

CITY OF GREEN RIVER
CITY COUNCIL WORKSHOP PROCEEDINGS
January 10, 2012

The governing body of the City of Green River met in workshop session at 6:30 pm in the City Hall Council Chambers. Mayor Castillon called the meeting to order. The following Council Members were present: Gary Killpack, Gene Smith, Adam Coppolo, Tom McCullough, Jim Boan, and Lisa Maes. The following were present representing the City: City Administrator Barry Cook, Director of Finance Jeff Nieters, Accounting Supervisor Chris Meats, Chief of Police Chris Steffen, Police Lieutenant Burke Morin, Police Detective Tom Jarvie, Parks and Recreation Supervisor Allan Wilson, Recreation Supervisor Katie Duncombe, City Attorney Galen West, and Public Affairs Specialist Stephen Pyles.

Utility Water Shut Offs

Mr. Cook said the city has always left the right to connect or disconnect service to the owner of the property since they are responsible party.

In reading from the code section 25.3 Utility Bill collection, subsection D, tenants and lease holders, states: In situations where the property is occupied by a tenant or a other occupant of rental property, it shall be the ultimate responsibility of the owner of the property to pay all utility charges in the event of failure to pay by the primary user.

In Subsection 25-4 Billing: The owner of underlying property shall be charged for all city utility services so long as the premises remain connected to city water, unless the city utility department is provided with an affidavit of discontinued service by the property owner.

Tenant billing authorization: In the case of leased and or rental property, it shall be the ultimate responsibility of the owner of the property to pay all utility fees and charges assessed in the event of failure to pay by the primary user. Monthly billings for utility services shall be sent to the property owner unless appropriate authorization for direct tenant billing is received from the property owner.

Section 25-7 Disconnection or refusal of utility services: The city shall have the right to disconnect, or refuse to reconnect any private utility line at the city's main line, for any of the following reasons:

- Failure to meet the applicable law
- Violation of the rules and regulations pertaining to utility services
- Nonpayment of bills
- Willful or negligent waste of service due to improper or imperfect pipes, fixtures, appliance or otherwise
- Tampering with or altering any meter, remote recording device, wiring, seal or other equipment controlling or regulation the supply of utility services
- Theft, diversion, or use of service without payment therefore
- Vacancy of premises

This is the current policy. The issue before the governing body is: do you allow the service to continue in the event of a dispute between a property owner and a tenant if the property owner wishes to disconnect the utilities but the tenant still occupies the property.

Mr. West said he would like to see some changes in the policy. The city ordinance and the Finance department application of the ordinance have been legal. The most recent circumstance involved an owner occupant dispute and it appeared that the owner was trying to utilize the shut off policy as leverage in the dispute.

Wyoming Law exists primarily through the Wyoming Public Service Commission rules and regulations. Under these regulations of water utility you may only discontinue services under specified circumstances. Those rules and regulations relate directly to nonpayment. This issue was not a nonpayment issue. There are no other previsions for payment circumstances. He recommends trying to formulate a policy for nonpayment and payment shutoffs. He would like to see some consistency with the Wyoming Public Service Commission rules and regulations and what is adopted for the city.

Council Member Coppolo asked if the state of Wyoming has any tenant right laws.

Mr. West said yes but this circumstance would be an exception since there was no agreement signed by the landlord or tenant.

Property owner Phillip Hodges said he was in a situation where the tenant moved out without any notification and they left him with the city bill that was over \$100. He is wondering if there is anything that the city can do to collect this money. He has to take this tenant to court in order to get them to pay the past due bill.

Mr. West said the city does not have any capability to deal with that under the city ordinance. The ultimate billing responsibility is the property owners.

Council Member Killpack asked Mr. West if he thinks getting between the landlord and tenant is something the city should be doing.

Mr. West said no. He wants to prevent the city from getting into these circumstances.

Council Member Coppolo said in this circumstance the tenant was not past due on the utility bill.

Mr. West said there are two separate issues. There is a nonpayment issue and how the city will react to it and there is a payment issue. He thinks a policy can be developed that will prevent the city from being put into the middle of these types of disputes.

Council Member McCullough said if someone moves within the city limits and leaves a bill from another location, he does not see why the city cannot collect those funds. He said it could be put onto the new bill. He would like to see that kind of policy in place to protect the landlords. He said as long as the person is paying their utility bill then it should be left up to the landlord and tenant.

Mr. West said the city cannot be chasing the tenants around town to collect funds.

Council Member McCullough asked if the previous landlord could contact the new landlord to resolve it.

Mr. West said if the tenant is at a location and is not a customer of the city then the previous landlord will have to deal with it on his own.

He said if the tenant is permitted to have the utilities in their name and they fail to pay the bill then that utility service does not pursue the landlord but the city ordinance provides that the property owner is always responsible for the utility.

Council Member McCullough asked if it would be better for landlords to have the utilities put in the tenant's names.

Mr. West said perhaps but then the tenant could be three months behind before the landlord even knows there is an issue.

Accounting Supervisor Chris Meats said a lot of things being discussed are already a part of the current policy. The finance department tries to collect all that they can before turning the account back to the landlords. The landlords have the option to have the tenants pay a \$150 deposit when they hook up their utilities and that covers most of the costs if tenant does not pay their bill. He said staff does try to do as much as they can. They do give a five day posting notice if the landlord is requesting services be shut off. If the tenant has a life threatening illness and they have filled out a doctor's note, the city will not turn off their utilities. The city has a great collection rate. The collection rate is less than half of a percent and that is because of the ordinances in place and the staff member that does the collections.

Council Member McCullough asked how many times this has happened.

Mr. Meats said it has only happened twice in the nine years that he has worked for the city. He said the Utility billing/collections clerk Pattie Hastings has been here for sixteen years and she has had it happen twice.

Council Member McCullough said the city should not be in the middle of this. The property owner should have final say but if the utilities are being paid the city should stay out of it and it should be left up to the property owner and the tenant to sort it out.

Mark Peterson said the property owner having the right to shut off the utilities helped get the people out if they are not paying for rent or utilities. This will make it harder for the property owners.

Council Member McCullough said this is only for people who are paying for their utilities so it is a different situation if they do not pay. He would like to see a policy.

Council Member Boan said he sympathizes with the landowners. He said the question is, is it the responsibility of the government to protect the property owner or the tenant.

Council Member Coppolo said the person that is paying their bill should be protected. The city could be liable if something happens if they shut off the utilities.

Mr. West said the Finance Department has acted legally but he does not care for the policy.

Council Member Coppolo said it is not the responsibility of the city to get in the middle.

Council Member Smith said it is the government's responsibility to protect the rights of citizens. In this situation it should be handled in court amongst the property owner and tenant. If no one is paying their utility bill then they will be shut off. He asked how much time a person has before they are shut off for nonpayment.

Mr. Meats said it is around fifty-five days.

Council Member Smith said it would be quicker to evict a tenant.

Council Member Boan asked Mr. West if he has an idea of how the policy should be developed.

Mr. West said yes.

Council Member Killpack said they should be cautious; the city should not be able to tell property owners what they can do.

Council Member Maes said she would like to see a policy written up.

Maryanne Kyle asked what the landlord can do if the tenant is incarcerated or they abandon the property. She said since she is the property owner she should have the right to request anything on her utility accounts.

Council Member Killpack said he does not feel the city should be involved.

The Mayor said he agrees. The question is what if the tenant has not paid for their utilities. The city cannot go and tell the property owner to keep the tenant just because they have paid for the utilities so maybe the city should stay out of it.

Council Member McCullough said as long as the landlord is listed as the person with the final say.

Council asked the Finance Department and Mr. West to work together and draw a new policy up and put it on the agenda for the first council meeting in February.

Municipal Court Software Update

Municipal Court Clerk Lynn Birch said the court system they currently have is no longer going to be updated at all and there has been some problems with it.

She said what they are currently looking for in a court management program is:

Data sharing with other agencies like the Police Department and Finance Department

- This is in direct relation to entering citations so there is no duplication of entries
- Handheld electronic devices can automatically be integrated

- Link attachments to any record by scanning photos, police and court card files
- Direct integration with financial software
- Microsoft Windows and Microsoft Word interface

Efficient master file features:

- Names
- Vehicles
- Agencies and Officers
- Bonding Companies
- Attorneys
- Forms and documents
- Cases statuses

Court document management

- Add signature or court seal to any document
- The judge can approve paperwork from any location as inCode can also run on Mac, Apple, and iPad
- Eliminate manual entry once hand-held citation devices are being used

Payment features and accounting

- Online payment capabilities – no third party use
- Ability for defendants to request a driving class while posting bond for their citations
- Will be able to set up payment types such as, checks, cash, credit card/debit cards
- Receipt single or multiple cases on a single receipt
- Print detailed close-out reports for cash drawers and reports for tracking how fees/fines were paid

Court and trial docketing – There are several ways to create a court docket – which is an official summary of court proceedings, or what takes place in a court of law.

Detailed reporting

- Statistical reports
- Bond reports
- Electronic reporting
- Comparison reports
- Accounting

She said there are two options: A subscription that would be hosted by Tyler Technologies for \$46,675 plus travel for the first year and then \$20,340 each year thereafter. This includes any updates, customer supports and service. The program can be accessed from any computer or iPad as this is online. There will be off-site backups of all court information.

The second is a Green River Hosted – This requires the purchase of additional hardware and would be \$68,295 plus travel for the first year and then \$12,333 for each year thereafter. This does not include any software updates.

Ms. Birch is recommending they go with the subscription program.

Council Member Killpack asked what the difference is between the packages.

Ms. Birch said the difference is one is a subscription and does not include hardware or file servers. She said council needs to know that it is a subscription so there will be an annual fee.

Council Member Boan asked how secure the information would be.

Ms. Birch said Tyler Technologies backup systems are safe and secure. She said she contacted other companies that are currently using the system now and every one of them seem to be very pleased with the company.

Council Member Boan asked if she is requesting the money now or to be put in the next year's budget.

Ms. Birch said she would hope for it to be in the next year's budget.

Council Member Maes said she thinks having the Court and the Police Department tied together will make everyone's job easier.

Council Member Coppolo asked if this software would be compatible with the new integrated system that the city will be purchasing. He asked if she could come up with some cost estimates on how much the court system is costing the city now and what could be saved later.

Ms. Birch said she has been told that it is compatible with the new system and she will get some cost information gathered for council.

Council Member McCullough asked if they spend the \$68,000 plus a maintenance fee of \$12,000 and then whatever software will cost, will the Municipal Court let go of a part-time person.

Ms. Birch said the \$68,000 includes the computers and hardware. What she is looking at is the subscription part does not. If the company stops providing the items we need through the subscription then the city would just stop the subscription to the software. The subscription is online and they would only need a scanner in order to use the software.

Council Member McCullough said he thinks the city could hire another part-time person to do the job and still not spend as much as it would cost to have a new system.

The Mayor said he does not think that would be possible.

Council Member McCullough said if you pay \$68,000 plus an annual fee of \$12,000 and then you have software and other things so it would total around \$100,000. You could hire a part-time person at \$15,000 a year and not buy the software and save money.

The Mayor said there are two different systems. One is for a subscription and one is for the hardware and everything else.

He said he has a lot of questions about this. He thinks they could hire a part-time person and save money. Computers do not save a lot of time and cause people to be off task.

Council Member Smith said there are two different systems. He asked why the city should go with the subscription system when it would be cheaper in the long run to go with the other one and pay more upfront.

Ms. Birch said when they can do it online the judge can access it anywhere he is. The subscription also makes it where the IT department does not have another system they will have to learn and maintain.

The Mayor asked if this would take care of the card file issues. How this card file would be updated. Will the company help you change over to the software and update the software?

Ms. Birch said yes it would take care of the card file issues and basically get rid of the card file itself and have it electronic. The company will provide help with the transferring of the system.

Council Member Coppolo asked if this money could come out of the integrated software system money that was approved in this year's budget.

Mr. Cook said a system for the court was not included in the software system the city will be receiving because no one offered it. He said he will have to check how much money is left in that account in order to see if there is enough to purchase it through that line item.

Council Member McCullough asked with the current part-time person trying to catch up on the archiving will this help in that process. How long will it take to get completely caught up with the archiving?

Ms. Birch said she has archived the files from 2000 to 2004 since July of this year so she is working very quickly. She will be finished here soon.

The Mayor asked if there were any other software program that is currently being used in the city

that could be used.

Ms. Birch said the Police Department has one but it does not provide what the court needs. There would be multiple third parties involved.

Council Member McCullough thanked Ms. Birch for coming and explaining this software.

The Mayor thanked her also. He said the world is going towards technology because everyone wants the information available right now. He said he knows the court needs something and he would agree with going with the subscription system.

City Administrator's Report

Mr. Cook said the workforce analysis recommended that there be a monthly or quarterly schedule for each department to provide an update on service levels, work load outputs, and emergency trends. This is a fundamental part to local government. So he is turning over his time to the Detective Division in the Police Department.

Police Lieutenant Burke Morin said in the Detective Division there are many detectives that provide different duties within the department. The detective investigates any reports that have been given. This starts with witness reports, follow-up with victims, investigating the crime, and anything else related to the case. Most of the cases take time to solve. Detectives in the department have many of the same duties because there is no way of knowing what kind of case will come up.

The Detective Sergeant Position works a lot with ICAC (internet crimes against children) we are one of two departments in the state that do forensic searches of computers. He does cases for us but he also does it for other agencies also. These cases generally go to Federal Court so he is known for his computer abilities. He is a member of the NW3C (National Wide Call Crimes). He collects information from cell phones, which not all agencies do this yet.

The Detective Corporal position has attended special training in Tennessee at the Body Farm. This farm provides training on decomposing bodies. They waived the fee of the training because he was the only person to apply for the training from the state of Wyoming.

The Evidence/ Public Relations Detective position is in charge of all of the property that comes in. He handled 2377 items this year. He also does presentations to the public. Currently he has focused on fraud prevention presentations since this seem to be a big problem.

The General Detective position has specialized training in homicides. This person takes anything and everything that is assigned to them, from burglaries to counterfeiting. One of the priorities in this position is to recover the items that have been stolen.

Juvenile Detective position is strictly used for crimes against children. They really do not have time for anything else. This person also has special training with interviewing children. The training is required and you cannot conduct an interview without it.

Council Member McCullough asked how many open cases are actively investigated now.

Lieutenant Morin said it is hard to say how many because some cases carry over for awhile. A detective could have many cases in one day so it depends.

Council Member McCullough asked how many cases are assigned to a detective.

Lieutenant Morin said around fifteen to twenty cases.

Council Member McCullough asked for the percentage of solved crimes.

Lieutenant Morin said it all depends on the case. The FBI reports them differently so the city could show it as solved and they show something else. He said they had \$323,585 in stolen property and they had \$252,025 of that recovered.

Council Member McCullough asked if a pawn shops had to inform the police department on any items that they receive.

Lieutenant Morin said yes, they are required by law to inform the police department on property they receive.

The Mayor thanked Lieutenant Morin for his presentation.

Chief Steffen said the Family Justice Center is moving forward and the Police Department will be required to provide man power to that. This man power will be coming out of the Detective division and all of the details will have to be worked out. He said the Patrol and Investigative divisions work together very well. Sometimes the detectives have to step up and assist with day to day activities.

He thanked Lieutenant Morin and Detective Jarvie for putting the presentation together.

City Attorney Report

Mr. West had nothing to report.

Mayor and Council Reports

Council Member Smith said the new fire trucks look really nice.

He attended a meeting on the Family Justice Center. They are currently working on modifying the Yellowstone School so that the Family Justice Center can locate there. Currently, there has not been any Green River location looked at.

Council Members McCullough and Coppolo had nothing to report.

Council Member Maes said there is another 6th Penny meeting on February 6, 2012, at 1:00 pm, in the Council Chambers.

Council Members Boan and Killapck had nothing to report.

The Mayor said Commissioner Johnson has requested a meeting to discuss the funding of the Board of Health. The board came to the city requesting \$200,000 in funding but it was after the budget was already in place so the city declined funding. Commissioner Johnson says the city is required by state statutes to fund the health board. He would like the meeting to take place before January 31, 2012.

Commissioner West proposed consolidating the senior centers in Green River and Rock Springs and create a district and then go for a mill levy. This is a county initiative and has to be put on a ballot. The county is limited to a certain amount of mill levies but there are none available.

Adjournment

The Meeting adjourned at 8:49 pm.

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk