

TO: Kurt Hodgen, City Manager
FROM: Chris Brown, City Attorney
DATE: 7/19/2016
RE: Repeal of Harrisonburg City Code Section 7-2-20. Fluoridation of city water supply

Summary: Section 7-2-20 of the Harrisonburg City Code requires the Public Utilities Department to introduce and maintain sodium fluoride into the city's water supply and keep detailed reports related thereto. Due to an issue with the city's fluoride system, Public Utilities will be unable to comply with Section 7-2-20 for a period of several months. Therefore, the Public Utilities Department is requesting that Section 7-2-20 be repealed, at least temporarily, until the Department is able to comply with that ordinance. The Public Utilities Department is also undertaking a costs/ benefits analysis of the fluoride program to provide to council a recommendation as to whether the fluoride program should be maintained.

Background: Section 7-2-20 of the Harrisonburg City Code requires the city's Department of Public Utilities to introduce and maintain fluoride in the city's water system. Public Utilities staff discovered that the tank used to store fluoride has developed a leak. The tank will have to be replaced in order to maintain the city's fluoride program. In order to replace the tank it must be empty. The existing supply of fluoride has been nearly exhausted in order to empty the tank and there is no other fluoride storage facility available pending the replacement of the tank.

Aside from the leakage issue, the existing tank location is problematic and other aspects of the fluoride system are outdated. Public Utilities staff needs to review the entire fluoride system to determine what changes and updates are needed and their costs.

Concurrently with tank replacement and system update analysis, Public Utilities staff will prepare a costs/benefits analysis of the fluoride system in order to make a recommendation to council as to whether the fluoride system should be maintained by the city. Many localities have determined that there is little benefit of fluoridation of water systems when compared to the significant costs associated with fluoridation.

In the meantime, the Public Utilities Department will soon be unable to comply with the requirements of Section 7-2-20 and requests that it be repealed at this time. If council determines to maintain a fluoride system for the city, an updated ordinance can be prepared for council's consideration.

Key Issues: (1) Repeal Section 7-2-20, at least temporarily; (2) Direct Public Utilities to determine the costs associated with the tank replacement and general system update; and (3) Direct Public Utilities to provide a costs/benefits analysis of the city's water fluoridation system and a recommendation to council as to its continuance.

Environmental Impact: n/a

Fiscal Impact: Costs associated with the tank replacement and system updates could be significantly in excess of \$20,000.

Prior Actions: Section 7-2-20 was enacted in 1973.

Alternatives: (a) Repeal Section 7-2-20 and instruct staff to determine costs of the tank replacement and system upgrade and provide a costs/benefits analysis of the system
(b); or retain Section 7-2-20.
(c)

Community Engagement: n/a

Recommendation: Staff recommends the repeal of Section 7-2-20 at this time to avoid violating that section and to allow staff time to undertake the studies and analysis described above.

Attachments: Ordinance repealing Section 7-2-20.

Review:

The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

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