

JUN 01 2010

Memorandum



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Agenda Item No.
7(B)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

July 13, 2010

From: George M. Burgess
County Manager

Subject: Report on High Water Bill Investigation: Michael Rosenberg

At the March 9, 2010 Government Operations Committee meeting, the Committee requested information from the Miami-Dade Water and Sewer Department (WASD) regarding a high water bill charged to Mr. Michael Rosenberg. Specifically, Commissioner Seijas requested responses to eight questions regarding Mr. Rosenberg's complaints, and Commissioner Gimenez requested an outline of the actions taken since Mr. Rosenberg initiated his complaint.

Commissioner Seijas requested responses to the following questions:

1. How did this person handle the situation?
2. Did this person do due diligence?
3. Did this person look to see if there is a problem inside the structure?
4. Was the bill six times the past quarterly consumption rate based on the previous year's consumption?
5. Was the investigative process followed by WASD appropriate?
6. Has this person been treated fairly by WASD?
7. Did this person exercise his/her right as a citizen and taxpayer, and as such, submit complaints and his/her ideas regarding a solution? If proposed solutions were submitted, were they heard by WASD and given consideration?
8. How right and how wrong is WASD on this specific case?

The responses to the above questions are provided below and the outline requested by Commissioner Gimenez is summarized in Attachment 1 of this report.

1) How did this person handle the situation?

Mr. Rosenberg received a water and sewer bill dated July 9, 2007 for \$476.89 for the billing period March 30, 2007 through July 2, 2007. As provided in WASD's operating procedures, on July 5, 2007 WASD conducted a field investigation, independent of any customer complaints, because the consumption exceeded twice the normal average for the property. The investigation concluded that: 1) there was no leak at the water meter; 2) the meter reading was accurate; and 3) the lawn was in good condition.

On July 25, 2007, Mr. Rosenberg called the WASD regarding the water bill and staff advised him that an inspection had been performed and provided the results of the investigation. Mr. Rosenberg was also advised of conditions that can produce high water bills such as leaking toilets and faucets, leaving garden hoses running and/or leaking exterior pipes.

On August 3, 2007, Mr. Rosenberg contacted WASD to further dispute the bill. He was advised of his right to a second high bill investigation, a certified meter test, and an administrative hearing. The Board should be aware that these remedies are a normal part of WASD's operations. As provided in the standard procedures, where there is an excessively higher bill than is considered normal for an account, the department removes the meter, installs a certified replacement, and conducts a certification test on the meter that was removed from service.

On August 6, 2007, Mr. Rosenberg requested the certified meter test. The department conducted the test on August 23, 2007 which was witnessed by staff from the Consumer Services Department. On September 7, 2007, WASD advised Mr. Rosenberg that the meter had passed the certified test following which Mr. Rosenberg requested an administrative hearing.

Mr. Rosenberg also contacted the County Executive Office to complain about the high bill. The Mayor responded on November 8, 2007 and reminded Mr. Rosenberg of the administrative hearing scheduled for November 16, 2007 and the results of the high bill investigations that had been conducted.

The administrative hearing was held as scheduled on November 16, and the Hearing Officer found that WASD had billed the account in accordance with the department's rules and regulations. The Clerk's Office sent Mr. Rosenberg a certified letter advising him of the outcome of the administrative hearing and of his right to appeal the findings in Circuit Court within 30 days. Mr. Rosenberg had to file an appeal by December 16, 2007, however, did not do so.

On November 20, 2007, Mr. Rosenberg requested a payment arrangement for the amount due. The request was granted and he signed the agreement on November 30, 2007. WASD flagged the account to ensure that no late charges would be assessed while the agreement was in force.

On December 14, 2007, Mr. Rosenberg e-mailed WASD requesting that the department turn the water meter over to him. He explained that he would personally send the meter to the manufacturer for testing. WASD denied the request.

On July 16, 2008, Mr. Rosenberg requested that WASD submit a bill for the balance on his account and stated that he was meeting with his County Commissioner to discuss the request for possession of the water meter.

On October 6, 2008 Mr. Rosenberg again contacted the Mayor requesting WASD records and reiterating his billing issues. The information was provided, and Mr. Rosenberg was again reminded of the hearing officer's ruling and that there was no administrative authority to waive the hearing officer's decision.

On October 20, 2008, Mr. Rosenberg paid off the outstanding balance on the account.

Mr. Rosenberg made a citizen's presentation before the Board of County Commissioners (Board) on December 2, 2008 stating that his water bills averaged \$60 to \$70 per month and that the bill he received was for more than 100,000 gallons of water and must be erroneous. He explained the process he had been through to dispute the bill, requested that the bill be adjusted, and requested that WASD release the water meter to him.

On December 17, 2008, Mr. Rosenberg met with staff to discuss his concerns. He stated that he had information showing that on several occasions WASD had adjusted high water bills for customers. Mr. Rosenberg was advised that if he provided names, addresses and/or dates of

these adjustments, WASD could investigate and provide a response. However, Mr. Rosenberg stated that the person who received this adjustment did not want to become involved.

2) *Did the person do due diligence?*

WASD is unable to determine if Mr. Rosenberg took any action to assess and/or correct any plumbing or other water use issues at the property.

3) *Did the person look to see if there is a problem inside the structure?*

WASD advised Mr. Rosenberg of the major factors that contribute to unusually high water bills. The County is not aware if Mr. Rosenberg has taken any action to verify if there are problems inside the structure.

4) *Was the bill six times the past quarterly consumption rate based on the previous year's consumption?*

Yes. The water and sewer bill was six times that expected for the billing period.

5) *Was the investigative process followed by WASD appropriate?*

Yes. In accordance with WASD's procedures, when a water bill exceeds two times the normal consumption, the bill is held and the department performs a field investigation to determine the accuracy of the meter reading. In addition, field representative view the exterior of the property looking for signs of leaks or any evidence that a leak may have occurred.

6) *Has the person been treated fairly by WASD?*

County staff with whom Mr. Rosenberg has communicated, has assisted him with all of his requests, treated him fairly, with respect and in a professional manner. According to established WASD procedures, a high bill investigation was conducted, the water meter was replaced, the replaced meter was tested to verify its accuracy, and a payment plan was developed and offered to the customer.

7) *Did the person exercise his/her right as a citizen and taxpayer, and as such, submit complaints and his/her ideas regarding a solution? If proposed solutions were submitted, were they heard by WASD and given consideration?*

Mr. Rosenberg exercised his rights as a citizen and as a taxpayer. He requested a certified meter test and an administrative hearing. Additionally, he exercised the option to enter into a payment plan and was not assessed any late fees. The hearing officer at the administrative hearing found that WASD billed the account correctly in accordance with WASD's rules and regulations.

8) *How right and how wrong is WASD on this specific case?*

The above account of Mr. Rosenberg's case shows that the department conducted itself professionally and in accordance with County rules and procedures. Staff in different areas of the County and in WASD has spent a great deal of time working with Mr. Rosenberg, providing information, considering his complaints, explaining procedures, and generally assisting him as necessary. We believe the department has taken all the correct steps and has handled the situation credibly.