

June 2015

Vol 12

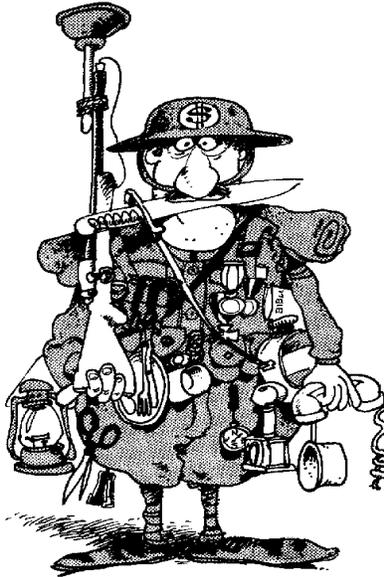
# THE TRUTH A PARTY

## UTILITIES COMMISSION UNDER ATTACK

With all the grenades flying at the Utilities Commission, I'd suggest they put on their flak jackets and helmets, just to be safe. For years city officials have been finagling ways to undermine this particular commission. What sets it apart is that it watches over the \$48 Million Utilities budget – the city's cash cow.

The initial move to legally get rid of the Utilities Commission happened in 2011. During the 2012 election, a ballot measure was included asking voters to approve the removal of the Utilities Commission from the City Charter. By removing it from the Charter and placing it in an ordinance, the Governing Body could vote to dissolve the Utilities Commission. Unaware of these implications, citizens voted for it. That change has waited like an undetonated bomb.

After a tumultuous year in 2014 with heavy discussion and debate over water rights, water rates and water line replacements, the City Manager circumvented the Utilities Commission in December, taking an item directly to the Governing Body. One commissioner raised concerns about this, and it was sent back to the Utilities Commission to review. It was no surprise a few months later when a city councilor, upset by the Commission's support of the water rate freeze, said he didn't even know why we have a Utilities Commission. And during the recent budget review, the Commission had a skirmish with



city staff when they questioned the legitimacy of the Pilot Property Tax, G&A Fund, and Franchise Fee, which siphon money from the Utilities Fund into the General Fund.

Now Mayor Hull has suddenly emailed City Councilors notifying them he will be filling four Utilities Commissioner positions in strict accordance with the existing ordinance and will no longer accept anyone without water experience. While the email appears to simply state his intended compliance with the

ordinance, its effect could end up being a very crafty way of neutering or even eliminating the Commission. Its most immediate impact is to cause the cancellation of the Commission's meeting in July - due to his creation of a lack of a quorum. Without a quorum, the Commission cannot hold meetings. This could mean no water availability approvals for developments...unless ordinance changes are implemented to give the Governing Body more power.

Further, it's a bit moronic to demand water experience of the Utilities Commission and not the Governing Body; the Commission can only give recommendations on most issues, leaving the final decisions to the Governing Body. Using this logic, the Mayor should be concerned about the Planning and Zoning Commission, since they are the most powerful of our 9 commissions, yet require no experience to serve. Then again, the Planning and Zoning Commission doesn't watchdog a \$48 Million budget.

A trend is emerging in which dissenting voices are not tolerated at city hall. The guardians of the cash cow are under attack, and we need them now more than ever. Concerned citizens with a background in water need to step up now to help protect the future of the Utilities Commission and Utilities Fund.

## Blind Justice...or Blind Man's Bluff

This week's Governing Body meeting included approval of the Administrative Hearing

Rules of Procedure for the new Civil Asset Forfeiture program, but mysteriously absent

were the amounts of the fines and fees to citizens.

# Blind Justice...or Blind Man's Bluff

After voting in conflict with state law, which requires a conviction before forfeiting a citizen's property, the Governing Body has now given city staff and the police department carte blanche regarding the associated fines and fees.

In addition to possibly losing your vehicle without being convicted of a crime, it appears city staff will be making up the fees as they go along. While the hearing fee itself will be capped at \$50, no specific amounts were approved for innocent owner fees or booting fees. Instead, the fees will be determined by the Police Department (whose budget is bolstered by these fines and forfeitures) and may change based on income generated. If the program is not meeting financial expectations, the fines can be increased without Governing Body approval, which is out of the ordinary.

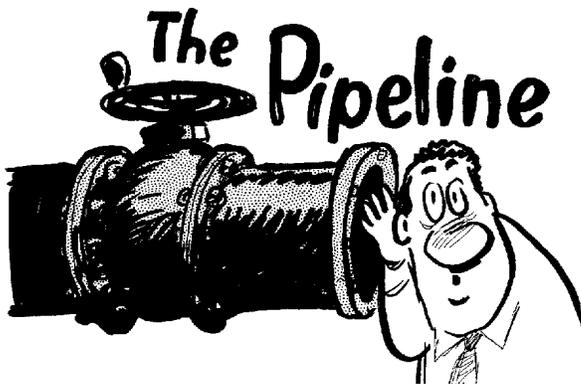
From their initial blind-side push to rush this ordinance through, to thumbing their noses at the new state law requiring conviction before forfeiture, and finally to a snubbed

second chance to set things right, this Governing Body and its City Attorney's Office have mishandled a potentially harmful law from the get-go.

The hypocrisy revealed during the civil asset forfeiture votes has provided clarity and comedy in tandem. Councilor Robinson (a former Tea Party President and Constitution Teacher) gave Academy Award worthy performances by oh-so-sadly stating how much she really wanted to vote yes for amendments to protect innocent owners ... then voting no without so much as an amendment breaking wind from her. If she truly wanted to protect innocent owners, she could have brought forward her own amendments and still can. Councilor Everett continues to contradict herself by walking on our civil liber-



ties while repeatedly boasting that she is a card-carrying ACLU member. Both of these councilors continue to vote in favor of the government taking property from citizens who have not been convicted of a crime. Priceless.



*Yes, Hell has frozen over. No, not really, but an equally odd thing is happening right now. Councilors Wilkins and Smith are working together to help those struggling to pay their water bills. Likely changes will be reducing water reconnection fees, lengthening the grace period,*

*and moving out the 10% late fee, which is currently assessed even if you pay your bill on the due date after 1pm.*

*We are glad to see that even with the tension between these two city councilors, they are putting aside their personal feelings for the good of the citizens by co-sponsoring these changes. Look for this agenda item on the Utilities Commission meeting this Tuesday. It will likely be on the Governing Body agenda at the end of the month. We'll see if the rest of the Governing Body can put aside their differences to help find solutions that help others.*

