RESOLUTION NO. 2019-11

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA RELATED TO ITS WATER ADJUSTMENT POLICY; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR APPROVAL OF THE WATER ADJUSTMENT POLICY; PROVIDING FOR IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, certain events may cause a water utility customer to experience an increase in water utility charges; and

WHEREAS, the City has determined that in such an event, a water utility customer may need to request a reduction or adjustment of such water utility charges; and

WHEREAS, the City has determined that it is in the best interest of its water utility customers to adopt a uniform policy for requesting reductions or adjustments to water utility charges.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. The City Council of the City of Mount Dora has complied with all requirements and procedures of Florida law in processing this Resolution. The above findings are hereby adopted.

SECTION 2. Approval of the Water Adjustment Policy. The Water Adjustment Policy attached hereto as Exhibit “A” is hereby adopted.

SECTION 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as are deemed necessary and appropriate in order to implement the provisions of this Resolution and the Water Adjustment Policy. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 4. Savings Clause. All prior actions of the City of Mount Dora pertaining to the Water Adjustment Policy, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

SECTION 5. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.
SECTION 6. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 8. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 15th day of January 2019.

[Nick Girone]
NICK GIRONE
MAYOR of the City of Mount Dora, Florida

ATTEST:

[Gwen K. Johns]
GWEN KEOUGH-JOHNS, MMC
CITY CLERK

For the use and reliance of City of Mount Dora only
Approved as to form and legal sufficiency

[Sherry C. Sutphen]
Sherry C. Sutphen, City Attorney

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EXHIBIT “A”
Resolution No. 2019-11
Mount Dora Utility Leak Adjustment Policy
Purpose:
The purpose of this Policy is to assist water utility customers by adjusting water utility charges following the demonstration of an unreasonable increase in water consumption as set forth herein.

Definitions:

"Billing Period" shall mean the monthly cycle in which water consumption is measured.

"Event" shall mean any non-preventable incident, accident, mishap or occurrence that leads to an unreasonable increase in water consumption as set forth herein.

"Property" shall mean the real property upon which the event occurred.

"Utility Customer" shall mean individual or entity whose name appears on the water account.

Policy:

1. The City Manager, or a designee thereof, shall have the discretion to adjust or reduce water utility charges on a Property when the Utility Customer demonstrates an unreasonable increase in water consumption based on the following:
   a) The account has been held by the Utility Customer on the Property for not less than six (6) months.
   b) The Utility Customer was unaware of, had no knowledge of and did not have the ability to cause the Event which led to the increase in water consumption on the Property.
   c) The water consumption on the Property for each of the Billing Periods falling within the Event was more than two (2) times greater than the average Billing Period consumption on the Property over the (12) twelve-month period prior to the Event.
   d) The Utility Customer has provided evidence that the condition and/or cause of the Event has been corrected.

2. A Utility Customer is not eligible for an adjustment or reduction of water utility charges more than one (1) time in a twenty-four (24) month period.

3. Water utility charges shall under no circumstances be reduced below the minimum charge established for water services on the Property.

4. The decision of the City Manager, or the designee thereof, is final.

* If the Utility Customer has held the water utility account on the Property for less than twelve (12) months, but not less than six (6) months, the three (3) highest months the account has been active will be used to calculate the average.
CITY OF MOUNT DORA
WATER ADJUSTMENT APPLICATION

Date: ____________________

Utility Customer Name: ____________________

Utility Customer Representative Name: (if Utility Customer is an entity) ____________________

Property Address: ____________________

Mailing Address: (if different from Property Address) ____________________

Event Beginning Date: (Approximate) ____________________

Date of Repair: ____________________

Reason for Water Adjustment Request:

__________________________________________________________________________________________________________________________________________________

__________________________________________________________________________________________________________________________________________________

__________________________________________________________________________________________________________________________________________________

__________________________________________________________________________________________________________________________________________________

__________________________________________________________________________________________________________________________________________________

(Initial) Evidence that the condition and/or cause of the Event has been corrected is attached hereto in the form of a receipt or other official documentation.

By affixing my signature below, I certify that the information contained herein is true and correct.

____________________________________________________________________________________________________________________________

Print: ____________________

For Official Use Only

Date of Account Activation: ____________________ (must be at least 6 months)

Average consumption over 12-month period (or highest 3 months) prior to Event: ____________

Has Utility Customer sought water utility adjustment in past 24 months? ______ yes ______ no