seek direction from the Commission regarding a payment plan and the deposits.

Vice Mayor Amoroso spoke in favor of a payment plan and asked if a pre-pay plan had a lower deposit.

Mr. Liberty responded that a pre-pay account did not require a deposit.

Mayor Triolo asked how using the deposits would impact the City.

Mr. Liberty stated that it would help the City by showing that the City was seeking repayment for the bills, would keep the payments in FY 2020 and would be more positive for the audit.

Commissioner Hardy asked how many EU customers there were and what FPL would be doing regarding the shutoff moratorium in the future. He said that the City should try to mirror what FPL did. He asked how the City would recover the unrecoverable amounts.

Mr. Liberty replied that there were 27,300 customer accounts and FPL would be resuming cutoffs on July 1. He explained that FPL had a storm fund and recouped the funds used for a storm over multiple years from its customers. He said that the difference with investor-owned entities would have to be made up from shareholders and customers whereas a citizen-owned utility would have to pay the bills.

Commissioner Maxwell asked what bills were late before the pandemic began and what was late since. He said that there needed to know what the monthly bill was that had not been paid

would be need to be determined for a payment plan. He suggested using only part of deposits for repayments and opposed a fee being imposed on customers who paid to recoup the bills.

Mr. Liberty said that the 30-day late bills totaled \$260,000 in March and were more than \$640,000 currently, plus \$231,000 for bills that were 60 days late.

Commissioner Hardy raised concerns about the Commission providing consensus on a presentation item on which the public could not comment.

City Attorney Goddeau stated that Mr. Liberty was looking at narrowing down the options in order to bring an item back to the Commission. She said that agenda items should be clear regarding what was being asked of the Commission; there was no requirement to publish everything for an agenda.

Vice Mayor Amoroso expressed concern regarding not having any deposits because often residents left the City without paying their bills.

Commissioner Robinson asked how many people had moved out owing money and if anyone was making partial payments.

Mr. Liberty stated that the EU would take any payments and that people were not being forced out of the City as there was also a moratorium on evictions.

Mayor Triolo said that the City was following FPL's policy and assumed that the City would be looking at extending the moratorium for a month. She requested the Mr. Liberty bring back agenda items regarding best practices.

Mr. Liberty said that he expected the 60-days late number to grow and the EU was trying to move back to normalcy.

Mr. Bellitto stated that 12 commercial accounts had no deposits while 341 residential customers had no deposits. He announced that of the 1578 late accounts, the average commercial past due amount was \$1159 and the average residential past due amount was \$469.

Commissioner Hardy spoke in favor of extending the moratorium.

Commissioner Maxwell stated that it was unknown what landlords would do when the eviction moratorium was lifted. He said that the Commission should do what it could to have the best possible outcome.

Vice Mayor Amoroso stated that a payment plan should be determined.

Mr. Liberty reported that the agency was working to contact customers regarding assistance with utility bills and that was having a positive effect. He stated that a revenue recovery plan to balance the needs of all customers and the City's financial obligations would be necessary to budget for FY 2021 and to allow time to create the processes for the customers and have a phase in period. He said that two resolutions would require changes if deposits would be used. He stated that the next steps would include a consensus on when to phase out the no-disconnect

policy, on the elements of a deferred revenue recovery plan and for Staff to prepare a staff report and motion for a subsequent City Commission meeting.

Mayor Triolo asked for consensus regarding the shutoff moratorium. She stated that the City's policy had been not to shut power off during an emergency and that she expected the moratorium would be extended through June, such as neighboring cities and FPL were doing.

Commissioner Robinson asked if the moratorium could be for a month at a time.

Mayor Triolo said she would be fine with a month at a time.

Commissioner Maxwell stated that a definite date should be determined and asked if ending the moratorium mid-June would be too complicated.

Mayor Triolo replied that it would be difficult to change policy mid-policy.

Commissioner Maxwell said okay.

Commissioner Robinson iterated that the Governor might sway the Commission's policy.

Commissioner Hardy said that the moratorium should be continued through June and the emergency orders should be tracked.

#### **PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:**

City Clerk Andrea read the public comment submitted by the following:

Ramsay Stevens wrote to request that the EUAB be allowed to discuss policies that could provide economic relief to the community and make the utility more sustainable.

#### **APPROVAL OF MINUTES:**

**Action:** Motion made by Vice Mayor Amoroso and seconded by Commissioner Maxwell to approve the following minutes:

A. April 28, 2020

**Vote:** Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

Mayor Triolo announced that there would be more testing in the City, tomorrow at the old Scottish Rite Building and Friday at the Hatch; no appointments were necessary and testing would be free.

#### **ADJOURNMENT:**

**Action:** Motion made by Commissioner Maxwell and seconded by Vice Mayor Amoroso to adjourn the meeting at 8:14 PM.

**Vote:** Voice vote showed: AYES: Mayor Triolo, Vice Mayor Amoroso and Commissioners Maxwell, Hardy and Robinson. NAYS: None.

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Pam Triolo, Mayor

ATTEST:

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Deborah M. Andrea, CMC, City Clerk

Minutes Approved: June 30, 2020

A digital audio recording of this meeting will be available in the Office of the City Clerk.

# **EXECUTIVE BRIEF ELECTRIC UTILITY MEETING**

**AGENDA DATE:** June 30, 2020

**TITLE:**

Resolution No. 21-2020 – Establishing a Payment Plan for Utility Accounts

**SUMMARY:**

Resolution No. 21-2020 establishes a portable payment plan for customers with accounts subject to service disconnection from March 16, 2020 to July 16, 2020 for non-payment and suspends utility deposit reviews through September 30, 2020.

**BACKGROUND AND JUSTIFICATION:**

In response to COVID-19, the City suspended the disconnection of utility customers for non-payment and waived all late fees. The suspension has allowed utility customers to defer the payment of their utility bills during the COVID-19 pandemic to date. In addition, City staff has engaged in an extensive outreach effort to educate affected customers regarding available assistance in paying utility bills. At the Special City Commission meeting on June 18, 2020, the City Commission determined that with over 15.1% of the City's utility receivables now delinquent and in arrears greater than 30 and 60 days, the City should end the suspension of disconnections and waiver of late fees as of July 17, 2020. However, in an effort to continue to assist the affected customers, the City Commission agreed to create a payment plan to allow the affected customers to pay the deferred utility charges over 12 months (for residential customers) and over 36 months (for commercial customers) with said payment plan to be portable with each customer should they relocate to a different premise over the period of their payment plan. In addition, the City Commission agreed to suspend the deposit reviews required by City Resolution 70-2013 through September 30, 2020. Once deposit reviews resume on October 1, 2020, City staff is requesting that those reviews NOT include a review of accounts for four (4) delinquent payments as such review is time intensive and not able to be automated by the current City system, nor that any delinquent payments from any customer during the period of March 16, 2020 through July 16, 2020 not be counted for determination of need for additional deposit.

**MOTION:**

Move to approve/disapprove Resolution No. 21-2020 establishing a payment plan for utility accounts.

**ATTACHMENT(S):**

Fiscal Impact Analysis (to be discussed)  
Resolution 21-2020



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RESOLUTION NO. XX-2020 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, IMPLEMENTING UTILITY PAYMENT PLANS FOR CUSTOMERS WITH ACCOUNTS SUBJECT TO SERVICE DISCONNECTION FROM MARCH 16, 2020 TO JULY 16, 2020 FOR NON-PAYMENT; AMENDING RESOLUTION 70-2013 TO SUSPEND UTILITY DEPOSIT REVIEWS THROUGH SEPTEMBER 30, 2020 AND TO REPEAL THE DELINQUENT PAYMENTS CATEGORY WHEN DEPOSIT REVIEWS RESUME ON OCTOBER 1, 2020; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, on January 30, 2020, the World Health Organization declared Novel Coronavirus Disease 2019 (COVID-19) a Public Health Emergency of International Concern; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52, which established a State of Emergency for the State of Florida declaring COVID-19 as a public health emergency; and

WHEREAS, due to the COVID-19 pandemic, on March 17, 2020, the City of Lake Worth Beach suspended the disconnection of utility customers for non-payment and waived all late fees; and

WHEREAS, the suspension has allowed utility customers to defer the payment of their utility bills during the COVID-19 pandemic to date; and

WHEREAS, in addition, City staff has engaged in an extensive outreach effort to educate affected customers regarding available assistance in paying utility bills; and

WHEREAS, the City Commission has determined that with over xx.x% of the City's utility receivables delinquent and in arrears greater than 30 and 60 days, the City will end the suspension of disconnections and waiver of late fees as of July 17, 2020; and

WHEREAS, to assist the affected customers, the City Commission has agreed to create a payment plan to allow the affected customers to re-pay the deferred utility charges over 12 months (for residential customers) and over 36 months (for commercial customers) with said payment plan to be portable with each customer should they relocate within the boundaries of City's utility service territory(s) during the period of their payment plan; and

WHEREAS, to further assist the affected customers, the City Commission has agreed to suspend deposit reviews through September 30, 2020 and to repeal the delinquent payments category when deposit reviews resume on October 1, 2020; and,

40 WHEREAS, to further assist all customers, the City Commission has agreed that  
41 any customer delinquent in payments leading to a determination of eligibility for service  
42 disconnection due to non-payment during the period of March 16, 2020 through July 16,  
43 2020, that such event shall not be counted for determination of need for additional deposit.

44 WHEREAS, the City Commission has determined that it is in the best interest of  
45 the City of Lake Worth Beach to adopt this resolution.

46  
47 NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY  
48 OF LAKE WORTH BEACH, FLORIDA as follows:

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50 Section 1. Incorporation. The foregoing recitals are incorporated into this  
51 resolution as true and correct statements.

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53 Section 2. COVID-19 Utility Payment Plan. For those utility customers with  
54 accounts subject to service disconnection during the period of March 16, 2020 to July 16,  
55 2020 for non-payment, a payment plan is hereby established to provide for the re-  
56 payment of all past due amounts over a period of twelve (12) months for residential  
57 customers and thirty-six (36) months for commercial customers. Each utility customer  
58 desiring to take advantage of the payment plan must contact the City's Utility Customer  
59 Service division to activate the payment plan for the customer's account. Once activated,  
60 the past due amount will be divided by the applicable payment plan period (12 or 36  
61 months) (the "pro rata amount") and the pro rata amount will be added to the regular  
62 monthly utility bill for the duration of the payment plan period. The customer must pay  
63 both the pro rata amount and the customer's regular utility bill to avoid late fee(s) and  
64 disconnection. A customer with an account subject to service disconnection during the  
65 period of March 16, 2020 to July 16, 2020 for non-payment must activate the payment  
66 plan no later than ten (10) business days after the customer is disconnected for non-  
67 payment accruing prior to July 16, 2020. Thereafter, the payment plan will no longer be  
68 available to be activated on a customer's account. If a customer activates a payment plan  
69 for their account prior to being disconnected and moves to another location within the  
70 City's utility service area, the payment plan shall be portable and shall remain in effect for  
71 that customer for the duration of the payment plan period. The customer shall be afforded  
72 an additional thirty (30) day payment plan period to account for the customer's relocation  
73 within the utility service area.

74  
75 Section 3. Deposit Reviews. The reviews of utility bill deposits as required by City  
76 of Lake Worth Beach Resolution 70-2013, under sections 3.A.1, 3.A.3, 3.B.1 and 3.B.3,  
77 are suspended for all customers through September 30, 2020. Reviews of utility bill  
78 deposits as required by Resolution 70-2013 shall resume on October 1, 2020; however,  
79 the requirements under section 3.A.3 and 3.B.3 (regarding four (4) delinquent payments  
80 within current twelve (12) month period) shall be repealed on October 1, 2020, that any  
81 delinquent payments from any customer nor determination of eligibility for service  
82 disconnection due to non-payment during the period of March 16, 2020 through July 16,  
83 2020 shall not be counted for determination of need for additional deposit.

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85 Section 4. Severability. If any section, subsection, sentence, clause, phrase or  
86 portion of this resolution is for any reason held invalid or unconstitutional by any court of

87 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
88 independent provision, and such holding shall not affect the validity of the remaining  
89 portions thereof.

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91 Section 5. Conflicts. All resolutions or parts of resolutions in conflict with the  
92 provision of this resolution are hereby repealed.

93  
94 Section 6. Effective Date. This resolution shall take effect immediately upon its  
95 adoption.

96  
97 The passage of this resolution was moved by Commissioner \_\_\_\_\_, seconded  
98 by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

- 99
- 100 Mayor Pam Triolo
- 101 Vice Mayor Andy Amoroso
- 102 Commissioner Scott Maxwell
- 103 Commissioner Omari Hardy
- 104 Commissioner Herman Robinson

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106 Mayor Pam Triolo thereupon declared this resolution duly passed and adopted on  
107 the \_\_\_\_ day of \_\_\_\_\_, 2020.

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109 LAKE WORTH BEACH CITY COMMISSION

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112 By: \_\_\_\_\_  
113 Pam Triolo, Mayor

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115 ATTEST:

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118 \_\_\_\_\_  
119 Deborah M. Andrea, CMC, City Clerk