

City of Falls Church

Meeting Date: 12-13-21	Title: (TO21-16) ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 42, ARTICLE V, OF THE CODE OF THE CITY OF FALLS CHURCH TO RECONSTITUTE THE PUBLIC UTILITIES COMMISSION	Agenda No.: 10(a)(2)	
Proposed Motion: MOVE to adopt (TO21-16)			
Originating Dept. Head: Wyatt Shields, City Manager 703.248.5004	Lead Staff: Zak Bradley Director of Public Works	Disposition by Council:	
City Manager: Wyatt Shields 703.248.5004 FWS 12-8-2021	City Attorney: Carol McCoskrie 703.248.5010 CWM 12-9-2021	CFO: Kiran Bawa 703.248.5092 KB 12-9-2021	City Clerk: Celeste Heath 703.248.5014 CH 12-09-21

REQUEST: Council is requested to amend the City Code to re-establish a Public Utilities Commission (PUC) composed of residents of the City who would work with staff on the development of policy with respect to the running of the City's two public utilities, the Stormwater Utility and the Sanitary Sewer Utility. The existing PUC Code section was focused primarily on the Water Utility, and it has not functioned since the sale of the Water Utility to Fairfax Water in January 2014.

This ordinance was granted 1st reading on November 22, 2021 and is now before the City Council for 2nd reading, public hearing, and final consideration.

RECOMMENDATION: Staff recommends holding a public hearing and adopting (TO21-16).

BACKGROUND: The stormwater utility and the sanitary sewer utility have important policy issues with broad impact for the community. For example, the Stormwater Utility develops an annual capital improvements plan, which lays out where critical investments will be made to prevent flooding of property and improve water quality for our streams; we annually review and adjust the stormwater fee charged to homes and businesses for the maintenance of the system; and people have asked for greater financial incentives to make stormwater improvements on private property. Similarly, the Sanitary Sewer system also requires significant new investment to repair the aging pipes, expand capacity for new development in the City, and consider new regulations to reduce inflow of stormwater into the sanitary sewer system.

These are examples of issues that impact everyone in the City and involving residents in a sustained manner to work with staff on the development of policy will produce more thoroughly considered recommendations to the City Council.

In the history of the City, the PUC met quarterly to advise City Council on the capital planning, rates, and other policy matters relating to the Water Utility. The Water system was sold to Fairfax Water in 2014 and the PUC has not functioned since that time.

32 The proposed ordinance would reconstitute the PUC with five members, appointed by Council to
33 staggered 4 year terms, and with the Stormwater Utility and Sanitary Sewer Utility as its
34 portfolio.

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36 A work plan for the PUC would include:

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- 38 ▪ Receiving regular updates on progress of design, engineering, and construction of major
39 stormwater and sanitary sewer projects.
 - 40 ▪ Providing a recommendation to City Council on the annual Capital Improvements
41 Program for both utilities.
 - 42 ▪ Providing a recommendation to City Council on annual rate structure for both utilities.
 - 43 ▪ Studying the Stormwater Credit Program to assess how that, and the VPIS RainSmart
44 Program, can incentivize property owners to carry out stormwater detention and water
45 quality projections at home.
 - 46 ▪ Consider strengthening City regulations to require more stormwater detention and water
47 quality improvement at the time of property redevelopment.
 - 48 ▪ Assess the causes of sanitary sewer backflows and regulations or capital investments to
49 lessen their frequency.
 - 50 ▪ Other policies, projects and programs of the two utilities that have broad impact to the
51 community.

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53 **FISCAL IMPACT:** No direct fiscal impact. Staff will assess the staff resources needed to
54 support the work of PUC over time, and if additional resources are needed will come back to
55 Council with a recommendation.

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57 **TIMING:** Normal.

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(TO21-16)

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62 ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 42,
63 ARTICLE V OF THE CODE OF THE CITY OF FALLS CHURCH TO
64 RECONSTITUTE THE PUBLIC UTILITIES COMMISSION

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66 THE CITY OF FALLS CHURCH HEREBY ORDAINS that Chapter 42, Article V,
67 “Public Utilities Commission,” of the Code of the City of Falls Church be amended, reenacted
68 and recodified as follows:

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70 **CHAPTER 42 – UTILITIES**

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74 **ARTICLE V. PUBLIC UTILITIES COMMISSION**

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76 **Sec. 42-211. Established; purpose.**

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78 The public utilities commission is hereby established. The purpose of the commission shall
79 be to provide advice and guidance to the city council and the city manager ~~about~~ on policies
80 relating to the management and operation of the city stormwater and sanitary sewer systems.

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82 (Ord. No. 1793, § 29-30, 8-14-2006)

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84 **Sec. 42-212. Composition; appointment and term.**

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86 The commission shall be composed of five members appointed by the city council ~~and shall~~
87 ~~include three current city councilmembers and two city residents who are not members of the~~
88 ~~city council.~~ The terms of office of the members of the commission shall be ~~as set by resolution~~
89 ~~of the city council, not to exceed~~ four years, with the exception of the first slate of appointees
90 in which two appointees shall have two-year terms and three appointees shall have four-
91 year terms.

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93 (Ord. No. 1793, § 29-31, 8-14-2006)

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95 **Sec. 42-213. Organization and procedures.**

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97 **a) The commission shall meet at least quarterly.**

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99 **b)** The commission shall ~~annually elect from its membership a chair and vice chair. The~~
100 ~~commission may adopt its own rules of procedure that are~~ follow procedures consistent
101 with law and Chapter 2 of the City Code. ~~The commission shall meet at least quarterly~~
102 ~~and shall keep minutes of its meetings that shall be filed with the city clerk.~~
103 ~~The commission shall annually elect from its membership a chair and vice chair.~~

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105 **c) The city manager shall assign a staff liaison to the commission.**

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d) The commission will provide a recommendation to the city council on the stormwater and sanitary sewer utilities' capital improvements programs, the rate structure of the respective utilities, and other utility related policies and programs.

(Ord. No. 1793, § 29-32, 8-14-2006)

1st Reading: 11-22-21

2nd Reading:

Adoption:

(TO21-16)