

The Public Ought to Know: Weprin bill would promote water conservation

By Corey Bearak

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My first column discussed the city's Water Board and ever-increasing water rates. Last week I noted rates increased four-fold over two decades. As I explained last June, the Water Board, de facto the Department of Environmental Protection, holds hearings and sets rates before the city passes its budget.

Corey Bearak That means no economies the City Council can identify during the budget process would affect those rates; at best the impact would occur the following year. The Council, with no legal accountability — no risk of blame from voters — for the increase, tends to take a pass. What to do? Inject accountability where none exists! The Council should be able to influence the rate-setting process.

State legislation (chapter 513 of the laws of 1984) created the Water Board at former Mayor Ed Koch's request. The current rate-setting process results in the Water Board's basing its annual rates on forecasts in April and voting on rates in May. This is done before the Council holds hearings on the mayor's proposed executive budget and adopts the budget in June.

The board tends to adopt artificially high rates to cover the budget the DEP submits to operate and maintain the city's water and sewer systems. Significant water and sewer rate increases occurred in all but a few of the last 20 years.

All revenue the Water Board raises goes to operating the water and sewer systems. Any surplus that might accrue either gets applied to reduce rates the next year or to fund additional water and sewer system needs.

Empowering the Council to influence water-rate-setting would create a greater incentive to economize and expand water conservation efforts. It should also encourage more New Yorkers to express concerns about the city's water and sewer programs.

Interested people could lobby the Council and mayor during the budget process with full knowledge that water and sewer rates would more closely reflect the Council's budget actions. The Queens Civic Congress supports this.

And this solution almost got put in place almost a decade ago. On vacation with my family in August 1994, I picked up a New York Times to catch up on news back home. On the beach, I read with dismay that Mayor Rudy Giuliani vetoed legislation I negotiated with his own administration to delay water-rate-setting until after the city adopts its budget.

With the Council poised to override the mayor, the Water Board adopted a resolution on Aug. 23, 1994 to implement the substance of Int. No. 72-A sponsored by Council members Mary Pinkett and Sheldon Leffler that obviated any further need for council action.

The Water Board resolution also directed its executive director to amend its financing agreement and the board's rate-setting schedule after fiscal year 1998 so that rates would not be established until final adoption of the city's budget.

The DEP argued it could not implement the rate-setting change until it collected sufficient revenue — 75 percent — via meter accounts, anticipated in time for the June 1997 budget. With a municipal election that year, we revised Int. No. 72-A to take effect after that budget got done.

On Oct. 7, 1996 the Water Board's executive director advised that the financial work for implementing this resolution would begin around spring 1997. At the Council's May 1997 capital budget hearing, DEP's commissioner committed to comply with the resolution.

New Yorkers received a perverse holiday "gift" on Dec. 19, 1997, when the Water Board rescinded its 1994 resolution, continuing unaccountable rate-setting. Leffler reintroduced the legislation (Int. No. 113) but the council leadership took no action and, as 1998 ended, I left the Council for the Bronx borough president's office.

Since the "old" Council did not further pursue local legislation, we looked at state relief since a state legislative act created the Water Board. A.8496, sponsored by Assemblyman Mark Weprin at the request of then-Borough President Fernando Ferrer in 2001, would inject accountability in the setting of those (water and sewer) rates.

It would introduce transparent accountability in setting water and sewer rates and help make homeownership and renting affordable. Councilman Jim Gennaro, who last spring resurrected Leffler's bill as Int. No. 404, plans to pursue legislation and oversight this session.

The Assembly passed Weprin's bill, A.03791, a third time this month on Feb. 2. It lies in the state Senate where it twice died. Urge your state senator to prevail upon his or her chamber to pass it; urge the governor to sign it into law. Also, call 311 and urge City Hall's support.

It poses no adverse fiscal impact; it just requires no rate-setting until after the city adopts the budget.

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