



## Legislation Details (With Text)

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<b>On agenda:</b>	6/22/2021	<b>Final action:</b>		6/22/2021	
<b>Title:</b>	Repealing current Toledo Municipal Code Section 155.02 and enacting new Toledo Municipal Code Sections 155.02.				
<b>Sponsors:</b>	Nick Komives				
<b>Indexes:</b>					
<b>Code sections:</b>					

**Attachments:** 1. Audio: Agenda Review June 15, 2021, 2. Audio: City Council June 22, 2021

Date	Ver.	Action By	Action	Result
6/22/2021	1	City Council	Dispense with the rules of Council requiring...	Pass
6/22/2021	1	City Council	passage	Pass

Council Member Komives

### Repealing current Toledo Municipal Code Section 155.02 and enacting new Toledo Municipal Code Sections 155.02.

#### SUMMARY & BACKGROUND:

Toledo Municipal Code Chapter 155 governs the Utility Appeals Board. It was established to provide consumers a fair and reasonable opportunity for resolution of billing disputes with the Department of Public Utilities. The Water Affordability and Consumer Protection Committee (“WACPC”) was established pursuant to Resolution 561-19. The WACPC was tasked with several objectives relating to assuring equitable access to affordable drinking water for all people residing in Toledo. Affordability issues are often at the heart billing disputes. It is appropriate for the WACPC to be represented on the Utility Appeals Board.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code Section 155.02, which states as follows, is hereby repealed:

#### 155.02 Membership.

A. The Utility Appeals Board shall consist of five (5) voting members and 2 Ex-officio members appointed by the Mayor and subject to confirmation by City Council and shall serve without compensation.

- i. One (1) legal advocate for citizens, defined as having a background in law and a minimum of one year experience in client advocacy
- ii. Three (3) private citizens who are residents of the City of Toledo
- iii. One (1) small business owner, defined as a sole proprietor owned business located within the City of Toledo limits who employs more than 5 and less than 75 full or part time employees.
- iv. Two (2) employees of the City of Toledo or their designated proxy, one (1) representing Finance and

Accounts, one (1) representing Customer Service who will serve Ex-officio with the exception of a tie vote scenario.

B. The terms of the first appointment of the legal advocate for citizens' member shall be one (1) year and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. The term of the first appointments of the private citizen members shall be one (1) year and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. The term of the first appointment of the small business owner, which business shall be located within the City of Toledo, Ohio member shall be two (2) years and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. The term of the first appointment of the Department of Finance member shall be two (2) years and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. The term of the first appointment of the Department of Public Utilities member shall be three (3) years and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. Any vacancy shall then be filled by a subsequent appointment by the Mayor to complete the remainder of that member's term.

SECTION 2. That a new Toledo Municipal Code Section 155.02 is enacted as follows:

**155.02 Membership.**

A. The Utility Appeals Board shall consist of seven (7) voting members and 2 Ex-officio members appointed by the Mayor and subject to confirmation by City Council and shall serve without compensation.

- i. One (1) legal advocate for citizens, defined as having a background in law and a minimum of one year experience in client advocacy
- ii. Three (3) private citizens who are residents of the City of Toledo
- iii. One (1) small business owner, defined as a sole proprietor owned business located within the City of Toledo limits who employs more than 5 and less than 75 full or part time employees.
- iv. Two (2) employees of the City of Toledo or their designated proxy, one (1) representing Finance and Accounts, one (1) representing Customer Service who will serve Ex-officio with the exception of a tie vote scenario.
- v. Two (2) members appointed from the Water Affordability and Consumer Protection Committee that was established by Resolution 561-19.

B. The terms of the first appointment of the legal advocate for citizens' member shall be one (1) year and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. The term of the first appointments of the private citizen members shall be one (1) year and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. The term of the first appointment of the small business owner, which business shall be located within the City of Toledo, Ohio member shall be two (2) years and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. The term of the first appointment of the Department of Finance member shall be two (2) years and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. The term of the first appointment of the Department of Public Utilities member shall be three (3) years and thereafter each successive term shall be for three (3) years unless otherwise removed by the Mayor. Any vacancy shall then be filled by a subsequent appointment by the Mayor to complete the remainder of that member's term. The term of the first appointment of the members appointed from the Water Affordability and Consumer Protection Committee shall be for a term of three (3) years unless otherwise removed by the Mayor.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: June 22, 2021, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

June 22, 2021  
Wade Kapszukiewicz  
Mayor